

Bill Tapella

Finding Answers for Clients in Central and Southern Illinois

by Allison Petty

CHARLESTON — No one should have to suffer the way Tasha Potter did. The 30-year-old woman with special needs lived with her parents, Greg and Sharon Potter. She brought them joy through the simple things, watching sports with her dad, reminding her mom to read the newspaper, playing video games with her brother.

In November 2001, a pathologist failed to diagnose her with histoplasmosis, an easily treatable fungal infection. That misstep marked the beginning of a ripple of disease, ultimately spawning a wave that claimed Tasha's life in March 2003.

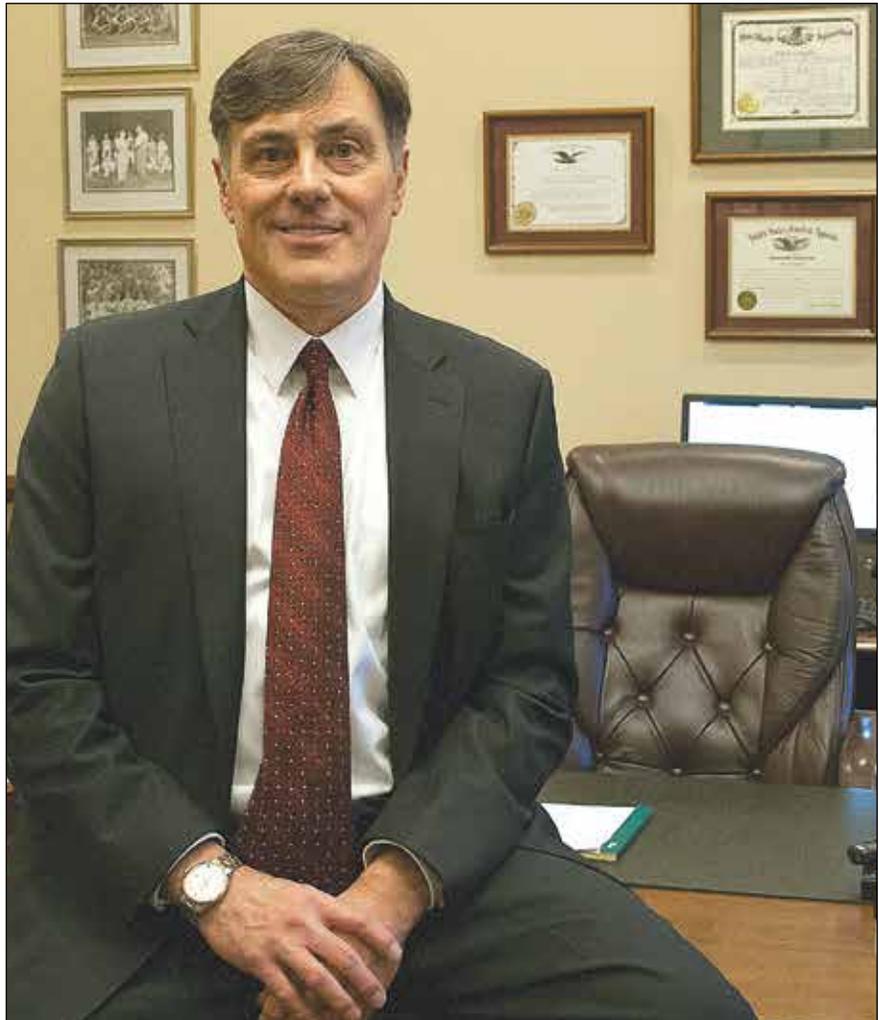
Tracing those events backward became one of the crucial tasks for William R. Tapella, who won a \$5.9 million jury verdict in the 2006 case in Vermilion County. Because the pathologist was the defendant, Tapella, 56, also led the jury through the nuances of microbiology.

“One of the arguments you hear about medical malpractice is, ‘These issues are too complicated for juries to understand,’” says Tapella, of **Tapella & Eberspacher LLC**. “I’m here to tell you in that case we taught and the jurors listened, and ultimately I feel like they understood very, very well some issues of microbiology and clinical pathology and came to the right decision in that case.”

Tapella's ability to convey complicated facts helped overcome the multiple challenges inherent in that case. He has honed that verbal precision over years handling medical malpractice, significant injury, wrongful death, trucking negligence and product liability, as well as some work in the adoption field.

An unconventional path to the law sharpened his message delivery skills. Tapella spent 11 years working on political campaigns and in real estate development before he entered University of Illinois College of Law.

“He has an amazing ability to present information that needs to be considered and to put the brakes on things that are outside that scope,” says M. Kirsten Crouse Bays of Crouse, Cobb & Bays, who works with Tapella on adoption cases. “He’s just got a great ability to communicate the message in the courtroom. He doesn’t ramble on for 20 minutes. He gets to the point, he says what it is, and he’s very good at it.”



Both Results and Relationships

Though he had earned good results for his clients in medical malpractice cases for years, *Greg and Sharon Potter v. Dr. Richard B. Schenk* attracted attention to Tapella's work.

The case was notable not only for the size of the verdict, but for the complex nature of the issues.

When the misdiagnosed histoplasmosis spread through Tasha Potter's body, it essentially shredded an already weakened kidney donated years earlier by her father. She underwent dialysis for nine months before finally receiving another kidney from her mother.

Complications from the second renal transplant ultimately killed Tasha. But Tapella successfully argued that, had Tasha

been diagnosed and treated correctly in the first place, she would never have needed the second transplant.

Of the \$5.9 million verdict, the jury awarded \$1 million each to Tasha's surviving parents and brother, with the balance awarded for medical bills, pain and suffering and loss of life.

“There are some in our society who would wrongfully suggest that because she had limitations in some areas, we should ignore the great gift that she was to her mom and dad, and the joy and importance in their life that she gave them. The jury didn't buy it,” Tapella says.

He credits Tasha's parents with much of the success in the case. The Potters still keep in touch, and while he earned accolades and

recognition for his work with them, Tapella says those types of lasting relationships with clients bring the most satisfaction.

Any good attorney, Tapella says, can point to successful results. So can he: His firm's website details multiple settlements over \$1 million reaching as high as \$5.4 million.

He never shrinks from the possibility of a trial: "Whether it's a small personal injury case or a significant trucking or products liability, whatever the case, we plan for a trial; from Day One we plan for trial and we push for trial. I think that is what allows us to settle many of our cases, but I also think we try more than our share.

"I hope what separates us out are some of the relationships we build with those clients. ... We work hard at that."

The firm has six lawyers in its Charleston office and one in its St. Louis location, and a total of 12 additional employees. On their first day, associates are told to remember that everyone who comes through the door is dealing with the worst circumstance that ever happened to them.

"They want to trust us with that problem, and that's a big responsibility that you take

on," Tapella says. "If you walk in here and you forget that one day, then you're not doing your job for that person."

For the same reason, attorneys at Tapella & Eberspacher shun a standard form letter in cases they decline. Instead, they share with would-be clients their opinion about what happened and why they cannot take the case. They are often met with a great deal of gratitude for the effort.

Almost every client is less interested in seeking money, Tapella says, than finding answers. He views the current legal structure as stacking the deck against people who suffer an injury or a loss and do not understand how or why it happened.

Medical textbooks outnumber legal textbooks on the shelves in Tapella's office.

"Every case is different," he says of medical malpractice work. "There's a new issue of medicine and a new issue of a different part of the body and a different procedure, and to learn that medicine and make judgments about the case, and then to represent somebody that needs the help against an incredibly well-funded opponent, with attorneys that are

experienced and seasoned and talented, I find it to be as challenging an area as any that I practice in."

Peeking Behind Legal Curtain

Though Tapella speaks with passion about his practice, law was not his first path.

Raised in the coal mining community of Herrin, Tapella studied for a brief time at Eastern Illinois University before transferring to Southern Illinois University Carbondale.

He comes from family of strong union affiliations. His father was a plumber/pipefitter, and his mother was a business agent for the United Food and Commercial Workers International union. During summers at SIU, Tapella got his own laborer's union card and a pair of work boots. He paid his way through school on the back of a garbage truck.

Those years in Carbondale also marked the genesis of Tapella's political career. He formed the SIUC College Democrats, and in 1980 worked as district coordinator for the Jimmy Carter/Walter Mondale reelection campaign.

Following his graduation in 1981 with a bachelor's degree in political science, he ran then-Congressman Paul Simon's 1982 re-election campaign. He was 22.

"I didn't know enough to be afraid, I guess," he says. "I just worked my tail off. And we won."

That kicked off four years working on numerous state and national political campaigns, jobs that required constant travel and unceasing energy.

In 1986, Tapella moved to Boston and accepted a position with Pyramid Companies, navigating the political aspects of regional shopping center development. While he achieved success, the New England real estate market began to sour in the early 1990s. By this time, he had a young daughter and a son on the way.

The family moved back to Central Illinois, and Tapella entered law school. Through his work in both the campaign and development environments, Tapella developed an admiration for the attorneys with whom he worked. They seemed to think in ways others did not. He wanted to "peek behind the curtain," to know what they knew.

Given the six years in real estate development, Tapella assumed he'd pursue an area of the law that would allow him to build on that foundation. Instead, he fell in love with litigation.

Finding a Calling

In 1996, Tapella and Mitchell K. Shick opened a practice in Charleston. When Shick left the firm to become a judge,

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From left: Tapella and legal assistant Bo Willoughby. "I couldn't do the job without her," he acknowledges.

TAPELLA

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Tapella merged his practice with M. John Hefner Jr. and David Y. Eberspacher to form Hefner, Eberspacher & Tapella in 2001. Hefner retired in 2013.

Though he is recognized in the legal community for medical malpractice and personal injury work, Tapella is also known locally for representing foster parents who are attempting to adopt children who have been abused or neglected.

He came to this work when his firm volunteered to represent the local Court Appointed Special Advocates program, but kept getting calls after the CASA program no longer needed those services.

Bays, the Charleston attorney who focuses her practice on adoption cases, has sought him to serve as co-counsel to litigate difficult cases where termination of parental rights is contested. In 15 years, she says, he has never lost one of those cases.

Bays was immediately impressed with Tapella's strong public speaking skills and clear grasp of his message in a courtroom. She says he also treats clients with great compassion, understanding that their situation creates incredible strain.

"He's really, really compassionate with them," she says. "I think he helps them feel

more confident because his confidence is natural. He is so smart and so capable that his confidence is not manufactured."

Sam C. Mitchell of Sam C. Mitchell & Associates in West Frankfort says Tapella has frequently worked with his firm over the past 12 to 14 years. Mitchell calls Tapella a "magnificent attorney" whose skills are so well-rounded that no single area is more praiseworthy than another.

"He's just an outstanding attorney, and I trust his integrity, and frankly, that's the ultimate test," Mitchell says. "...He's somebody I entirely trust with my cases and my clients, and we've referred cases back and forth."

When Christopher A. Koester of Taylor Law Offices cannot take a case because of a conflict, Koester often sends those individuals to Tapella.

The two attorneys have worked on both the same and the opposing sides of cases over the past 15 years, says Koester, who practices in Effingham. In all those occasions, he found Tapella to be easy to work with, diligent, confident and good at negotiating.

"He really is, I think, in the top 10 percent of attorneys in Illinois, including the metropolitan areas," Koester says.

Although Tapella was 31 when he started in the legal profession, he feels very

fortunate to have found his calling. When speaking about the people he represents and the importance of that work, words come effortlessly.

"This is what I was made to do, and I respect it, I value it, and nine days out of 10, I love what I do," he says.

Tapella is active in the Illinois Trial Lawyers Association, and currently serves as its parliamentarian.

He has two adult children, Mia and Will, and has been married to his wife, Lela, for 20 years. The couple live on a small farm in Ashmore, where they have converted about 40 acres into a natural prairie environment.

Tapella is a lifetime member of Pheasants Forever, a conservation organization dedicated to protecting pheasant and wildlife habitats. He is also involved with other habitat and environmental organizations.

On the farm, he keeps five German shorthaired pointers ranging in age from 2½ to 14 years. The "ridiculously spoiled" dogs assist Tapella in his passion of upland bird hunting.

He took up the hobby about 15 years ago, and it has become a great release.

"For me, walking fields behind good dogs and with a close friend, there's a peacefulness and a solitude to that," he says. ■