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*Miranda Solomon:* Good morning. My name is Miranda Solomon. Today is Tuesday, December 11th, 2001 and we're here in the law offices of Ballard Spahr in Philadelphia to interview David L. Cohen, chairman of the firm. First I wanted to ask you some questions about your childhood. Where and when were you born?

*David Cohen:* I was born in 1955 in New York City.

*Miranda Solomon:* Where were your parents from and what did they do for a living?

*David Cohen:* My parents were also born in New York. My mother was and is an active volunteer fundraiser and participant in a large number of charitable activities. My father was a Bulova watch salesman and then ultimately sales executive for Bulova.

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And then Loews Corporation, which bought out Bulova.

*Miranda Solomon:* Were you an only child?

*David Cohen:* No, I have a brother and a sister. I was the oldest. My sister was next and then my brother.

*Miranda Solomon:* What were some of your interests and hobbies when you were little?

*David Cohen:* I was always interested in sports, was an avid reader, interested in photography. I guess those would be the principal non-academic interests.

*Miranda Solomon:* Were you interested in law?

*David Cohen:* My parents tell me, not that I remember this, that from the time I was three years old, I always said I was going to be a lawyer. One of my grandfathers, my father's father, was a lawyer and judge.

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Virtually from the time I could articulate a sound English sentence, I expressed an interest in being a lawyer.

*Miranda Solomon:* Did you know what that meant?

*David Cohen:* Probably not. I'm not even sure you know what you're really going to do as a lawyer when you graduate law school. I certainly don't think you know it as a three or four year old.

*Miranda Solomon:* Where did you go to high school?

*David Cohen:* I went to high school at Highland Park High School in Highland Park, New Jersey, which is a town located in central New Jersey.

*Miranda Solomon:* What were your major activities in high school?

*David Cohen:* Primary interest certainly on the academic. I was involved in student government, high school debate, was the president of the student council, was involved in the student newspaper, played tennis, played on the varsity tennis team, and otherwise was peripherally involved in a wide variety of extracurricular activities.

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Actually I assume the interest was there, but at the time, it certainly was viewed as the way to improve your resume for college.

*Miranda Solomon:* Do you have a particular fond memory of high school that you'd like to share?

*David Cohen:* I loved high school. Highland Park is a terrific town, still is today. They have a relatively small high school, about 800 people. My class was about 200. Actually I didn't mention debating, which was certainly a principal activity when I was in high school. I don't know that I have a single fond memory. I enjoyed the friendships that I developed and I enjoyed the overall high school experience. It was an excellent educational experience as well.

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Probably the most vivid memory was graduation from high school. It's a nice thing anyway, but my debate partner and I were in the national debating tournament. Actually went to the semifinals in our senior year and they were held in Pittsburgh that year. We flew in and made it to our graduation with about 15 minutes to spare as a result of that. Nowadays I'm used to coming in at the last minute, but in high school that was not normal behavior, getting picked up at the airport by our parents and being rushed to the graduation. It made for what would've been an exciting evening even more exciting as a result of that.

*Miranda Solomon:* Are your parents still there?

*David Cohen:* My parents still live in Highland Park, same house. My brother and sister both work in New York and live in New York.

*Miranda Solomon:* Are either of them lawyers, too?

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*David Cohen:* No, neither of them is a lawyer. I am the only lawyer in this generation.

*Miranda Solomon:* Did you consider any alternatives to college?

*David Cohen:* No, I think that was the norm and the expectation.

*Miranda Solomon:* How did you decide where to go?

*David Cohen:* Totally non-scientifically based on gut instinct and with no rational forethought whatsoever. My first choice was to go to Amherst and I applied early admission there. Did not get in early admission and then went through the regular application process. When the acceptances came in, I remember coming home from school and my mother being very excited because there was the letter from Amherst and it was nice and thick, which meant an acceptance. And I opened it and it was an acceptance, and I was silent. And my mother said, "What's wrong? This is great. That's where you wanted to go. Your decision will be easy."

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And I looked at her, and I don't know that I'd given any thought to this before, and I said, "I'm not going to go to Amherst." She says, "Why not? That's where you wanted." I said, "Well, if they weren't going to take me early admission, I have no interest in going there." So I turned my attention to similar high quality small schools and Swarthmore certainly fit that bill. And I loved the campus and it was close to home, but not too close to home. Ended up going there and never really regretting it.

*Miranda Solomon:* What was your undergrad major?

*David Cohen:* I had a triple major in political science, history, and economics. Swarthmore has something called the honors program, which is a seminar-based program in the last two years of school where you take a series of seminars. Meeting once a week with extensive

research and papers required throughout the course, but they are ungraded.

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And then at the end of your senior year, outside examiners from other colleges and universities come in and give an exam. And you're not graded, but you're given highest honors, high honors, or honors based upon your performance in that series of exams. It was relatively easy to have a triple major in the honors program.

*Miranda Solomon:* Did you have a favorite class?

*David Cohen:* Not really a favorite class. Swarthmore was a great intellectual environment. The professors were very smart. All the students were very smart. It was a very, very liberal atmosphere. I was not liberal then. Not liberal now, but I was even less liberal then. Really the entire experience was one of constant intellectual challenge.

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And constant discussion about internal and external issues, and it was really a wonderful environment. If you believe in the appropriateness of a liberal arts education, it's hard to imagine that there was a better place to be than Swarthmore in the mid seventies.

*Miranda Solomon:* What were the activities that you were most involved in?

*David Cohen:* I continued to participate in debating, although much less so. A little bit of peripheral involvement in student government. I was involved in the school paper, ultimately was editor of the paper, but Swarthmore was much more a straight academic intellectual experience.

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The amount of time that I spent on extracurricular activities was significantly less than what I did in high school. The academic rigor of the experience really required a lot more attention and focus on the academics, although there was just a tremendous intellectual camaraderie that took place outside of the classroom. It took up a lot of time. Discussions about politics and the war in Vietnam, and the proper role of the United States in that war, foreign policy in general, domestic policy, domestic economic

policy. I used to go to lunch at 12:15 and sometimes I didn't leave the dining hall until 3:00.

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You just get sucked into a discussion and you don't leave until they throw you out of there. Although not extracurricular, it was certainly a major focus of the Swarthmore experience.

*Miranda Solomon:* While you were at Swarthmore, your interest in law continued?

*David Cohen:* For all of my cognitive memory, I knew I wanted to be a lawyer and go to law school. That did not change.

*Miranda Solomon:* What were some of your fondest memories of your undergraduate days?

*David Cohen:* The whole experience was just terrific. Actually I'll get in trouble. I should answer this: meeting my wife. That's the absolute fondest memory of my Swarthmore experience, but other than that, it was really the whole college experience. It was just a wonderful place and a wonderful environment to go to college.

*Miranda Solomon:* When you met your wife, did she know she wanted law school at that time?

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*David Cohen:* Yeah, I think she was pretty solidly pre-law. Her father was a lawyer. I think she also wanted to be a lawyer for a long time.

*Miranda Solomon:* What did you do after graduation?

*David Cohen:* During college and then after graduation, I worked for a congressman who was a Swarthmore alum by the name of Jim Sawyer. And I worked for him in Washington in the summer after my sophomore year. I took the second semester of my junior year off staying through the summer of that year. And then really from April of my senior year until the following September, so a period of about 16 months, worked for him in Washington and that was between college and law school. I started in Washington in April of 1977, graduated in May of '77, started law school in September of '78.

*Miranda Solomon:* Had you already gotten into law school when you graduated?

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*David Cohen:* I got into law school, deferred my admission at Penn and Columbia, although I think I knew I was going to Penn at the time. My wife is a year older than I was. My wife was finishing her first year at Penn and then we got married that summer, and then moved to Washington. Rhonda had taken off a year. I wasn't going to make her transfer law schools either.

*Miranda Solomon:* Were Penn and Columbia the only two schools you considered?

*David Cohen:* No, I applied to the usual. I applied to Harvard and Yale, but did not get in. Got into Columbia, Penn, NYU. I got into Stanford, had no interest in going to California. Penn and Columbia were the primary considerations.

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Actually I guess I considered Georgetown as well, but not very seriously.

*Miranda Solomon:* What was the student body like when you were a law student?

*David Cohen:* It was a smart group of people. It was fairly evenly divided by gender. It was young. I was one of the few people who had taken off any time between college and law school, which I think is more typical today than it was then. It was reasonably homogenous from a racial perspective. More homogenous than Swarthmore was.

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The student body was clearly very smart. It was probably a little more Philadelphia-centric, Pennsylvania-centric than the law school is today. A lot of the students in the law school were interested in staying in Philadelphia, many more so than the case today. You had a lot more people with Philadelphia or Pennsylvania ties at least. It wasn't a dominant Pennsylvania presence, but it was just more of a Pennsylvania and Philadelphia presence than you see today at the law school.

*Miranda Solomon:* Do you remember your first day of law school?

*David Cohen:* Vaguely. I remember Rhonda's first day. It's a much more interesting story, but I vaguely remember my first day. I loved law school.

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Frankly I think some people were intimidated by law school, by the Socratic Method. 1978 was a lot closer to *The Paper Chase* than today and I think a lot of people think of those horrible scenes in *The Paper Chase*. The Swarthmore education certainly prepared me for even the highest level of a law school experience and I loved the repartee with the professors. That was quintessential Swarthmore. That's what Swarthmore was all about--having debates and disagreements and discussions with professors, with other students. I don't think that was a common educational experience and so law school in a sense was a perfect extension of what I had been doing for four years at Swarthmore.

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It was a wonderful experience, but I don't have any recollections other than being excited to be there, being comfortable, and generally enjoying the overall law school experience.

*Miranda Solomon:* Which professors were you closest to?

*David Cohen:* I had a good relationship with many professors and have maintained a lot of those relationships, and continue to enjoy the friendships. I guess probably the professors I was closest to would probably be Frank Goodman, Steve Burbank.

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It's hard and it's almost unfair to single them out because I really ended up with relationships. I was actually very close to Lou Pollak, who was the dean for an instant when I was there and continue that friendship today. Jan Krasnowiecki, Marty Aronstein. It's hard to separate the relationships that I had in law school from the relationships as they've developed over time, but certainly that whole group of people are people who I had multiple exposure to, multiple courses. Clyde Summers.

*Miranda Solomon:* Which were some of your favorite classes?

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*David Cohen:* I have to separate first year from the rest of law school. First year I don't know that I had a favorite or a non-favorite. I loved property because Jan was so entertaining. I certainly liked contracts more than I liked torts. I liked constitutional law. I don't remember what

this was called, but Ed Sparer taught a course in poverty law. That's not what it was called, but that's what it was and I must say I wondered why we were taking that course. Afterwards I actually understood it. It was a great perspective setter.

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As I went beyond the first year, probably one of my favorite courses was evidence. I loved federal courts. Although it was adjunct – taught by an adjunct professor, appellate advocacy was a great course.

*Miranda Solomon:* Are you still close with many of your classmates?

*David Cohen:* Still close with many of them. We just had our 20th reunion and it was good to get together with so many of the classmates again. Certainly closest with my classmates who were in Philadelphia who I tend to see more often, but one of my good friends in law school was Randy Mastro, who went on to be chief of staff to Mayor Giuliani. He and I had a lot in common and spent a lot of time talking to each other when we were in our respective non-law related jobs.

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He's someone I've certainly stayed in contact with, but again, one of my closest friends in law school was Darryl May, who is a partner at this firm. We've stayed close personally over the years and our wives were friendly then, are now. Our kids are friendly. That's a relationship that has certainly persisted in over the past 20 years.

*Miranda Solomon:* What did you do with your summers in law school?

*David Cohen:* After my first year, I worked for Duane, Morris, and Heckscher. After my second year, I worked here at Ballard Spahr. After my third year, I was clerking.

*Miranda Solomon:* How do you think the law school has changed since you were a student?

*David Cohen:* The law school has become more of a national presence. The law school is now one of the national law schools.

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It is much less connected to Philadelphia and to Pennsylvania. New York is the dominant preferred destination of lawyers interviewing there. It continues to be an academically rigorous and really high-quality law school with intimate relationships between the faculty and students and between and among the students. The facilities are certainly significantly upgraded in the last couple of years, which was long overdue. The law school continues to have a terrific feel about the place, continues to attract the best and the brightest among the students. And continues to be able to recruit and attract and retain high-quality faculty.

*Miranda Solomon:* What activities were you involved with in law school?

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*David Cohen:* Law review was probably my major – at least when I went there, law school was not a big forum for lots of extracurricular activities. You went to class. You studied. You studied some more. You went to class. So I guess other than law review, I can't think of any activity that really took a significant amount of time for me.

*Miranda Solomon:* Do you remember the process by which you got onto law review?

*David Cohen:* When I went to law school, there were two ways to get on the law review. There was a certain percentage of people who made law review just based on their grades and then there was a writing competition when you came back in the fall of your second year. My grades were strong enough that I made it based on grades.

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I received a letter over the summer between my first and second year that – inviting me to join law review.

*Miranda Solomon:* What types of things did you do? You held two positions on law review.

*David Cohen:* Right. In my second year, I was just an associate editor, I guess a grunt. I wrote a comment and participated in reviewing an external article that had been sent to the law review. And then in editing and blue booking articles that were being published in the law review. In my third year, I was executive editor, which was the number two position at the law review. The editor in chief and the executive editor oversaw the work of the rest of the law review.

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*Miranda Solomon:* What did you write on?

*David Cohen:* My comment was on the legal regulation of life care retirement communities. I'm one of the few people to write a comment that had any practical implications because I ended up doing a fair amount of legal work around life care, continuing care retirement communities based upon that comment. I was the coauthor of a book on life care retirement communities -- the principal author was a professor at Wharton [Howard Winklevoss]. As I've said, I've continued to have an interest in that form of the retirement community industry.

*Miranda Solomon:* How did you pick that topic?

*David Cohen:* God only knows. It certainly didn't come to me naturally.

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In my first-year summer at Duane Morris, I think I had done some work on a life care retirement community project. I was just intrigued by this particular form of retirement community and therefore when it came time to choose comments, I made a proposal to write on that subject.

*Miranda Solomon:* How do you feel that being on law review changed your experience of law school?

*David Cohen:* I don't know that it changes the experience. The huge advantage of law review is that it gives you an intensive required effort at writing and writing is one of the more important skills that lawyers have. And I think that the discipline that I learned in the law review process in how to write and how to express yourself and how to edit, those were important additional skills that I picked up as a result

*Miranda Solomon:* What other impact would you say that being on law review had on your career?

*David Cohen:* It certainly doesn't hurt to be on law review when you're interviewing for jobs and again, although I interviewed in Philadelphia and New York and a little bit in Washington, we were 90 percent certain that we were staying in Philadelphia. And so that was not really a driving interest on my part to enhance my resume, but it certainly is an improvement. Again, I think the

writing skills that you develop are important. They're useful in terms of everything else that you do and certainly some of the friendships are enduring as a result of your experience as an editor of law review.

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*Miranda Solomon:* At what point did you decide to come to Ballard full time?

*David Cohen:* I decided in the spring of the year that I was clerking. It would've been in spring of 1979. I'm sorry, that's wrong, spring of 1982.

*Miranda Solomon:* What factors did you consider?

*David Cohen:* It's hard for me to say that I made really rational, intelligent decisions, but I had a great summer at Ballard. Part of it was certainly the laziness of not wanting to bother to go through an interviewing process. I had offers from Morgan Lewis and Dechert and Ballard, and it sort of said what difference is it going to make. All these are going to be the same or close enough to the same.

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I'd also developed some very close relationships during my summer here, including with Arthur Makadon, who was one of my mentors in law school and in the early days of practicing law. Although he played it pretty cool, it was obvious that he wanted me to come to Ballard as the time came to make a decision. I said why would I not go to Ballard. I went there for the summer. It's a great firm. I had a great time. I like the people. What am I waiting for? What difference does it make?

*Miranda Solomon:* There's a story about the firm sending the limo for you. Is that true?

*David Cohen:* That wasn't Ballard.

*Miranda Solomon:* I know.

*David Cohen:* That was Morgan Lewis and it was Howard Schechter, who I have a lot of respect for and was the person who was recruiting me at Morgan.

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Asked me if I wanted to have lunch one day and I said sure. And said, “Okay, I’ll pick you up.” I said, “Great.” I come out and he had the vintage Packard limousine. It was somewhat mortifying and I couldn’t really not get into it. I got into it, but it is also true that on the way back from lunch, I told him I needed to do some shopping and asked to be dropped off a couple blocks from the courthouse so that I did not have to run the risk of anyone seeing me get out of a limousine returning from lunch.

*Miranda Solomon:* Did you enjoy your clerkship?

*David Cohen:* Loved my clerkship. Clerked for a great judge and a great human being for – this is the cynical side of me poking its ugly head out, but I didn’t expect to get a great educational experience clerking.

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I was looking for a taste of what trial practice was like and I wanted to try and experience firsthand and see what litigation was like in the federal court system, but I was really looking for a – I don’t want to say a good time, but a transition from law school to practicing law. And Joe Lord, who is the judge I clerked for, is one of the legendary plaintiff trial lawyers in Philadelphia. He was a great judge, was a great chief judge, was a great teacher, and I learned a lot more than I thought I was going to learn and had a great experience.

*Miranda Solomon:* Are there any memorable cases or experiences that you remember particularly?

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*David Cohen:* As we’re getting closer to the current day, I remember more things. There were a lot of very important cases. I remember spending a lot of time on a hospital staff privileges case involving Crozer-Keystone. At the time, it was called Crozer-Chester Medical Center. Working on that case really was very appealing to me because it combined my economics background with my legal training. And it really piqued a strong interest on my part in antitrust law, which is an area that I practiced in and continue to practice in to some extent. From a case perspective, that was certainly one of the highlights. I guess the other highlight was that the judge tried one of the more famous and complicated criminal trials of the eighties.

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It was a criminal tax fraud trial. Very few of these go to trial. Involving an automobile dealer by the name of Serubo and his codefendant, name was Plachter. It was the Plachter-Serubo trial and basically involved the improper use of corporate funds for personal matters and not declaring that as income and improper deductions, which normally the government does not go after criminally. The problem is that Plachter and Serubo did this to the tune of tens of millions of dollars. It was, in the view of the government, one of the most egregious tax fraud cases that they had on their platter, but it was still an immensely complicated case for a jury trial. And I think the conventional wisdom in the courthouse was that the jury would never convict.

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It was just too complicated. The defense would be I'm sorry, I didn't realize, I think I should pay the past taxes and I've offered to do so and the government won't accept that, which is a somewhat appealing defense. But the prosecution did a great job laying out very complicated facts in an understandable way for the jury. This trial lasted six or eight weeks and remember talking to the judge about whether they were going to convict them. Early on his belief that the jury wouldn't – that the government would never get a conviction on something like this to later on not being sure and ultimately when he charged the jury being fairly confident that there would be a conviction at some level as a result of it. That was certainly a very nice experience and a very valuable experience.

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*Miranda Solomon:* Did you always plan to be a litigator?

*David Cohen:* I think the answer to that is yes. Again, from when I was three or four years old, I think that's what I said I wanted to be. I don't know what a three or a four year old knows about litigation. Probably nothing, but again, it's what my grandfather did and I think that's why I took the position. That's what I wanted to do.

*Miranda Solomon:* How did you choose your specialty?

*David Cohen:* Really given the number of specialties that I've had and have, sort of multiple answers to that. When I came into the firm, I was extremely interested in antitrust law. The only antitrust law at the time that was really active was antitrust law involving healthcare. That got me a little bit into the healthcare field. I did hospital staff

privilege cases, but also did hospital bylaws, medical staff bylaws, corporate restructuring.

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Issues dealing with joint ventures also have antitrust implications. I got involved in healthcare joint ventures and other forms. My comment on life care retirement communities led me into a representation of the residents of Pine Run life care community in Doylestown, Bucks County. It ended up going into bankruptcy. That introduced me to bankruptcy and workout law. Then I spent a lot of time in the bankruptcy and workout area. My involvement in the city has obviously caused me to be involved in a large number of labor matters and so I now am often involved in labor relations and labor mediation and arbitration.

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They were just interesting paths that you go down that have taken me into a very wide variety of practice areas.

*Miranda Solomon:* Now you were named partner here in '88. Did your practice change much after you made the switch?

*David Cohen:* No, my practice didn't really change much at all. My practice today is very different than it was before I left the firm. That's the time really when my practice was very different.

*Miranda Solomon:* Now you left the practice in '92. Is that correct?

*David Cohen:* Correct, January of '92.

*Miranda Solomon:* When you started working at Ballard, did you consider the possibility that you might leave for a time later?

*David Cohen:* Never considered it, never thought it, and it's probably a big difference today. When I showed up at this firm, I think I thought I was showing up here forever. This would be my career. I would work here from that September day in 1982 until the day that I retired.

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*Miranda Solomon:* Now I wanted to talk to you about your work with Ed Rendell. When did you first meet Ed Rendell?

*David Cohen:* I first met Ed at a series of cocktail parties in the mid-eighties. He was district attorney and was around town. Met him as a lawyer. I think I met him more individually and more on a one-on-one type of a situation in December of 1986 when he was about to announce that he was going to run for mayor, having just lost for governor, and I worked with him on his announcement speech. He had a number of drafts prepared and didn't really like any of them. We worked pretty intensively together for a few days and put together an announcement speech for that campaign.

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And then when he was looking for a communications director in the campaign, he ended up offering the position to me.

*Miranda Solomon:* Who first proposed that you work on that campaign?

*David Cohen:* Arthur [Makadon] did. It's sort of a famous story. It was in Ed's living room. I was not there, but Ed's inner circle were throwing around ideas for who would fill various positions in the campaign. They got to communications director and Arthur said, "There's this fabulous young lawyer in our office who I think would be perfect for this." And "who is it, who is it?" "David Cohen." And Neil Oxman, our media consultant, long time media consultant, said two things. First of all, "The city councilman?" which obviously was not the case. Then he also said to Arthur, "This is a real campaign. It's not for amateurs." But the – I guess fortunately for me, Arthur's view prevailed and I ended up going into that campaign.

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Actually I took a leave from the firm for five months or so during the course of that campaign.

*Miranda Solomon:* Had you worked on a campaign before?

*David Cohen:* I worked on a number of campaigns when I worked in Washington. The congressman I worked for, I helped run two of his campaigns. Also run a couple of state assembly campaigns in New York.

*Miranda Solomon:* Were you looking for more political involvement when this was suggested?

*David Cohen:* Not really. I may have been a little bit bored, but not overly bored with the practice of law. I may have been a little impatient; that may be a better word than bored. Obviously I'd been very actively involved in politics previously, although I had stayed out of it from 1978 until 1987 for that nine year period. It was still certainly a strong interest of mine and so the opportunity to work on the campaign was certainly intriguing and interesting.

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And I think I viewed it at the time as a respite from the traditional practice of law, sort of get my batteries recharged and come back, presumably make partner quickly, and move on with the rest of my career.

*Miranda Solomon:* At what point did you decide that it might be wise for you to leave the practice for a while?

*David Cohen:* When you phrase it that way, I never really wanted to leave the practice. It was really the attractiveness of the opportunities on the other side, not a desire to get away from the practice.

*Miranda Solomon:* What did your wife say when you told her that you were going to work for Ed Rendell?

*David Cohen:* She was fine. It was funny. That year between college and law school when we came back to Philadelphia, I told her, "See, I've gotten all this politics out of my system. You don't have to worry about it." And she had said at the time, "That's great. I'm happy we're coming back."

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There were a lot of people, by the way, that thought I would not come back from Washington, that I would just stay. I was such a political junkie, but to some extent, I had gotten politics out of my system. And I really stayed out of the business by and large for about nine years, but Rhonda would tell you that she's not at all surprised that I ended up back in politics and in such an extreme way.

*Miranda Solomon:* When you were asked to become chief of staff, did you speak to any former chiefs of staff for guidance?

*David Cohen:* No, we really made up that position. There really had never been a chief of staff in the way in which we structured the position. I



spent a lot of time talking with people who had been in city government in a variety of different positions, whether they be elected or appointed, as part of the process of putting a government together and creating a governmental structure. But there really had never been a strong, substantive, policy-directed chief of staff.

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*Miranda Solomon:* What would you say is the biggest challenge that you faced in that position?

*David Cohen:* Clearly the biggest challenge we faced was the city's financial crisis and the ability to turn the finances of the city around in enough time to be able to save the city. And that was the overall challenge, the overwhelming challenge, and it really colored absolutely everything that we had to do.

*Miranda Solomon:* What other things would you say you're most proud of when you look back on that time?

*David Cohen:* I'm proud of the government that we put together. I'm proud of the quality of people we attracted into the government. I'm proud of the fact that we balanced the budget. I'm proud of the fact that we cut taxes. I'm proud of our five-year financial plans, which I think have set a standard for government reporting and government writing. I'm proud of the way in which we went about the business that we had to go about, doing it order to save the city.

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I look out there today and I say it's still a miracle in terms of the difference and the vibrancy and the cleanliness and the feeling of energy that is associated with the city today as compared to ten years ago.

*Miranda Solomon:* Is there anything in retrospect that you wish you had done differently?

*David Cohen:* I wish we could've done everything that we did and figured out a way to have a less contentious relationship with the municipal unions. I have to say even with 20/20 hindsight, I'm not sure how we could've done that, but I think it continues to be a shame that the leadership of the municipal workforce which worked so hard to help to bring the government back into –

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– fiscal balance and sanity has felt uncomfortable at standing toe to toe with the mayor. And claiming a share of credit for what they did to be able to make that happen.

*Miranda Solomon:* Did you know when you accepted the position that Buzz Bissinger would be shadowing you?

*David Cohen:* Yeah. Buzz actually covered the mayoral campaign in 1987, which is where I got to know him. Buzz won his Pulitzer Prize for a series of stories on the judicial system in Philadelphia and that's where Ed got to know him. We both knew Buzz for some time and Buzz called me in the late spring, early summer of 1991 after he had heard a news report of Ed's victory in the primary on the radio.

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And he pitched this idea of writing a book on urban America in an attempt to save a dying city and would we agree that he could basically have unlimited access to anything, follow us around for some number of years. And the deal we cut with him was that he could do that. He could have unlimited access, but he could not write anything until after the election in the middle – until the last four years of an eight-year term. And it was interesting having a reporter--and let's face it, Buzz is a reporter, he's not just an author-- following us around all the time, but I happen to think Buzz did a terrific job with the book. It was not an easy book to be able to write to cover that amount of material in that amount of space, and without the pictures.

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*Miranda Solomon:* How accurate would you say Buzz's portrayal of you and the city is?

*David Cohen:* I'd like to think it's totally accurate. It's obviously more flattering than anyone is comfortable with, but I think he captured some of what I tried to bring to the table, just a hard work ethic and intense loyalty to Ed, and a willingness to do anything to get it right. I think those are the basic traits that underlie why I got into government. And I think that the book tells a pretty good story of what happened in Philadelphia over the first term.

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I think it accurately reflects the significant progress that we were able to make and it also accurately reflects some of the things that we were not able to complete or to get through.

*Miranda Solomon:* Do you think that having a reporter around changed what you did or said?

*David Cohen:* I think eventually the answer was no. You just got used to it and a lot of people didn't know who Buzz was. He sat on the sofa in the background of my office and of Ed's office. Every once in a while, there may have been an impact to that, but it was certainly very rare that Ed or I felt intimidated by Buzz's presence.

*Miranda Solomon:* How did your relationship with Ed change over the course of his terms?

*David Cohen:* Actually shockingly little. I think we have maintained our close personal friendship. I think we have maintained our mutual respect for the other's abilities. It's amazing when you've been in the position that I've been in, to be able to maintain that type of a close relationship with someone.

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But we've been able to do that and I think it's been very pleasant for both of us.

*Miranda Solomon:* Can you share any fond or vivid memories of working with him?

*David Cohen:* There's so many, it's hard to do. I guess one of my favorite stories, I was talking on the phone to a friend of his from Pittsburgh in my office which overlooked the northeast corner of the apron of city hall. And his friend is talking about how much Ed loves being mayor and it's the perfect job for him, et cetera, et cetera. And for whatever reason, I stood up and I looked out the window, and I see Ed dancing with a six-foot-plus pink pig. He was about to or had just declared this day Hatfield Ballpark Frank Day.

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This was the Hatfield mascot and there was Ed Rendell dancing with a pig, and I said to Ed's friend, "You're just not going to believe this." He said, "What's going on?" I explained it to him and he just couldn't stop laughing. He thought it was the funniest thing that he had ever heard.

*Miranda Solomon:* Good story. Did you agree in advance to stay with the mayor until spring of '97?

*David Cohen:* No, we actually had no discussions about how long I would stay. I don't think when I went into the government I had any idea how long I would be willing to stay and I think from Ed's perspective, at that point, it didn't make much difference to him. I think he knew I would stay as long as I could and I think I probably stayed longer than most people thought I would. Five and a half years is certainly longer than the traditional term of service in city government of a partner from a big law firm in the city.

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*Miranda Solomon:* Now when you returned to Ballard in '97 as chairman elect, was it difficult going back to work at the firm?

*David Cohen:* Actually it was amazingly easy. This is a terrific place. I feel lucky and whether it's Swarthmore or Penn or Ballard Spahr, I've always been in environments with really smart people, really talented people, really committed people. And that's what this firm is like and most of the lawyers here are my friends as well as my professional colleagues. Returning to the firm was relatively easy. That was probably made easier because people have said how – did you miss the hustle and bustle and the energy and excitement. Well, I didn't really have to miss any of that. I was still over at city hall three or four times a week and really was able to continue working on the projects that are most important to me.

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*Miranda Solomon:* How did your practice change?

*David Cohen:* Again, I think probably two major changes. The first is that my practice became a much less significant part of my workday. By the time I left, I was practicing law 99.9 percent of the time that I was at the firm. When I came back, I had significant administrative responsibilities and I had a desire to stay involved politically, charitably, and civically. Probably no more than a quarter to a third of my daily activities are strictly speaking client service oriented. I obviously have a significant administrative responsibility and I have been able to stay involved charitably and civically and politically. That also takes a lot of time.

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*Miranda Solomon:* Who are some of your clients today?

*David Cohen:* I'm not really comfortable talking about that. I do work and help to manage a lot of firm clients with a lot of other lawyers here. Those types of clients would include the Phillies; we just finished last night or almost finished last night the stadium transaction. That's certainly there. The city of Philadelphia is a client of the firm. We do particularly sensitive matters for them. PNC Bank's general counsel is a former partner here, one of my closest friends. She is a client for whom many lawyers in the firm work. I have more of a management responsibility with that client in terms of managing the relationship and making sure that the work flows in the way in which it's supposed to.

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*Miranda Solomon:* Now you have stayed quite active in public life since leaving the mayor's office. Which of your many activities have been most meaningful and satisfying to you?

*David Cohen:* I think probably to date the most meaningful thing for me has been to be the chairman of the board of the United Way. People still don't understand what an incredible resource the United Way is in our community, and it was really my privilege and it gave me a great feeling to chair that organization for the last three years. As I said, I served three years of my two-year term and I've happily passed the reigns onto Molly Shepard, who's doing a terrific job with the organization this year.

*Miranda Solomon:* Now you were a co-chair of Philadelphia 2000.

*David Cohen:* Correct.

*Miranda Solomon:* And that of course was an extremely successful venture.

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Is there anything that now again looking back you would've done differently in terms of bringing the convention to the city?

*David Cohen:* Nothing at all. Nothing except technical – some technical issues, but I think the Philadelphia 2000 effort is as close to a flawless effort as you can have in the hospitality and tourism industry.

*Miranda Solomon:* Now your wife Rhonda was for many years a partner at Ballard. Has it been difficult to raise your sons in a two-lawyer marriage?

*David Cohen:* It was very difficult and continues to be difficult. And in fact Rhonda last year around this time decided she wanted to take some time off. Our older son went into high school this year, our younger son went into middle school, and she felt she could provide greater value and connection with them by being a reasonably full-time mother.

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Of course with her charitable work, it's not even close to full-time, but I think the only thing she's learned over the last year is how impossible her life must've been before she left with all the extracurricular activities that she has added on top of the kids' schedules.

*Miranda Solomon:* Now you're very involved in many, many committees at the University of Pennsylvania, which I won't list now. How involved are you now in the law school?

*David Cohen:* I'm actually not on any formal organization at the law school. I think the world of Mike Fitts and talk to him frequently, and try to be supportive as an alumnus financially and otherwise. Coming up to the law school, speaking to classes when I'm asked to do that, but I am not on the board of overseers. I'm not on the alumni council.

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Notwithstanding everything I'm doing at Penn, most of it doesn't have anything to do just with the law school.

*Miranda Solomon:* How involved are you now in what's happening in city hall?

*David Cohen:* I still am reasonably involved. I probably go over there a couple of times a week. The issue du jour is education and I've been involved as a counselor and advisor to the mayor in trying to craft a strategy to deal with the negotiations with the state over the status of public education in Philadelphia.

*Miranda Solomon:* Now has your life changed since you became famous?

*David Cohen:* Maybe "almost famous" would be better.

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Rather than “famous” since I’ve become recognizable, my life is different, and there are good sides to that and bad sides. I’m enormously proud of the reputation that I’ve developed and am happy that I can use that reputation to help other people to raise money for charities, to support civic activities of my partners here, and to continue to be involved in the government of the city and in the civic fabric of the city. I think all those are the good sides of this. On the other hand, being publicly known is a bit of a cross to bear. I say it to my wife all the time: thank God people like what we do. Imagine being known and having people angry at you. Generally speaking, people are very happy when they see me.

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But if we go out in the Philadelphia region to eat with our kids, inevitably people will stop at the table to say hello and it’s a bit of an intrusion on your private time with your family. I joke-- although it is true, people laugh when I say this--in tee-ball, I created in the Taney League a new coaching position. I used to coach second base, and the reason I did that was first of all, it’s tee-ball, the kids need all the coaching they can get. But second of all, if I stood behind second base, the parents wouldn’t all talk to me on the sideline when I was trying to watch my kids play. By standing behind second base, I could be alone and I could watch the game. I used to coach for both teams and help the kids get from first base to second base to third base, show them how to run the bases, but the real advantage of it for me was to have an uninterrupted hour where I could watch my kids play tee-ball.

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*Miranda Solomon:* Now you have developed a reputation through a lot of your press and things that you’ve done for being a tireless and, from Buzz’s book, almost perfect worker. Do you find it hard to meet people’s expectations?

*David Cohen:* No, I think people – the answer is no. It’s nice. I think the level of activities I’m involved in are probably beyond where I should be. Rhonda tells me I’m a job collector because I don’t know how to say no and there’s some truth to that, although my assistants do keep a list of events that I’m invited to that I don’t accept so I can show it to Rhonda every once in a while to say see, look at all these things I turned down, let alone all the things that I go to. People are genuinely grateful for the work that I do and the effort that I bring to the table, and I feel good about that.

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*Miranda Solomon:* Have either of your kids expressed an interest in following in your footsteps?

*David Cohen:* No, in fact when they're asked what they want to be, my younger son at one point said, "I haven't decided, but I know that I don't want to be a chief of staff." But it's funny. I have conversations with him. I tell him he's a beneficiary of lots of sports tickets that I got because I was chief of staff and you have to take the good with the bad as a result, but my kids are both – even though Ben is 16, neither one of them is very career focused right now. Unlike both Rhonda and me, neither one of them is sort of I'm going to be a lawyer at all costs. There's no doubt about that.

*Miranda Solomon:* Some general advice to law students, what would you tell them?

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*David Cohen:* Normally you'd have to think a lot about that question, but I get asked the question a lot and get asked to talk to law students a lot. My advice to law students and particularly to Penn students is that a legal education is a tremendous treasure. You can do more things with a law degree than most people in law school recognize and the diversity of opportunity that will be made available to you as a result of having a law degree is something that you should not squander. I'm not one of these people who says everyone who goes to law school should go into public service law. That's not the point. For people who want to go into public service law is great, whether it's working for PILCOP or CLS or working for the city law department or any government law department. There are tremendously rewarding opportunities available there and I highly recommend them.

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But for people who say no, I want to be a big-firm lawyer, that's what I want to do, I want to make the money, I want to have a comfortable lifestyle and that's the way to do it, I say great, you should do that, too, but recognize the ability that you have even within that career path to be able to give back to the community, whether it's doing pro bono work or completely independent of your legal practice serving on nonprofit boards, being active in politics or government or the civic affairs of your community. And it's not anything that anyone needs to dictate to you. Everyone has interests. Everyone lives in a community. Most people belong to a



church or to a synagogue. People have neighborhood civic associations. They will see tragic events, whether it's September 11th or just a fire in your neighborhood that will move you.

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And as a lawyer, you will have – many of you will have financial resources that enable you to make a difference. You have a skill set that enables you to make a difference. You have time that enables you to make a difference, and I think my advice is to take advantage of all of those opportunities. And I think in doing so, we will create a generation of happier lawyers, lawyers who are more comfortable with their careers and the balance between their careers and everything else in their lives.

*Miranda Solomon:* Last question: is there anything left that you would still like to accomplish in your career that you have not done so far?

*David Cohen:* I have a short-term goal which is to get Ed Rendell elected governor of Pennsylvania. That would be a nice thing to do. I have loads of goals. I'm never satisfied with where we are.

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I have personal professional goals. I have goals for the firm to be able to continue to grow and improve its reputation and visibility. Obviously goals for Ed, goals for Philadelphia, for the Commonwealth of Pennsylvania. I think the day I wake up and I have nothing else I want to accomplish in life will be either a terrific day or a terrible day, because I can't imagine what you do then with the rest of your life if you think all of your work is done.

*[1:04:30]*

*[End of Audio]*