

Foes to Friends: Personal injury attorney reflects on what he's learned from rivals

BY DANIEL P. O'TOOLE

JULY 8, 2026, 2:51 PM CDT

Throughout my career, I have learned a lot from my “adversaries.” One such adversary was the late great Ross D’Apice, a Brooklyn defense attorney and legend who passed away several years ago.

When I first visited Brooklyn as a young lawyer, I was a fish out of water with no friends or contacts at all. I was terrified the first time I attended a calendar call there. In fact, I was so nervous that I missed my case being called out. I thought my career would end before it even started. (Thankfully, that was not to be.)

Ross was a Marine. I don’t say “former” Marine because as the old saying goes, “Once a Marine, always a Marine.” My father was a Marine, and so is my son. I suppose that was the first thing that attracted me to Ross: his formal and disciplined bearing.

I tried a case against Ross in 1997. Back then, I thought I knew everything and was sure of every outcome. It’s funny how three decades of experience can change you.

Ross never took any of my bait. No matter how much of a smart-ass I was, he always reacted as the perfect gentleman.

Like every great attorney, Ross questioned every given of a case. He credibly questioned causation of the injuries I alleged at every turn. My client had a knee injury and had surgery to repair the damage. He was able to ambulate normally, but he could no longer play basketball or soccer, which were among his greatest passions, and my case focused on that loss.

My client went from being able to dunk to not being able to play at all. He felt a tremendous loss in not being able to play and share his passion with his young son. I focused on this loss, the one that hurt my client’s heart the most.

Ross questioned whether the knee injury was related to the accident. I will never forget him simulating a high soccer kick as he questioned my client and every physician I put on the stand. He would ask: “Isn’t it possible that he hurt his knee doing this?”

Perhaps if I was older and more experienced, I would have dealt with it differently, but he got me on that. I didn’t know how to react. The verdict went well for my client, but it was a lot less than I had hoped for, and it was because Ross contained the risk.

That trial led to many other discussions with Ross on the benches of the Brooklyn TAP. I always sat right next to Ross during the calendar call as we waited to have cases conferenced and sent out for trial.

Ross dealt with professional challenges with a great attitude. He would tell me about a case he was going to try, and I would lament the difficulty of the challenge for him. He would reply: “Danny, I’m just an old Marine. When they tell me to take that hill, I take that hill.” He was such a dear man and a great friend whom I miss.

Another great friend came to me when I picked my first jury in Rockland County in 1993. I was an insurance defense attorney at the time, and to say I was a hard-charging 25-year-old would be an understatement. I walked into the court and met Donald Sullivan, a tall, distinguished, well-dressed man. Sullivan—who would later become a judge—was representing another defendant in the case. The case involved a young girl who was hurt by a fire extinguisher that fell off a wall.

I remember walking down the hallway with the judge, and he asked me how much money I had to contribute toward a settlement. I told him I was a “no-pay.”

The judge wrapped his long, elegant arm around my shoulder as we walked down the hall, and he said, “My friend, there is no such thing as a no-pay.”

Sure enough he was right, and the insurance carrier I represented came up with a few bucks, and the case went away.

Fast-forward until 1996. I was arbitrating a case, again as an insurance defense attorney, against the one and only Jeffrey Block, who would later become my law partner.

Jeff and I went to war at this arbitration. It was supposed to take two hours, but turned into four. It was all the judge could do to keep us from coming to blows. Mind you, that would have ended badly for me, as Jeff was twice my size.

As I was driving home, I reflected on how difficult it was for me to contain my anger. I also started to think about what I learned. The truth was I was outmatched by Jeff Block. After pulling over, I called him and said, “As much as I wanted to kill you today, and I did want to kill you, I want to thank you for teaching me a lot.” He said, “Kid, you are absolutely out of your mind, and you need to come work with me.”

How Jeff and I came to work together is another story, but Donald Sullivan played a huge role in my partnership with Jeff Block.

Judge Sullivan once told me, “After your wife, the relationship with your partner is one of the most important relationships you will ever have. You need to work on it, and you need to mind the way you speak to your partner and be thoughtful in the way you approach the relationship.”

That counsel has served me well. I have learned to think before I speak, and when I’m angry, I don’t speak. The judge became a frequent adviser and mentor of mine. Over the years, I called him hundreds of times asking for advice and just checking in with him. He, like my friend Ross, has gone onto his eternal reward, but his counsel stays with me.

Another wonderful friend of mine was Phil Tumbarello of Wilson Elser. He was a trial warrior. Phil and I tried some of the biggest cases in New York against each other. There were times things were intense between us. But like many relationships born out of conflict, it evolved into deep friendship.

Our courtroom interactions were heated. We were playing a high-stakes game with catastrophic injuries and death involved. There were serious undertakings for both of us, but through the stress and conflict, we managed to forge a real friendship.

Over the years, we called each other to discuss the love we had for our families, our children, our wives and Ford Mustangs. When Phil was dying a few years ago, I had the great blessing of texting with him. It was an opportunity for us both to reflect on the gratitude we had for the lives we lived and for the friendship we shared.

The practice of law is challenging and stressful. For me, one of the great blessings of my career has been the friendships I have had with my “adversaries.”

Daniel P. O’Toole is a plaintiff trial attorney and managing partner at Block O’Toole & Murphy, a New York-based personal injury firm. His results for the victims of serious accidents include a \$110 million jury verdict.

©2026 by the American Bar Association. Reprinted with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.