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Professor Sidney B. Jacoby

Daniel M. Friedman

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DANIEL M. FRIEDMAN*

I first met Sidney Jacoby in the fall of 1937, when we both entered the Columbia Law School. There were two notable distinctions between him and the rest of us. First, he was already a lawyer—although not then an American one—as a result of his having obtained a J.D. degree from the Berlin Law School in 1933. Second, unlike all the rest of us who were slated for three years of toil and sweat, he would be spared one of those years and receive his degree after only two years of study. This bonanza, as it appeared to us, was a special dispensation the administration gave him apparently because, prior to entering law school, he had done extensive scholarly legal work and had published a number of articles and book reviews in American legal periodicals. These included *Delegation of Power and Judicial Review: A Study in Comparative Law*, 36 Colum. L. Rev. 871 (1936), and *The Permanent Court of International Justice As a Court of Appeals*, 22 Va. L. Rev. 4041 (1936).

Thus, Sidney Jacoby had the unique experience of entering Columbia Law School as a member of the class of 1940 and graduating as a member of the class of 1939. The result is that we cannot claim this distinguished graduate of Columbia Law School as a member of our class, much as we would like to do so.

At law school, we quickly became aware of the abilities and qualities that made possible Sidney's subsequent outstanding career at the bar and in the classroom. He displayed an inquisitive and imaginative mind, had a good sense of humor and a great love for the law. He was extremely well liked and friendly.

After his graduation in 1939 Sidney Jacoby followed the path that so many starting lawyers took in those days: He went to work for the Federal Government in Washington, D.C. His career began with the Railroad Retirement Board and his federal service spanned seventeen years, and culminated in the position of chief trial lawyer in the Department of Justice.

A large portion of his time at the Department was spent on one of the largest government cases then in litigation: A suit by a Swiss corporation seeking return of its property that the Attorney General had vested under the Trading With the Enemy Act on the theory that the company was actually a cloak for German enemy interests. The property that the Attorney General seized was worth approximately \$100 million dollars, and the case was incredibly complex and produced a vast number of difficult and novel issues. When Sidney Jacoby left the Department in 1957 to begin a second career as a teacher, he headed the legal staff that was handling the case.

Professor Jacoby taught at Georgetown Law School in Washington,

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D.C., from 1957 to 1968, when he accepted an offer from Case Western Reserve Law School. After reaching the mandatory retirement age at that school he joined the faculty of the Cleveland-Marshall College of Law, where he remained until he retired in 1981.

Others are in a better position than I to describe his distinguished academic career. There is one aspect of that career, however, that deserves special mention and with which I have some familiarity.

It is not often that a professor develops a wholly-new subject at law school. Yet that is precisely what Professor Jacoby did. Working with David Schwartz, a former colleague of his in the Department of Justice and now a Trial Judge at the United States Court of Claims, Professor Jacoby developed a course in Litigation With the Federal Government. This was a new subject and one for which there was an obvious need. The pioneering effort produced first a casebook, published in 1963, and then a treatise in 1970, which was published under the auspices of the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association. The casebook is now used in a number of law schools, and I am sure that students taking the course frequently use the treatise, for they would be foolish if they did not.

Litigation with the Federal Government has many arcane turns and twists, which are filled with traps for the unwary. In these two books Professor Jacoby and Trial Judge Schwartz have brought to bear their great skill, knowledge and experience to explain and clarify the intricacies of this important area of the law. Their work is an important contribution to legal learning and literature.

The dedication of the present issue of the Cleveland State Law Review to Sidney B. Jacoby is a most appropriate testimonial to his great accomplishments in the law. It is a fitting tribute to an outstanding legal teacher, scholar and career.