

# Veteran of the U.S. Attorney's Office discovered a passion for criminal law



By Brian Cox

When Robert Scivo was asked to join the U.S. Attorney's Office in New Jersey in 2018, it was an opportunity he could not imagine passing up. In one sense, it was a position he had been preparing for his entire career.

His 2-1/2 years in the job were a hallmark in the veteran attorney's professional life. It was a long way to come for the son of a clothing manufacturer whose parents could not afford to send him to college.

The weight and honor of standing up in a courtroom to declare that he represented the United States of America will never be lost on him, says Scivo.

"It was humbling and I thought about it every single time," he says. "I'm representing the people. What an awesome responsibility."



Three generations of proud Scivo men. Robert stands with his father Bruno and his son Robert Jr.

When the newly appointed U.S. Attorney offered Scivo the position of Assistant U.S. Attorney and Special Counsel, Scivo "could not wait until I went to my parents' house to share the news with them because I knew how proud they were going to be."

A graduate of Seton Hall University School of Law, Scivo was born in Tom's River, a small beach town in central New Jersey. He is the youngest of Bruno and Marie Scivo's four sons. His father owned a successful sewing company that made women's clothing for prominent designer labels. In the 1970s, however, clothing manufacturing largely moved overseas and Bruno Scivo's business collapsed. He was 49 and had four children to support. It was a fateful event in young Robert's life — one that would fundamentally influence his future life choices.

"[My father] impressed upon us the value of an education. He drilled it into our heads," says Scivo. "He would say to me, 'You need to get an education. You have to do something that nobody can take away from you. Get a degree.'"

He remembers his father telling him that the shortcut to success is education and hard work.

While Scivo had an early interest in medicine, he was "squeamish around blood" and so looked elsewhere for his calling. He was exposed to a career in law when his older brother went to law school. At the same time, he met many attorneys when he began deejaying events for law firms, including a fundraiser hosted by four of New Jersey's largest law firms called the Fresh Air Fund. By and large, he found lawyers to be a "fun group, smart, and obviously successful."

If he hadn't gone into law, Scivo believes he may have been destined to be some combination of a psychologist, lecturer, and motivational speaker. As an attorney, he feels he brings elements of each interest to his work.

"I think I've crafted my profession in a way that I am providing not only legal services to these people who find themselves very much in trouble, I am trying to turn their lives around at the same time," he says.

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But Scrivo did not settle on a law career right away. After earning his undergrad at Rider University where he studied business and marketing, he spent a year as a salesman for United Autographic Register Co., which made business forms. He didn't find great meaning in the work.

"I felt like I needed to do more to help people," he says.

That realization turned his attention to law school. At Seton Hall, while he initially thought he would pursue corporate law, Scrivo discovered his affinity for criminal law.

"When you get into first year law school, it is a foreign language," says Scrivo. "When I got to criminal law, I connected to it. You feel something in your central nervous system that connects you to a topic."

And Scrivo has always trusted his gut.

An internship in his second year for one of New Jersey's most prominent criminal defense attorneys confirmed for the young law student that "this is what I'm here to do in the practice."

He began to plot a deliberate career course.

"I'm a firm believer that success leaves clues," explains Scrivo. "If you want to be successful, take a look at what the most successful lawyers are doing and begin to emulate them."

He took a clerkship with Judge William Wertheimer, a Superior Court judge in Union County. He viewed Wertheimer as one of the state's most experienced and skilled judges in the criminal field.



Robert Scrivo in his days as an Assistant U.S. Attorney with U.S. Supreme Court Justice Samuel A. Alito, Jr.

Wertheimer had, in fact, presided over one of the state's most infamous murder trials. The trial of John List — who was charged with murdering his mother, wife, and three teenage children — drew international attention. After murdering his family, List disappeared for almost 18 years before a tip produced by the television show "America's Most Wanted" led to his capture in Virginia in 1989. Wertheimer has called it the biggest trial of his career.



Robert Scrivo being sworn in as Assistant U.S. Attorney and Special Counsel.

Scrivo says working for a judge of Wertheimer's experience was transformative. It sparked his interest in becoming a prosecutor as a stepping stone on the way to establishing a private practice in defense.

"I spent a year clerking in the trenches, watching trials, preparing bench memorandums for the judge, working with him on all types of criminal issues, both law and procedure," says Scrivo. "Sitting in that courtroom and watching the prosecutors, I thought, 'I can do that.'"

His next position was in the Bergen County Prosecutor's Office in upper northeast New Jersey — the most populated county in the state. He understood from the outset that he was honing his craft.

"I saw myself wanting to become better at courtroom practice while at the same time learning the nuts and bolts of criminal practice," he says. "Even early on I knew it wasn't going to be my career because I had an entrepreneurial spirit. I wanted to go into private practice afterward."

While at the prosecutor's office, Scrivo met and married his wife, Marlene, who is the co-director of a nonprofit agency that runs a program for at-risk youth through the Morris School District. The couple have now been married 25 years and have three children. Their daughter, Haley, is 22 and is earning a master's degree in social work at New York University; their son, Robert Jr., 20, is at the University of Delaware studying business; and their daughter, Amelia, 17, is a senior in high school.

After gaining valuable prosecutorial experience with Bergen County for almost four years, Scrivo joined a private practice firm

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**Robert Scivo celebrates his daughter Haley's (center) graduation with his wife, Marlene, their son Robert Jr., and their youngest daughter Amelia.**

in Roseland, but he wasn't there long. An opportunity opened up with Essex County for a deputy counsel who would represent the county's prosecutor's office, sheriff's department and department of corrections in lawsuits involving excessive force and civil rights violations.

"I felt like it was the right move for furthering a career as a criminal defense

attorney and seeing it from a different perspective," says Scivo.

In 2005, Scivo joined McElroy, Deutsch, Mulvaney & Carpenter, LLP, reconnecting with the man who most would most influence his development as a lawyer in terms of the way he thinks and prepares – his old law school dean, Ron Riccio.

Riccio had retired as the dean of Seton Hall Law School and was the firm's general counsel by that time. It would be at his urging that Scivo would tackle what may be the most significant case of his career.

In August 2007, in a school yard in Newark, three college students were brutally murdered by MS-13 gang members. A fourth student survived after being sexually assaulted and shot in the face at close range with a .357 magnum.

The crime shocked the city and drew national attention.

One of the girls killed was the niece of Riccio's former secretary at the law school, who had told her sister that should she ever need anything she should see Riccio.

Riccio was determined to do what he could to help the victims' families. He enlisted the aid of Scivo in securing assistance from victims' rights organizations to cover burial costs and then asked him to look into whether there was potential cause of action for a civil suit.

During his investigation, Scivo discovered that lights in the schoolyard had been shot out, security cameras were not working and a gate to the schoolyard was never secured. Neighbors had complained of the conditions to school and city officials. Drawing on his familiarity with the New Jersey Tort Claims Act, which creates an exemption from sovereign immunity for public entities that maintain property in a dangerous condition, Scivo and Riccio eventually brought a lawsuit against the Newark Public Schools and the State of New Jersey for allowing a dangerous

condition to exist on the property of the schoolyard.

The case finally went to trial in 2013 and took more than six weeks before a \$5 million settlement was reached. It ranked among the highest settlements in the state that year.

Scivo credits Riccio's passion and resilience with being the driving force behind the case.

"That approach to representing clients has probably had the biggest impact on me," he says.

Years later, Scivo would bring to bear the principles of preparation he learned under Riccio when he joined the U.S. Attorney's Office and was tasked with leading an initiative to bring down violent crime in Paterson, one of major five cities targeted by Carpenito. In addition, Scivo was the point person for all state, county, and municipal law enforcement agencies.

"We took federal resources and applied them to a state problem and worked jointly with state agencies," explains Scivo. "It was a lot of fun to be in the trenches with 40 or so law enforcement officers at the table, state and federal, and watch them work their magic."

At the initiative's kickoff meeting, Scivo told the group their job was to identify who the next shooter was, not necessarily who was the last. He quoted hockey great Wayne Gretzky who once said he didn't skate to where the puck was, he skated to where the puck was going.

"We've got to look at history," Scivo recalls saying. "But figure out where history is going and that's where we need to be."

The initiative produced results Scivo is proud to rattle off. Between 2017 and 2018, Newark saw a 30 percent reduction in the number of shooting victims city-wide. In 2019, the number of shooting victims and shooting incidents declined another 39 percent when compared to the same time period in 2018. In that same year, the number of murders in Newark reached its lowest level in nearly six decades.

The number of shooting victims in New Jersey declined from 1,353 in 2017 to 1,050 in 2018 and 1,000 in 2019, a decrease of 26 percent over that period.

The experience is one Scivo will never forget. The job represented his greatest period of growth as a lawyer, he says. He forged lifelong relationships and became a known and trusted partner across the state. In addition, the job gained him substantial experience in federal court.

"You put aside your timesheet, the billables, the collectibles, and the demands of the firm – you cast that all aside for the common goal of driving down crime," says Scivo. "It was a new arena, and I was a kid in a candy store."

Now a partner at Mandelbaum Barrett PC since joining the New Jersey firm in 2021, Scivo is co-chair of the firm's White Collar and Criminal Defense Practice Group. He represents criminal defendants, performs internal investigations, advises

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on regulatory issues and litigates complex civil matters. He often represents doctors, accountants, and lawyers who as a collateral consequence of a criminal investigation face a license suspension or disbarment.

Mandelbaum Barrett PC was the ideal multi-disciplinary law firm that Scervo was looking for when he left the U.S. Attorney's Office.

"Barry [Mandelbaum] very much wants his people to succeed and wants to give you the tools to do it," says Scervo. "He takes a vested interest in your success. To me, it was the perfect combination."

When Scervo reflects on his career to this point, he recalls an antitrust case in which he represented the president of a company he knew was telling the truth. He believed in the man's integrity and believed the government was overreaching. There were 7 million documents to review. After years of working up the case, the government dismissed the charges six weeks before trial.

Scervo can only describe his feeling as "utter exuberance" at winning vindication for his client against formidable odds.

"It shows you that when you put the time in and you put the thought behind it and you have the belief, you can do great things," says Scervo, ever the motivator.



**Attorney Robert Scervo and his wife, Marlene, with their three children (l-r) Robert Jr., Haley, and Amelia.**