TRANSCRIPT OF INTERVIEW WITH TIMOTHY J. CARSON

Friday, April 15, 2005, 11:00 A.M.

David Spiegel
Oral Legal History Project
Professor Ed Greenlee
University of Pennsylvania Law School
April 30, 2005
DAVID SPIEGEL: Mr. Carson, should we get started?

TIMOTHY J. CARSON: Absolutely.

SPIEGEL: We’re going to start with your childhood. When and where were you born?

CARSON: I was born locally here just outside of Philadelphia, in 1949.

SPIEGEL: Where were your parents from? Were they from the same area?

CARSON: Parents both grew up in the Philadelphia area, yes, in the suburbs.

SPIEGEL: OK. What did they do for a living?

CARSON: My father is now retired. He was a sales executive, owned a small company, that dealt with different kinds of refrigerants, for meat packing and dairy industry and so forth, and my mother was a homemaker.

SPIEGEL: What about siblings? Did you have any siblings?

CARSON: Yes, I was the oldest of five, with four younger sisters.

SPIEGEL: How did that work out for you?

CARSON: Worked out just fine. I often say to my son, who is the only boy with two female siblings, as I look to my father who was the only boy with three female siblings- I’ve said to him it’s good thing that the Carson males handle being spoiled as well as we do.

SPIEGEL: When did you first think that you would become a lawyer?

CARSON: I think it probably first occurred to me in college, and I really had no lawyer relatives that were close to us and so forth, so it wasn’t that I think I had any real role model that way, but having attended University of Pennsylvania in the late 60’s and so forth, a rather tumultuous time on college campuses, many of us were searching for alternative kinds of careers, and in my case I think it was probably a place to go for a couple years and figure out what I really wanted to do with my life.

SPIEGEL: Fair enough.
CARSON: Law school tuitions were a lot cheaper— a lot less expensive in those days.

SPIEGEL: Certainly. What about high school? Did you go to high school in Philadelphia?

CARSON: Yes, I went to Malvern Preparatory. Good Augustinian school.

SPIEGEL: Were you involved in any activities or sports in high school?

CARSON: Yes. I played football and played some basketball for while, then when I was at the height of about 5’2” as a sophomore in high school I found myself being among the last cuts on the basketball team and then went out and ended up wrestling for the last three years. When I left the basketball team I was able to go and wrestle at 103, so you get some idea of how small I was at the time.

SPIEGEL: What about role models or mentors? Did you have any during your teenage years?

CARSON: I guess my father was as close to a role model as any. I found him to be somebody who seemed to be respected by all and in many respects loved by all, and was certainly probably the closest thing I had to a role model.

SPIEGEL: Was it always assumed that you would go to college? Or were there any alternatives to college?

CARSON: No, I think it was always assumed. It became a question of which college, and I don’t know that we made as much of a big deal about the selection process and the campus visitations as certainly we seem to these days, but I only applied to 3 schools and managed to get into all three of them, and chose the University of Pennsylvania.

SPIEGEL: Why did you choose Penn?

CARSON: Well, in visiting the campuses—the other two schools were Notre Dame and Boston College—

SPIEGEL: All Catholic Schools?

CARSON: Both Catholic Schools. I think I enjoyed my experience visiting the Penn campus. My father had gone to Penn. My only question was if I were to go to Penn, I certainly did not want to be a commuter. My parents assured me that I could go and be a resident student there, and in fact, over a 4 year career I might have well as been going to school in St. Louis, because I really went home not as often as one might expect for somebody who lived 15 minutes away.

SPIEGEL: Why did you choose the Wharton school as an undergraduate?
CARSON: I think I always had an idea that I would eventually end up to business. My father had been in the Wharton school, and it seemed a way not only get... The Wharton School at that time and I think still as an undergrad has a sufficient number of liberal arts courses, that I think that you can mix them with strong economics and finance and so forth as an undergrad, but still have a very substantial liberal arts education.

SPIEGEL: You never considered going into business right after college?

CARSON: No. The college experience in the late 60’s was a very interesting one, and at that point, I had done some student teaching my senior year. You were able to do that at the time in the Philadelphia school system. I got to know some people there. they asked if I would continue teaching, which I did. technically I was a substitute teacher, but on a permanent basis. And was only going to do it for a year, and they convinced me to come back for a second year, but at that point I was convinced that law school was where I would go.

SPIEGEL: You mentioned that you were involved in some campus politics, being that it was a tumultuous time at Penn. What activities and organizations were you involved in at Penn?

CARSON: I got very involved in extracurricular activities. I was probably more involved in some respects with my extracurricular activities than I was with my academics. I was the Vice President of the Inter-Fraternity Council; I was in Kite and Key; I was in Sphinx Senior Society, and a number of other campus organizations. As I said, it was a very tumultuous time, and the example I use is as I arrived September of ’66, I remember walking down toward College Hall, and the Ben Franklin Statue between College Hall and the library, and there was a protest going on about biological research. I think, and there happened to be some fraternity types that were heckling the protestors and so forth. Go from that point to a campus that became very much radicalized over a four year period largely due to the Vietnam War, and some of the leaders of the Fraternities in 1969, 1970 were there leading sit-ins in the offices in College Hall. The entire campus was wrapped up in the whole Vietnam War and the Cambodian invasion and so forth. Exams being cancelled. It was a completely different campus in 1970 when I left than it was in 1966.

SPIEGEL: Really. So comparing when you came and when you left, the biggest difference was the continuity of the student body focused on the war?

CARSON: It was the tying force of the time, that and music. I think the music part is probably still the same, but some of the other forces tying the campus together may not exist.

SPIEGEL: Now, did you have a favorite class or professor at the time?
CARSON: I don’t know I could think back as to one in particular that stood out. That may be more a statement about the number of classes I was attending—or not attending—at the time.

SPIEGEL: How have you maintained a relationship with Penn?

CARSON: I have done some fundraising for the university, and kept in touch with my class. I actually chaired our tenth reunion, I was the chair of our 25th reunion, which happened 5 or 6 years after my mom passed away, my father remarried, and without consulting me at all, scheduled his new marriage for the weekend of my 25th reunion. So I kind of resigned from that responsibility. Now I am co-chair of our 35th reunion.

SPIEGEL: Have you kept in touch with any of your Penn classmates?

CARSON: Yes. A number of them. Some that are in the area. I’m still in touch with a number of my fraternity brothers, still in touch with folks who were involved in some of the campus activities with me.

SPIEGEL: As a lifelong resident of Philadelphia, having one of your daughters graduate from Penn, how have you seen Penn change in the last thirty years?

CARSON: The first thing, of course, would be the physical plant, which is so impressive now, it was less so as I look across, from the back of what used to be our fraternity. We used to look upon some real classic dive bars, many of which we patronized with some degree of regularity. But now you see things like the Inn at Penn and the new bookstore. I have nothing but admiration, especially for what Judy Rodin has done—and did—in terms of being a great corporate citizen in West Philadelphia. And really creating win-win scenarios for the University and for the folks in West Philadelphia. Bringing faculty members into new residential areas there that were worked out. Very impressive job in her ten year period or whatever her tenure was.

SPIEGEL: In terms of general fond memories of Penn, do you have anything that sticks out in your mind?

CARSON: There’s a lot of fond memories.

SPIEGEL: Any of which that can be discussed?

CARSON: I’m trying to think of which ones can be discussed. It was a great growing experience for me, coming out of a smaller school. It broadened my horizons a great deal beyond what I had experienced educationally and family-wise. As I said, it was a very tumultuous time. It was a period of real growth for me as a person.
SPIEGEL: After you graduated you said that you pursued a job in teaching. What made you do that?

CARSON: I think that in some respects it was something that I enjoyed. As I said, I think I had decided at that point that I wanted to go to law school. I think I was smart enough to know that I was not ready to apply myself as one should the first year starting a law school career. So I thought a year would be very nice. I was teaching at Ben Franklin High School, which is down on North Broad Street. A very tough school, but in many respects because of that, a very rewarding experience, to the extent when you were able to really connect with a student you really felt that you were making a big difference. After spending a year there, they convinced me to come back for second year, and I did that. Then I was prepared to go off to law school, and probably for the first time really work from an academic standpoint and apply myself.

SPIEGEL: Did you teach a specific subject?

CARSON: I taught social studies and math.

SPIEGEL: Would you say that going into teaching job influenced your decision to go to law school?

CARSON: No. It was a way to spend a year before law school, to get serious about law school, convince myself that perhaps I did not want to teach as a career. I think I used it that way.

SPIEGEL: You first attended St. John’s in New York, but transferred to Villanova. What prompted the transfer back to Philly?

CARSON: I think two things. First of all, I thought at one point it would be nice to escape Philadelphia, and New York had a certain appeal. I found that as a first year law student, I didn’t really have the time to sample, nor did I have the monetary resources to really experience New York. Secondly, putting together the financial package for the second year was very difficult getting the amount of loans. And at that point, the fact that I could come back to Philadelphia, live at home, go to Villanova, made more sense economically.

SPIEGEL: Now student loans are fairly easy to come by. Back when you went to law school, were they hard...?

CARSON: It was putting together all the pieces. My parents had been very good about paying for our educations. We went to private schools. Once you got out of college, they shared a view that my wife and I do—that is that we’re not into funding student dilettantes, that there ought to be some equity that the child in grad school is looking to put into it. In my case it was a 100% that was expected, so I was trying to put together that package.
SPIEGEL: Do you remember your first day at St. Johns?

CARSON: Vaguely. I’m not sure that anything particularly memorable came of it.

SPIEGEL: What about—generally—your 1L year? How did you find it?

CARSON: I loved it. I found that I worked very, very hard my first year and had some degree of academic success. St. John’s had a unique program where after your first semester you could, with grades of a certain level, go onto the law review. My second semester at St. Johns I had a few small pieces published in the St. John’s Law Review.

SPIEGEL: What prompted your academic resurgence in law school rather than at Penn?

CARSON: It was a matter of getting serious about what I was going to do with the rest of my life, and recognizing that as I was encumbering myself with loan obligations and everything else, that if I wasn’t going to get serious about it, it made very little sense. But I found that I enjoyed the law. With the subject matter, I found some ability there. It all kind of played into a first year where I had never worked harder academically, but I never had more fun or more enjoyment.

SPIEGEL: What subject did you find to be the most interesting?

CARSON: I guess of my first year classes, probably Torts, I had a very interesting professor who made Palsgraf and a number of other cases come alive.

SPIEGEL: Do you remember the first time you were called on, or any particularly nerve wracking moments?

CARSON: No, but I think I every law student has nerve wracking moments. I think I found my contracts professor at the time who was a strong believer of the Socratic Method to be probably, the most fearsome professor that I had, and I’m not sure anyone ever gave him an answer that he was satisfied with.

SPIEGEL: Comparing the student body at Villanova to St. John’s, how were they different?

CARSON: They were similar in a lot of respects. But I would say that the Villanova student body was more upscale economically. At St. Johns there seemed to be a number of people who were working other jobs in the evening, trying to make due. I didn’t see too much of that at Villanova. That’s a very difficult thing to do in terms of really treating law school seriously and having substantial work at the same time, employment obligations at the same time, to try to make the dollars work.
SPIEGEL: You mentioned how you made law review at St. John’s, but you were also Managing Editor of the Villanova Law Review at your time there. What made you pursue law review at both schools, and was it challenging, rewarding?

CARSON: At St. John’s, it just kind of happened. And all of a sudden everyone with a certain grade point average...I don’t remember anyone saying “No.” At Villanova, there was no reciprocity recognized as far as being a transfer student. So the only way I could become a member of the Villanova Law Review was a writing competition, it was my first semester, and on the basis of that work product, I was selected for the law review. I’m trying to get the timing right—I guess it was the Spring Semester of my second year—having written some other pieces for the Law Review, was selected as the Managing Editor for my third year, my final year.

SPIEGEL: You mentioned...

CARSON: That was also the time I met my wife, who was my predecessor as Managing Editor of the Law Review. I first met her having been selected to succeed her during a two week period at the end of my second year, where each editor was to teach his or her successor what the duties were, and we walked in, and after 45 minutes of this, with a distinctive lack of savoir faire, I said to her, having observed this obviously very bright and good looking woman during the last 45 minutes, I said we could probably continue this over a burger and a beer down at Kelly’s, which is the area dive for Villanova Law Students, the rest is history, I guess.

SPIEGEL: You mentioned that you wrote some pieces for each Law Review. Do you remember the topics of your comments?

CARSON: The piece I had published at Villanova was a piece on securities law. It had to do with tippee liability and other things. I won’t bore you with the details. It was a case at the time was thought to be important.

SPIEGEL: What impact do you think serving on Law Review had on your career, and had on your life—obviously—meeting your wife?

CARSON: Yes, that’s probably the biggest impact it had on my life. I think it was a tremendous door opener along the way as a credential. I think it taught me a certain amount of precision as far as writing skills, editing skills, all of which I’ve found beneficial in my practice.

SPIEGEL: Law school in general, what did you like most about it, what did you like least about it?

CARSON: I guess what I liked most about it was the first year, it was all kind of new and intellectual stimulus, which I felt for the first time, at least deeply for the first time.
What did I like least? I suppose what I liked least was going to classes third year. I was very busy with the Law Review and the classes seemed to be me largely going through the motions to go out and do something real.

SPIEGEL: What did you do during the summers for work?

CARSON: First summer I worked for a grand gentleman by the name of Tom Meeker, who was the former general counsel, chief counsel, for the SEC who a sole practitioner securities practice in Philadelphia. I had gotten to know him I guess when I was caddying at a golf club outside of Philadelphia. He knew I was in law school, and said “why don’t you come to work for me this summer?”, and so I did. The second summer I worked for a firm, about a 20 or 25 persons firm in Norristown, called Waters Clear Cooper Gallagher. So that’s how I spent my summers.

SPIEGEL: Living just down the road from Villanova now, how much contact do you have with the law school today?

CARSON: I still have a decent amount of contact. Especially with the Pennsylvania Bar Association I had contact with all of the law school deans. Along the way I have remained involved in alumni affairs. In fact we have our 30th reunion coming up with a dinner dance this Saturday night, and I happen to be co-chair of that as well.

SPIEGEL: After law school, what did you decide to do, what did you decide to practice?

CARSON: Well, I had in my mind that coming out of law school, I had offers from... I wanted to stay in the Philadelphia area. At that point I had met my soon-to-be wife. Being one year ahead of me in law school, she was already practicing in Philadelphia, so Philadelphia was where I and we wanted to be. I had in my mind that rather than come in town—she was with a large Philadelphia law firm—I thought that perhaps I would go and perhaps be a country lawyer, or a suburban lawyer, and there was a very good firm out in Chester County which I at that point I viewed as an area of great economic potential. So I joined the firm of Lentz, Reilly, Kantor, Kilgore, and Massey, which was then about a 10 or 12 person firm out in Paoli, and had a very good experience there. But I found that I was probably a little bit ahead of myself, in that Chester County was just starting to take off, and I fond that Paoli was in between a lot of places, and if I wanted to have lunch with a prospective client, I found that I was going into Philadelphia, or I was going Westchester, or Norristown or something. At that point, I had an offer from a firm in Philadelphia called Townshend, Elliot, and Munson, a very old line, white shoe, Philadelphia firm. They were probably 35 lawyers or so at the time. I went in with Townshend, which is where I started doing some Public Finance work, and found that it was a good fit with me, but shortly after joining them, found that they were in some tumult, in terms of some internal stuff, and were in the process of deciding whether to become the Philadelphia office of Reed Smith, a Pittsburgh firm, and one thing led to another, and rather than get involved in that, I had met some folks over at Saul Ewing here, so I ended up after
nine months at Townshend, coming over to Saul Ewing in 1977, and remain there today in 2005.

SPIEGEL: Why Saul Ewing rather than the other Philly firms?

CARSON: I think most of it is serendipitous occasions, and running into people and so forth. Saul Ewing also has a very strong public finance practice, so that I had decided that was the area of law I wanted to focus on. Of the Philadelphia firms doing public finance work at that time, it was Townshend, Saul Ewing, I guess Morgan Lewis had a decent practice. But I got to know a couple of guys at Saul Ewing and thought that it would be a good fit for me. It clearly has been so.

SPIEGEL: Why did you decide to practice public finance work instead of transactional work or litigation?

CARSON: At Lentz Reilly I was doing primarily corporate and tax work. When I came to Townshend, again it was serendipity, I didn’t know that I knew much about anything about public finance work. It may have been a chapter on public finance in a local government course or something in law school, but nothing much more than that. But found that they had some needs from a workload standpoint. I saw the subject matter and I saw what the clientele was, and thought it was a pretty good fit for me. I’ve always enjoyed the public policy arena, the political arena, governmental decision makers, have always been intriguing folks to me, and this seemed to be a way where I could mix a law practice and some other areas of personal interest to me.

SPIEGEL: As an associate, how did you find your early years? Were they as tough and as grueling as they are these days?

CARSON: I think so. I always worked hard. Back in those days—I sound old—the economics of law practice were not as well understood as they are today. We didn’t worship at the altar of the billable hour as many may be accused—and perhaps rightfully so—of doing. The economic models hadn’t been as refined as they are today. It was, in fact, more of a profession, less of a business, than it is today. I say that with a good bit of regret, that we’ve changed. I always worked hard. The firms I have been with have permitted me a great deal of latitude when it comes to extracurricular activities—Bar Association involvement, political involvement, et cetera. Some of that has come because I have been able to…Utilizing some of those contacts and whatever other skills I have bring some business into the firms, which has earned me a little more latitude than perhaps some others. It’s been a good mix for me in the public finance area.

SPIEGEL: You made partner sin 1981. How did your practice change from being an associate to being a partner?
CARSON: That was after six years. It was a little quick at the time. Generally it was a seven or eight year partnership track back in those days. I don’t know that it changed that much. I’ve had an entrepreneurial bent to my practice, since coming out of law school. At that point, I had already assumed fairly major client responsibilities, with existing Saul Ewing clients and with clients that I had brought into the firm. The public finance practice is good in that...I’ll distinguish it from a corporate practice where the decision makers from a client standpoint tend to be the 60 year old CFO’s and CEO’s; in the public finance practice often times the finance director of city of ‘fill in the blank’ or the Commonwealth of Pennsylvania are apt not to be 60 year olds, but to be 40 year olds. So there is perhaps more receptivity to someone who, at that time, did not have the gray hair, so a good idea could get recognized and appreciated.

SPIEGEL: You continued with your public finance practice, and in 1996 were elected to the American College of Bond Counsel, only the third Pennsylvania Lawyer to be given such an honor. How did that process affect your practice, and how did it feel to be elected?

CARSON: I don’t know. You’re thankful for the recognition. I don’t know that it changed my practice one iota. It becomes a credential; it becomes an opportunity on a once or twice a year basis to get together with some folks that are clearly very knowledgeable in your particular area of practice and to kick around the issues of the day with them. To the extent there’s any benefit, that would be it.

SPIEGEL: You have spent virtually your entire career with the same firm—Saul Ewing. Why do you think that’s so rare these days?

CARSON: Part of it is the reality of the economics of law practice these days. We’ve become businesses. We were businesses before, but we were first and foremost a profession. I think that balance has changed. And not just in the large law firms. You have the law firm advisors running around. The model is a fairly simple one. If you put more billable hours in the top of the machine, more dollars come out the bottom of the machine. I think, in some respects, to the extent that we perhaps that we’ve given back some of our souls, it’s regrettable. What you see is more of a premium put on the economic factors. You see people recognizing with compensation the larger producers. There’s nothing inherently wrong with that. But the loyalty that was felt towards the institution sometimes is strained. If someone doesn’t feel that he/she is being compensated at the level at somebody across the street is compensated, there’s a great deal of mobility now that there really wasn’t before. People did not go out and affirmatively look to recruit from other firms. That would have been to considered to have been in very bad taste back in the late 70’s. But now everybody is fair game. It’s a much more competitive atmosphere. Everybody recognizes that your primary assets get on the elevator every evening and go home. It’s a people business. So there’s less loyalty and I think people in some respects also...there’s a feeling like athletes and others, that there’s a certain period of time that you can make your money, and
people want to maximize that. It’s not quite as long range a plan as people should have.

SPIEGEL: Do you think that, in today’s law practice, that any of our ethics have been sacrificed—for the billable hour requirement, for this focus on money?

CARSON: I think you have a number of people who are practicing law—unfortunately, I say this regret—are wrapped up in it as a way to make money. There is money that can be made, but again, [they] have come to almost ignore the real professional aspects—the ‘give back’ aspects—that distinguishes a profession from any other business. To that extent, I think it’s a shame that we’ve come around to that situation.

SPIEGEL: Practicing at a Philly firm for all of your career, some people say that Philly lives in the shadow of New York...

CARSON: I wouldn’t say that.

SPIEGEL: How have you seen Philly develop its own identity over the past 30 years?

CARSON: It’s had a little bit of a checkered career over the last 30 years. I give former Mayor Rendell, now Governor Rendell, a good bit of credit with a lot of the progress the city has made more recently. But I think when you look at the Center City area right now, I think it’s very vibrant, you have now a lot of empty nesters moving back into the city. I’m very bullish on the prospects of the city of Philadelphia for the future.

SPIEGEL: Did you even think about leaving the practice of law?

CARSON: I’ve had a number of opportunities in that regard. I do a lot of work, over the years, with the investment banking community. I’ve done a lot of work representing the larger investment banking firms. I always took the point of view to most effectively represent the investment bankers, you ought to be able to do their job better than they can. They’ll continue to hire you on that basis. The contact that I’ve had has given me a number of opportunities over the years to flip into investment banking. At one point, I was recruited by a couple of folks who were starting a financial advisory firm to come on board to be one of the original three or four partners of that. I decided not to do that. That same firm today is called Public Financial Management, which has 500 or 600 employees all over the country. But I have no regrets. I think part of it was the Bar Association involvement I had was probably, as much as anything, an anchor keeping me back and able to resist some of the other overtures.

SPIEGEL: You recently started a governmental affairs firm, CHH Partners. What was your motivation for taking on the risk of starting a new business with an established
law practice?

CARSON: First of all, because of my political involvement over the years, folks over here said “shouldn’t we be more active in the governmental relations area” and have lawyer/lobbyists within the firm. I was able to look at some of those models. It’s something that works in Washington DC, where you can charge large monthly retainers and play off of those retainers high hourly rates. I’m not sure it works quite as well in a more Mid-Atlantic based practice, which is what I would say Saul Ewing has. In the process of trying to figure out if this would make sense from a strategic standpoint, from the firm’s perspective, I don’t think anybody was looking for me to flip over myself to being active in that area. But in doing that, I happened to run into a couple of lawyer/lobbyists, buddies of mine, and one thing led to another. It also provided me with an opportunity, coming out of the Pennsylvania Bar Presidency, and seeing other people who had done that, and had, after being wined and dined for whole year, and giving a whole lot of speeches, then coming back and saying “Am I going to keep doing the same old stuff I’ve been doing for thirty years?” What I call “re-entry” issues. This is something that I knew would keep my blood coursing—to start a new venture, if you will. I have remained a partner at Saul Ewing, and will continue to be a partner at Saul Ewing. But I also have the consulting firm on the side. I dabble in that, and practice law at the same time.

SPIEGEL: What was the biggest change in work when you started your new partnership?

CARSON: I think it gave me a little bit of flexibility in terms of feeling comfortable passing on some of my law clients to some of my partners. I won’t say ‘some of the more mundane clients,’ but I was able to focus on what was really interesting in my practice, to keep that, pass on some of the other things, and then dabble on the other side in the consulting firm.

SPIEGEL: How have you found working in the governmental sphere rather than the public/private sphere?

CARSON: I have always worked and lived in the governmental side of things, with governmental decision makers. So I’ve built up a lot of relationships over a 25, 30 year period, and they’re very helpful in terms of the consulting side of things. The consulting that I do is largely in areas that I have some experience, clearly in terms of finance, in terms of transportation matters, economic development matters that kind of played into play into finance matters. That’s really where my consulting activity is focused.

SPIEGEL: How has your legal background helped you in Harrisburg?

CARSON: I think a legal background or a legal education is always of service to you in terms of again, issue identification, the things they talk about in law school, certainly as an advocate for a particular point of view. I think, generally speaking, the
practice of law gives you perspectives where fashioning win-win situations where people are on different sides and trying to find something in the middle that makes sense from both sides—I think the practice of law and the legal education generally helps in terms of trying to identify what it is that’s important to clients or to people on both sides of a table.

SPIEGEL: Having your responsibilities at CHH Partners, and your Saul Ewing law practice, as well as a budding NBA star at home, how do you find that balance?

CARSON: I think it’s always difficult. Life is a constant test of one’s abilities to balance a number of different things. I suppose I’m blessed with the ability to function on few hours sleep. To the extent that I’ve any success whatsoever in balancing family and work life and extracurricular activities, that may be the single things that I would most point to, is that 4 or 5 hours of sleep is usually enough for me.

SPIEGEL: Certainly less than I take. Moving onto the Pennsylvania Bar Association: why did you first become involved and when did you first become involved?

CARSON: I first got involved shortly after I got out of law school with the Lentz Reilly firm. Al Massey was very involved in the Pennsylvania Bar and eventually went on to become President of the Pennsylvania Bar. So he first sparked my interest in getting involved in Bar Association activities. Then as I went on to practice in the public finance area, I saw that many of the decision makers in terms of what we would call ‘issuers’—‘bond issuers’, people who were looking to finance capital projects, and issue debt, municipal bonds to do it. But they all had their own municipal solicitors or in house lawyers, who had a great deal of input in terms of who would be selected to act as “special counsel”—“bond counsel” to do the tax exempt financing, so that involvement in the Pennsylvania Bar opened up a network for me around Pennsylvania, and after that with broader bar association involvement outside of Pennsylvania. But people who had some input in those decisions from a legal standpoint, making dear friends along the way through Bar Association activities.

SPIEGEL: So it’s not only a professional credential, but a networking tool.

CARSON: Yes, yes indeed.

SPIEGEL: You returned in a leadership role to the PBA in 1995. What spurred your return and what was your role?

CARSON: I had been active through the early ‘80’s and in fact at one point been chairman of the young lawyers division of the Pennsylvania Bar, and had kept a certain activity level through the ‘80s. But I was more focused on, at that point, my practice, and I had become more and more involved politically, in terms of extracurricular activities. But I had kept a certain level of interest and activity in the Bar Association. And at that point, a dear friend of mine, Frank Devine, was
the Chancellor of the Philadelphia Bar. He was a Penn Fraternity Brother of mine. He came to me and said: would I consider being the Philadelphia Bar Association’s Representative, what we call the Zone 1 Governor on the Pennsylvania Bar Association Board of Governors. I told Frank I would do that, so I served for three years on the Pennsylvania Bar Association’s Board of Governors, representing Philadelphia lawyers. At that point, again serendipity came into play. You kind of look at the landscape and say: well, if I have any aspirations for heading this organization, now is the right time to do it. You then start talking to your partners and others, family, to see if there is sufficient support there, and there was. So I followed up that, and I was nominated and elected to go into the line of succession, which eventually ultimately culminated in me being President of the Pennsylvania Bar.

SPIEGEL: Why did you want to run for President of the PBA?

CARSON: I think it’s like anything else. You get involved in an organization that becomes more and more important to you, and you look around and say, at some point, or in this case, every year, somebody has to step forward and you have sufficient confidence in yourself to think you can do the job, and as I said, sufficient support both at home and in your firm to do it, and you kind of cast off into the abyss at that point.

SPIEGEL: What issues did you feel, when starting your Presidency, were most important to the PBA?

CARSON: There were a number of issues at the time. This is going back a couple of years. Some of the issues were on the table at that point involved things like multi-disciplinary practice, MDP, as we would call it. Kind of a 50 cent word for putting the different professions together and what are the ground rules for collaboration...

SPIEGEL: Legal advising, that type of thing...

CARSON: The other area was MJP, which is multi-jurisdictional practice, in terms of what are the conditions under which you as a licensed Pennsylvania lawyer can go over to New Jersey and practice law. These were issues that we were struggling with, issues that the American Bar Association was struggling with, in terms of coming out with revisions to the Model Rules. There were a couple of issues that were on the table at the time. Some of the issues come and go, and some of them remain. Things like the independence of the judiciary was a big issue at that point it is a big issue today. Many of these things are continuing issues for the legal profession.

SPIEGEL: What accomplishments are you most proud of as a result of your presidency?
CARSON: Some of the things we did in the MDP area and the MJP area were certainly important. I think we managed, during my Presidency, to recognize certainly the influence that the other governmental decisionmakers have on the practice of law. Certainly in the executive, the legislative branch, certainly in Pennsylvania with the Pennsylvania Supreme Court. I think we had major issues, for example, with respect to what some would characterize as “tort reform.” We were able to, I think, work effectively and largely behind the scenes, with the legislative branch, with the Pennsylvania Supreme Court, in fashioning, first of all, in coming to an understanding that dollar caps is not the answer to anything. That, in fact, if there abuses out there, without arbitrarily saying to some plaintiff, “I’m sorry, we don’t care what the extent of your injuries are, $250,000, or whatever the number might be, is all that the law provides for you.” If there were abuses with respect to frivolous lawsuits, if there were abuses with respect to venue selection for a case, well let’s try to address them. We managed to get a buy-in from some of the legislative leaders, a buy-in from the Supreme Court, to address some of these in kind of a procedural way. In so doing, affect real reform without really negatively impacting people’s ability to seek redress through the justice system.

SPIEGEL: Moving to your political involvement. You mentioned that you were involved with the Pennsylvania Republican Party. You’ve held numerous positions within the party, including State Finance Chairman. How has that affected your career, and how have you enjoyed it?

CARSON: It provided an easy opportunity for me to get involved. Whatever system we have, and I’m the first to say that we ought to have a good bit more campaign finance reform, but whatever system that we’re going to have, the United States Supreme Court said that people should have the ability to get their message out, that this is free speech, and people have this constitutional right. And in doing so, money, to some extent, often referred to as the “mother’s milk of politics,” will be involved. So fundraising is part of it. It provided an opportunity for me to able come in, and I guess I’m not quite as bashful as others in picking up the phone or writing a letter and saying “Could you help out this candidate, I think he’s a good candidate, she’s a good candidate.” So it provided a way for me to get involved, and to further what has always been an interest to me, which is the governmental decision making process, public policy, politics generally and so forth. It played into my practice, with respect to folks who are making decisions, not only on public policy, but as to who would be involved from a lawyers standpoint on projects. So it served a number of objectives that way for me.

SPIEGEL: Although your political leanings are Republican, you also have good relationships with both sides of the aisle. How do you manage to keep good relationships with Democrats as well as Republicans?

CARSON: I think I’m one of a regretfully vanishing breed of Rockefeller Republicans that think that in many respects government is best done from the center. Certainly as Pennsylvania Bar President, I had occasion to speak, and again representing
29,000 members of the Pennsylvania Bar Association, and interact with folks from both sides of the aisle, and I’d like to think garner some degree of respect from both sides of the aisle that way. I managed to get involved with Tom Ridge’s political career early, so that helped me there. I’ve known now-Governor Rendell since he was student back at Penn a couple of years ahead of me, so I’ve known him since 1967. My appointment to the turnpike was made by Governor Ridge, but my reappointment was made by Governor Rendell, so it’s nice to have friends on both sides, and I’d like to think I’ve earned that respect, but you’d have to ask them.

SPIEGEL: That was actually my next question. You’ve served as commissioner of the Pennsylvania Turnpike Commission since 2000. What’s the most challenging aspect of the job, or the most rewarding aspect?

CARSON: There are five of us who sit on the commission. The statute that was drafted that set up the Pennsylvania Turnpike Commission back in the late ‘30’s was written from the standpoint that the commissioners “shall be gods.” With respect to decision making, with a workforce of over 2000 people, we basically serve as, I would liken it more to a board of governors, but an actively involved board of governors. Board of directors, I should say, an actively involved board of directors, in all aspects of what is now a business which is something over 600 million dollars in revenue a year. Guiding a capital program, a 10 year capital program, which is over 6 billion dollars. So it’s a major responsibility. It was not a position that I sought, it kind of came after me, as an offer I couldn’t refuse from Governor Ridge and Senator Jubelirer. President Pro Tem of the Senate Jubelirer. But I’ve come to enjoy it. Some of the things I do in my practice, the public finance arena, and I think I bring true value to my role as commissioner. It’s a challenge, but something that I’ve found very enjoyable.

SPIEGEL: Continuing on the civic involvement line, one of your initiatives as President of the PBA was to assist lawyer’s ability to do pro-bono work. How important to you is helping the community via legal service?

CARSON: I mentioned before that the most distinguishing feature of a profession as opposed to an area of business is how we as a profession treat and are willing to give our services to disadvantaged folks. As lawyers, we have a very unique franchise, we have a monopoly if you will, with respect to the legal system, and I think with that comes real responsibilities. I think that extends into the pro-bono area, in terms of giving of our time and talents to represent disadvantaged folks, but I think there is a long and proud tradition of lawyers being involved in all matters of a civic nature; helping in the charitable community, politically, being involved as men and women of civic affairs, I guess. I would hope as we focus more on running our firms as businesses, that we not lose sight of those responsibilities, and certainly those direct responsibilities with respect to advancing and improving the justice system.
SPIEGEL: Wrapping up, some general questions. Looking back, if there was one thing you could change about your career in law—is there anything, and if there is, what would it be?

CARSON: I have no regrets whatsoever. It’s been a great ride, which I fully anticipate will continue for another 40 years or so. I have no plan to retire. I’m having fun. I’d like to think I’m doing good for clients and others, and have no regrets. I’m not one to look in the rearview mirror a lot. I’d rather be looking out in the horizon to new challenges and new things to do.

SPIEGEL: In that same vein, do you still hope to accomplish anything in your career, and specifically, what?

CARSON: No. Right now I have enough things going on in my life to focus on with practice and with the new consulting firm and with other activities. So I don’t know if there’s any burning ambition out there to do anything differently than what I’m doing right now.

SPIEGEL: Last question. Can you give any advice to law students today?

CARSON: Law students today…Some of it, I suppose, came out during the course of this interview. I think that law school is tremendous preparation for life in general. I would say to those folks, certainly maintain the ability to adapt, and don’t put blinders on, whether it’s the large law firm blinders, or whatever it might be. But certainly keep looking around, and keep asking yourself: “is this what I want to do? Is this the area of practice I want to be in?” I think the practice of law, generally speaking, will find, as we look off into the future, that one of the most endangered species out there right now is the middleman. People talk about 50 cent words again, disintermediation, commoditization, globalization, and all of this comes together. And all we’re doing is passing on information, then are we really adding value? Lawyers must be problem solvers. We have to be value-added people or we’ll become extinct. So make sure that as you go through a law school career, as you get into practice, whatever you might be doing, that you make sure that you’re not pigeon holing yourself in one respect, that you’re keeping your eyes open, you’re maintain an ability to adapt, a certain flexibility. And I guess additionally it would be don’t get so wrapped up in the whole practice aspect to forget about other responsibilities you have, whether they may be family or whether they be some of the things we’ve talked about in terms of an obligation to the justice system and to be involved civically. Be men and women of civic affairs and responsibilities, assume those responsibilities, embrace those responsibilities, and enjoy those responsibilities. Recognize how blessed you are to have those opportunities.

SPIEGEL: Mr. Carson, thank you very much for participating in the interview. This will conclude the interview.
CARSON: Thank you.