

Remembrances of James E. Beasley, Esq. by Shanin Specter

Jim Beasley was a big influence on my life and the lives of many others.

I recall distinctly how we met. As a first year law student in March 1982, I wrote twelve letters to potential summer employers. The morning after I mailed the letters, I was in the shower and the phone rang. I rushed out of the shower and answered the phone dripping wet. It was Jim Beasley. He said “let’s meet.” I asked “when?” He said, characteristically, “come right over.”

The interview was brief. Beasley asked a series of short questions in rapid fire succession, maintaining a direct gaze on my pupils. It was essentially a staring contest. He wanted to see if I would stare right back. His final question was “when can you start?” I told him I had just sent out a dozen letters and was waiting for others to get back to me. Over the next several weeks, he was very patient while I received a couple other offers and lots of rejections. It took me a while to grasp the obvious: anyone so quick with the phone and so quick with the questions and so quick with the offer should be taken very, very seriously. I accepted his offer of summer employment.

The summer of 1982 was spent on a seven week trial in federal court in Camden. The trial began on my first day. I walked into Jim Beasley’s office and he said “grab this box.” I grabbed the box and followed Beasley downstairs to his Subaru, climbing in along with a young associate, Tom Kline. The trial was *Monaco v. G.D. Searle, Inc.*, where a dentist claimed that the high blood pressure drug, Aldactone, had caused him to develop female breasts and shrunken testicles.

When we got to the courtroom, Beasley greeted Dr. Monaco’s wife in the following manner: “Dolores, you need to go to the bathroom. When you come out of the bathroom, please have that fancy watch in your purse, not on your wrist.” He then upbraided Ms. Monaco for wearing too nice a dress. She told him that she would dress herself from the back of the closet for the remainder of the trial.

Beasley tussled with Ray Tierney, one of the finest trial lawyers in New Jersey, and Bill Richman, a senior partner at Sidley & Austin, the venerable Chicago law firm for whom Searle was a prized client. Beasley had no respect for Richman’s status, which he demonstrated by routinely mispronouncing his name, something I often saw Beasley do in like circumstances. Similarly, if Jim thought a lawyer was a dud, he’d say what a “fine guy” he was, with no hint of sarcasm or irony.

My job during the trial consisted largely of putting dimes in the parking meter and joining Beasley and Kline for dinner every night after court. Jim was going through a divorce and had nothing better to do than have dinner with us. During the trial, Beasley’s main expert witness was discovered to have made a false statement on his resume. Seizing the initiative, I grabbed the curriculum vitae of the defendant’s main witness and went to research whether his resume was also inaccurate. I found that he stated he had three children, whereas a biographical

reference I located stated he had four children. I pointed out this discrepancy to Beasley and foolishly urged him to confront the expert with the inconsistency. Beasley declined. Later research revealed that the witness had suffered the death of one of his children, thereby explaining the discrepancy and guaranteeing a horrific answer for our side if Beasley had followed my novice advice.

The trial lasted seven weeks, with lesson after lesson being absorbed by me. The verdict was for the plaintiff for nearly \$8 million, an astounding amount for a case like that in 1982. I picked up the next day's New York Times and was surprised to see no story about the verdict. There was no story because Beasley didn't call the press. Jim Beasley did almost nothing to cause others to know about his successes. This verdict, like many others, was known to the legal community, but not far beyond.

Jim Beasley came up the hard way, and the story of his life has been well told by others, especially Ralph Cipriano in "Courtroom Cowboy." In the first year of my law practice with Jim, in 1984, he told me a fair amount about his start in the practice. He began by working for B. Nathaniel Richter, a legendary Philadelphia trial lawyer concentrating in personal injury law.

Beasley told me that on one occasion, Richter handed him a thin file, telling Beasley this was a premises liability case he wanted Beasley to try. Beasley reviewed the file and saw that the plaintiff had sustained an orthopedic injury from a fall due to an allegedly defective sidewalk. The difficulty with the case was that there was no evidence in the file that the landowner had any notice of a defect in the sidewalk. Beasley relayed this to Richter, who replied, "yes, Jim there is a witness to the problem with the sidewalk who advised the landowner." Beasley responded that Nate must be thinking about some other case, because the file didn't indicate the existence of such a witness. Richter told Beasley to go back to his office. Thereafter, Beasley's phone rang and the voice on the other end said, "I'm your witness." As Beasley told the story, he left the Richter firm shortly thereafter.

In another early conversation with Jim, he told me three things that were meant to be pearls of wisdom: (1) listen to your clients; (2) don't take any shit from anybody, including a judge; and (3) there is no case more complicated than an intersectional collision. I thought all three observations were plainly wrong. Didn't we know more than our clients? Shouldn't we accept our role as subservient to judges? With all the medical malpractice and product liability cases in the office, how could it be said that a car accident case could be just as complicated?

I came to learn, of course, that all three observations were true. Our clients had a lot to say and often they were right and our instincts and alleged wisdom were wrong. Judges who acted like bullies only responded appropriately to those who stood up for themselves. And having prepared and tried lots of intersectional collision cases, I found that the issues of time, space and perception were as subtle and subject to the powers of advocacy as any issues in our most rarified cases.

Jim Beasley told me about calling a particular expert witness in a medical malpractice case. The witness did extremely poorly on cross examination. While his witness was testifying, instead of taking notes and designing an effective redirect, Beasley took a sharpened pencil and tried to

balance it on its point on his table. This, of course, is impossible. But it did distract some of the jurors. Despite the witness' poor performance, Beasley won the case. As he was leaving the courthouse, Jim ran into a juror whom he thanked for his verdict. Jim added "what did you think of my expert witness?" The juror replied "we didn't think he did very well, but we saw that you didn't seem to care." I pass all this and other Beasley wisdom along to the law students at Penn, where I have taught for the last 15 years. Jim Beasley's wisdom is timeless.

Jim Beasley took a lot of cases that personal injury firms of today might not be willing to accept. He understood that people need advocates, not every case will be profitable and you never know what will happen once you get into the middle of a lawsuit. On one occasion, Jim accepted the representation of a small businessman from Northeast Philadelphia whose business telephone listing was left out of the White Pages by Bell of Pennsylvania. The phone company had corrected their error in an errata, but the business owner still felt aggrieved. When Beasley filed suit, Bell responded by noting that the claim was capped by a Public Utility Commission regulation stating that where a customer was left out of the White Pages, they are entitled to two months of basic phone service, which was worth about \$12, total. Beasley got this regulation declared unconstitutional. He then tried the case against Bell of Pennsylvania, obtaining a \$50,000 verdict to compensate and \$100,000 to punish. Wow.

Jim Beasley took on the high and mighty with no fear of the consequences. Jim was the only lawyer in Philadelphia who would routinely sue the Philadelphia Daily News, the Philadelphia Inquirer and other media outlets. Most lawyers feared media retribution. In addition, it was and remains almost impossible to obtain a favorable resolution in a defamation action on behalf of a public figure, under the "actual malice" standard. Yet, Beasley brought case after case and, remarkably, got paid time after time. Beasley's two libel trials for famed Philadelphia lawyer Richard A. Sprague against the Philadelphia Inquirer rank at or near the top of the most important civil trials in Philadelphia in the second half of the twentieth century.

Jim Beasley was a thoroughly ethical lawyer. He would not curry favor with judges. He would not take them to lunch or dinner, nor would he treat them particularly well when he was in their courtroom. He cautioned others about becoming too close to judges. Jim wouldn't go along with clients who wanted to bend or break the rules. I saw an interchange between Jim Beasley and a very prominent lawyer in Philadelphia, who was Beasley's client. They were preparing for a hearing where Beasley was going to call the client to testify. The client said to Beasley, "what do you want me to say?" implying that his testimony was flexible. Beasley replied with disdain, bordering on contempt, "the truth."

Of course, Jim Beasley was hugely successful. He won the first million dollar verdict in Pennsylvania in the 1960s on behalf of attorney David Cohen, who was injured in a motor vehicle accident. By the mid 1990s, he had the largest number of reported verdicts in excess of a million dollars among those lawyers who were members of the Inner Circle of Advocates. He tried all kinds of cases, for all kinds of clients, from New Jersey to Alaska. His preparation was astounding; no matter how early I got into the office, when Jim Beasley was on trial, he was always there first.

Jim Beasley was very fair to the people who worked for him. He ran his firm as a benevolent dictatorship with emphasis on the word “benevolent.” Lawyers received a modest draw, commensurate with the reality that a plaintiff’s personal injury practice is contingent. But at varying intervals throughout the year, as the firm did well, Beasley would pay bonuses to his lawyers. He always treated me fairly. I never knew anyone who left the Beasley firm over money.

Jim valued the professional independence of the lawyers who worked for him. He assigned files and expected lawyers to prepare and try cases appropriately. He didn’t meddle. When I would bring him paperwork to sign, he would never look at it and instead ask whether these were “his commitment papers.”

Eventually, this hands-off policy backfired. Jim employed a lawyer who simply stopped working. As a result, dozens of cases were dismissed, all without Beasley knowing. When the matter was finally brought to Beasley’s attention, it took all of his skills of advocacy to get the cases opened by judicial order. Eventually he succeeded, and the clients’ cases proceeded on the merits. This episode was a chastening experience for Jim Beasley. Perhaps relatedly, soon thereafter, Jim made an enormous gift to Temple University, who named their law school for him.

Jim Beasley’s endowment to Temple has helped educate another generation of lawyers and will continue to advance the students of The Beasley School of Law in perpetuity. This magnificent gift, along with his influence on the careers of his mentees such as Tom Kline, myself, Jim Colleran, Nancy Fullam, Andy Stern, Michael Smerconish, Slade McLaughlin, Paul Lauricella, Dan Thistle, and Jim Beasley, Jr., as well as those who opposed him in court or witnessed his work, affects today’s lawyers and cases in ways large and small.

When I’m trying a case, I find myself channeling Jim Beasley. I’m sure his other alumnae feel the same. When I hear a judge charge a jury, I hear the words Jim Beasley helped to write. As the great architect, Christopher Wren wrote about himself, “if you seek his monument – look around you.”

Jim’s distance from the lawyers who worked for him contributed to the departure of some, including Tom Kline and myself. It was a painful moment in Tom’s life, my life and Jim Beasley’s life. It is emotionally hard to leave and it is emotionally hard to be left. Relations between Jim and I turned frosty.

But, with time, the frost thawed and circumstances brought us back together. Jim’s cardiologist was Bernard Segal, M.D., and I sued Segal’s practice on behalf of the estate of a very wealthy Philadelphian. Beasley came to jury selection, pulled me aside and said “you know, Shanin, juries don’t give much money to rich people.” I replied “Jim, that’s the kind of problem you taught me to get around.” He laughed and the discomfort vanished.

On August 26, 2004, I wrote this letter to Jim Beasley:

Twenty years ago today, I walked into 21 S. 12th Street and began my practice of law with you.

For eleven years, you gave me the opportunity to learn, to achieve, and to excel. You were, without exception, always fair and supportive of my professional development.

Whatever I have achieved in these twenty years is due in substantial part to you. Thank you.

On August 30, 2004, Jim Beasley penned the following reply:

I have in hand your very kind note of August 26, 2004. I knew from the beginning that you were a winner and you proved it.

Give Tom my regards with my hope to both of you for a continued bright future.

Warm regards.

A few weeks later, Jim Beasley was dead. This exchange of letters hangs in my office. It is a reminder to me of Jim Beasley, his greatness and the importance of telling people you appreciate them.

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