



The Rocky Balboa of Criminal Defense Law: Joseph Tacopina

[By Mary Waldron]

If you turn on Court TV, you might see him conferring with his latest client, Melanie McGuire, the fertility nurse who allegedly killed her husband. Or if you tune in to CNN, you might hear about the latest developments in his case involving Harry Houdini's mysterious death and recent exhumation. This guy doesn't make \$750 per hour for nothing.

Now, Joseph Tacopina is not some veteran lawyer with a 30-plus year career behind him; in fact, he is barely 40 years old. Do not be fooled, however, by Tacopina's finesse in the courtroom—he took a heck of a ride getting there. Today, with his two firms, Tacopina & Seigel and Tacopina & Arnold, and more than 80 cases under his belt, Tacopina is on a roll.

Tacopina, who has been a fan of debate since middle school, showed signs that he was destined to be an attorney from a young age.

"I always seemed to be getting into trouble and arguing my way out of it, so I learned on the job," he said.

However, it was not until Tacopina read the book *Fatal Vision* by Joe McGinniss that he knew he wanted to be an attorney. *Fatal Vision* tells the true story of Dr. Jeffrey MacDonald, a Princeton-educated doctor in the Green Berets who was convicted of murdering his pregnant wife and two small children.

"The way the whole trial played out and the investigation was something that fascinated me, and I decided that really was my calling. So I pursued that," he said.

Tacopina also inherited a workhorse work ethic from his Italian-immigrant parents. "What their experience instilled in me was that if you work hard enough in this country, you can get what you want," he said. "I gained a real dedication and work ethic."

Putting his work ethic to good use, Tacopina put himself through college and law school, working two jobs during and after law school. He attended the University of Bridgeport School of Law in Connecticut (now Quinnipiac University School of Law) while simultaneously working at several law firms in New York.

One of the firms that Tacopina was able to work at during law school was that of James La Rossa, one of New York's best defense lawyers. Tacopina even offered to work for free in order to get experience and exposure, which he did.

Q. What do you do for fun?

A. Hanging out with the kids, skiing, and boating.

Q. What CD is in your CD player right now?

A. *Augustus: The Life of Rome's First Emperor*. It's a book on tape.

Q. What is the last magazine you read?

A. *GQ*. I was reading the article I was in.

Q. What is your favorite TV show?

A. The HBO show *Rome*.

Q. Who is your role model?

A. My father. He's an individual that is as pure as the day is long. He did everything by the book. He was never someone who had a lot of creature comforts, but he never cared about that. He worked hard to provide for his family. He is the most genuine human being that anyone could meet. He instilled in me a lot of good values. So it's him. And Julius Caesar.

Tacopina began working in the Brooklyn District Attorney's Office as a prosecutor after he graduated from law school. As he had a wife and child before he even graduated from law school, Tacopina had responsibilities, so he made sure his family was taken care of by working two jobs during those early years. At one point, in 1995, Tacopina found himself working as a defense trial attorney by day and a coat-check guy by night.

Tacopina won 39 of his 40 cases while at the D.A.'s office. His hard work was starting to pay off, so he decided to start his own firm and go back to his first love: criminal defense.

"I love the argument of trying to persuade people from convicting based on what I think is a good legal argument," he said. "I love to cross-examine; that's my forte. It is a little more exciting to be a defense attorney."

Launching his private practice in 1995 with no clients and without an office was not easy at first, but once Tacopina got through this rough beginning, he began building a tremendous reputation.

One of Tacopina's first breakthrough cases was a case in which he represented Richard Sanfilippo, one of five New York policemen also known as the "Morgue Boys" who were accused of putting their acquired "loot" to use in an abandoned morgue-refrigerator factory in Brooklyn in 1995. Although the accused men confessed to snorting cocaine, firing guns, and associating with prostitutes, Tacopina was still able to get Sanfilippo an acquittal.



Throughout his career, Tacopina has gained a reputation for tackling the most difficult cases. Critics often say “he’ll never win,” but Tacopina keeps on proving them wrong.

“I don’t worry about what people say,” he said. “I take cases that people say I can’t win, and I win them. I work hard. I think I do well on my feet in the courtroom. I talk to people on their level...because I am. I don’t try to be something that I’m not.”

In his latest and hottest case, Tacopina is representing fertility nurse Melanie McGuire, who was accused of killing her husband, packing his remains in suitcases, and tossing them into the Atlantic Ocean. In spite of some substantial evidence against her, roaring critics, and widespread media attention, Tacopina seems calm and collected about winning the case.

“It’s going very well for us,” he said. “We know that a lot of people have presumed her guilty based on some circumstantial evidence, but in opposition, there is circumstantial evidence that is easily explainable because she was married to the guy.”

In the criminal defense field of law, the following question comes up again and again: How can attorneys represent alleged brutal murderers and ruthless criminals who very well might be guilty?

Does Tacopina believe that all of his former clients have been 100% innocent? Although there are certain cases that Tacopina would not take for personal reasons, he said the answer to that question does not matter.

“The system would break if defense attorneys made the decision of the judge and the jury. Everyone is entitled to representation,” he said. “No matter whether the client is innocent or guilty, the bottom line is the state has to prove their case.”

“There are many, many people that believe that O.J. [Simpson] was guilty of murder, and I certainly wouldn’t disagree with those people,

but I still think the criminal jury verdict was the right verdict because the state miserably failed in their proof. Despite what everyone believes in the court of public opinion, it’s a different standard in the court of law,” Tacopina added.

Obviously, an attorney of Tacopina’s caliber must work well under pressure, but the truth of the matter is that he works even better that way. Since he was in high school and college, Tacopina has always been able to “bring it” when the pressure rises.

“For some reason, I buckle down when the stakes are higher. Pressure is something that I thrive on. The adrenaline and the pressure of having your every move watched is something that I do thrive on, and I enjoy it,” he said.

Tacopina admits that he did not reach success all on his own—he has honed his skills as a lawyer by learning only from the best. From Ron Fischetti to Gerry Shargel, Tacopina admires and has learned volumes from many lawyers he worked for during his early years in law. He gained much of his courtroom confidence while working with and learning from Fischetti and Shargel. Much of Tacopina’s courtroom grace can be attributed to Denver lawyer Larry Pozner. Pozner wrote *Cross-Examination: Science and Techniques*, a book on cross-examination that shaped Tacopina’s style and perspective.

“It was about the art of cross-examination, and that it’s actually not an art at all—it’s about the science of it,” he said.

He also picked up a few pointers on dealing with the media as a lawyer from Mickey Sherman, who “taught [him] not to alienate them and treat them as your enemy and to really be comfortable with them. They’re just doing their job.”

Today, Tacopina is still learning from and being inspired by other lawyers. His partners, Rosemarie Arnold (at Tacopina & Arnold) and Chad Seigel (at Tacopina & Seigel), are two

powerful and hardworking lawyers from whom he learns all the time.

“It’s all about surrounding yourself with great people,” he said. “Rosemarie is one of the most respected lawyers in New York. She stands on her own two feet. Chad is one of the greatest legal writers that I know.”

“When I started out in law, I was literally working around the clock,” Tacopina said. But he does not recommend that all young attorneys and law students do so. He spent a lot of time analyzing court transcripts while he was young, examining which techniques worked in the courtroom and which ones did not.

“Don’t be dissuaded,” he said. “Believe me, on the way up, as I was getting these big cases, people would try to discourage me, saying, ‘Don’t go into criminal law, don’t be on TV, don’t be in the newspaper, don’t do this, and don’t do that.’ But looking back, I think a lot of what I did was out of the box. Lawyers used to shun the media, and I think that was a mistake. High-profile cases are debates in the public opinion, and you’re doing your client a disservice if you don’t respond.”

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