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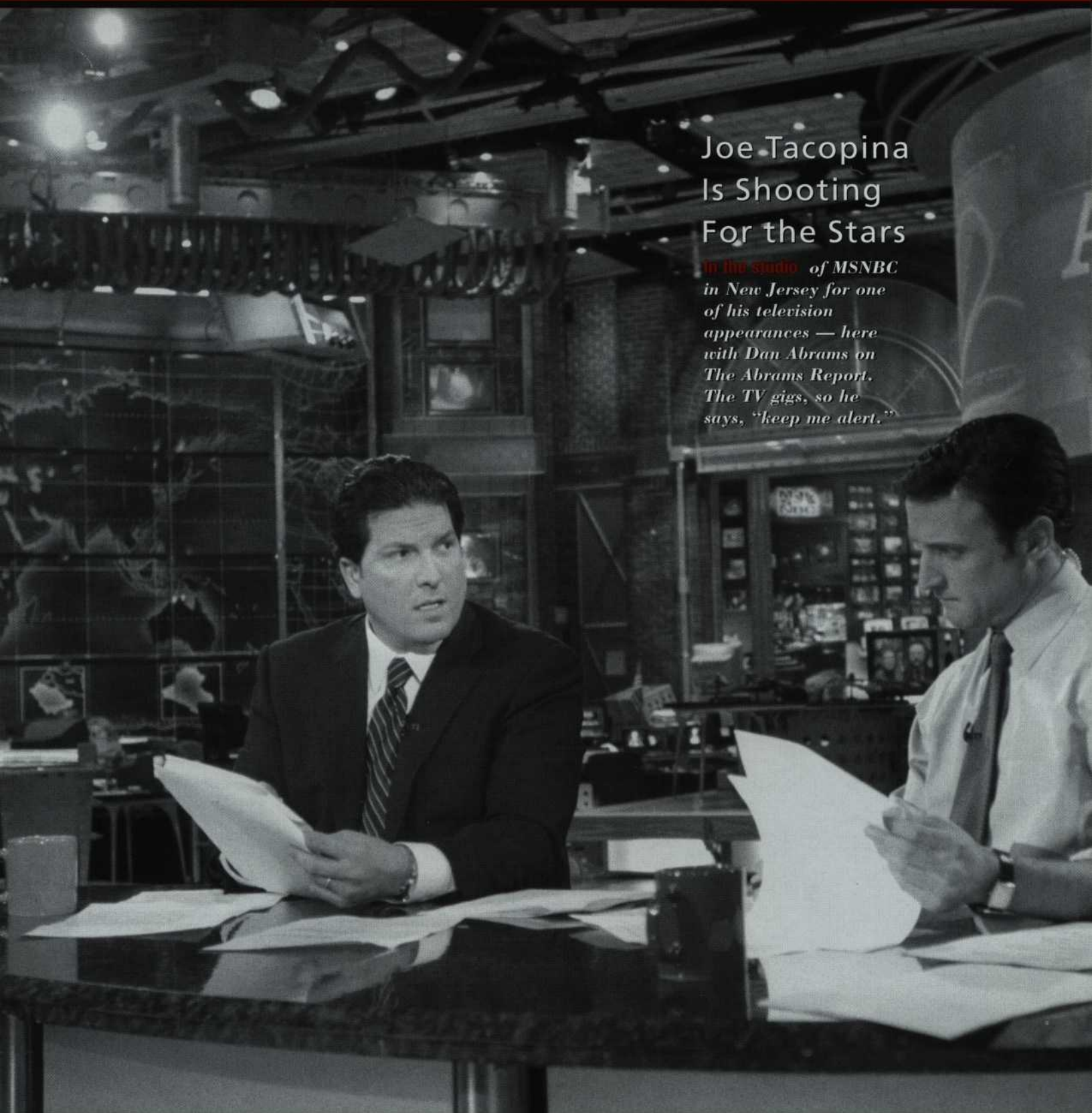
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Joe Tacopina Is Shooting For the Stars

*In the studio of MSNBC
in New Jersey for one
of his television
appearances — here
with Dan Abrams on
The Abrams Report.
The TV gigs, so he
says, "keep me alert."*



By Thomas Adcock • Photography By Rick Kopstein

Shooting for the Stars

**Former prosecutor Joseph Tacopina has
the attention of his heroes in the criminal defense bar.**

Joseph Tacopina, touted by his senior colleagues as the next lion of the New York criminal defense bar, gets it from his mother. Persistence, that is.

"She's a bulldozer," Mr. Tacopina said of his mother, Josephine. In life—surely in the law, even in affairs of the heart at times—it can help to be a bulldozer.

Example: Thirteen years ago when he was a student at the University of Connecticut School of Law, Mr. Tacopina breezed into a hotel near campus, in need of food and drink after a strenuous workout at the gym. He

spotted Tish, a smartly dressed looker with chestnut brown hair, fresh out of college and running the place.

"Oh, my God, she's absolutely beautiful." Such was Mr. Tacopina's case of first impression. As for himself, "I was this not-so-sophisticated kid

from Brooklyn wearing a horrific gym outfit."

No matter, he approached the former Patricia MacDonald of

Westport, Conn., to announce a most serious intent.

"She says to me, 'Yeah, yeah—sure,'" Mr. Tacopina recollected. "I told her, 'No, you don't understand. Really, I'm going to marry you.'"

Ms. MacDonald explained that she was otherwise obliged to a New Zealand gentleman named Paul. "No, really—I'm engaged," she told her Brooklyn suitor. "But Joe said, 'Well, just give me one date. See if you change your mind.'"

She gave the guy a chance, which only encouraged him to take another. "I broke into her car with a coat hanger and put a rose on the driver's seat," said

Mr. Tacopina. "It probably scared the hell out of her, but I thought it would be romantic."

Indeed, said the former Patricia MacDonald, "I changed my mind."

Six months ago, Mr. and Mrs. Tacopina—along with five children and three dogs—

moved into a seven-bedroom home in Westport. This is further example of the famous Joe Tacopina persistence: six years and a few months ago, he was making ends meet by moonlighting in Westport—as a coat check guy at the Inn at Long Shore.

Back in 1995, Joe Tacopina was a novice defense trial lawyer by day, and a cloakroom attendant by night.

Early in 1995 he was still a crack homicide prosecutor. "I was making a solid \$32,000 salary with one kid, one on the way, and a wife who wasn't working," recalled Mr. Tacopina, now 35. Never mind the regular paycheck, he was determined to be a criminal defense lawyer—a solo practitioner in the fashion of his maverick heroes and mentors, such as Mickey Sherman, Ronald Fischetti and Gerry Shargel.

Brooklyn District Attorney Charles J. Hynes said he was sorry to lose Mr. Tacopina. "He did about 40 felony trials for us, and just kept getting increasingly better," said Mr. Hynes. "In fact, he became the go-to guy in this office very early-on. 'He has enormous self-confidence and a strong sense of ethics,' Mr. Hynes said of Mr. Tacopina. "And that translates into what we call presence—the kind of thing that's transmitted to a jury."

Former U.S. Attorney Zachary Carter faced Mr. Tacopina as an adversary in Eastern District during the trials of police officers accused in the August 1997 precinct station-house sodomy torture of Abner Louima, the



Criminal Court
at 100 Centre
Street with
Vince DeMentri,
a CBS news cor-
respondent who
was arrested at
ground zero on
Sept 13th. The
case was post-
poned yet
another time.

Haitian immigrant arrested outside a Brooklyn nightclub. In that case, Mr. Tacopina successfully represented defendant Officer Thomas Wiese.

"He conducted himself professionally," said Mr. Carter, now a partner at Dorsey & Whitney. "He is the kind of person who advocates for his client very vigorously, but it's never personal. The adversarial experience was always a pleasant one," said Mr. Carter. "Even when we were arguing highly contentious issues."

When he left Mr. Hynes' office for life as a criminal defense lawyer, Mr. Tacopina opened a "virtual" office on Madison Avenue, and held client meetings at nearby diners. Soon, along came the "Morgue Boys" case, in which a number of night-shift police officers from Brooklyn's 73rd Precinct were indicted by an Eastern District federal grand jury for violating the civil rights of drug dealers by ripping them off. According to charges, the officers reconnoitered at an abandoned morgue refrigerator factory to split up the evening take. Mr. Tacopina represented veteran Officer Richard Sanfilippo. "I remember getting a \$500 retainer and thinking I could retire," said Mr. Tacopina of the high-profile case.

In autumn of '95, Mr. Tacopina, a burly ex-wrestler and baseballer and collegiate hockey player of note was by day a novice defense lawyer in the midst of his first federal trial. By night he was a cloakroom attendant at a country club where the wealthy husbands of mink-clad ladies would instruct him, "Hang it up carefully, son"—unaware that Joe Tacopina was stealing spare moments in the cloakroom to wade through 22 boxes of discovery material, along with the unfamiliar federal rules of evidence he would have to know the next morning.

"It's always like that with him. Tacopina seems to get by on very, very little sleep," said Mr. Fischetti, who came to know Mr. Tacopina as a fellow defense counsel in the Louima case.

"During the trial, I only knew he [Tacopina] was an ex-D.A.," said Mr. Fischetti. "I was immediately impressed with the time and effort he put into representing his client."

"His style in the courtroom was excellent. He listens, he's great at



cross-examination, he reads the law," said Mr. Fischetti. "He's one of the few young lawyers I can think of who's going to wind up being the new generation of superstars."

Mr. Shargel agreed: "He's good, and he's tough."

Mr. Fischetti was so impressed, in fact, that he sponsored Mr. Tacopina's membership into the prestigious New York State Association of Criminal Defense Lawyers, where he is currently the group's youngest member.

"I don't know how he does it all," Mr. Fischetti added. "I mean, he's on TV—a lot."

After one such appearance—for CNBC's "America Now," focused on the topic of dubious executive conduct at the bankrupt Enron Corporation—Mr. Tacopina sat down to a late evening's dinner and reflected on representing John Gotti and his crime novelist daughter Victoria; Elizabeth Bryant, the New York City police officer for whom he won a settlement from the city when she was taunted by her Bronx colleagues; book publisher Judith Regan, whose years in divorce court "set new standards for hostility," according to the *New York Post*; and Vince DeMentri, the CBS-TV reporter accused of impersonating a public servant to gain early access to

At the office at 321 Broadway, conferring with his associate Chad Siegel.

the World Trade Center ground zero (case pending at press time).

In addition to the television appearances and the trial work — and corporate work

for Ferrari, the Italian automaker in Milan, where Mr. Tacopina recently opened an office — he lectures students at Fordham Law School in the finer points of cross-examination.

The venue for talking about the fast times of his fast career was an Upper East Side restaurant—the kind of place with a prominent photo of Sinatra near the cloakroom, where Mr. Tacopina checked his coat for safekeeping but not his two-tone leather briefcase; where customers who know from brucciapelle (burnt skin from a shotgun blast) are wont to dine; where Mr. Tacopina's brethren in the criminal defense fraternity exchange flatteries.

"I was at Skidmore and I came across that book by Joe McGinnis—*Fatal Vision*," said Mr. Tacopina, with reference to the case of Captain Jeffrey MacDonald (no relation to the family of Mr. Tacopina's wife), the U.S. Army doctor convicted of murdering his children and pregnant wife.

"The whole thing about the case—the trial, the investigation, it was riveting. So I started doing anything that had to do with debate. I got the

same high out of debating as I'd get from hitting a homerun, or taking a guy down in wrestling.

"As hard as it is [trial lawyering], and as grueling as it is, as draining as it is—it's what I was meant to do."

He was apparently also meant to do television. His dinner companion, the Connecticut attorney Mickey Sherman who represents Kennedy heir Michael Skakel, accused of killing a girl in his youth, introduced him to talking heads.

"I can get Joe on TV once, maybe twice," said Mr. Sherman. "But after that, he's on his own. He's got to know the law, he's got to be quick and to the point. Which he is."

Mr. Tacopina said the television gigs—he has appeared scores of times to discuss constitutional matters and the activities of alleged gangsters—"keeps me alert."

Besides television and the discipline of athletics, both applicable to litigation, Mr. Tacopina learned another fundamental of his trade while still in high school.

"I was an exchange student in Russia as a kid," he said. "It's where I learned entrepreneurial skills. I was making a lot dealing in blue jeans like you wouldn't believe."

Certain other fundamentals he learned from his father, Cosmo, 84, and from his father in-law, the late John MacDonald.

"My father's whole world is us — his

"As hard as it is [trial lawyering], and as grueling as it is—as draining as it is, it's what I was meant to do."

family," said Mr. Tacopina. "He was a salesman, so I wasn't born to the silver-spoon set. I don't think my father has ever said a bad word in his whole life. He taught me you should be decent and kind and generous."

His father in-law taught him to overcome a fear of flying, invaluable now that Mr. Tacopina makes regular



hops to Milan. Between the time Mr. Tacopina bulldozed his intentions for the former Ms. MacDonald and the wedding day that followed, his bride's father tested the mettle of his future son-in-law.

"He was 67 years old and they were about to take away his pilot's license," said Mr. Tacopina. "So he takes me for a flight in this two-passenger plane. I didn't want to go up with him in the worst way! He kept punching the instrument panel and yelling 'Damn!'"

"Well, but I lived. And after that, the old man sort of took to me."

Mr. Tacopina, like his own father, is an old-fashioned family man. He routinely lies on the floor between the cribs of his 2-year-old twin sons, Matthew and Joe Jr., holding each boy's hand as they go through their nightly teething pains. From his eldest child—daughter Morgan, 8—he came to a special consideration of one of the most profound legal questions of our time.

"She knew I was going to appear on a show about the death penalty," said Mr. Tacopina. "She was curious about it,

she asked questions. I told her that capital punishment is when people who kill other people are put to death.

"Morgan thought about this for awhile. Then she asked me, 'But who kills the people who kill the killers?'"

Mr. Tacopina shook his head at such wisdom from the mouths of babes. He has told the story to colleagues such as the diner one table over—Murray Richman, the Bronx criminal defense attorney known along the Grand Concourse as "Don't Worry Murray."

When it was time to leave, Mr. Richman dropped by Mr. Tacopina's table. With a bearish hand resting gently on Mr. Tacopina's shoulder, Mr. Richman wished to assure a first-time listener to daughter Morgan's wisdom, "This guy Joe, he's solid."

After which, Joe Tacopina picked up his two-tone briefcase and went to the cloakroom. He tipped the attendant quite handsomely. •

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