TRANSCRIPT OF INTERVIEW

Morris M. Shuster
11/30/01
Shuster Moot Trial Court Room

Hi. My name is Todd Griset. I’m a third-year law student at the University of Pennsylvania Law School. Today is November 30. I’m part of the Oral Legal History Project. Today I’m going to be interviewing Morrie Shuster. – 1:25

Good afternoon Morrie. – 1:55

Doing great, thanks. Morrie, we’re here today to talk about your history, to get your oral history.

So let’s start at the beginning. Tell us a little bit about when you began, your childhood.

Where were you born? – 5:47

Did you grow up in the Philadelphia area? – 6:00

Did you attend school here in Philadelphia at that time? – 7:07

Did you stay in the Philadelphia area as you were growing older? – 8:08

Tell me a little bit more about your decision to go to Penn for college. – 9:41

Why did you apply to the Wharton School? – 11:12

Did you ever consider working in any other fields, other than law? – 13:33

How about your decision to attend law school here at Penn? How did you come to that choice? – 15:24

So you continued to work at your parents’ store throughout? – 18:10

What was your law school experience like? You’ve told us a little bit about your first year, and the weed-out intimidation. Do you have any more memories? – 14:32

What was the summer experience like when you were in law school? – 24:10

And for how long did you serve in the armed forces? – 25:03

Was that your first experience teaching? – 26:18

Did you enjoy it? – 26:22

How about upon leaving the service? What did you do then? – 26:41

Did you find that to be a good experience? Were you able to transition into the trial-lawyer shoes? – 27:40

Tell me a little bit more about how you became not to be single. – 29:23

Tell me a little bit more about how you came to teach at Penn. – 33:23

So what happened that June when your position ran out? – 39:16
When you came in 1991, were you initially associated with the clinical program? – 40:47
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Have you been teaching, then, since you returned in 1991? – 43:48.................. 14

Have you taught anywhere else, other than Penn? – 43:52.............................. 14

You’ve been a part of the Philadelphia community for quite a long time. – 44:30 ...... 14

How have you observed its changes? – 44:37.................................................. 14

Your beginnings are important in everything that you have done, it seems. How would
you say that your experience as a law student at Penn has affected your teaching here? –
47:47............................................................................................................... 15

You have been involved in a lot of organizations ranging from alumni groups to bar
association committees and judicial search committees. What sort of a role has
participation in those activities played in your life? – 49:12............................... 15

What other advice would you have for a young lawyer, just starting out, after graduating
from Penn law school, and trying to figure out how to balance professional and personal
life? – 52:27.................................................................................................. 16

Success .......................................................................................................... 17

Thank you. Thank you for coming to talk with me today. You’ve been a wonderful,
marvelous part of the Oral Legal History Project, getting what’s in your brain, preserving
it for everyone to share. – 58:19 ................................................................. 17
Hi. My name is Todd Griset. I’m a third-year law student at the University of Pennsylvania Law School. Today is November 30. I’m part of the Oral Legal History Project. Today I’m going to be interviewing Morrie Shuster. — 1:25
[Tape is rolling 5 4 3 2 1]

5 Good afternoon Morrie. — 1:55
Todd, how are you.

Doing great, thanks. Morrie, we’re here today to talk about your history, to get your oral history.
[chuckle]

10 So let’s start at the beginning. Tell us a little bit about when you began, your childhood. — 2:05
Well, Todd, if you don’t mind, I think I’d like to go a little before that. The reason for it is to understand my childhood you have to go one generation before that. And where I’d like to start is with my grandfather, that’s my mother’s father. In 1913, my grandfather who lived in a small town with his family called __________, which really sort of was sometimes Poland, sometimes Russia, if you can understand that geographical border, because or depending what country particularly took over that territory, had heard from his sister who had migrated, or emigrated to the United States earlier that United States was the land of milk and honey, and this was a land of great opportunity. So in 1913 my grandfather decided on his own, leaving his family which is his wife and six small children, alone, and he emigrated to the United States.

His intent at that time was to get a job and show that he could support his family and then bring his wife and six children to the United States with him. But unfortunately history intervened, and that history was the First World War. And because WWI broke out in 1914, he did not hear or see his family for eight years, 1922. During that time period, my grandmother and her children, including my mother who was the eldest, were alone in Europe over the ravages of war, and my mother who was the eldest child had the responsibility of being the man in the house, so that she became actually the person who took care of being the breadwinner to the extent that she could be a breadwinner.

Fortunately, after WWII, excuse me WWI, ended, my grandfather was able to bring his family over after eight years. And my mother came with her brother, brothers and sister, and was in this country.

And if you have no sense of America in the 1920s, when you were a woman in your late twenties and unmarried, people looked at you sort of like “what’s wrong?”

35 So my grandmother and grandfather were so concerned that they made arrangements for my mother to return to the homeland, to this small town where she was raised because there was a young man who was interested in emigrating to America and my mother returned and spent a year there, met my father, and she was married in Poland. And she stayed there because she was waiting for my father to get papers so he could emigrate to
the United States. In the interim, I was created. And my mother was pregnant and she went to the American Consulate in Warsaw and she was told that if her child were born in Poland he would not be a United States citizen at that time. So she left my father and came back to the United States so she could give birth to me. And then finally in 1930, two months before I was born, my dad came over and we were all in the United States together. And that’s how I came into being. I was almost a Polack, almost.

**Where were you born? – 5:47**
I was born in Philadelphia, I was born at a hospital in Philadelphia called Saint Agnes, in South Philadelphia, because at that time, my grandparents lived in South Philadelphia, and that’s where I was born.

**Did you grow up in the Philadelphia area? – 6:00**
Yes, I grew up in the Philadelphia area. My mother and dad opened a small grocery store in North Philadelphia, and they lived over the store, so that the living quarters were on the second and third floor. And that’s where I lived for, I would say, the first ten years of my life. And my dad, to his credit, came to this country and couldn’t speak a word of English, and he in the midst of all that was able to start a small business to keep his family in food, and learned the language, and my mother did know the language and helped him along, and we lived together with the business, so to speak, and my parents kept very long hours. They worked from, my dad and mother because they worked together worked from eight in the morning to eight at night, and they were open seven days a week. So they put in horrendous hours to try to make a living for their family.

**Did you attend school here in Philadelphia at that time? – 7:07**
Yes I did, and actually – I don’t know whether – the thing that sticks in my mind, you have to understand is as a child, you know children learn language from what they hear. And because my dad was still learning English when they first came here, and because it was a developing process, my mother and father to communicate with each other would speak in Yiddish, and my grandparents also, so in the first four or five years of my life, that’s the only language that I heard. So when my mother took me to kindergarten when I was four-and-a-half five years old, I couldn’t speak any English. So the teacher was aware that I learned to speak English when I was 5 years old, starting when I started at school. That’s where I first started to learn English. Actually, I have really no recollection about that, but my parents kept telling me that I didn’t learn to speak English until I was about 5 years old.

**Did you stay in the Philadelphia area as you were growing older? – 8:08**
Yes, family stayed in the Philadelphia area because my dad kept his business.

Fortunately for me, I went to elementary school in Philadelphia at a school called Stevens Practice School which at that time, I don’t know about now, was a city-wide school for gifted children – by gifted, that you had to have a certain IQ to go to this school, and you had to have certain admissions standards. And fortunately for me, not only did I live in the vicinity of this school, but I was able to get to that school, so I went into an excellent,
excellent elementary school, probably at the time the best elementary school in Philadelphia because it had students from all over the city, it was just not a local neighborhood school.

From there, I went to junior high school, and then I went to Central High School – I don’t know whether you have ever heard of Central High School, but that is the premier, at that time, all-boys’ high school in Philadelphia. Again, a city-wide school which had admissions standards and grade standards. And I entered that school, and I spent four years at Central, which is now coeducational by the way. Which was an excellent, excellent high school, all boys, and people from all over the city, and had a great high school experience.

And then of course I came to Penn after I graduated from high school. So that takes me to college, anyhow.

Tell me a little bit more about your decision to go to Penn for college. – 9:41

Actually, that was a combination of circumstances. First of all, going back to my beginnings, when I was 8 years of age, I started working in my dad’s store because at that point we were living together and every little bit of help helped and particularly when I was there to give my dad help, my mother was then free to take care of my baby sister at that time and to do other things. So I started working when I was 8 years old. And progressively learned the grocery-butcher’s trade, so by the time I was ten or twelve I could pretty much do anything with a knife and a cleaver and some other things.

So going to Penn was a necessity for 2 reasons. 1 is my folks wanted me to stay in Philadelphia so I could remain and help my father in the store when I wasn’t at school to come particularly over the weekends to help him. And number 2 is they said that Philadelphia had great colleges, so why did I have to go someplace else? So going to Penn was as I say by necessity. And of course at that time the two schools in the Philadelphia area were either Temple and Penn. I applied to both, got into both, and I applied to the Wharton School for a very particular reason and I was fortunate enough to get into the Wharton School. Now ask me why I applied to the Wharton School.

Why did you apply to the Wharton School? – 11:12

Not because I wanted to be a business major, I’ll tell you that.

You have to understand something about families at that time, and I’ll try to explain it to you.

I told you that my grandfather’s sister had come to this country, earlier. Well, his sister had a son, and this son who was a cousin of mine became a doctor. And he not only became a doctor, but he was the physician for the family, and not only did he take care of health, but he was the judge on any important issue that could be mentioned. If there was a political issue, if he had an opinion, that was it. If there was any other issue that involved any decision and he had an opinion, that was it, because he was the doctor. So my mother very much wanted me to be a premed and go to medical school. For various reasons, I did not want to be a doctor. And I’ll tell you a couple of them. Number one is
I turned blue at the sight of blood. Number two is I got one D in high school, and it was in chemistry. And number three is, all the premeds in high school, boy they were tough competition. So I figured I don’t need that, so I said to myself, what way can I insulate myself from going to medical school? And I decided, my mother didn’t know this, if I went to Wharton School, I couldn’t be premed at Wharton School. So that’s the reason I applied to Wharton School, to avoid saying to my mother, “Well, now I’m going to apply to medical school” because when she said “When are you applying to medical school?” I said, “I’m sorry I can’t.” But that’s one of the...

and actually, there was a secondary reason too. I had been giving a lot of thoughts about law and the practice of law, even when I was in high school. And I wasn’t sure whether I wanted to go to law school, or if I could get into law school, but I said to myself, you know, keep your options open. And I thought if I decided to go to law school and had a degree from Wharton, then I could combine the business degree and the law degree and it would make me probably very marketable for some corporation or representing some large business interest because I had a sense of both areas. The irony of it is I never went there, but that was my thinking at the time.

Did you ever consider working in any other fields, other than law? — 13:33

Yes. Now this has to be between us, basically, and whoever looks at this tape.

I had some yearnings and thought to becoming an actor. That was one of the things that always caught my interest, for a number of reasons. One is, I had the type of personality, I thought, that lent itself to acting. I had performed in a number of amateur, as a teenager, amateur shows and enjoyed it very much. So I thought to myself maybe acting would be the thing for me. And then I decided I have to be more practical because we’ve got to eat, so I decided maybe I could use my acting skills with my legal skills and then do something to combine both. So to carry that thought further, besides graduating from law school, I am also one thesis away – which I never wrote – from a masters’ degree in speech and drama. And when I took that masters’, I did a lot of theater work and enjoyed it very much. But then decided maybe I could use that maybe as a trial lawyer, and use the skills that I thought I had learned in being an effective advocate. So that’s how I tried to combine that thought, maybe I could be an actor. I guess had I tried and been successful, maybe I … but I wouldn’t have been successful.

So yeah, that was my other other flight of fancy.

How about your decision to attend law school here at Penn? How did you come to that choice? — 15:24

Well, couple of reasons. Number one is, at the time that I applied to Penn, it was a different world. Penn was the third or fourth ranked law school in the country. The top law schools at that time when I applied to Penn were Harvard, Yale, Penn and Columbia. They were the top four law schools, and Penn I think was rated third, I think Harvard, Yale, then Penn. So it had a fantastic reputation.

Two is that I felt that by applying here and hopefully graduating from here – and I’ll give you an aside by saying “hopefully graduate from here”, what I mean by that in a minute – that that would give me a credential, would give me a good job opportunity. So I did
apply to Penn, and just as an aside as to why I hoped to graduate, well, you’ve taken the LSAT? Well, the year that I applied to Penn, our incoming class was the second time only that the LSAT was offered. So they were now experimenting with the LSAT as a determination or prediction of performance. So they were looking at it, but they were also looking at grades and making their own judgment. But they were still relying on the old-fashioned “the first year is the weed-out year”, so just about in every class when I was a first-year student, the professor would come in, and particularly when it was a particularly bad day, they would say, “Look to your left, and look to your right. Next fall, one of you will not be here.” So when I say “hopefully,” you know, the first year was very stressful because not only is first year stressful, as you know, but there were a number of people who were not invited back because they did not do well enough, because that was one of the selection processes that they did, and that is they admitted more students but weeded out those who did not do well enough by not inviting them back for the second year. So I was admitted, and again, for the same reason that my folks wanted me close by so that I could be of help at home, I stayed in Philadelphia. I didn’t want to stay in Philadelphia; by that time, I had had four years in Philadelphia. I really wanted to go to New York, but I was persuaded by my folks that I was really needed here to help my dad, so I decided to stay. I didn’t decide, I stayed!

So you continued to work at your parents’ store throughout? – 18:10

Yes, I continued when I was in law school because I was spending, particularly the first year, so much time with my studies that the amount of time did, but on the weekends, Saturday or Sunday, or Saturday and Sunday, I would be with my dad, so that my mother could be home.

What was your law school experience like? You’ve told us a little bit about your first year, and the weed-out intimidation. Do you have any more memories? – 18:32

Yes, I have a lot of memories of law school because that was probably one of the best three years of my life for a number of reasons. I said “one of” because I’ve had a lot of great years since, I want to tell you that candidly.

First of all, you have to understand a couple of things, Todd, and that is the law school that we see today is entirely different from the law school we’re talking about then because I started law school in 1951. The reason why I started law school in 1951 – I started at Wharton in midyear because when I started at Wharton, they took midyear classes, and then they stopped doing that. And because law school started on the full year, that is in September, and I didn’t want to wait six months because I thought I, you know, the sooner I got started the better off, I went through college in three-and-a-half years. So I started, I was one of the youngest persons in my class because I had gone through college in three-and-a-half years. And number two is, we had a lot of returning veterans in our class, that is people who had delayed their education because of WWII, and were now coming back and trying to catch up with their education. So there were a lot of older people in my class, and when I say “older”, if I were, when I started law school I was 21, there were people who were 28, 29, 30, 31, 32, who had not spent their time getting PhDs like some current students here but had spent their time in life. So
there were a lot of more mature people, and also there were a lot of, you know, people 21, 22 also.

The other thing is, the whole structure was different. If you can picture Silverman Hall where we are now, that was the law school. Everything was self-contained there, the classrooms, the faculty offices, the Biddle Law Library was up on the second floor here, so this building was it.

The other thing is, that the composition of classes were as far as students are concerned entirely different. In our class, we started out with 107 students, 4 women, 1 African-American. That was it. And at the end, we graduated only 2 women, no African-Americans, the rest male Caucasians. So it was entirely different. The faculty was different, it was smaller.

The curriculum was different. Right now, you have a choice of many, many courses to take. First year courses were fixed, you had to take them. Part of the second year courses were fixed, you had to take them. And you had some electives. Third year, you had all electives. But it was pretty much a fixed curriculum of basic stuff. For example, I’m going to tell you what my first year courses were, and you compare them to your first year courses as I talk. We had to take a whole year of Contracts, Torts, Criminal Law, and Property, and a half a year of Agency. That was it. That’s it. And the second year, we had to take Wills & Estates, and Evidence. And after that, we had some limited – and that was it. The curriculum was very fixed.

And the faculty was much smaller, the school was much smaller so that the nice intimate relationships here were even more intimate so to speak.

As far as enjoying law school, first year was tough for me. When I say really tough for me, is because up to the time I got to law school, I didn’t realize that what I was doing up to that time which was giving me some degree of serious success, didn’t work in law school. By that I mean I always through high school and college had a tremendous capacity to absorb and regurgitate information. Well I thought that would work in law school. And I tried it for a half a year, and I suddenly realized that it was driving me nuts because I couldn’t do it. And because of that, I was sort of like I don’t know what I’m doing here, you know, I don’t know what’s going on here, I was sort of like, “what’s going on here?” The usual methods that I was using, that brought me success were bringing me nothing but difficulty.

But fortunately, I persevered, I was in a study group with 4 other students who were very helpful to me and they helped me an awful lot. Particularly there was one person who was a more mature man, his name was Bill Thatcher, never forget him, who sort of was able to say, look, this is the way you approach it, this is the way you do it.

By the end of the first year, I sort of got the hang of it. By the second year, I had the hang of it. And the second and third year was just great, just great. First year was tough. But, you know what they say? When you suffer through a common experience with people, you make lifetime friendships. And that’s another wonderful thing that I thank this law school about, that I did and have made and still have lifetime friendships.
What was the summer experience like when you were in law school? – 24:10

Ah. The reason why I’m smiling is, in law school, after the first year, the message was: Go out and have a good time, you’ve worked hard. Not “go out and get a job working for some law firm so next summer they’ll give you another offer so that next year you’ll maybe have a job after you’re finished”. No. The message was you worked hard, go out, relax, and have a good time. Those people who needed to work for financial reasons could work, but there was no “I’m going to get a job in a law firm”. Most people including myself went out and worked. I worked in summer camps during the summer. It gave me the opportunity to get some fresh air and to get some exercise and to enjoy myself. But there was none of – in fact, there was no placement – there were no interviews here. No firms came to interview here. When you graduated from law school, you had to find your own job.

It’s an entirely different experience, and there was no pressure to go out and work in your first year, work in your second year, work in law, get that experience, make sure you have that job when you graduate.

So I spent my summers, my first summer and my second summer, working in summer camp. My third summer was spent preparing for the bar exam, taking the bar exam, and of course, I didn’t tell you that because I was in law school, I had a student deferment from the draft, and as soon as law school was over, I went into the United States Army.

Which sort of deferred some things. So I spent that summer getting ready for the bar exam, taking the bar exam, clerking – which you had to clerk in Pennsylvania at that time with a practicing lawyer until I got my call to join Uncle Sam, which I did in December of 1954.

And for how long did you serve in the armed forces? – 25:03

I served in the Army for 21 months. And true to the Army tradition of making sure that you get into a position in the Army that qualifies for your background – I mean, after all, I was a graduate of the Wharton School and the University of Pennsylvania Law School, they were going to find some great intellectual position – I ended up in the 3rd Infantry Division, as a combat radioman, and that’s how I spent my time in the Army, with one rare exception, and that was towards the end of my tour in the Army, I was able to teach because what happened was in the 3rd Infantry Division, the officers had to have at least 2 years of college credit, and some of the officers didn’t, so they had special courses that they allowed the officers to take on Army time so they could get college credit, but they needed people to teach these courses. So they scoured and they saw that some of us had some college or graduate degrees and asked us whether we would teach some of these courses. So that turned out nice. So for about 5 months I taught a college course in public speaking.

Was that your first experience teaching? – 26:18

Yeah, that was my first experience teaching.
Did you enjoy it? – 26:22
I enjoyed it immensely because my company commander was in my class, and you have
to understand, when you have a captain, and you are a private first class, and he is
looking to you to pass your course, he understands that he is going to treat you
accordingly. Yes, I enjoyed that very much.

How about upon leaving the service? What did you do then? – 26:41
When I left service, that's the year I did my work toward my masters' degree in speech
and drama. And then finally – I was living at home when I got out of the service -
economics said that I had to go to work. So I started to look for work. And in July of
1957, through a classmate of mine who was working at the firm in Philadelphia which
was then called Freedman, Landy & Lorry, I applied there, was interviewed, and was
given a job to start working as a trial lawyer. Now, I didn’t tell you that when I went to
law school, I didn't learn much about being a lawyer. Learned a lot about law, but didn't
learn much about being a lawyer. But to start as a trial lawyer, and to be a trial lawyer,
and to figure out how to do it on your own... So that's where I started in 1957, July of
1957.

Did you find that to be a good experience? Were you able to transition into the trial-
lawyer shoes? – 27:40
The answer is yes and no. The reason why I say yes and no is – you know there's ways
of teaching a child to swim? You can throw him in the deep end and hope they come up
and paddle. Or you can take them in the shallow end and gradually show them how to do
the doggie-paddle and how to do the dead man's float.

This was “into the water and swim”. And sure there were other layers if you had a
question and they were not too busy they will sit and explain something to you, but this
was the most traumatic way of learning. Learn it and figure it out yourself.

I'll never forget my first trial. My first trial, I walked into the federal courthouse and into
the courtroom and I walked in there and I literally did not know where to sit. I had to ask
somebody where the plaintiff’s lawyer sits. So, it was very traumatic. So that's the not-
so-good part. The good part of it is, I survived the experience, and I learned an awful lot
in a very short period of time, because this was a very intense, intense experience. I'm
talking about working, Todd, sixty, seventy days in a row, I'm talking about Saturdays,
and Sundays, and nights, and not knowing anything but your office. So it's a pretty
intense experience. Fortunately for me, at that time I was single, but it was tough, it was
very difficult. You ask me, is that the best way to learn, on the balance? I don't think so.

But if you survive it... I did learn a lot.

Tell me a little bit more about how you became not to be single. – 29:23
Ah! One of my favorite subjects! I should have brought a picture of my wife. By the
way, speaking about pictures, I did bring these pictures with me so that you could get a
sense of my family. So let me just digress and I'll come back to my wife.
Todd, this picture was taken in 1936. This is my dad, that’s my mother, this is my sister who is I guess maybe three or four months old, this is my grandmother, this is my grandfather who I told you about who emigrated.

Now this is interesting. This is my uncle Jack and this is my aunt Rose. My uncle Jack and my dad are brothers. My aunt Rose and my mother are sisters. So two brothers married two sisters. And why that is particularly significant is that when my dad — as I’ll show you in the next picture — returned to his homeland to visit his parents, my uncle Jack wanted to immigrate to the United States. So my dad assisted him in immigrating to the United States in 1937.

And this picture, this is my dad back in Poland with his family in 1937. And this is his mother, my grandmother who I never knew. And this is my grandfather who I never knew. This is his sister, this is his brother, and this is his brother’s wife, this woman is a widow, and their children.

Everybody in this picture that you see here, except this woman who was my brother’s sister who emigrated to the United States in early 1939, about six months before Hitler invaded Poland, so she made it — everyone in this picture except my dad and this woman here — everyone was killed by the Nazis in the Holocaust. Everyone. A part of the family I never knew.

Now my wife, the joy of my life. And I say that with all happiness because at this December, Christmas Day Todd, we’ll be married forty-one years. And I met my wife on a blind date. Very briefly, I’ll tell you just a brief story of how I met her. I was practicing at Freedman, Landy & Lorry and there was another layer at Freedman, Landy & Lorry who was also a bachelor. So we on occasion would talk about who we knew and who we were seeing. And he came up to me one day and said, “Look, I got the number of this woman, she’s supposed to be very nice, but she lives out your way, where you live, and it’s so far for me to get out there, why don’t I give it to you and you call her because she’s too far from where I live.” So about a month later, I had nothing better to do so I called and I found out that the number had changed and in fact this woman had moved very close to where my friend now lived, so had he bothered to check he would have known it was available, so I said “well I have to now call her!” And I called her, and we spoke, and we met two days later, and a month after that we were engaged. And married in three months, so it was a very quick relationship. Absolutely the rock-bottom of my happiness. Source of really all my joy, and she is just a wonderful companion and partner in life. When I have been low, she has been there picking me up; when I get high, she makes sure I’m not too high, don’t get too full of myself. She has been a tremendous companion in life, and one of the things that keeps me joyful.

Tell me a little bit more about how you came to teach at Penn. — 33:23
Well, like they say, everything has a prologue, so I’ll give you a prologue and then I’ll tell you how I came to teach at Penn. After I had been with Freedman, Landy & Lorry for nine years, and spent a lot of time learning a lot about being a good advocate, and hopefully a persuasive advocate, I also by that time had a wife and two children. And I was not seeing my wife and two children too much. And I started to ask myself, well, was that the way I wanted to go through life, whether I wanted the law to be that jealous
mistress that it can be, to the exclusion of everything else, and I just decided that no, I
looked at the other lawyers who were older than I at the firm who had spent many more
years than I and I saw their sorrows: and that is, although they were very successful as
lawyers, although they had been financially successful, they had regrets that they were
never there while their children grew up. And I didn’t want that to happen to me. And I
decided the only way that could happen is I had to forge my own professional life.

By the way, this leads up to why I teach, why I got to teaching, believe it or not.

Anyhow, I then left and went into practice for myself, and over the next, let’s see, 15
years did various things in practice at that time. And in 197– I guess – 4, for the first
time, I got involved with another firm where I was with in very, very complex antitrust
class action against 19 banks in the Philadelphia area. And the case involved how they
charged interest on their home mortgages. The details of the case are not important, but it
was very complex, it was very bitterly fought, I spent a lot of time on the case, it lasted
for about seven years, and in 1980 the case just when it was about to go to trial came to a
very, very successful conclusion.

And at that time, it came to a conclusion where the financial rewards were substantial,
and I was feeling from the stress of this case fairly well burnt out. I had been practicing
intensely at this point for, what, twenty-three years. And I was looking for something to
do to try to get my batteries recharged. I just felt that the practice of law was starting to
wear on me because of the amount of intense time and stress and pressure that I put
myself through for those twenty-three years.

And as fate would have it, at that time, a faculty member here at Penn on the clinical
faculty was taking a one-semester sabbatical, and they needed to find someone who
would be willing only to work one semester, without any further commitments, because
the faculty member was coming back in the fall, this was the spring semester. So in the
process of hiring, they put out a notice that they were looking for some person to teach in
the clinical program, the course was called, the course was called “The Introduction to
the Lawyering Process”, but the commitment would only be for that semester and then
over, and it had to be a full-time commitment. So I thought about it, and I thought about
it, and at that time I had a partner – my firm at that time was one partner and three
associates. I spoke to my one partner at that time and the associate who worked with me
and I saw that for the four or five months – actually six – months that were involved,
because it was a January through June commitment, that my cases could be tended to and
if necessary probably continuance could be gotten. So I said, “what the heck, I’ve got
nothing to lose, I’ll apply.” So I applied for this one-semester, full-time position with the
clinical faculty, and I was interviewed, and I was interviewed, and finally lo and behold, I
got a call one day saying “If you want the job, it’s yours.” So I told them yes I did want
it. So I took a sabbatical from my practice, and I came here for that semester and taught
with others. And by the way the only person who was on the faculty at that time back in
1981 who is still on the faculty is Professor Frenkel. He is the only one who was there
then who is still here now. Everybody else who was on faculty at that time has gone
some place else. And we taught this course called “The Introduction to the Lawyering
Process”, which actually is the forerunner to what’s now called the Civil Practice Clinic, I
think. And I was here full time, and it was the most marvelous experience that I had up
until that time in terms of professional experience because for the first time in a lot of
years, I could sit in a room and literally hear myself think. A wonderful experience. I enjoyed the students, I enjoyed the faculty, I enjoyed the life, I enjoyed the intellectual stimulation, and just allow my body to sort of like come down and recharge my batteries. So that’s how it happened, and once that happened, I was just bitten by the teaching bug.

So what happened that June when your position ran out? – 39:16
When my position ran out, I then went back to the full-time practice of law. And at that time, I was thinking about “Gee, how would I really like to finish the professional parts of my days?” And I said to myself, “you know what, having been a full-time teacher, it’s nice, but it has its halcyon moments – so it’s not enough action sometimes for me. So maybe the best thing is if you can blend both, spend some time in practice, spend some time in teaching. And then, when I got back, my practice sort of ballooned. It just got very active, very busy, and the thought of teaching for the next number of years just went out the window because I was working again pretty hard. I was getting involved in a lot of very substantial cases that took a lot of time. I changed my practice arrangement twice during that time period for a number of different reasons. So, by the beginning of 1990, I was ready and I was looking back – I had put in another nine hard years of work. Let me start thinking about moderating my behavior in terms of doing things that bring pleasure and enjoyment. So then in 1991 I came back, and was able to teach on a part-time basis. And I’ve been teaching since 1991.

When you came in 1991, were you initially associated with the clinical program? – 40:47
No. Actually, what happened was... well, I have to... I hate to keep going back to go forward, so forgive me, Todd, sometimes you have to have an understanding of why people do things. When I was in law school, it was terrific in terms of the study of law as an academic pursuit because that’s all we got. That was it. I mean you’d study various subjects, but there was nothing in terms of what it meant to be a lawyer, no professional responsibility, no idea of what it is to be a lawyer in terms of integrating theory and practice – oh yeah, I could write a half-decent brief, I could write a half-decent legal memo, but that’s about it. And as I was learning from experience, I kept saying to myself, “How much better would law school be if students could get some introduction to this notion of what it is to integrate theory and practice.” By that time, the law school was starting to wake up to that because the notion of clinical education in the seventies started to take hold generally in the legal community so in the seventies this law school started to start the smatterings of clinical education. So when I came here in ’81 and saw what they were using was they were using a live client format but the problem was some of these cases would last so long that if the student would only come in for a piece of a case, they only saw a piece of the case, they didn’t see the development of a case from start to finish, or how the advocacy aspects of a case might or might not play out. So I decided that it would be useful to design a course that did that. So the course that I initially designed was a course called “Trial Advocacy in an Informal Tribunal.” That’s the first course that I actually taught. And then I switched that course to the one I’m teaching now because I decided that to change the emphasis from the techniques of being an effective advocate to the techniques of being an effective communicator, and to
emphasize more the communication part of it than the technical aspects objections and evidence, that that would be very useful because in reality most law students, particularly who graduate from this law school, are not going to see the inside of any courtroom, or even the inside of any even informal proceeding as first chair for a good number of years after they graduate. So to get some foundation for that, I designed these courses on my own. So these courses have really been designed by me.

Have you been teaching, then, since you returned in 1991? – 43:48
Yes, I teach one semester out of the year.

Have you taught anywhere else, other than Penn? – 43:52
Not full time. I have given guest lectures to first-year students here in civil procedure. I have done lectures on products liability and medical malpractice at the medical school, and the dental school. I taught a course on products liability at Drexel. So I have given short – one or two classrooms on that, but I haven’t been a full-time teacher at any place else other than here.

You’ve been a part of the Philadelphia community for quite a long time. – 44:30
True.

How have you observed its changes? – 44:37
There has been significant change. And, you know the old saying, “the good old days are always better”, when I was a young person, whenever I used to hear that I used to say, “that’s just an old man talking.” This is an old man talking; let me tell you, this is an old man talking.

There has been significant changes. Let me just tell you about the Philadelphia community, and I assume this is true in large metropolitan areas. When I became a practicing lawyer in 1957 and joined the Philadelphia Bar Association, there were 3500 lawyers in the association. Today, I think there are 14,000. When I started practicing law, because of the law I dealt with, I was dealing with the same ten, twenty lawyers one time or another, so we got to know each other. We got to know who was what and who you could trust and who you couldn’t trust…

We knew each other, so therefore we dealt with each other based on our experiences with each other. Today, if you come into any dispute, you’re meeting a person for the first time and you don’t know who they are, what they are, and whether they’re going to use the scorched earth with you or practice in a civilized manner with you. So everybody is pretty much feeling yourself out for the first time.

The other thing is the composition of the bar. Very few women when I joined the bar association. Now I don’t know what the statistics are, but very substantial numbers of women, minorities, Asians. So there is more of a cross section, so you are meeting more and different interesting people in the sense of where they come from and their life experiences.
The other thing is with the new modern technology that we have now – and it’s always a
wonder to me when I’m walking down the street, and I know I’m seeing a lawyer, and
he’s walking with his cell phone and he’s talking while he’s walking – it’s a wonder to
me why every moment has to be an important moment, or when they get back to the
office they have their 200 e-mails that they have to look at – that what the technology
boom has done to the practice of law.

I myself have distanced myself from that, because I still believe that law should be a
person-to-person practice, both in terms of relationships between lawyers and clients and
lawyers and lawyers. So I try to keep my communications, although I do have e-mail
capacity through my secretary, to telephones and person-to-person, and I try to keep my
practice and my relationships with people as human-to-human as I can.

Your beginnings are important in everything that you have done, it seems. How
would you say that your experience as a law student at Penn has affected your
teaching here? – 47:47

Well… you’ve been a victim of the Socratic method, huh? Well let me tell you
something: so have I. And one of the things… and the Socratic method has its value, but
sometimes I have always felt that the Socratic method is really to make you feel that
you’re not really as smart as you think you are, and the person who is working it on you
is a lot smarter than you are. But that’s just taking it personal; I just think it’s just a
teaching tool that helps you learn. And I think it does have some value, so yes, it has
helped me in this regard, because I think, particularly the students I teach, and I teach
third-year students mostly, that the Socratic method should be minimized. By that time
in life, you should be teaching different ways. You should be teaching in a more
cooperative, more sharing sort of way. So yes, for me, yes, because of my experience
with the Socratic method and because yes I think it does have value but not the value that
some people think it has, I tend to minimize it in my teaching and use other methods. If
that’s comparing experiences for you.

You have been involved in a lot of organizations ranging from alumni groups to bar
association committees and judicial search committees. What sort of a role has
participation in those activities played in your life? – 49:12

Well, I have learned some things positive and I have learned some things negative. The
positive things is, I have always felt that as a lawyer and as a human being, and I guess I
really should say more as a human being than as a lawyer, because one of the things I have
concluded for myself, and it took my a while to learn it – this is just for me, people might
think differently – when I first started out, after graduating from law school and
practicing law, I always thought of myself as a “lawyer who”, and the way I used to
know that is that when I used to sit around the dinner table with my children, and we used
to talk to each other, either my wife, my daughter or son, somewhere in the conversation
would say, “Stop cross-examining me.” So I decided after a while that it’s better to be a
“lawyer who” than to be a person who is a lawyer. So I’m going to say that as a lawyer
and as a person, I have always felt that it is the obligation of all of us, including myself,
to try to make the world a little bit better than it was the way we found it. And I have
always tried my best within the limits of my resources at the time to do that. So part of
the activities that I engaged in, bar association activities, to try to make the legal system better, I was always interested – because I was an active trial lawyer – in trying to make the process of justice through our court systems better by improving the method or way judges are selected in Pennsylvania, and trying to make sure that even in the current system the best possible people are brought into the pool and selected, to give back in terms of making the profession a better, more ethical workplace – all those things I felt were important to make the world a little better.

But on the other hand, having served on a lot of lawyer committees, I think there is some truth, not all the time, to what someone once said, and this is not original to me, that lawyers form committees spending hours to make minutes. And I think from my experience many times that has happened and the minutes get torn up and we start all over again. So yes, there’s pluses and minuses; it’s a long ongoing process, but I think we all have to serve our profession and community and try to make the world a little better.

What other advice would you have for a young lawyer, just starting out, after graduating from Penn law school, and trying to figure out how to balance professional and personal life? – 52:27

Well, that’s difficult, because everybody’s value system is different. I can only talk about an approach that has worked for me, and I can’t say that it's going to work for you, or anybody else. But what I have found is this: Circumstance has a lot to do with how you deal with life. And to a great degree, you don’t have control over those circumstances. Whatever they may be: they may be financial, stress, health, circumstances, family, they don’t – but you do have control to an extent as to what you want to do with your life, and maybe you can even overcome some of these things. So this is looking back from experience, Todd; this is not some brilliant scheme I had going through life, because you know what they say – hindsight is the best. What I tried to do, in fact I did this I would say starting in college, I used to, forgive me, the old kind, I used to have five-year plans. What I used to say is “Here I am. And where do I want to be in five years? And what kind of person do I want to be in five years?” And then the five years would go by, and I would say, well, “Here I am”, and I would see all of the things I had failed in those five years and I would say, all right, I’ll try, and I used to do that.

And what I have found is, as I grew older, I began to realize that those things that I thought were so important, as I got on later in life, really weren’t that important. For example, when I first started practicing law, just like I always wanted to be the best student – never was, but always wanted to be – I wanted to be the best lawyer, and I worked so hard to be the best lawyer that anybody would know, and then I said, OK, so I’m going to be one of the best lawyers. And then, “OK, I’m pretty good”. And then I wanted to always win. Sometimes I won; most of the time, sometimes, I didn’t. And let me tell you something, when you put that much pressure on you, you tend to live your life in emotional highs and emotional lows. Now I’m speaking for myself. And when you live your life with emotional highs and emotional lows, you tend to live your life in extremes, and you feel like you’re on a roller coaster all the time. So what I began to realize is, that those things are really not that important. They’re important, but really not that important. That you have to define what really counts in life. What really counts in
life is knowing who you are, what you want to do, and hopefully doing it as close as you can. So, right now, for example, you can talk about being successful, and people can talk about being successful on many different levels, and I do want to say that I think I have learned how to be very successful in life, and very happy in life, and the reason why I have become successful and happy in my life is because I have been able to define success and happiness in a way that is so satisfying to me that it brings me a sense that my life has meaning. And what I would like to do, I mean, because I can’t do it any better than this, is that a number of years ago, my wife gave me a wonderful gift, and that gift is the source of what I’m about to say to you, and that gift was the gift of the words of Ralph Waldo Emerson, who defined success. Have you ever heard his words on success? You have? Well, if you don’t mind, I brought it with me. If anybody looks at this… I’d like to read it because to me, this is what I have tried to do in my life over the last fifteen years, hope to continue to do in my life, and if I continue to do it, I’ll feel that I have been a true success. And this is what – he calls it “Success”.

Success

To have laughed often and much;
To win the respect of intelligent people and the affection of children;
To earn the appreciation of honest critics, and to endure the betrayal of false friends;
To appreciate beauty, to find the best in others;
To leave the world a bit better, whether by a healthy child, a garden patch, or a redeemed social condition;
To know even one life has breathed easier because you have lived: This is to have succeeded.

And that is how I have been trying to live my life and to succeed and be successful. And if anybody feels there is value in those words, I think they will find joy if they can live them.

Thank you. Thank you for coming to talk with me today. You’ve been a wonderful, wonderful part of the Oral Legal History Project, getting what’s in your brain, preserving it for everyone to share. – 58:19

Well, thanks for giving me this opportunity because, you know, talking about yourself is a lawyer’s joy.