

In Memoriam - Harold Jacobs



Education

- University of South Carolina, LL.B., 1960
- Clemson College and United States Naval Academy, B.S., 1945

Admissions

- South Carolina
- U.S. District Court, District of South Carolina
- U.S. Court of Appeals, Fourth Circuit
- United States Supreme Court

Harold W. Jacobs, who was a named partner of Nexsen Pruet for more than 30 years, died on December 2, 2014.

Born in Kingstree South Carolina on June 5, 1923, he graduated from Clemson College and United States Naval Academy in 1945 and earned his law degree from the University of South Carolina in 1960.

The firm's founding partners, Paul Cooper and Frank Gary, hired Mr. Jacobs fresh out of school. Following their deaths in the 1970s, the firm was rechristened Nexsen Pruet Jacobs & Pollard -- a name that remained until 2004.

Mr. Jacobs was a highly regarded member of the South Carolina bar, earning the DuRant Distinguished Public Service Award in 2013. The annual recognition is the most prestigious statewide award members of the South Carolina Bar can bestow on a fellow attorney.

In 2002, the University of South Carolina School of Law honored him with a Compleat Lawyer Platinum Award. Those are reserved for select attorneys who have practiced for more than thirty years.

Throughout his career he was active in promoting the legal profession. He served as President of the South Carolina Bar and the South Carolina Defense Trial Attorneys Association. He was a member of the Board of Directors of the American Judicature Society, Chairman of the South

Carolina Supreme Court Commission on Character and Fitness and Chairman of the South Carolina Judicial Conference Committee on Judicial Reform.

Until his death, Mr. Jacobs remained active in his church and community, having served as senior warden on the vestry of St. Michael's and All Angel's Episcopal Church, the Committee for Canons and Bylaws of the Diocese of Upper South Carolina, the South Carolina Higher Education Commission and the Patriots Point Commission.

Experience

In 2008, as part of the South Carolina Bar Foundation's Oral History Collection, Mr. Jacobs discussed his distinguished career with Herb Hartsok.

In Remembrance

This is to share a few of my thoughts with you about Harold Jacobs and what he meant to the Firm and his friends. Harold Jacobs was a giant in the SC Bar. His accomplishments as a trial lawyer are too numerous to enumerate in this brief email. Suffice it to say that all of us can be exceedingly proud that Harold was a founding partner in our Firm.

More importantly, however, Harold had a significant influence on the lives of many of us within the Firm. He was not only a mentor to me and others, but he was a great friend.

When Harold spoke to me he usually called me "partner". To Harold, a "partner" was not just a business associate. "Partners" were friends who had chosen to entrust to each other their futures and the well-being of their families. Harold never failed to ask me about my family because "partners" cared about each other both personally and professionally. Harold always showed a deep concern for not only his partners, but for everyone who worked for the Firm in any capacity. With the incredible demands on his time as a trial lawyer and as a leader in the bar and community, it would have been easy for Harold to overlook the problems of others in the Firm and in the community. But, in helping others, he was generous with both his time and resources. He was always quick with a smile and a kind word. To me, Harold epitomized what it meant to be a true "partner" and friend. I will miss him.

Hopefully, those of us who knew Harold will pass on our stories of his extraordinary legal skills, his quick wit, his friendship and his compassion. I am sure Harold would agree that everyone receiving this email has contributed in some way to the success of Nexsen Pruet. When many of us joined the Firm, the name was "Nexsen Pruet Jacobs and Pollard". Although the name has been shortened, the powerful, positive influence of Harold Jacobs lives on. The foundation of our success as a Firm was built upon the shoulders of giants. Harold was truly a giant among giants. I am grateful that I had the opportunity to work with Harold and was privileged to call him "friend" and "partner".

-Paul Dominick

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I am probably the only lawyer in our firm who ever actually lost a case to Harold. While I certainly knew him by reputation and though my SC Bar work, I recall my first real introduction to Harold occurred in 1987 or 88 after I filed a Summons and Complaint in The Court of Common Pleas in Horry County against Harold's client Square D Corporation. I claimed (and needless to say was convinced) that Square D had manufactured a defective circuit breaker that failed to trip as designed which resulted in a total loss fire. While I recall Harold's graciousness and professionalism throughout the discovery phase of the case, the trial will stick with me always. We showed up on a Wednesday to pick the jury and began the case in the mid morning on Thursday. Then Judge Don Rushing presided (someone I'd played golf with on occasion). What is still vivid is the memory of how "smooth" Harold was; not only with his opening, but as he completely dismantled my electrical expert. The other thing I cannot forget is the memory of his young associate who kept tugging on his jacket, whispering in his ear, and handing him documents- some wet behind the ears kid named Russell. By midday Friday I rested my case and Harold moved for a directed verdict. Following strenuous arguments on both sides, to my absolute horror, the motion was granted; the jury dismissed; and that was that... except for the appeal, which I foolishly filed. It was heard by the SC Ct. of Appeals in late 1989. Again, Harold was professional, kind to his adversary (me) without being at all patronizing, and exceptionally eloquent. And again, I recall that damned young associate being there, tugging at his jacket and whispering in his ear. Needless to say, I went down in flames. The case is reported and has since been cited countless times, sometimes to my embarrassment. (I could give you the cite, but then I'd have to kill you).

At any rate, after that case, Harold and I became fast friends and we had great fun at Bar events and other gatherings. When I joined NPJP&R in 2003, I will never forget the warm and heartfelt welcome I received from him and my friend Wilburn Brewer. At least once a year thereafter I'd remind Harold of the tail-kickin' he'd given me by teasing that the only reason Judge Rushing had granted his directed verdict motion that Friday afternoon was because he had a tee time at 2:00! Shortly after Harold and Jackie moved to Charleston, he approached me and Paul about his concern over the lack of trial experiences available to our younger trial lawyers. He proposed to organize, run, and critique a mock trial training program for our younger lawyers. Paul and I assisted, but Harold went at it with his usual enthusiasm, and we actually pulled it off with retired Judge John Hamilton-Smith sitting on the bench. Molly Cherry and others participated in that short-lived program (one we should perhaps replicate). It was a great success. I only wish I had filmed his critique of, and comments to the participants. They were so typically Harold-insightful, helpful, non-critical and encouraging with a particular emphasis on professionalism. I will miss him dropping by my office, plopping down in the chair just to have a chat. Most of all, I will miss his smile and the ever-present twinkle in his eye.

-Brad Waring

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I may have been whispering in his ear from time to time, but Harold had a way of being pretty straightforward with me when needed. One time he let me take the examination in the deposition of the plaintiff in a products case. After about 45 minutes he asked for a break, took me out in the hall, and asked, "Russell, do you even know what this case is about?" For some reason, there was not that normal twinkle in his eye.

"Umm. I think so..."

"Well, get back in there and start asking questions about the accident."

He always had a way of cutting to the chase. I would toil over some brief, and then make me sit down on the other side of his desk while he took that huge Mont Blanc pen out and proceed to scratch out line after line, write in the margins, turn the paper over and write on the back. I knew I was in deep trouble when he would sigh and turn on his Dictaphone. His finished product always focused the issue down to the meat of the matter, and by the end of the first paragraph he wanted the judge to be ready to rule. Eventually I got to the point where I would secretly edit his work, but only after he taught me how to write.

Although he hated depositions (often reading the paper after the lunch break), he loved trying cases. To him, settling was just "taking the gas." How many times did I hear him laugh at me for settling a case? And then there was his unique method of training associates to try cases. Terrified at the prospect, we would ask about two weeks before trial just what he wanted us to do. He would always grin, laugh, and just say, "we'll see when we get there." I can't count how many times he did this to me. Which, of course, made me prepare for every witness and every potential evidentiary issue, and the opening and the closing, along with the brief, exhibits, and jury charges. During trial he would lean over to me during an examination and say, "you want to do the cross?" Fortunately I knew that he really wanted to do the cross. Then watching him do the cross exams that I had prepared for was an invaluable training technique. Once I saw him just absolutely shred a mechanical engineer on cross exam, making the guy admit that his photographic evidence of the defect actually did not show any defect at all. Afterwards, he just guffawed because the engineer actually had no idea what he was looking at. Harold taught me to know more than the expert you are examining.

But he really trained us in the delicate balance between being a zealous advocate and a gracious gentleman. He worked hard for his clients, but he was always cordial with opposing counsel, and always ready with a wry joke, a wink, and a smile. He was quite a lawyer, and quite a man.

-Russell Burke

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Harold profoundly affected my career and life. When I received my clerkship offer, it was at lunch just before Christmas 1985 with Harold, Wilburn and Al Pollard at the Palmetto Club. I knew I wanted to work with lawyers with the skills, drive for perfection, and innate goodness that I found in Harold and Wilburn during that interview process. No other firm ever put forward leaders like them to make me think there was anywhere else I wanted to be.

Shortly before I came on full time, Wilburn learned he had leukemia. Although Wilburn assigned me my case work, Harold, Paul, Susi McWilliams and Susan Lipscomb supervised me during his illness, and I even got to work with Ed Menzie on commercial leases!

*Harold helped me prepare for and try my first jury case in the fall of 1989. We represented the Town of Pelion in US District Court in *Christian Knights of the Ku Klux Klan Invisible Empire, Inc. v. Town of Pelion SC*. Pelion town council and Mayor Elsie Rast Steward excluded the Klan from the Christmas Parade in 1988. Among the notable witnesses called at trial were AG Travis Medlock and then state Senator Joe Wilson. The case received local and national press coverage. Despite my inexperience, Harold guided me and let me handle the entire case and all the press*

conferences, except he reserved the last 15 minutes of closing in the five day trial. He also made almost all the objections, as I was just too slow! He performed with his normal brilliance, connecting with every juror.

He used his stage whisper to guide me and charm the jury and even Judge Herlong (then a magistrate judge sitting in Columbia). At one point during the cross-examination of Grand Dragon Horace King, Harold walked up and tapped me on the shoulder and “whispered”—“Marc, I think they got the point, go ahead and sit down.” Every juror chuckled.

That experience began a career long friendship and mentorship which made me a much better lawyer and person. Despite being a rugged and tenacious warrior (and I am happy to share some Wilburn war stories about certain Harold moments in cases when Wilburn was a young lawyer—they are hilarious) Harold loved those around him and gave back to his partners, co-workers and community. He always asked about my family and gave me advice regarding my son and nieces. He and Jackie always sought me and Rose out at the bar conventions and evenings spent with them, Paul, Brad, Neil and others became a much looked forward to part, and often the best part, of each convention.

His impact upon me will last my lifetime, professionally and personally. The parts of his legacy I and others in the firm have passed on to those following us will make his memory eternal.

-Marc Manos

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Some thoughts on a dear friend and mentor, Mr. J.:

Among the many fortunate opportunities I have been afforded in life, the opportunity to work with Mr. J, and to call him a friend, is at the top of my list. I had the opportunity to work with Mr. J at the very beginning of my law career – and at a point where he was winding down his. Though, he still had a few miles left in his tank. I was tasked with serving as Mr. J’s associate on the Chester Hospital case – a case that took on legendary status even in Mr. J’s eyes. A “rogue” board sought to take over the hospital, and over an almost 2-year odyssey we helped our client fight off that challenge. Along the way, I absorbed more lessons from Mr. J than I can count. And I gained a friendship I will treasure for the rest of my life.

I did not grow up with any lawyers in my family, and had never really spent any time around lawyers until my first summer clerking at the Firm. Everything I knew about being a lawyer at that point I had learned from TV and the movies. To me, Mr. J was straight out of central casting for the Southern gentleman lawyer. He was Matlock and Atticus Finch all in one.

I would sit on the other side of his desk in the old Columbia offices and listen to his ideas on the case, or one of his musings. He would lean back in his old leather chair, with his leg propped up on the desk, and he would often play solitaire on his computer while he was brainstorming with me. His focus was always on the conversation, though. And he didn’t miss a word.

I was only a 2nd or 3rd year associate, but Mr. J was genuinely interested in my ideas. He wanted to know what I thought of the arguments – and why. And he wanted to know about me. And, as has been mentioned by others, my family. I will never forget how important Mr. J made me feel, as though the profession of law itself depended on my

next argument.

The hospital case required us to travel to Chester, SC often – a little over an hour drive each way. I treasured those trips. And still do of the memories 2 hours of car time with just the 2 of us. We talked about everything - the case, our families, his career, Kingstree, his childhood, food, why he never wanted to be a judge (he did not want to have to sentence people in criminal cases), how the law had changed over his career, whether or not he still got nervous before court arguments, hobbies, his Naval service, and college football. We would talk and laugh. Mr. J had a number of different laughs – a low, throaty chuckle (“heh-heh-heh”), a full belly laugh, and – when something really struck him – a high cackle preceding the full belly laugh. Each of them made me laugh. Every time.

As many know, Mr. J had numerous operations over his life – most stemming from his plane crash back in the 50’s, and many on his leg and ankle. He was going through a few of those during the case, and would often have me drive his car while he sat in the back seat with his leg propped up on the arm-rest. He wouldn’t let me help him walk once we got to the courthouse, though. And he did not so much limp, as he did incorporate it into his saunter – waiving his thick hand at the bailiffs and other court personnel as he went by.

When he stood up in the courtroom, though, he was without limits. His thick white hair and easy smile were disarming, but his eyes – a blue I’ve never seen before or since - gave away the searing intensity and intellect that he was about to bring to bear. He was magical to watch. In my career, I have never felt more proud than I did sitting second chair to Mr. Jacobs in the courtroom.

-Joe Kahn

Community & Professional

- American Bar Association
- American Bar Foundation Fellow
- American College of Trial Lawyers
- American Judicature Society
- Charleston County Bar Association
- Federation of Insurance and Corporate Counsel
- Fourth Judicial Conference
- Richland County Bar Association
- South Carolina Bar
- South Carolina Bar Foundation Fellow
- South Carolina Defense Trial Attorneys Association
- Trial Attorneys of America
- President-Elect, Senior Lawyers Division of the S.C. Bar
- South Carolina Higher Education Commission (1980-1986)

- South Carolina Patriots' Point Authority (1994-2001)
- John Belton O'Neall Inn of Court