

INTERVIEW TRANSCRIPT

Narrator: Arthur Makadon

Interviewer: Marjorie George

Location: Mr. Makadon's Office at Ballard Spahr Andrews & Ingersoll

Date: November 2, 2000

Introduction

George: Good afternoon. My name is Marjorie George and I am currently a third year law student at the University of Pennsylvania Law School. Today is Thursday, November 2, the year 2000, and it is 2 o'clock in the afternoon. I will be interviewing Arthur Makadon in his office at the law firm of Ballard Spahr Andrews and Ingersoll in Center City Philadelphia.

Childhood

George: I'm going to begin by asking you some questions about your childhood. When and where were you born?

Makadon: I was born in Philadelphia in 1943.

George: And did you grow up then in this area?

Makadon: I grew up in a near suburb of Philadelphia.

George: What suburb?

Makadon: Lower Merion township.

George: And were your parents also born in Philadelphia? Did they grow up here?

Makadon: My parents were both born in Philadelphia, both children of Eastern European immigrants and they grew up in Philadelphia.

George: Do you know why your grandparents moved to Philadelphia specifically?

Makadon: I think to escape a far worse life in Eastern Europe.

George: But why Philadelphia? Was there something that drew them here?

Makadon: I don't know the answer to that.

George: Did you have any particular interests or hobbies as a child, anything you were particularly involved in.

Makadon: I was a voracious reader as a young child and pretty much remained that until relatively recently. I also. . . and I think my only other interest was sports. Mainly as a participant, and also a fan.

George: Particular sports you were actively involved in?

Makadon: Well, as I was growing up I played lots of different sports. There weren't as many leagues then. There were no such things as "soccer moms" and things like that. Although I played soccer, and I played basketball in the winter, and I played baseball in the spring. I also on my own became a very good golfer as a child but gave that up by the time I was seventeen. I think out of frustration, but I just wasn't getting any better. I was the 12 and under Philadelphia junior champion. But then didn't get any better for a number of years and eventually gave it up to resume again when I was in my mid-forties.

George: You said that you were a very voracious reader until recently. What changed that?

Makadon: You get tired. And you fall asleep after the third or fourth page.

George: Too much reading at work?

Makadon: Probably a little bit of that.

George: Did you have any specific role models or mentors during your childhood or through high school?

Makadon: I can't really recall anyone that I greatly admired until John Kennedy was elected President. He was the first person I can recall being in awe of.

George: Were you still in high school at that point?

Makadon: I was heading to college. In fact I was a freshman in college when he was elected.

College at Pennsylvania State University

George: And when did you decide to attend college?

Makadon: It wasn't a decision. Much like going to law school wasn't very much of a decision. It was just assumed the way I was brought up that I would go to college. Although I don't really think that I had any real appreciation growing up of intellectual content. I was a good student but I didn't have any real intellectual curiosity. My focus was sort of narrow, and I became more or less as I got to high school an indifferent student.

George: Did your parents attend college as well?

Makadon: My parents had both gone to college, yes.

George: And what did they do?

Makadon: Well, my mother, in the tradition of women at that time, did not work. My father went to dental school – went to two years of college and then went to dental school. He came from a very poor family so it was important to him to get into a profession as quickly as he could. So I think he just attended to years of college and then he was going to go to dental school. And I think that was probably three or four years and then began practicing dentistry.

George: And you attended Penn State University, yes?

Makadon: Yes.

George: And why did you choose Penn State?

Makadon: I don't remember. Again, it's not a decision I remember making. I went there. I knew a lot of people there – people I grew up with, people who were a little older. I wanted to go away and there was no, I had no sense at that time that there were better opportunities educationally available. Or if I did have a sense I didn't think it important. So really I didn't think about where I went to college as much as the people I knew who already were there and who I liked. So, that's why I went there really.

George: So do you think it was a different process than it is now, kind of the pressure on young people?

Makadon: It was, at least in my case 180 degrees different from say the process my daughter went through six years ago. If there were pressures I was oblivious to them and I certainly don't think the pressures were as great to go to a top-notch school. It may just be though that I was a bit oblivious to what was going on in the world around me.

George: What was your major at Penn State?

Makadon: My major was English.

George: Why did you choose English?

Makadon: I liked to read.

George: What is your most vivid memory of your time at college?

Makadon: You know, it's odd. I really don't have a distinctive, positive memory. As I look back now I think of all the time I just wasted that could have been put to much better use and still not have interfered with enjoying myself. I don't have a positive memory. In fact I have a distinctly negative impression that I wasted four terrific years by pursuing nothing.

George: I know that you continue to be very involved at Penn, and we'll talk about that more later, but are you also involved at Penn State at all?

Makadon: No. No real involvement. Except that I probably follow the football team.

George: What types of careers did you consider in college?

Makadon: You are assuming that I actually thought about it and that's a mistake. I really don't think that I thought about any career as being better or worse. I was not a particularly . . . I shouldn't say it that way . . . they weren't particularly reflective years. I didn't think about where I saw myself in 10 years or what kind of image I saw myself as having. Going to law school was again not really a choice. It was in large measure a result of wanting to continue with a student deferment. So, law school was a convenient vehicle to continue to have a student deferment during a war that . . . during a war. So it wasn't as if I was choosing law as a career, I was choosing law as a means of avoiding going into the service.

George: Speaking of that, and obviously the time you were attending college and law school were very tumultuous times in many ways and the political system in the United States. How do you feel like that affected the experience that you had in your college and law school?

Makadon: Somewhere toward the latter part of college and really intensifying as I went through law school I became much more aware of public policy, politics, as not, not just in an abstract way, as something which I had a concrete interest. And I began to follow for the first time politics and the policies of certain politicians and the policies of various countries in much the same way that I had been following for the first twenty years of my life sports. So it was a good complement to sports and to a large extent at least had an intellectual content to it unlike sports which I never felt that intellectually demanding.

George: So you feel like that time really influenced kind of your beginning, I know that you're very involved in politics, was kind of the beginning of that interest?

Makadon: Yes, I could pinpoint it to really the mid-sixties.

George: Was there a specific incident you think of?

Makadon: No. To an era.

George: You mentioned President Kennedy before and how he was the first real role model you had, do you remember when he was shot and where you were?

Makadon: Vividly. I remember vividly. It was a Friday. I had just. . . to tell you how uninspired my college life was . . . I was just getting up and it was already 1:30 in the East and I had just gotten up and I had a roommate who had the television on. Actually, before I even opened my eyes I knew something was amiss. Just from the way they were talking. You knew that regular programming had been interrupted. So, I remember that very, very well. Then I was basically glued to the television for the rest of that weekend. I had much the same experience in June of 1968, waking up in the morning in early June 1968. I was clerking for a Federal Judge at the time. And the television was still on from the night before and I heard. . . I didn't hear the regular morning show at all, I heard some somber voice and I realized, it took me a couple of seconds, but before I even opened my eyes, I realized that something must have happened. It was the morning after the California primary and something terrible must have happened and then I realized Robert Kennedy had been shot. It had not yet been announced that he had died, although I suspect that he had. But again, they're two eerie incidents where I woke up and I could tell before I opened my eyes that there was very bad news. Both involving members of the same family.

George: Do you remember a certain feeling throughout the community after President Kennedy was shot?

Makadon: Yes, I remember that, but I had a . . . maybe because I was a little older . . . I associate, I think, both were periods of great sobriety and people were very somber, but I remember it more with Robert Kennedy than with his older brother. I remember standing in 30th Street Station an entire Saturday in June. Robert Kennedy's funeral train was leaving New York and going to Washington and there was a whole crowd in 30th Street Station. It was a very hot day, and I remember standing on the platform waiting for the train to come through and it was hours late. There had been accidents along the tracks in New Jersey and the train had been delayed and the entire atmosphere was very somber and very tearful. That is an impression I will never forget.

George: During that time did you ever become involved directly in politics, because, adding this inspiration, besides becoming concerned?

Makadon: No, I never, I think at some relatively young age I had an appreciation that I had too thin a skin to be involved in politics on my own, that is directly. I don't regret that. I actually think that is a correct analysis of myself. But I also, for whatever reason, I don't think it was calculated on my part, I had a number of friends, who for whatever reason, were successful in politics and as a result have really been fortunate to be very close not only to people with prominent positions but more importantly, with the policies, how they were implemented, how by design the best plans in the world went awry, and sometimes the best things that happened were by accident, and basically how much sort of good luck plays an important role not only in public life but really in your own professional life. [what role did luck play for you?]

University of Pennsylvania Law School

George: We were talking before briefly about your decision to go to law school. I know that you initially attended Temple University, why did you change?

Makadon: Actually, I went to Villanova University for a year. At the end of my year I was first in my class by a lot and felt that I wanted more of a challenge, so I transferred to Penn.

George: You talked about how in undergrad you weren't so inspired.

Makadon: Indifferent.

George: What happened?

Makadon: I don't know. I may have just been very lucky. I don't know. It was almost as if responding to legal problems was intuitive. It wasn't difficult. I had no problem understanding legal issues and responding to them. And I also could write which I think is a big help when taking law school examinations.

George: How did you find Penn Law School different than Villanova?

Makadon: I just think that the students were more inspired. A lot more inspired.

George: What was the demographic make-up of the student body when you were at Penn Law School?

Makadon: Predominantly white male. If our class was 150 people, there may have been a half a dozen or so women and maybe a half a dozen or so non-white males.

George: Was there any particular professor who you remember from law school? Who you particularly enjoyed or had an impact on you?

Makadon: Yes. He just retired. Bob Gorman I thought was a terrific professor. Undoubtedly my favorite and I took every course that he offered. Including such courses as advanced Conflicts of Law which there were probably like four or five of us in the class. But we met twice a week for an hour and a half each time and I loved it, because I thought that he taught on a level that I thought had the right balance between being academic and not being so ethereal to be beyond comprehension.

George: What did you like most about law school?

Makadon: The interaction among the students and the friends that I made?

George: How about least?

Makadon: I thought the third year of law school was a bit over the top. In those days unlike today when you're getting credit for sitting here interviewing me, I had to sit in a class just like in the second year or the first year and just go through the same drill over and over again. The content was different but basically for all intents and purposes it was the same. The thought process was the same. I thought the third year . . . it was fine, if you had the luxury of not needing money, but for people who had, were hard put to come up with tuition, I thought it was an unnecessary expense. But I think, look, it was a great year. I really had nothing to do.

George: Did you relax then?

Makadon: I enjoyed myself immensely that year.

George: You mentioned that one of the things you really liked were the friends you made and the colleagues you had. Have you stayed in contact with a lot of your classmates?

Makadon: Some of them. . . yes I have. . . and some of them are my partners right now.

George: Can you mention a few?

Makadon: Michael Sklaroff, one of my best friends from law school. He actually transferred to Penn from Columbia Law School. One of my best friends from law school and he's a partner of mine, a very good friend of mine.

George: When you graduated from law school what was the recruitment process like as far as getting jobs after you graduated?

Makadon: Oddly enough, it was not that much different than it is today. If you had done well in law school, and maybe that is a difference, and I'll come back to that. But if you had done well in law school it was really not different than it is today for most students. That is there was on campus interviewing, there was (and I'm really talking

about second year), there was the flybacks, the callbacks, there were people, law students abusing the process – visiting friends in law school under the guise of interviewing. There was the wining and dining in the summer program. I don't think, in an odd way, while much of the world has changed, that whole regimen, I mean the i's have been dotted a little bit and the t's crossed, but basically the outline is pretty much the same as it was then. I think the difference is that in those days it was more available to people who had done well. For instance a lot of firms would interview just people who were on law review, and law review in those days was selected solely on the basis of grades. Today many more people share in summer programs than did in those days. Also, another difference, in the 60s 1Ls did not have summer jobs that paid the same as 2ls. They really, in fact, they didn't for the most part have jobs, other than the same kind of jobs they had during college.

George: Did you work in a summer program after your second year?

Makadon: I worked in a summer program after my second year.

George: At a law firm in Philadelphia?

Makadon: I worked at a law firm in Philadelphia.

George: Which one?

Makadon: I worked at Wolf Block. And there were 8 people in the summer program and we all were on the Penn Law Review and I very much enjoyed it. We didn't do a lick of work, so I've always been very skeptical of what people really accomplish during their summer and I've always been of the view that the summer program was just an opportunity for the law students to get to know the firm. I don't think that the firm really gets a chance to know the law students unless they stick out sort of like a sore thumb. And every now and then someone will.

George: Do you think the program should change? Would you like to see it different?

Makadon: I would like to see it different but I don't know how. I think we're spending an awful lot of money nowadays with very little yield. And I think hiring, not just summer programs, hiring raises all kinds of complicated questions. The value of a first year associate is very dubious. Clients aren't willing to pay for the work. So when you're hiring on a scale of 20, 30, 40 first year associates and ultimately 1 or 2 may be successful you have to question what you're spending your money on. But from what I can tell no one has changed and the process still goes on. No one has come up with a better idea. We hire a lot more laterally, and I think, we, most firms nowadays do. And people are much more mobile. With spouses changing jobs, society is so much more mobile that you have to accept that you are going to lose some of your best people having nothing to do with the firm and you're also going to gain new terrific people who are coming to Philadelphia.

George: Did you find any discrimination against Jewish students when you were interviewing?

Makadon: No. No. There probably was, but it was not obvious to me.

George: Before we were talking about the political activity at the time you were in law school. Was the law school, was there much going on there?

Makadon: Well, the Vietnam War was such an overriding issue. I guess if you were a self-respecting law student you had to be against the war, so it didn't provide much in the way of controversy, because there was no other side. That was the issue, it was an overriding issue and there was very little controversy about it.

George: What were your career plans when you graduated from law school? Did you have a vision of what you would do?

Makadon: I had decided that I loved doing tax work. And I saw myself as this gifted tax lawyer structuring all sorts of complicated transactions, because I heard someone say that all transactions were tax-driven. So I saw myself stepping into that, not void, but moving in that direction I guess. So I clerked, and then after I clerked I had an occupational deferment for yet another year. I was young, so in order to not subject yourself to the draft you had to have occupational deferment until you were 26 years of age and then you fell into another category. So I got an occupational deferment when I clerked for a year and then taught actually, taught legal writing at Penn Law School for a year which gave me a teaching deferment. And it was a terrific job b/c it involved intense work, but just for short periods of time throughout the school year and therefore I played lots of squash and had lots of free time and then during that year became 26. So it was the next year that I went to work at Paul Weiss in New York and started my tax career.

Clerk for Judge Lord

George: Briefly, how did you obtain the clerkship with Judge Lord?

Makadon: Well, this is sort of a funny story. I applied to several judges. And I was offered a clerkship on the second circuit by an immensely well-regarded but very difficult second circuit judge, then a second circuit judge. He gave me 24 hours within which to make a decision. I didn't really want to say yes, because I thought it would be a very difficult year on a personal level a difficult year, but I didn't want to say no either because I might end up without a clerkship and I thought a clerkship would be a very good thing for me to do. I was in about the 22nd or 23rd hour of my 24 hour grace period I was sitting in the law review library at Penn. It's in, I was going to say the old building, but the old building doesn't even. . . it's now where the moot court room is located, it was a special library for the law review. So, I was sitting there and the phone rang. It was

Judge Lord calling to offer me a clerkship. I accepted on the spot. So I ended up clerking for Judge Lord rather than on the Second Circuit. And I certainly never regretted that. That was a fabulous clerkship.

George: Had you not met Judge Lord?

Makadon: I had had an interview with him maybe 10 days before that.

George: So you enjoyed your time, thought it was beneficial to you?

Makadon: I loved my clerkship. And I thought it was extremely beneficial it gave me lots of insight into lots of things lawyers do or don't do that lawyers should or shouldn't do. And it was invaluable in that respect.

Attorney at Paul Weiss

George: As you mentioned, you then went to Paul Weiss in New York City where I guess you went to be a tax lawyer?

Makadon: I went to start on my career to be a tax lawyer. I found myself writing letters, long-winded letters to the Senate Finance committee in connection with the 1969 Tax Reform Act -- letters on behalf of clients who wanted certain little changes made or little tinkering here, a little tinkering there. I remember spending an hour one afternoon because my letter was fine in all respects except that I had omitted the zip code of the Senate Office Building from the address. Believe it or not in those days zip codes were a relatively new phenomenon and it took me an hour to find the zip code of the senate office building. And this involved numerous phone calls to senate offices.

George: Is that when you decided you didn't want to be a tax lawyer?

Makadon: No, that's not when I decided. What I did was, I really don't know what possessed me to do this, maybe as a joke, but I billed the time. I wrote down on my timesheet -- one hour, ascertaining the zip code to the senate office building. About 2 weeks later I was called into some partner's office and questioned about what kind of nonsense is this. And I said, do you mean that I spent the time or that I wrote it. No, he said, that you spent the time doing it. He said zip codes aren't important. And I said, well I was directed to do it and I told him who directed me to do it. And having nothing to do with this, the next week that person was passed over for partner. That was a good thing for me, because it was not the right thing to do, but I really didn't like the person very much.

George: What made you decide to leave Paul Weiss and your future as a tax attorney?

Makadon: There are two different issues. What I did was. . . I would probably still be a tax lawyer if I hadn't been practicing in New York. I found living in New York, and not being from New York, unbearable and had a slight recognition that no matter how successful you were you would always be relatively anonymous if you lived in New York and weren't from New York or didn't have some inordinate amount of money. And I thought it wasn't the type of place I wanted to spend my life. So, I came back to Philadelphia and went to work in the district attorney's office. Having done that, if you go ahead four years, it would have been very difficult to return to being a tax lawyer. A, I would really have had to start over, and B, I would have given up whatever I had learned really litigating for four years in the district attorney's office.

Assistant District Attorney

George: Why did you decide to go to the district attorney's office?

Makadon: I thought a law firm, for someone of my age at that time, with my personality, it was much too confining an environment and I wanted to try something different.

George: How did you come to work there/how did you obtain the job?

Makadon: I wrote a letter to Arlen Specter who was then the district attorney, enclosed my resume. He called me, personally called me, a couple days later invited me for an interview and gave me a job.

George: What was your impression of Arlen Specter, the district attorney then?

Makadon: You're asking me to try to recall what my impression was then. He was probably different than any large district attorney in the country at the time. He was doing things that weren't being done then. He was investigating non-violent crimes which even at the federal level things like corruption still weren't really being investigated, but Arlen was doing that. He also was very much into public relations, so there was always . . . the district attorneys office at that point used to have reporters assigned to it and there was always TV cameras there and were always news stories so you found yourself, and this is something I didn't expect, so you found yourself at the very center of a lot of stories when you worked in the district attorney's office. And that's all as a result of Arlen. He sort of broke the mold of district attorneys in the past who allowed the police to investigate, arrest, and prosecuted those cases and basically did not get much attention – the district attorneys did not personally get much attention. Arlen changed all that and I found myself in a situation, it was just fun every day to go to work, because you never knew what was happening. It is always fun to work in an environment that receives publicity and public recognition even though it places a lot of pressure on you. I just loved every second of it, but like with most things you could end of up staying there to long. After three and a half years or so I realized that I had to get on with me life.

George: Why did you think that was a good time to leave?

Makadon: I think that some point you begin to cut yourself off from the private sector and become solely at creature of the public sector. And that's good, but not something I wanted to be, at least at that point.

George: You spoke of Arlen Specter at the time being very concerned about his public persona. Was his political ambition clear at that point – what he wanted to do in the long run?

Makadon: Well, it was clear that he had tremendous political ambition and that it was more to be district attorney. I don't know that it was focused more than that.

George: What is your impression of Senator Specter now?

Makadon: He still has tremendous ambition and he certainly likes the public limelight.

George: In 1982 you were nominated to succeed Alan Davis as City Solicitor. I know at first you were considered for that job. What interested you in that position?

Makadon: What interested me is I had . . . the city solicitor in Philadelphia is the chief legal officer for the city of Philadelphia – so that involved you in every aspect of the law. For me it would be a welcome change from what I had been doing which primarily was litigation. and would expose me to all kinds of new areas of the law to which I had not previously been exposed. It also would put me more in touch with public issues rather than private issues. And put me more in touch with public officials. And that I thought was very enjoyable, so I was nominated for the job by then mayor Bill Green and had accepted the job, then at the last minute at what I consider a situation in which I embarrassed the mayor, I had to withdrawal my name because a client of this firm for which I had responsibility had said it was going to seek representation elsewhere if I left. You can debate what I should have done in that situation or not. But I would not have felt comfortable leaving here in those circumstances. And why I didn't feel comfortable saying no to the mayor, I thought it was the better of two bad choices.

Ballard Spahr Andrews & Ingersoll

George: You left the district attorney's office and came to Ballard Spahr Andrews and Ingersoll, where we now sit, and why did you decide to come to Ballard Spahr to work?

Makadon: Because it provided the best opportunity to build a litigation department.

George: When you say build one, was there not much of one at the time?

Makadon: It was not nearly as formidable as it should have been. And when I say should have been I mean in reference to the firm's general reputation locally and nationally, the litigation department was a very weak link and needed lots of work.

George: Why were you drawn by that challenge instead of going to a firm that had a well-established department?

Makadon: That would be too easy. I just think that practicing law has got to be more than answering interrogatories, and taking deposition, and occasionally trying a case. I think building something, in the cosmic scheme of things its totally unimportant, but we don't generally operate in the cosmic scheme of things. I think building something was something that was important to me.

George: Was there any particular lawyer at the time that influenced your decision to come here?

Makadon: No. It was an absolutely calculated decision that this firm offered the best opportunity to build a first class litigation department.

George: What impact do you feel like you've been able to have on that?

Makadon: I think I've been able to accomplish that goal. It has been accomplished for years. The question is where do you go from here? That is not an easy one to answer.

George: Do you know?

Makadon: I don't know where. If I did know where I'd tell you.

George: Can you tell me a little bit of the process that Ballard went through when you got here until now – with you heading up the litigation department which is now a very substantial part of the firm?

Makadon: The firm itself doesn't resemble anything like what it was when I arrived in the 70s. And the litigation department was an insignificant part of the firm and is now undoubtedly the most dominant part of the firm.

George: How would you describe Ballard Spahr and its place in the legal community in Philadelphia?

Makadon: I don't know. Obviously I'm partial. I think that we have – at this moment in the history of the firm and the city – we're in a unique position. We have the former mayor as a partner, his former chief of staff at the head of the firm, the current head of the school board as a senior associate, several former city solicitors, me, an almost former city solicitor. You have a lot of very interesting people, and not only does it attract clients, it makes for a very interesting collegial setting, b/c you have so many different kinds of people.

George: A lot of those people you just named being here – David Cohen, former mayor Ed Rendell – Ballard is beginning to be known as a big political, democratic firm to some people. How do you feel about that?

Makadon: Since I'm about to vote for George Bush for President, I don't think of it as a Democratic firm. It's a firm that has some very special people in it with some very special skills. And I think these people happen to also be excellent lawyers and I think it makes for a wonderful environment to practice and to attract clients. So I don't think of it as a Democratic firm or non-Republican firm. We're as welcome in Harrisburg where there's a Republican governor as City Hall where there's a Democratic mayor. I think that there are a lot of people here right now that are very well respected in the larger community.

George: You mentioned before the fact that people – there's not the same stability there used to be. You've obviously been at Ballard Spahr for a long time. People came and they stayed at a firm for their entire career. Do you think that's having a negative influence of firms that people aren't doing that anymore?

Makadon: No. I actually think that it is healthy. It is frustrating. For instance, a Marjorie George who works here for 3 or 4 years and because her spouse gets a fabulous job out in California and because she's a terrific lawyer and can get a fabulous job in California and because she's a terrific lawyer and can get a fabulous job in a California law firm, she gets up and moves with her husband. It's very frustrating to lose her, on the other hand, I don't think . . . it is an inconvenience. I don't think it depresses the practice of law. It is inconvenient; it is frustrating, but I don't think it has an overall negative impact on the practice of law. It's not like firms are topsy-turvy. There are firms like that that are acquiring groups of people and groups of people are leaving. We're nothing like that. I think the best firms are those that have the normal attrition for the normal reasons. There are a whole other group of firms that are trying to do overnight what it might take years to do the normal way. And I think at those firms – the stability issue is more of a factor. I don't think here it is an issue.

George: Speaking about a lot of firms do believe the bigger the better these days that you have to be a very large firm in order to really compete in today's market. What do you think about that?

Makadon: A number of people here believe that. I don't accept that. In fact, I could probably make the case that they should be smaller, but I think it doesn't really matter what I think, because firms are on that course of growing and we will eventually see if that pays off. It's not that I'm fighting the battle to shrink. I could make a case that a firm, especially if I could pick them, a firm of 20 people would be most desirable.

Politics

George: As we've discussed a couple times, you've been involved in politics for quite sometime and are known for that, specifically, you've been a close advisor to the former Mayor Ed Rendell who is now a partner here. How did you first become acquainted with Mr. Rendell?

Makadon: Ed and I were in the district attorney's office together and met each other in about January of 1970 and have been friendly ever since. Not nearly as good of friends as you might think, in the sense that there have been long periods of time, especially when he was mayor, that we didn't see one another. But most people would think that we would talk once, twice, three times a week, or maybe once a day – nothing like that, but I'm not going to disabuse people of that. I wasn't going to disabuse people of that. But we get along well, we respect each other, we understand each other and we understand what each other. . . I understand what Ed does extremely well and I think Ed understands what I do extremely well, and we complement each other in that respect.

George: I understand that you were involved in his campaign for mayor. Is that correct?

Makadon: I was involved in all three of his campaigns for mayor. Beginning in 1987 when he challenged Wilson Goode in the primary, Democratic primary – he challenged him unsuccessfully. Then in '91 when he was elected and again in '95 when he was reelected.

George: I have read in an article about you that you were brought in with some other big political people and almost questioned what your role was in the group. Why do you think he brought you in?

Makadon: I don't have any idea. I think what you read was an account of a meeting that took place in January of 1987 at Ed's house on a Saturday where I was asked by Ed to be there and showed up and met half a dozen or so people all of whom I recognized by name but didn't know, had never met before. These were people who were very much involved in politics and in a couple cases make their living in politics. For instance, the foremost consultant to Democratic candidates in this region in Neal Oxman and he was at that meeting. And, I think . . . though to myself what the hell have I gotten myself into and they were thinking what the hell is this guy doing there. And over the course of that campaign, although unsuccessful, I think it's fair to say that I've been close friends with at least three people who were there that I had never met before. Neal in particular.

George: Why did you believe that Ed Rendell would make a good mayor?

Makadon: Because I think he has wonderful people skills and when all is said and done I think a mayor more than any other elected official needs wonderful people skills because more than the governor the mayor is much closer to the electorate.

George: Do you think that's why he was such a successful and popular mayor?

Makadon: Yes.

George: When you were a lecturer at the University of Pennsylvania, which I know you have done on several occasions, I know you taught a student by the name of David Cohen who has since made a name for himself and become a real power broker in Philadelphia. He's been the chief of staff to former mayor Ed Rendell as you mentioned and is currently the Chairman of the Board at Ballard Spahr. What struck you about Mr. Cohen when he was a student of yours?

Makadon: I should point out, and I don't have a copy, David Cohen is according to the Philadelphia Magazine he is no longer the most powerful person in Philadelphia, he is the second most powerful person in the city. While I'm the 80th most powerful person in the city. I have dropped much more precipitously than he has. What struck me about him – I taught at Penn Law School as an adjunct professor for about ten years and David was a student of mine, and he had an uncanny ability to understand situations. Uncanny for someone the age of 25. He had a grasp of reality that was beyond most people I know today. So you add that to the fact that he is a prodigious worker, he has a superb intellect, and he is very, very, um – not engaging, but a very calming personality. Eventually, at that meeting I was describing in 1987 at Ed's house I suggested that David be Ed's press secretary, there was some part of the meeting that was devoted to whom should be Ed's press secretary for the primary. And I said you don't know this person, but I know this young lawyer David Cohen. Neal Oxman to whom I made mentioned a couple of minutes ago started screaming at me that this was not for amateurs and if I thought it was I should get out of there but we're not going to have any amateurs involved in this campaign. To make a long story short, David was the press secretary in that campaign, I introduced him to Ed and they got along well, and went on to become America's chief of staff and now the second most powerful person in Philadelphia, as I said, and head of this firm, and effectively my employer.

George: What was he doing when you recommended him?

Makadon: He was drafting interrogatories for me.

George: At Ballard Spahr?

Makadon: That's correct. He was working here. Slaving away. Drafting interrogatories, doing menial tasks.

George: Did you bring him here?

Makadon: Yes. David clerked for Judge Lord. There are a number of us who actually, several of our partners – Michael Sklaroff who I mentioned clerked for Judge Lord, David clerked for Judge Lord, one of my former partners Bonnie Breyer who is now the general counsel of Children’s Hospital here in Philadelphia clerked for Judge Lord. And these people were all here. After David’s clerkship with Judge Lord he came to work here.

George: Why do you think that he has been such a successful advocate for Philadelphia? He’s credited with a lot of the recent success of the city.

Makadon: I described with a some superlatives a bunch of his qualities, but I think the one that made him most effective when he was chief of staff was his patience and that manifests itself in a number of ways. For instance, if there’s a politician with a grievance David would sit with that politician, and this might be someone you wouldn’t tolerate even being in the same room with, but David would sit with that politician for hours until that politician understood that his or her problem, if not solved, was going to get first class attention. He had great, only someone with David’s patience would do that. He also would sit, I mean . . . there is no item that would appear in the newspaper about Ed Rendell specifically or about the city of Philadelphia generally that would be critical, if it were a critical item David would spend hours with the reporter trying to explain and almost always successfully why the article or proposed article or item was wrong. Eventually you end up with someone who is basically the best advocate in the world for the city, because he’s making sure the city is always seen in the best possible light. And I think it explains why John Street places so much confidence in David. John sees in David, David is not in this for himself, he’s in this to really help the city. In the process he helps himself and helps the firm, but he helps the city and in the process he helps John. A relationship that could have gone either way between John and David I think worked out very well, but David will if given a job he will spend all the time necessary to make sure it’s done properly. And I think that’s a quality I’ve never seen in anyone else.

George: The word is he is willing to put in many, many hours. Is that true?

Makadon: It’s not just that he’s willing to put in many hours, yes, he will work 24 hours a day, but there are a lot of people who would do that. It’s that he will sit and listen for hours to errant nonsense in order to change the message so to speak to a more positive message.

George: Speaking of now Mayor Street – how do you think he’s been as a mayor? Obviously it’s a big change after Mayor Rendell.

Makadon: Once you except that they're not the same person and that John and Ed have totally different personalities. I think John is doing substantively very much what Ed would be doing substantively. In terms of process, John is just not going to go to 100 events a day. He made no bones about that when he was running that he just wasn't going to do that. I mean, when I think of the events Ed would go to. I remember going with Ed to an event for a little shopkeeper here in Center City who was celebrating the 10th anniversary of her store and Ed. . . she said to me one day wouldn't it be great if the mayor could be here on the 10th anniversary. And I said not only would he be here but he'd bring a city proclamation. And sure enough, at the appointed hour I went over there and Ed stayed for 15 minutes, made everyone feel terrific, and presented a proclamation. Now, is John going to do that? No. The reason John isn't going to do this, what people don't understand is that Ed loved that, it's like a baseball game, he likes going to baseball games. Ed liked that. I have to say, I couldn't do that. But to answer your question, I think John is doing a terrific job.

George: The general talk is that Mr. Rendell will run for governor in the year 2002. If he does, do you think that you would play any role in his campaign?

Makadon: Well, I certainly will support him, yes.

George: Do you think he'd be a good governor?

Makadon: I don't think he can ever repeat his job as mayor, but I don't think any governor can be as good a governor as Ed was a mayor. I think there's just a different, it's just a different job. It's not as much a people job, being governor as being mayor, but it is dealing with a legislative body that can be difficult. I think that he will do a better job than anyone else, but I don't think he'll have as much fun being governor as being mayor.

George: What do think his likelihood of success is?

Makadon: I think that to use a new phrase, if he stays "on message" he'll get himself elected. The real question is, seems to me, staying on message is awfully boring. But if he can do that for a couple of years, he'll get himself elected.

George: The September 1996 cover story of the Philadelphia Inquirer Magazine calls you "Mr. Inside." What do you think of that title for yourself?

Makadon: It was fine. It was fine. I don't know really what it means. It was meant, at least I don't think it was intended as derisive and therefore it was fine.

George: It seemed like instead that, they said that people were moved or shaken by you, so they were saying you have a real power in Philadelphia. Do you think that's true?

Makadon: I think what's more important is, to be honest, that people think you have it. Whether or not you have it. I do know this, if you try to use it very much then you won't have it for very long. It's sort of an odd thing, you are better off not to use power, but instead to use logic and intelligence and strategy, rather than to rely on friendships.

George: What do you think, they talked a lot in the article about doing favors and that sort of thing. Where do you think that type of power comes from?

Makadon: I get lots of requests from people to do favors for them and I do it and I never ask for anything in return. It's just. . . I'm more inclined to do them for people who can't help themselves. A little merchant who has a problem with licensing and inspections I much more likely to help that person out than a great big client by making a telephone call. But I don't know, I don't ask for anything in return. I don't expect anything in return. It is nice when someone just says thank you though. You'd be surprised how often you go out of your way for someone and the person doesn't even say thank you.

George: In that same article your wife said you desire to win comes from you being "a late starter and always feeling like you're coming from behind." What do you think she meant by that?

Makadon: I think she's referring to my realizing at a slightly later age than other people that going to school, and where you go to school, doing well in school is important. I didn't realize that probably when I was 17 and could have done something about it, I realized it a little later. She thinks I have to continue to prove myself and to a certain extent I would agree with Marcie that there was a time in my life when I felt that way. I like to think that I have changed and understand that about myself and don't feel that I have anything to prove.

George: Earlier in the interview you said that you knew you weren't meant to run for political office yourself because you were too thin skinned, but that seems a little surprising considering you are known to be an excellent litigator and so tough. What makes you say that?

Makadon: I don't think I could stand on a daily basis personal criticism. And I think that you have to tolerate that. I see the abuse; I see families being abuse. I wouldn't be able to take it without striking back.

Involvement at the University of Pennsylvania

George: As I mentioned earlier, you're very involved in the Penn community. You are currently a trustee, overseer of the law school, and as we talked about in the past you have been an adjunct professor at the law school. Why have you stayed so involved at the University of Pennsylvania?

Makadon: I must say that I enjoyed being at Penn Law School. I liked the people at the University; I like the President of the University. I like the people in the administration that I know well. I think Penn plays a very vital role in the city. It is the largest employer in Philadelphia, but it's more than just that. It's internationally recognized. It is very nice, maybe you can call it a pretension, but it's a very nice pretense to be associated with the University. And if you have to be associated with some organization, I can think of no better organization, especially here in Philadelphia, than Penn.

George: How do you think the law school stands today compared to when you were a student?

Makadon: I think it's a terrific law school. I don't know U.S. News and World Report notwithstanding, it seems to me the students are terrific, the faculty I know are terrific people. And I don't know that the ranking of the law school should depend on whether the endowment of the law school is \$500 million or \$100 million. It seems to me it's a terrific place and it certainly is every bit as vital as when I went there.

George: Do you still think it has the same . . . as far as the student body, the students it attracts, as when you were there?

Makadon: I think it is. when I was in law school the era was a little different. People weren't as concerned about their futures. It's the Vietnam War going on. There are other sort of important changes in male/female relationships taking place. So it's a much different environment, but I think the student population, yes, is still terrific, at least as far as the ones I know who go there.

George: I know that you taught at the law school. Did you enjoy teaching?

Makadon: Loved it. Loved it. Would consider doing it full-time actually and the only reason I discontinued what I was doing was because I didn't have the time for it. But I would like to do it again.

George: You think you might maybe teach a class again?

Makadon: Yes. I would like to. I would like to do that.

Role as Mentor

George: I also know that you've been involved with Penn Law School's Leader's Day and that you've also . . .when student's come and spend the day with you.

Makadon: I didn't know what it was called.

George: And that you've also been known to mentor a lot of young lawyers here at Ballard and help people along their way. Why is that important to you to play that role?

Makadon: I just think that a lot of, when I think of about all the ways, all the times I could have used to ask a question to that had some sort of realistic view of the world and there was no one there, I just think it's important to, if there's someone with whom I'm simpatico and wants to ask me a question, to just be there to answer it. It's purely personal. I find it very satisfying when I see people like you and I think that you were here when you were in your first year and now you're about to go clerk for Judge Marjorie O. Rendell on the Third Circuit. I think that's . . . that I had some slight role in that.

George: I would say you did. Actually, my last question I want to ask right now, what do you think is the most important lesson that you would try to teach a young lawyer when they're starting out in their career?

Makadon: Be yourself. Don't try to imitate other people. Act naturally. And don't minimize the role that luck will play in your career.

George: That's all I have for you. Thank you very much, I appreciate you spending time with us. Thank you.