

LARRY HEPLER

Plaintiffs' Lawyers Need Their "A" Game When Facing this Madison County Defense Attorney

by Melissa Birks

When Larry Hepler pulls into a concrete parking garage, he'll check out how it's built. He'll look for cracks, and if he sees any, his thoughts go to nuances like the manufacture and construction of pre-stressed concrete products.

Hepler considers this habit a blessing delivered to him courtesy of a significant case related to two parking garages in Springfield. Hepler defended a construction company sued for faulty garages. The case steeped Hepler in the vagaries of garage construction, and his investigation ultimately demonstrated that the problem lurked in how the wires inside the pre-stressed concrete beams were made—implicating not Hepler's client but another manufacturer altogether. Retail giant J.C. Penney learned of Hepler's work and brought him to Texas to represent the firm there, having similar problems with a 6,000-car garage.

"I feel so lucky," says Hepler, of **Hepler Broom**. "You hear people talk all the time about how they dread their jobs. I find the work so fascinating, so interesting. Where else can you go, learn something new, learn a whole new area, learn about these new things?"

For Hepler, "new things" have included everything from parking garages to oil pipelines to sand-encased tar from Canada. This Pennsylvania native, who grew up on a farm and was the first in his family to attend college, today defends high-profile clients who might seem more likely to tap a LaSalle Street attorney than a downstate one.

"One of the great things about the law is this opportunity to learn about different products, industries and professions and bring your skill sets to that," he says.

The mechanical skills that Hepler picked up trailing his grandfather on the farm have served him well—making concrete beam wires intriguing, not mundane—but so have his life-long fascination with the law and ease with public speaking.

His early legal experience came during the Vietnam War, when he served as an Army captain while in-country for 10 months. As defense counsel for the First Infantry Brigade of the 5th Infantry Division, he represented about 12,000 troops facing everything from murder to drug charges.

"From that experience," Hepler says, "I knew the courtroom was for me."

Upon returning from Vietnam in 1970, Hepler settled in St. Louis to be near his wife's family. But the large firm where he worked couldn't offer him the courtroom experience he craved, so in 1971 he and friend Gordon Broom joined a small firm that eventually became Hepler Broom.

"Our personalities clicked," Hepler says of



Broom. "We do things the same way; we have common objectives; we like to treat people fairly; we have a nice work environment. Those types of things resonate."

Working with Broom—not just a partner but his "best friend"—and others, including a legal secretary who has been with him for 30 years, makes Hepler's practice even more rewarding. The firm lured him from the beginning: It had significant trial business, and in Hepler's first year there, he tried eight cases and won them all.

Thinking Outside the Box

"When he enters the defense, you know you have to bring your A game," says Tom Keefe, an attorney who has opposed Hepler on various cases over the past 30-some years. "He is an extraordinarily formidable opponent. He's got all of the shots in his bag. There's no two ways about it: I've dealt with him a long time, and he's a worthy adversary. He's one of the best."

To pull the "shots" out of his bag, Hepler relies on experts, imagination, and, as Keefe says, a unique way of thinking "outside the box." Keefe recalls a case nearly 20 years ago, when he sued a tire supplier whose mismatched tires were on a Volkswagen Beetle involved in an accident that injured a 16-year-old boy.

Defending the tire supplier, Hepler urged the jury to look beyond only his client and to Volkswagen itself.

"If he knows a client is in the soup, he's

going to spread the damages," Keefe says, adding that, in that case, "everybody paid their fair share. That, more than anything, is Larry Hepler. He'll think outside the box, be creative in his defense, and smart in terms of the way he will try to develop evidence. At the same time, he'll try to be reasonable if a case can be settled; if it can't, he'll go to trial. I don't think I can give higher praise."

One trial that helped put Hepler's name on the radar occurred in 1993, when a St. Clair County man sued cigarette maker R.J. Reynolds and the now-defunct Tobacco Institute. Charles Kueper's lawsuit represented a landmark: the first trial after the U.S. Supreme Court said the industry could be sued for fraud.

Kueper, 51 and dying of cancer at the time, claimed that R.J. Reynolds and the Institute, a lobbying group, misled him about the effects of smoking. Hepler acknowledges the high-profile nature of the case but also stresses that "it was a very difficult case for me, because Kueper was a Vietnam veteran; that was challenging."

Hepler tapped into his Vietnam experience in his defense, opening the jury to considering other factors, such as Agent Orange, that could have contributed to Kueper's illness. Ultimately, the jury found that Kueper's cancer was not causally related to his cigarette consumption, and Hepler went on to join a team of attorneys defending Phillip Morris in a case before the Illinois Supreme Court.

'It's About the Clients'

With Madison County known earlier in the decade as a hotbed of runaway class-action lawsuits, Hepler believes that his firm nabs significant cases because of its "history of producing good results."

"Just the fact that Larry represents us, I think that discourages frivolous lawsuits. Folks do not want to waste time when they know that Larry Hepler is on the other side," says Herman Seedorf, plant manager of the WRB Wood River Refinery.

Good results are what Hepler brought the companies that jointly own the refinery, ConocoPhillips and its Canadian partner Encana. In 2002, a smaller neighboring refinery shut down, and the firms made overtures to buy it, but old contamination problems at the site stymied the deal. Hepler protected ConocoPhillips and Encana from lawsuits that would tie the companies to the historic environmental issues, Seedorf says.

"Any time there was a lawsuit, people would try to throw our name into the pot, Larry said 'no, no,'" Seedorf explains. "Multiple lawsuits were filed, and we were never part of any of them."

ConocoPhillips and Encana bought the facility and absorbed it within the name of the WRB Wood Refinery. The entire operation supplies 10 percent of the petroleum needs for the upper Midwest, and, as Seedorf says, remains an important community investment.

For Seedorf, Hepler does more than simply represent his client.

"Larry is motivated because he wants to see right things happen. He's concerned about the community he represents, the business he represents, the legal environment in the county he represents," Seedorf says. "You can tell he's motivated by making sure there's a higher purpose in what he's doing. He puts his heart into it."

Hepler's goal is to treat others as he would want to be treated.

"In my body of work, over 30-plus years, I've tried to conduct myself in that manner," Hepler says. "I think my opponents would agree. I'm a tremendous competitor; a fierce advocate for my client; fair in treatment of other lawyers. I'm not going to be getting in your face, but I will represent my client to the hilt."

"With a lawyer like Hepler, it's not about the lawyers," Keefe says. "It's about the clients. It's not about us; it's about our clients and representing them to the canon of ethics."

Keefe says that Hepler seems to be working just as hard, if not harder, than he did when they first encountered each other in the 1970s.

"Tell him it might be time for him to slow down a little," Keefe jokes, "so I don't have to deal with him as much." ■