An Early Leader Challenges the Status Quo

Among the speakers at the PBA's first meeting on July 10-11, 1895, at Bedford Springs were two future PBA presidents, George Wharton Pepper and Alexander Simpson Jr.

Pepper and Simpson were among the PBA founders concentrating energy and attention on issues that in one way or another addressed statewide standardization.

Pepper (1867-1961) presented a report at the 1895 inaugural meeting for the Committee on Legal Education, which promoted the idea of a Board of Law Examiners and urged a uniform statewide bar exam and standard law school curriculum. Pepper was a law school professor who founded a law firm that would eventually be known as Pepper Hamilton, and who would later become a U.S. senator and serve as the 1928-29 PBA president.

Simpson (1855-1935) chaired the PBA Committee on Law Reform for more than 20 years and was part of the drive for uniform, statewide rules of court. At one point, Simpson compiled into a single volume the known rules of all the common pleas courts in Pennsylvania. It was 408 pages long and delineated 1,889 rules.

At the PBA's 1895 meeting, while also making references to the newly-formed PBA's purpose, Simpson challenged local bar associations to make some changes.

Simpson said, “Most of our local associations appear to have abandoned all but two of their functions: (a) keeping a law library, accessible to its members and the courts; and (b) giving annual banquets to the Justices of the Supreme Court, or to some incoming or outgoing judge of the local courts, at which fulsome eulogy and wit of a local flavor absorb the speech-making.”

Simpson continued, “At times, it is true, papers have been read at meetings … in agitated cases, action has been taken looking to the disbarment of guilty practitioners … and resolutions, accompanied by addresses more or less relevant, have been duly passed and forwarded to the proper legislative committee … to be followed by a great calm lasting until the next session of the Legislature. It must be admitted that there is not in this much room for congratulation.”

Simpson proposed that a toast to a justice should be followed by a “fearless, active, practicing member of the Bar” telling “the Court what must be done to improve its methods” and then let the justice be “equally fearless in pointing out the necessity for changes by the members of that Bar. … (Therefore, by) ceasing to be merely eulogistic, (the Bar) would lose much of its subserviency.”

Henry Thomas Dolan, who wrote “The Diamond Anniversary History of the Pennsylvania Bar Association” in 1971, observed that it is doubtful whether even the bar and bench of our own day would have the stomach for such a confrontation as a piece of after-dinner entertainment.

In just a few years’ time, Simpson would rise to the top of the association’s leadership; he served as the 1901-02 PBA president.

Dolan wrote Simpson was “forensic, aggressive and provocative. He came down hard, on one side or the other, or, other years, on both in succession, and sometimes, to our eyes, on the wrong side at last.”

In 1907, during a debate on uniform rules of practice, Simpson boldly supported a lawyer’s right to practice in any county. Just two years later, the General Assembly took action, providing that Supreme Court admission “shall of itself, without more, operate as admission in every other court of the commonwealth” and the Supreme Court held the act to be constitutional.

But, Simpson would change his mind. A Northampton County lawyer had been disbarred for good cause but then readmitted on condition he “shake the county’s dust from his shoes for all time.” The lawyer took refuge in Philadelphia.

Dolan writes that “Simpson’s profound moral sense was deeply wounded.” In response, Simpson and his PBA committee would recommend an amendment weakening the statute to mean that Supreme Court admission certified only legal learning and ability, but moral character and personal qualifications were to be, as before, the exclusive province of the local board of examiners. Although Simpson, his committee and some local courts wanted to reverse course, it was not to be — the Supreme Court of Pennsylvania retained exclusive jurisdiction to regulate lawyers.

Years after his remarks at the PBA’s inaugural meeting about challenging justices during local bar association toasts, Simpson himself became a Supreme Court of Pennsylvania justice, serving from 1918 until his death in 1935.

The sources for this information are “The Diamond Anniversary History of the Pennsylvania Bar Association” by Henry Thomas Dolan, published in the January 1971 Pennsylvania Bar Association Quarterly and histories about the PBA written in 2010 by PBA Executive Director Emeritus Theodore Stellwag and in 1995 by the editorial director of The Pennsylvania Lawyer magazine, Donald C. Sarvey.

Join the conversation and get the latest updates about the PBA’s 125th anniversary on the association’s social media accounts (Facebook, LinkedIn and Twitter) by using the hashtag #PBA125strong.

This image of Simpson is a portion of a portrait on oil canvas painted by Albert Rosenthal in 1915. The painting was recently purchased by the Pennsylvania Bar Association when the Philadelphia Bar Association downsized its Jenkins Memorial Law Library. The painting is displayed at the Macal Mansion, the PBA’s headquarters in Harrisburg.