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Flamboyant defense attorney Jack Swerling has represented two of South Carolina's most notorious criminals

For the defense

Courtroom provides 'the ultimate human drama,' attorney says

By **BILL McDONALD**
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It's midafternoon, and Jack Swerling is seated in a booth at the Elite Epicurean, his favorite Main Street hangout a few doors down from his law office. He's wearing a double-breasted black suit, shirt collar loosened, sans tie, his black hair slightly tousled and thinning.

"I don't worry about the hair anymore," he says offhandedly, looking relaxed and mellow this day, his warm smile exploding like a flashbulb.

"I'm getting up there, I'll soon be 45." One thing that troubles one of Colum-

bia's most highly visible defense attorneys, a bearish man who stands 6-foot-5-inches and once weighed 350 pounds, is the knowledge that he probably will be saddled with two reputations the rest of his life.

One, disputed by his wife and close friends, is that he's a brassy megalomaniac who craves the limelight. As unfair as he says that reputation is, the 1968 Clemson University graduate and New Jersey native admits he has it.

"People look at me in court and probably wonder, 'Is he really as big an SOB as comes across?'" Swerling said.

The other reputation, the one Swerling says is genuine, is of a man who, away from the courtroom, is "a little bit shy" and vexed by the same insecurities as other mortal men.

"I put myself in a different mind-set in the courtroom," said the onetime defender of the state's most notorious killer, Donald H. "Pee Wee" Gaskins. "It's amazing to me how the transformation takes place. People who have known me all my life say, 'That's not the same person I know.' I think you have to be able to do that — to be something of an actor — because I certainly have my share of

insecurities.

"But when you're in the courtroom, you have to be confident. You have to exude confidence. If you don't, you can't really be of much service to your client."

Whether Swerling's free-wheeling, flamboyant public image is deserved or not, he's done little to downplay it.

He has a decided penchant for expensive clothes, Italian shoes and jeweled rings. Twice a year he strolls across the street from his law office to be fitted for two or three suits by his Portuguese

See Swerling, 5-B

Swerling

From 4-B

tailor

— The habit began, he says, because of his weight, which dropped to 235 pounds since he underwent angioplasty (balloon surgery) five years ago to unclog an artery that had 93 percent blockage and could have led to a fatal heart attack.

"Obviously, when you're as heavy as I once was, you just don't pick suits off the rack," he said.

Before his heart problem — which was foreshadowed by excruciating facial pains — Swerling was a classic, "Type A" personality. Three packs of cigarettes a day, 20 cups of coffee, 15 or 16 hours at the office, as well as long work hours on weekends.

He was a driven man, a workaholic.

Now his inner gyroscope has been set on cruise control. He's given up the weeds. And most evenings you'll find him taking a dip in the pool at his Spring Valley home with his wife, Erica, and their children, Bryan, 16, and Stephanie, 9.

"I look forward to getting home at night," he said. "You won't see Jack Swerling in clubs, you won't see him on the golf course. When I'm not working, I'm home reading a book or playing with the children."

One key to understanding Swerling is his childhood. He grew up in a lower middle-class neighborhood in Belleville, N.J., near Newark. His father, a steel mill foreman, died when he was 16. His playmates, he says, were mirror images of some of the clients he's represented in "150 to 200 homicide cases" in his 17 years of law.

He was extremely fortunate, he says, to have had an uncle, a New York bond broker, who was "a benefactor," a surrogate father who goaded him into going to college. "He wanted me to go to Clemson to study to become a veterinarian. He had a farm in Pennsylvania, where he bred cattle, and I worked on it during the summer, baling hay and putting in fencing. I had a lot of the country boy in me."

Things went smoothly at Clemson until a course in chemistry. It was Swerling's Waterloo, causing him to drop out of school in discouragement his sophomore year with 18 hours of F's. Had it been otherwise, he muses, he might be making house calls today on Guernseys and Holsteins, injecting them with miracle serum.

At his uncle's urging, he re-enrolled at Clemson and switched his major to economics.

Among his classmates were Dick Harpothian, a Democrat candidate for solicitor, and local attorneys Kenneth Suggs, Dennis Bolt, Tim Rogers and Jon Popowski.

What was the catalyst that ultimately led Swerling, a dropout from animal husbandry, to study law?

His conversion to legal consciousness didn't exactly come like the conversion of Paul on the road to Damascus, he says. Rather, it came after he became an insurance adjuster in New York City, shortly after graduating from Clemson.

"I had the worst beat in the city," he said. "I always got my tires slashed. A year later, I got promoted inside to court adjuster. I had seven lawyers as in-house counsels. We negotiated settlements with plaintiffs' lawyers. I fell in love with the law. I knew, then, that I had to go to law

school."

A fortuitous event occurred that helped pave the path. He married a Clemson classmate, Erica Helfer, a native of Columbia. And the couple moved to Columbia, where Swerling enrolled at the University of South Carolina Law School in 1970.

Walter Cox, vice president of student affairs at Clemson, wrote a strong letter (of support) for me. These 18 hours of F's were detrimental," he said. "Cox still uses me as an example of someone able to put away the past and make strides to the future."

If chemistry was Swerling's Waterloo, the law was his briar patch. He made the dean's list his senior year, and after graduation, became a star in the firm of Sen Isadore Lourie, D-Richland, who "taught me so much about humanity."

In 1983, Swerling left the firm. "I had an itch to be on my own," he said. He and Harpothian, an assistant solicitor in James C. Anders' office at the time, opened their own firm, a move that created a lot of media attention.

"In one year, we went from three people — me, Dick, and a secretary — to a staff of 18," Swerling said.

All the media blitz surrounding his defense of Gaskins, and later Larry Gene Bell, another killer, catapulted him into the limelight, he said.

"Those cases brought me the most attention." But he shies away from discussing either client — i.e. what makes them tick? — other than to say, "I got to see a side of them other people will never see."

People often ask him how he can defend such clients.

"You've really got to believe in the system to do this kind of work," he said. "I believe everyone has a right to a lawyer. Oppression always starts with unpopular causes and unpopular people."

"What would happen if someone didn't defend them? Suppose people said, 'Go ahead, put the rascals in jail. Take their rights away without a trial.' Where would we be then?"

"For better or worse, they're my cases. And I've had cases when I've had to be escorted out of town with bodyguards. People who really matter understand what I do, people who don't understand don't matter."

With his flair for drama, criminal law is the perfect arena for Swerling, who once considered an acting career after starring as the blustery Sheridan Whitesides in his senior class production of "The Man Who Came To Dinner." "I love everything about the courtroom. It's the ultimate human drama," he said.

Swerling's services don't come cheap. But his clients would have to look hard, he says, to find a better-prepared lawyer. He has a large staff: partners, paralegals and secretaries, who help with research. When he walks into the courtroom, "I'm prepared; I don't even take notes," he said.

His flair for dramatics runs in the family, he says. One of his first cousins is Peter Coyote, a tall, slender actor who's starred in movies and television dramas. "It's really quite a coincidence, the number of lawyers Peter has played, too," he said.

The dramatics has contributed greatly to Swerling's flamboyant image. But deserved or not, it doesn't mean he's a better attorney than anyone else by a long shot, he says.

"I'm not the only lawyer around. There are a heck of a lot good ones in Columbia. Believe me, the judiciary in this city can stack up with the best of 'em."