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The Builder

Few can frame a case better than construction-accident expert Daniel Santola

BY RACHEL HUTTON
PHOTOGRAPHY BY PAUL O'HANLON

GROWING UP IN SYRACUSE, N.Y., Daniel Santola didn't much enjoy his early educational experience. "I served my eight years in prison," he jokes of his time spent in Roman Catholic grade school. After earning an economics degree at the University of Buffalo and a J.D. from Albany Law School, he has established a reputation as a trial lawyer focused on the representation of catastrophically injured individuals. But the route Santola took to becoming co-founder of Powers & Santola, wasn't as straightforward as his résumé might suggest. "I'm not your poster boy for how to become a lawyer," he admits. During his senior year in college, in fact, Santola remembers telling his roommate that he "really didn't know what I wanted to do with my life, but the one thing I knew I *didn't* want to be was a lawyer."

Late in life, Santola learned that he was dyslexic, but, back in school, all he knew was that he had extreme difficulty reading. Santola avoided anything having to do with reading, writing or public speaking, and says he went through college without ever having to write a paper. But in his last semester of college while working as a bartender, Santola reconsidered his earlier statement and registered for the LSAT. The first time he took it, he did poorly—too low for law school eligibility. The second time was worse.

And the third time, worse yet, triggering his obstinate streak. "If people tell me I can't do something, I won't accept that," he says. He arranged for a meeting with a professor on the admissions committee at Albany Law School, who told him that, while his grades were acceptable, his LSAT scores were at a level where its administrator predicted he would not graduate. There was just one hope: Each year, the school accepted one student whose credentials didn't fit their typical admissions criteria and then tracked that student's progress. Two days later, Santola was admitted.

In law school, Santola says he read more in the first year than he had in his whole life. (He learned a reading technique, similar to speed-reading, to help cope with his dyslexia.) Soon enough, the first person in his family to go to college—the son of a mail carrier and a waitress—had earned a law degree. "I got into law as a personal challenge," Santola says. "Then after graduation, the last thing I wanted to do was to be an attorney in a courtroom. As things happened, that's where I ended up—and I love it."

Santola launched his law career in a similarly surprising manner. Just a few weeks after he started a full-time position working for Martin Brickman, a sole practitioner in Albany, Brickman had a heart attack. Substituting for Brickman,



DANIEL SANTOLA

- SENIOR PARTNER, POWERS & SANTOLA
- PERSONAL INJURY PLAINTIFF
- NEW YORK SUPER LAWYERS — UPSTATE: 2007–2012

who was sidelined from his work, the 25-year-old novice, mentor-less Santola made his first court appearance at New York's highest court, the Court of Appeals, to make an oral argument challenging the constitutionality of Gov. Nelson Rockefeller's infamous lifetime drug sentencing laws.

Santola recalls that first experience as "harrowing," but after a few more appearances, he became comfortable in the courtroom. He realized that being a slow reader wouldn't necessarily impede his work as a trial attorney, so long as he had adequate behind-the-scenes preparation time. "In the courtroom, it's people skills," he says. "Those issues I never had problems with."

When Brickman recovered, Santola returned to doing his employer's background work until a well-known personal injury trial lawyer, Morris Bloomberg, recruited him for an apprenticeship, where he deepened his interest in such cases. "They're thrilling," Santola says, of the adrenaline rush he gets when the judge opens the trial.

In 1987, Santola formed a partnership with his law school friend, John Powers. The two have complementary personalities, Santola says, as Powers is a big-picture thinker, while he focuses on details. "We approach problems from a different point of view, but we always end up with the same goal or conclusion." Some 25 years later, the two are still working on their partnership agreement. ("We don't really need to finalize it—it's on a handshake," Santola says.)

Working with Powers, Santola has undertaken many innovative approaches to handling personal injury lawsuits. For example, with one of his earliest cases at Powers & Santola, he used several novel techniques to prove that an implement manufacturer was culpable in causing a Vermont farmer to lose both his arms in an accident with the equipment.

To demonstrate the dangers of the machine's design, Santola and Powers re-enacted their client's accident, by taking hay-stuffed snowmobile suits like the one he had been wearing and positioning them where he had fallen next to the implement and become caught in a spinning shaft. Santola also created a "Day in the Life" video showing his remarkable client back at work on his Vermont dairy farm

after his accident, driving tractors with a mechanical hook arm. Additionally, the legal team conducted a mock trial for a focus group jury—a tactic that was relatively new back then—and used its result to negotiate a \$2.25 million settlement for their client, the largest of its kind in Vermont at the time.

Santola says that after showing a jury how an injury has devastated a client and how easily it might have been avoided, the most rewarding part of his job is seeing his clients get their lives back together. And he stridently dismisses public misconceptions that people who initiate lawsuits are in it for the money: "I've never had a client who has gotten substantial sums of money ever say anything other than 'I'd gladly trade all this money just to get my life back the way it was.'"

Santola has particular acumen in litigating construction accidents—"It's who I am and where I came from," he says—and great expertise with Labor Law Section 240 (New York's "Scaffold Law"). "On that subject, I would consider him a true authority—he's encyclopedic," says Lee Michaels, a fellow New York state personal injury attorney with Michaels & Smolak in Auburn. "It's mind boggling to talk to him about it: How can a guy know so many details about so many cases?" Santola's vast knowledge of the subject and incisive analysis has made him unpopular with those in the business community who would like to see the laws weakened. "Oh boy, do they hate him," Michaels says, a sentiment that Santola considers a compliment.

Robert Brenna Jr., a founding partner of Brenna, Brenna and Boyce in Rochester, praises both Santola's legal skill and his generosity as a mentor. "He's one of the best lawyers I've ever met in my life," Brenna says. "As zealous an advocate as I've ever seen, as devoted to helping other members of the profession as you could be, and as giving of his time, knowledge, and expertise as anyone around." Brenna says Santola serves as an informal brain trust whom other lawyers tap for advice and information. Early in his career, Santola taught business law at Rensselaer Polytechnic Institute and now guest lectures at Syracuse University School of Law and Albany Law School, as well as serving as Dean of Continuing Legal Education for the New York State Academy of Trial Lawyers.

Even Santola's courtroom opponents pay their respects. "A lawyer's lawyer," is what John Pennock Jr. of Pennock Law Firm in Clifton Park calls Santola. "Dan is a superb trial lawyer, a formidable adversary, and a practical and honorable attorney with a sense of humor," he says. "Finding those qualities in one attorney is rare. Having practiced in this community for 30 years, I can attest that Dan is held in the highest regard by the bench and bar alike."

While medical malpractice makes up the majority of Santola's caseload, he relishes the opportunity to learn about stringing a 340,000-volt power line one week, and performing cardi thoracic surgery the next. (Santola's the kind of guy for whom relaxing means driving tractors on the 70-acre hay farm he shares with his wife. During his last vacation, he rented a bulldozer and excavator and did the excavation work for installing a home geothermal system.)

Santola says he hopes his work will help reform broken systems, particularly those related to health care. He's extremely concerned about the way the "Wal-Mart or Kmart mentality of the business community" has invaded the health care system, asking medical professionals to care for too great a volume of patients, thereby putting them at unnecessary risk. Some situations are so dire, Santola says, that physicians ask him to sue their own hospital, or a colleague. "Money talks," he explains. "Otherwise things don't change."

Santola feels strongly that business must take responsibility for damages it incurs, such that the costs of compensating for severe injuries or death aren't shifted to the public. "We live in a capitalistic society, which I'm all for," Santola says. "But capitalism has one goal, and only one goal, and that's to make money—period. And if it ends up making other people's lives miserable, or they get stepped on, in our capitalist society, well, that's just the cost of doing business. It has to be regulated. Regulators are mostly industry insiders. Consumers will never be protected by regulators unless attorneys hold their feet to the fire." [SI](#)