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Professor Sidney B. Jacoby

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DAVID B. GOSHEN*

The very humanity of Sidney Jacoby is the first thing to impress those meeting him and the lasting impression which remains and wears so well with most of us. Not just Old World charm, nor continental manners, but vital concern for people marks this great teacher and student of the law. In his all-too-few years at this College, Professor Jacoby has been kind enough to set for many an example of a scholar in his intellectual prime and a warm humanitarian in his own element: teaching.

Sidney came to us after his retirements. He retired as a professor in 1968 from Georgetown University Law Center. He then began to teach law at Case Western Reserve University, where he was awarded the John C. Hutchins chair in 1975. After his retirement from our sister law school in 1976, Sidney wanted to continue teaching law and so agreed to start another career here. His present "retirement" and move to the nation's capital will be followed, of course, by another new beginning: teaching at Antioch School of Law.

Professor Jacoby studied law at Heidelberg and at Berlin University Law School, from which he graduated *Magna Cum Laude* in 1931. He served as a research assistant and assistant lecturer at Berlin from 1931-33 and was awarded a Doctor of Law degree in 1934. At that time he came to the United States and, between 1934 and 1937, served as a research assistant to Professor Edwin M. Borchard at Yale and Professor Roswell Magill at Columbia, among others. From 1937 to 1939 he was a legal research assistant to Professor Edward L. Thorndike at Teachers College, Columbia University.

In 1939, Sidney received his American law degree from Columbia Law School. From 1940-45 he served as an attorney with the U.S. Railroad Retirement Board in Washington and Chicago; some suggest that in this position he acquired his initial expertise in the fine art of retirement. From 1945-47 he was an attorney with the U.S. Department of Interior in Washington, during which time he served (1945-46) as an assistant to Justice Robert Jackson, the chief prosecutor of the Nuremberg war crimes trial. From 1947-57 Sidney was an attorney in the special litigation section, Alien Property, in the Department of Justice in Washington, moving from there to his first full-time teaching post at Georgetown.

Professor Jacoby is the author of *Ohio Civil Practice under the Rules* (2 vols.) and two lengthy chapters on the U.S. Court of Claims in West's *Federal Practice Manual*, which he updates with annual supplements. He co-authored a casebook (*Government Litigation*) in 1963, and in 1970 ALI-ABA published his *Litigation with the Federal Government*, of which a new edition is scheduled for this year. Among his thirty law

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review articles are publications in the law reviews of Harvard, Columbia and Chicago as well as Case Western Reserve University and Cleveland State University.

The legal and academic credentials are abundant but they do not speak of the humanity of our colleague and friend. That humanity is immediately apparent to students and faculty alike. Sidney's love of life in all its fullness, especially fine music and art, dispels any possible misimpression that he could be a dry academician. In music he is a valuable resource, whether quoting tales of Richard Strauss as a conductor and after World War II as a "recomposer" (to avoid the U.S. Alien Property Custodian), or remembering the premiere performance of Kurt Weill's "Rise and Fall of the City of Mahagonny." Professor Jacoby has long played the piano and is reputed to have once considered the concert stage. But music's loss was the gain of law and legal education even in Berlin and Heidelberg in the 1920's. Sidney did not, and indeed he could not, leave completely the world of music. Since he had the benefit of living near some of Berlin's great musicians of the time, he often received free concert and opera tickets. In some instances those passes could be used to attend the opera only after the first act—which may account for his propensity to be precisely on time for the opening curtain when he attends today with a "bought" ticket. He continues to play the piano even now, sometimes accompanying other fine musicians; even in the art performance area he cannot bring himself finally to retire.

Professor Jacoby has a most singular talent known to many of us at this College: He can share, with a student colleague or a faculty colleague, news of his latest honor or most recent publication and somehow manage to make his listener feel pleased to be a part of a joyous celebration of good news without ever a notion of braggadocio. Many are his friends here who have been proud to share (and repeat) the news of Sidney's accomplishments and triumphs, and few would doubt that his record of generous sharing will continue for what we hope will be many years to come.