

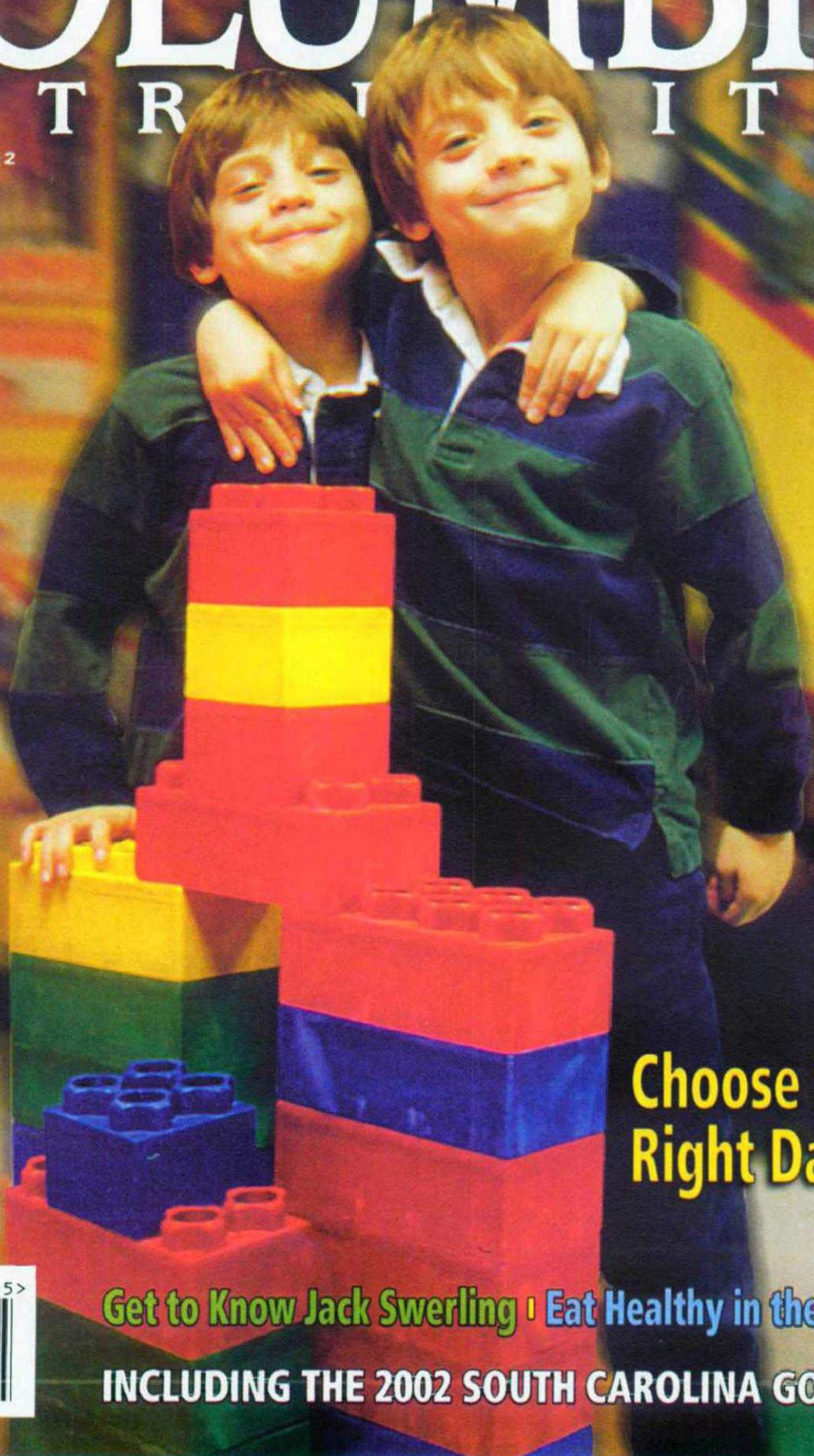
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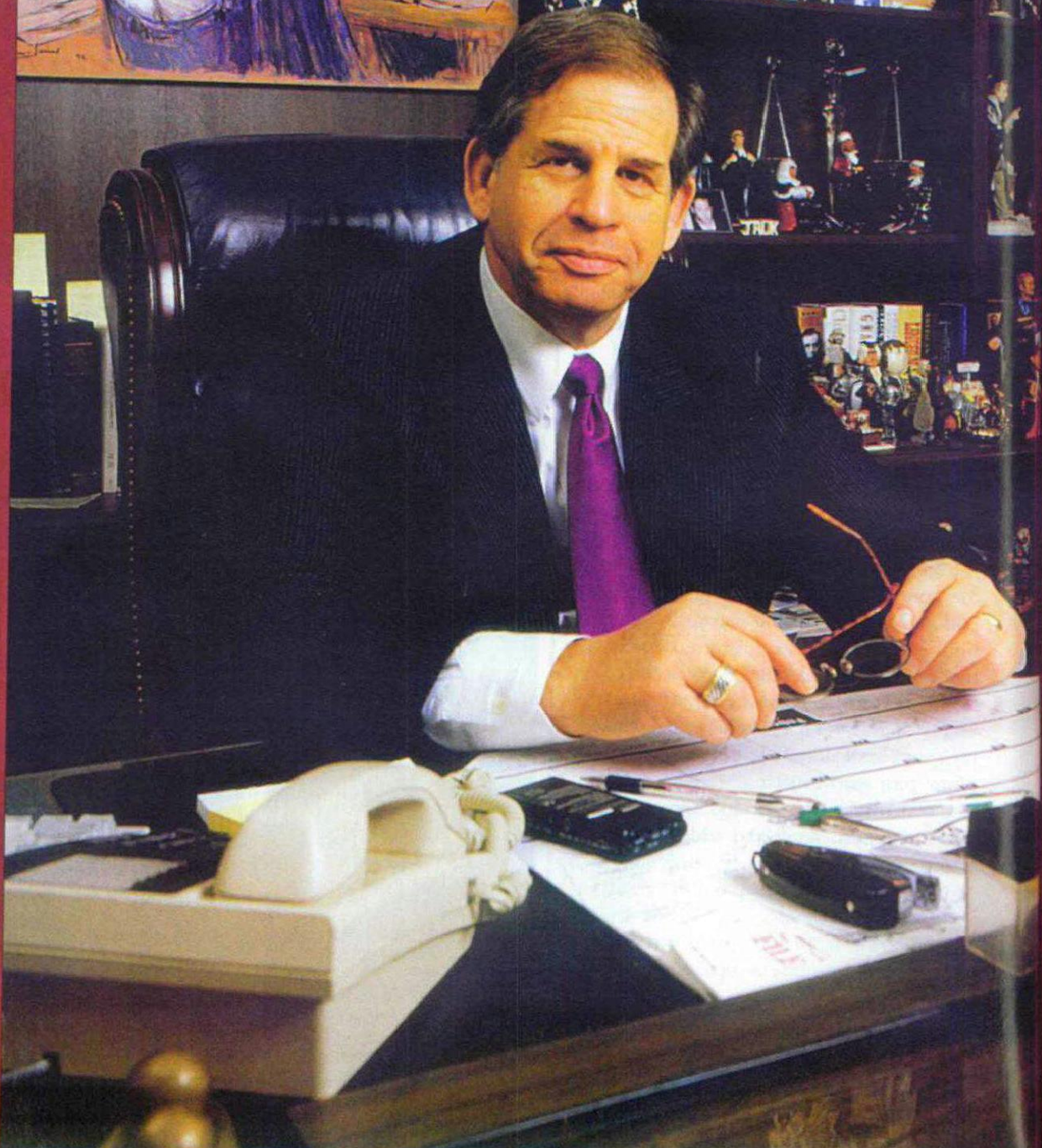
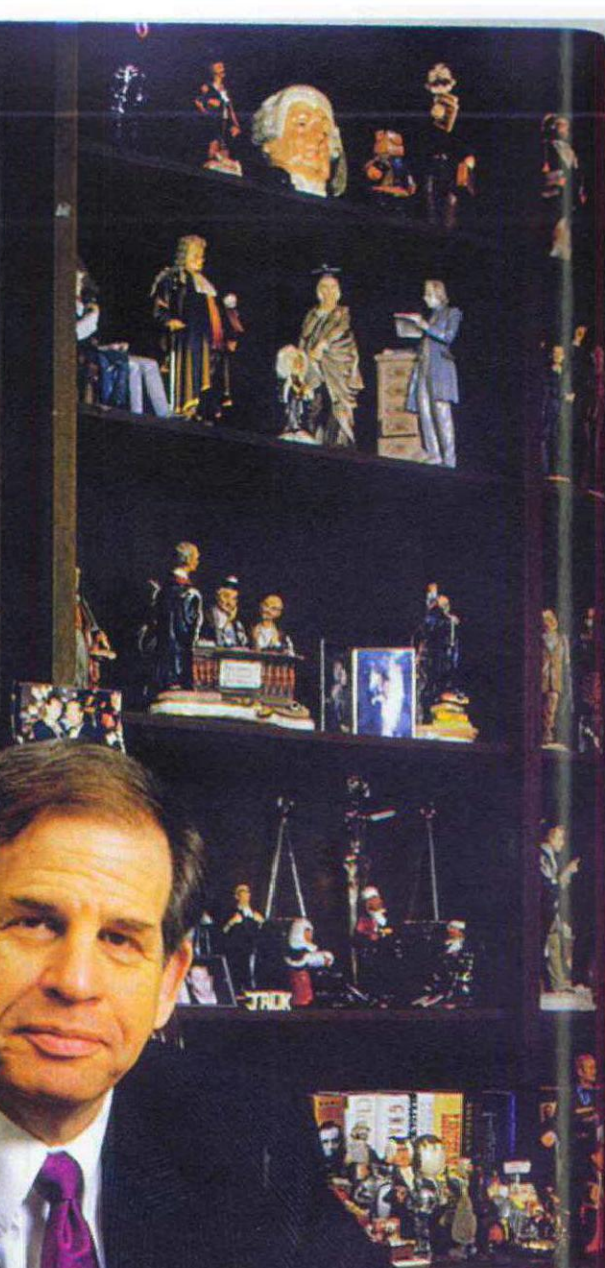
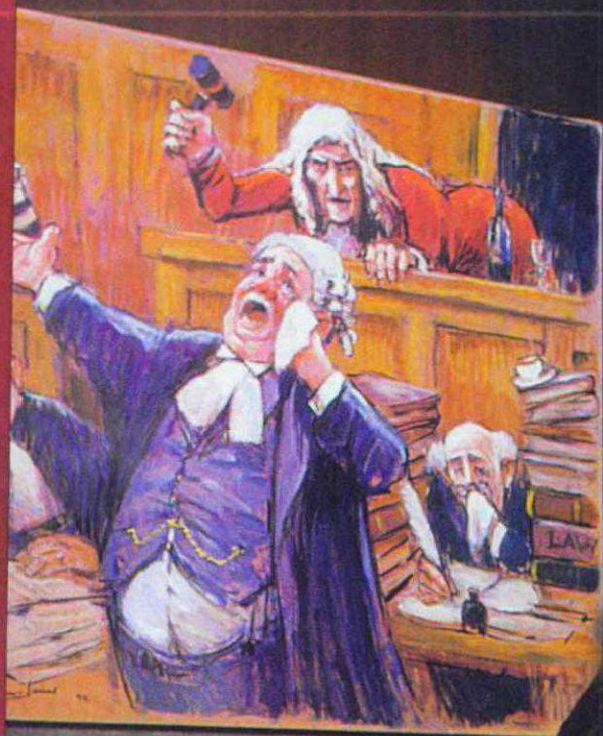


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Criminal defense attorney Jack Swerling, has represented some of South Carolina's most famous criminals.

AN
INVETERATE
YANKEE
TURNED
LAWYER
IN COURT

BY SAM MORTON

PHOTOGRAPHY BY ROBERT CLARK

For young prosecuting attorneys in South Carolina, facing him in front of a judge and jury is both a rite of passage and a cause for knee-rattling fear. He describes himself as “basically shy,” but he strikes an intimidating pose in the courtroom. He is, after all, every bit of six feet five inches, and his voice bellows and resonates like rolling thunder through the halls of justice. He is Jack Swerling — Clemson graduate, author, former insurance adjuster, clinical professor of neuropsychiatry and behavioral science at the USC School of Medicine, adjunct professor at the USC School of Law and arguably one of the best criminal defense attorneys in the nation.

A MATTER OF CHEMISTRY

For someone so dedicated to and recognized in his profession — he was invited to join the American Board of Criminal Lawyers, a society of the top echelon of attorneys in the country — one might suspect the law has been a lifelong calling. Not so for Jack. The progeny of Jewish descendants, he grew up in a mixed neighborhood in New York and later moved to a small town outside of Newark, N.J. His family would often make trips to his uncle's Pennsylvania farm, where young Jack cultivated a dream of becoming a large animal veterinarian.

Having decided to pursue veterinary work, he enrolled in Clemson University and ventured south, a move accompanied by significant cultural shock for a young, ethnic Yankee.

There were more practical concerns, however. The chemistry requirement for the degree he aspired to quickly became a roadblock to his progress. He earned 18 hours of “Fs” and became so frustrated that he withdrew from college. It was a problem for Jack that the subtle combinations that distinguish a sulfide from a sulfate escaped him. His uncle persuaded him to give Clemson another try, and so he re-enrolled and changed his major to economics.

“After I was graduated from Clemson in 1968, I went to work in Manhattan as an insurance adjuster. Eventually, I was promoted into civil court handling Liberty Mutual's cases, and I supervised seven lawyers who actually litigated.” Jack was in court every day, and he soon became

fascinated with trial work. "I got to love it. On the rare occasion I had some down time, I'd go over to the Tombs and watch criminal trials."

Jack married and decided to return to South Carolina to earn his law degree at USC. Neither he nor the face of jurisprudence in this state has been the same since.

DUE PROCESS FOR ALL

Most hard-liners and some opponents might say that Jack's client list reads like a rogue's gallery of South Carolina's infamous criminals. In 1982, he defended Donald "Pee Wee" Gaskins, a man often described as the state's most notorious killer. Already convicted of 13 murders, Gaskins stood accused of using plastic explosives, smuggled to him at Columbia's Central Correctional Institute, to blow up another inmate.

Jack argued that Gaskins had been framed, but the jury didn't buy it. They found him guilty and sentenced him to die, ironically, for murdering another murderer.

Jack again found himself in a media frenzy when he signed on to defend Larry Gene Bell, a man accused of kidnapping and murdering Sherry Smith and Debra Helmick, two young girls.

The crimes sent a shocking chill through the community, anxiety that did not elude the Swerling household. "We have children, and we felt the same fear that gripped everybody in the community," Jack says. "We took the kids to school rather than have them ride the bus or with anyone else. They didn't go out unaccompanied."

Still, when authorities charged Bell with the kidnappings and murders, Jack took on the responsibility of defending him. "He deserved a lawyer. Making sure someone like Larry Gene Bell receives his rights and gets a

fair trial ensures all of us have our rights protected."

A lot of outraged people didn't see it that way and, for a while, because of the death threats he received, Jack had 24-hour protection from the Richland County Sheriff's Department and the State Law Enforcement Division. "They posted someone outside my home and escorted my kids to school. They put a PIN register on my phone to track incoming calls." Through it all, Jack put up the best defense available, remaining cool in front of the jury even when Bell suffered what he claimed were "insanity attacks" in the courtroom.

Jack's clients have also included former state lawmakers Bud Long and Ty Courtney, who got snared in the Lost Trust public corruption scandal; Ali Yousefi, a Rock Hill man charged in the late 1980s with attempting to smuggle parts of a Hawk missile and other weapons to Iran; and Steve Beckham, a Midlands father accused of hiring a hit man to kill his wife. Beckham's case drew attention not only for its brutality and calculated nature, but also because he is the son of a clergyman and his deceased wife's father was a state legislator at that time.

Jack also recently defended Brett Hollis, who was charged with a double homicide in Lexington County. "That may well be the only death penalty case (Solicitor) Donnie Myers ever lost; at least it's the first one in memory."

Jack takes such pressure in stride. "To me, this job is exciting, but it's also incredibly demanding. I don't think people realize that for the three to five days we're normally in trial, hundreds of hours of preparation go into it. It's difficult to stay focused and 'on' in front of a jury, but it's something you have to do in

order to do a good job and put up an adequate defense."

He says criminal defense attorneys definitely fight an uphill battle. "I know going in that there's a good chance I'm going to lose a case if I take it to trial. I'm against the prosecutor's office with all the resources of the state. And in many instances I'm trying a case a lot of people want me to lose. It's hard when you know you don't have the sympathy of the community."

Still, working the courtroom gives Jack an adrenaline rush like no other. "Whether you win or lose, you crash at the end. When you win, it's exhilarating, but fleeting. When you lose, it's more devastating because you have to deal not only with the guilty verdict, but also with the client's family. That's the hard part, and if it's a high profile case, you have the collateral issue of public perception. And then you have to start the whole process over with the next case."

Jack Swerling has won his fair share of cases and the defendants have proven to be worthy of his effort. He successfully defended Gina Grant, a young teen who killed her mother. Jack pointed out at trial that his client had repeatedly been subjected to violent abuse. Acquitted, Grant moved north, enrolled and excelled at an Ivy League college, and is set to graduate from law school and become an attorney in her own right.

Jack was among the first attorneys in the state to introduce the battered spouse defense for women charged with killing their abusers. Today the argument is a mainstream, legitimate defense. He also defended Albert Fuller, who killed two other men on Two Notch Road in Columbia. "The men were chasing Albert because he was black. We proved that, and we proved

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self-defense. It was a classic case." Classic indeed. The case set and remains the standard for self-defense arguments in courtrooms across South Carolina.

Even on those occasions in which he loses, Jack remains philosophical. "I'm always comfortable with the verdict and with the sentences my clients receive because I know I've done the best job I could, and they've been afforded every protection under the law."


Equal protection rights make perfect sense to him. Sometimes he likes to give detractors, not only of him but also of all defense lawyers, a lesson in civics. The reason citizens enjoy the rights they do, Jack contends, is because the framers of the constitution were criminals. After his listeners raise their dropped jaws, he explains. "They were committing treason against England. Our laws are written to protect innocent people, but in order to do that, we have to test those laws daily — their strength and their validity — on the people who come through courts."

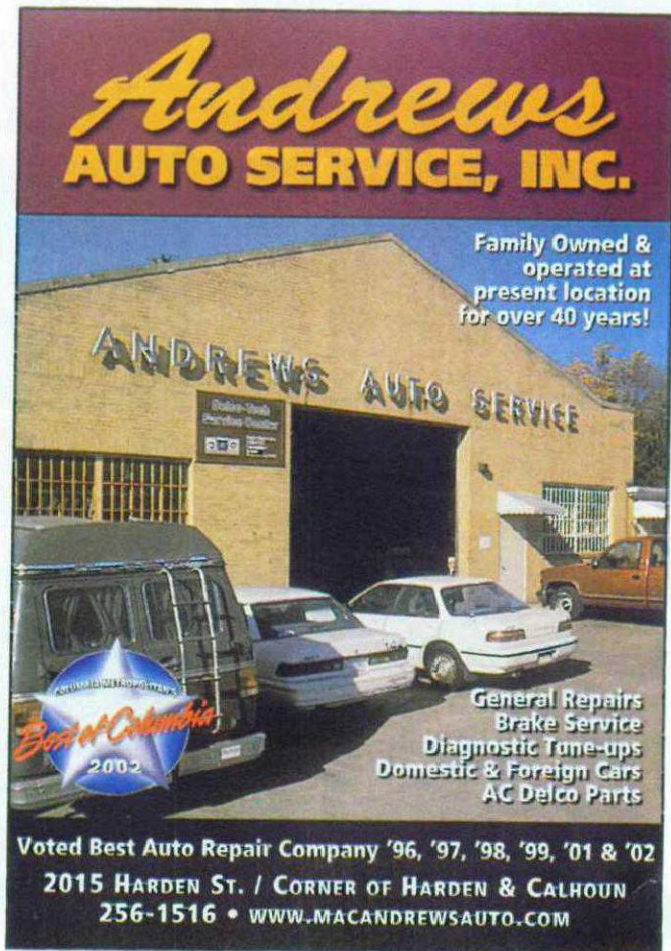
THE OTHER SIDE OF JACK

Jack says if it weren't for the law itself, he thinks he would make a good teacher. "I like philosophy. I'm fascinated by religion. I'm a student of history. My goal is to read a biography of every U.S. president. I think it's the best way to understand the times."

His desire to teach is a goal he has achieved through his professorships at USC. Jack also used to write and perform on the stage. He passed on his love of writing to his son, who spent some time in Hollywood as a writer. And acting is in his genes, too. His cousin is actor Peter Coyote, perhaps an apt rationale for why Jack performs so well in the courtroom.

He says he enjoys good food and the theater. Jack also likes the company of good friends, but he says one of the best-kept secrets about him is that he is shy. "I light up in a courtroom or when I'm asked to speak in front of a group. But my nature ... I'm very reserved in social situations. It's a paradox, I know."

Former South Carolina Supreme Court Chief Justice Bubba Ness once remarked that he hoped he never got charged with a crime, but if he did, the one person he would want to call is Jack Swerling. That phrase is so oft repeated it could well be the motto of the legal profession in South Carolina. When people are in hot water, Jack is the man to know. 



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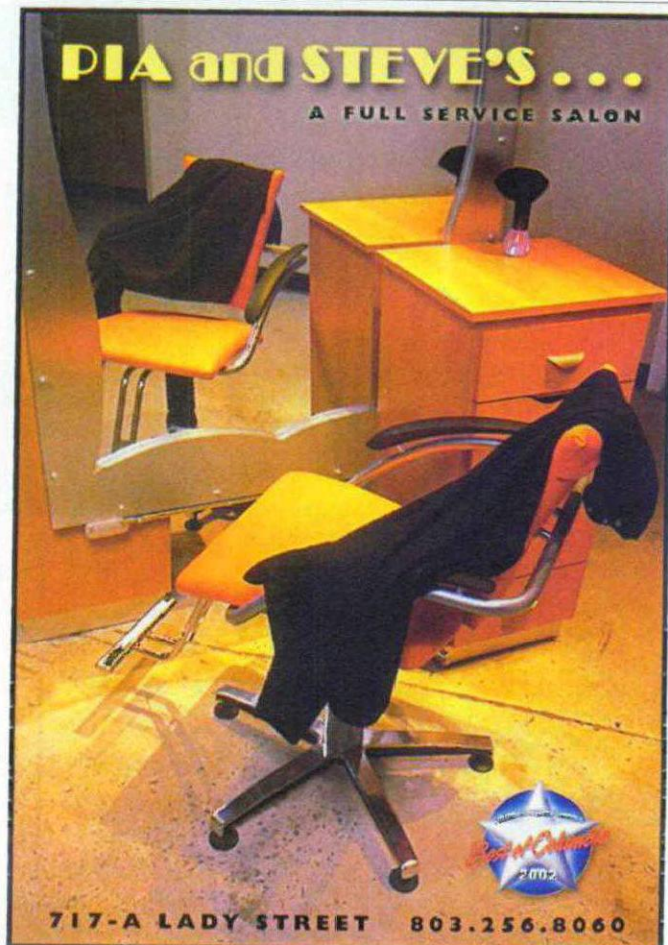
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