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## SHOP TALK

For Bernard Smalley,  
it all started in his father's  
West Philly barbershop



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*For Bernard W. Smalley, it all started in his father's West Philadelphia barber shop*

By Natalie Pompilio  
Photography by Moonloop Photography

Perched on the shoeshine stand, a young Bernard W. Smalley watched as his father cut the hair and dispersed wisdom to some of Philadelphia's greatest legal minds: William H. Hastie, the first African American to serve as chief judge of a U.S. Federal Court of Appeals; Ronald Davenport, who would become dean of Duquesne University School of Law; H. Patrick Swygert, future president of Howard University.

Smalley grew up in that West Philadelphia barber shop, greeting these men with a firm handshake while locking eyes like his dad taught him. After running to the basement to remove warm peanuts from the roaster, he'd offer them in bags sold for a quarter. He'd hang their hats and coats, which would later take on the unique smell of Pinaud talc and aftershave—slightly antiseptic, musky, with hints of orange, lemon, jasmine and lavender.



*Bernard Smalley, seated, gets a cut from his brother, Vernon Smalley, at Vernon's barber shop, Cuts and Fades.*

Most importantly, he listened.

"They talked to each other about their lives, about their successes, also their failures, and having my dad, as their barber, quietly give counsel," Smalley says. "My father would point to them—not when they were in the shop—but later and say, 'Emulate him.' Then he'd point to someone else and say, 'Don't emulate him.'"

Why did those legends frequent his father's barbershop? "No one gave a better cut," Smalley says.

Today a senior trial attorney at Raynes Lawn Hehmyer, Smalley has represented plaintiffs in some of the city's highest profile medical malpractice and personal injury cases. His clients have included the Nepalese refugee family of a 41-year-old woman who died in Dr. Kermit Gosnell's infamous abortion clinic and an octogenarian critically injured when a building under renovation collapsed on a Salvation Army thrift store. He has advocated for a Holocaust survivor whose husband died of a doctor's neglect; a child who lost a hand in a bus accident; three police officers defamed by a newspaper.

"He's very diligent, very precise. He takes real care to understand a case," says U.S. District Judge John Milton Younge, who has known Smalley since both were young lawyers in the 1980s. "He's very strong on the law. He knows how to prepare a case and how to present it."

Before Smalley was preparing cases, he worked as his father's assistant, then later, as head barber after his father's unexpected death. Bonnie Wesley Smalley was the patriarch of a family that included his 13 siblings as well as his wife, two daughters and two sons.

Short but strong, Smalley says his dad "had forearms like a stevedore."

"There was a very calming way about him. People trusted him," Smalley says. "He always knew the right thing to say." He also knew when to say nothing.

On the eve of his high school graduation, Smalley and his father had a conference with one of the school's guidance counselors. The woman told them that, after a careful review of Smalley's records, it was clear the young man should pursue a career as an auto mechanic.

As Smalley remembers that meeting more than five decades ago, his father took in the advice, but stayed silent. When their car was stopped at a traffic light driving home, his father turned to him and said, "You're going to college."

"There's dignity in all work ... but what my father knew, and what that woman did not care a *whit* about, was that I couldn't tell the difference between the carburetor and a spark plug," says Smalley. "It was a lesson to me in the strength of my dad. He

didn't yell. He didn't jump up and down and say, 'You don't know what you're talking about.'"

"To this day, I wonder how many other young black men and women whose parents also got that advice just listened and accepted it, and what [those students] could have been but for the direction she gave."

### CURIOUS ABOUT THE WORLD AND WANTING TO WRITE ABOUT IT

Smalley was studying journalism at Temple when his father died.

The unexpected loss—coming just five days before Smalley's 21<sup>st</sup> birthday—turned his life upside down.

"My dad's been gone almost 50 years and there are still times when I think about him and the grandchildren he never saw and the life he expected to live. ... It still makes me cry," he says. "I meet [clients] at a point in their lives in which it's remarkable that they can get out of bed. And they go to work and care for their wives and husbands and children and put one foot in front of the other. ... There are times when my clients cry and I will tell them about my dad."

Smalley took on his father's barbering duties, running the shop and supporting his mother and brother. He gave up day classes for night ones. His father's customers became his. He grew particularly close to Hastie and Court of Common Pleas Judge Harvey Schmidt.

"Democracy rules in the barbershop. It doesn't matter if you're the chief judge of the Third Circuit Court of Appeals. If you walk into the shop and there are two people ahead of you, those two people get served before you," Smalley says. "Hastie understood. He sat and ate his peanuts, talked to folks. They didn't know he was one step away from the U.S. Supreme Court. He was just an interesting individual. Black men, sitting and talking, everyone equal. That's a lesson that wasn't lost on me."

Smalley was offered a newspaper job in Cleveland after graduating in 1971, but he didn't feel right leaving Philadelphia so soon after his father's death. Instead he took an administrative job in the city's court system. His courthouse job introduced him to another influential African-American member of the judiciary, U.S. District Court Judge Clifford Scott Green, who along with Schmidt, co-founded Philadelphia's first African American law firm.

"Judge Schmidt became a surrogate father," Smalley says. "He let me butcher his hair too."

Green and Schmidt built upon the seeds sown on the barbershop floor, and

Smalley began taking night classes at Widener Law. He completed his degree in 1980 and began working as a deputy court administrator and a clerk for Philadelphia Court of Common Pleas Judge Stanley M. Greenberg.

One day the judge invited Smalley to sit in on a personal injury lawsuit settlement conference: Reggie Showers, 14, had climbed atop an abandoned rail car and touched a power line. The electrical jolt burned his legs so badly that both feet were amputated below the ankle. The boy's family was suing Conrail, who owned the property.

When Reggie's mother and stepfather arrived for the meeting, they were surprised to see the kid they'd known as "Smoke" for his speed as a high school track standout, the boy who'd shopped at their corner store and played football with their older son.

"Then I saw pride. I was someone who they watched grow up and they both helped along the way," Smalley says. "I was making good on a promise as part of their village."

Arthur Raynes represented the Showers family. Smalley watched as Raynes negotiated with the Conrail lawyer, securing a large settlement.

It was over. Everyone shook hands—and then Raynes started talking about building a fence around the railroad property so no other child would be injured.

"The defense counsel got angry and said Conrail wasn't going to pay for a fence, and Arthur, in his very calm way, said, 'Did I ask you to pay for a fence? Did I ask Conrail to pay for a fence?' Arthur paid for that fence," Smalley remembers. "I learned so much in not only how he handled the case, but also from the compassion he showed. I thought, 'If I'm going to represent a client who has been through tragedy, I want to be like Arthur Raynes.'"

After almost three decades with Anapol Schwartz, then a few years at Tucker Law, Smalley joined the firm his mentor founded in 2016. Raynes' son, Stephen, is now name partner.

"Bernie is the consummate trial lawyer, community leader and, in my opinion and most importantly, a caring human being," says Raynes, who says he considers Smalley a mentor. "He is the epitome of honesty, sincerity and integrity."

That sincerity was on display from go.

In Smalley's first jury trial, a 1984 medical malpractice case, he was one of the least experienced attorneys at Anapol Schwartz. Smalley was tapped to represent Edith Kuys, whose husband died after physicians at the Hospital of the University of Pennsylvania allegedly failed to treat his impaired blood circulation.

While partners such as Paul Anapol and Sol Weiss were supportive, others at the firm thought it might be a loser because the man had many pre-existing issues. One attorney warned him, "You're going to lose. What I don't want you to do is embarrass the firm."

"If you're looking for encouragement, those are not the words I would choose," Smalley says. "But when I tell you I worked my butt off, I worked my butt off."

During the two-week trial, Smalley shared the Kuys' love story with the jury. She was a Jewish refugee who'd gotten out of Nazi Germany with the help of members of the Dutch resistance. He was a Dutch freedom fighter. They met in the U.S. years after the war and fell in love.

"The jury was absolutely impacted," Smalley says. "Mr. Kuys had spent part of his life fighting to save people of the Jewish faith, suffering the injuries that caused the health problems that eventually led to his death. [His wife] then stood up to fight for him to keep his memory alive."

Defense counsel noted that the accused doctor was world-renowned and had an 85-page résumé.

"I brought up [former President Richard] Nixon, who I suspect had a résumé that was longer than 85 pages," Smalley says. "There was no reason for this doctor to get a pass because he had an 85-page résumé."

The jury awarded the Kuys family \$1 million, "real money in those days," Smalley says. The widow, who died in 2018, was so grateful that every year in which she traveled, she sent a birthday gift from wherever she was in the world. The first, a bowl from India, sits on his desk.

Another client gift he treasures: a costly bottle of Opus One wine from three Philadelphia police officers he represented in a 1997 slander case against *The Philadelphia Daily News*.

"I will never drink a drop of that bottle," Smalley says.

The three officers—two African American and one Hispanic—had all taken a test to be promoted to inspector and finished with the three highest scores. Not long after, the tabloid newspaper's front page featured a police officer's cap with the word "cheater" written 63 times on the badge of the hat.

"I could not believe that they would say that and that they'd say that so many times," says Smalley. "Someone couldn't believe that these two black men and this one Hispanic man could be smart enough to finish one, two and three. It was impossible."

The men were devastated.

"When a guy who is 6-foot-3 and built like he's been chiseled cries in front of



The good old days at Smalley's Barber Shop. Smalley's father is the second barber from left.

you because he can't get his reputation back, you know you're fighting for the right thing," Smalley says. "If that's not something you fight for, you shouldn't be practicing law."

In building his case, Smalley noted that the test included an oral interview administered by a blind panel of officers. That made it impossible to cheat, as no test taker knew who would be on their panel. The newspaper settled the case.

"You forge these relationships that last beyond the case. You get to be part of their family. They get to be part of yours," Smalley says. "It doesn't happen with everyone. It can't. But when it does, say when you represent a family who has lost a child, you get a picture when they put a headstone on the baby's grave because it's important that you know."

That Smalley remains so close to multiple clients is no surprise to Raynes.

"These are not cases to Bernie," Raynes says. "These are people having a difficult time when they enter his life and he commits himself with all his energy and skill to seek to improve the quality of their lives. Because of the intensity of the relationships, they become friendships that last long after a case goes to trial or is settled."

### SMALLEY SAYS HE WOULDN'T HAVE BEEN AS SUCCESSFUL WITHOUT THE HELP OF THOSE WHO CAME BEFORE HIM,

so he takes on that role for others. He considers mentoring one of his greatest passions. He currently works with younger attorneys, including some in his current firm, as well as students at Philadelphia's Girard College, a private, no-tuition boarding school for gifted students with limited resources.

Girard College is particularly significant to him. When Smalley was growing up, it was a whites-only institution in a largely African American neighborhood. Then, as today, the campus is enclosed by a 14-inch thick, 10-foot tall stone wall constructed in the 1840s with specifications laid out by Stephen Girard, whose will bequeathed his sizeable fortune to charitable and municipal institutions in Philadelphia. Smalley remembers riding the commuter trolley downtown and standing on the seat when it rumbled past the school's walls in an attempt to see beyond them. African American students were finally admitted to the school in 1968.

Now Smalley has oversight over Girard College in his role as vice president of the Board of Directors of City Trusts, which manages funds left to the city. He's also chair of the Girard College Committee, and keeps close ties to current and former students.

"The mentees that started with me are done with college and medical school or law school and they're scattered to the four corners of this country," Smalley says. "The mentees are now mentors who will outlive me."

He knows how important that is. "Many of the men who mentored me are gone now and they're still having impact on my career," he says. "It's my responsibility to give back and pay it forward."

It can be a hard load to carry sometimes. That's when he heads to his basement. A former client of his father's refurbished his father's original barber chair. Smalley likes to sit in it and think about his life, about his clients, but mostly about his father. 🍷