

# 75 YEARS LATER



*Firm Chairman Henry J. Donner watches Daniel J. Keating, Sr. deliver the keynote speech at Jacoby Donner's 75th Anniversary Celebration in 2006.*

## **The Beginnings**

In 1931 — the depths of the Depression — a young man named Myron Jacoby graduated from the University of Pennsylvania Law School and began the law practice that is now known as Jacoby Donner, P.C. Over the years, Mr. Jacoby earned a reputation that made his name synonymous with construction and labor law in Philadelphia. Seventy-five years later, Jacoby Donner is a law firm providing high quality, cost-effective legal services to all segments of the industry. We are known as "Philadelphia Construction Lawyers." Many things about the industry have changed since the 1930's. The number of general contractors, specialty contractors and design professionals competing in today's marketplace would be staggering to anyone involved in construction and development in that era. The labor context in which projects are built is also much more complicated now. Moreover, every participant in the process — whether as a contractor, owner, designer, supplier or lender — operates in a far more complex world with layer upon layer of governmental regulations and building and design technologies. The practice of law has also changed, in many ways closely paralleling the construction industry. The extent of government regulation and the explosion in the number of reported cases from the courts and administrative agencies present an ever-expanding body of law to be mastered and utilized for the benefit of clients. As the breadth and subtleties of relevant law have grown, so too have our technical tools. In the early 1930's, office technology consisted of copying existing documents by hand; carbon paper was state of the art, available only to copy documents as they were being typed. The contrast between that "technology" and today's ability to scan documents and send them around the world electronically in seconds is striking.



### **The Early Years**

Upon graduating from law school, Mr. Jacoby obtained a position as law clerk to J. Lee Patton, a member of Philadelphia City Council. According to Myron's recollections, conduct in and among law offices was different then. Myron remembered buttoning his vest and putting on his jacket before knocking on Mr. Patton's door to seek permission to speak with him. He waited on a bench outside Mr. Patton's office before being admitted. During this period and through the 1950's, banks and insurance companies were open six days a week, which dictated that law firms do the same in order to accommodate clients. The law, as practiced at that time, reflected greater trust among legal colleagues. For example, when attorneys agreed on the purchase and sale of real estate by their respective clients, they simply shook hands at Broad and Chestnut Streets, the financial center of the City, and agreed to meet for closing at the title company on a certain date. Lengthy written agreements of sale were not necessary. This was also often the case for construction contracts, even large ones. Given the far smaller number of attorneys and clients in those years, one's reputation for honesty and trustworthiness was known widely and by all. It was Myron's reputation that provided credibility for such transactions. Myron learned well from Mr. Patton, and his stature in the legal community grew accordingly. Among Mr. Patton's clients was William M. Anderson, who was the head of W.M. Anderson Co., one of the largest mechanical contractors in the area during that era. He later became a valued client of Myron's. As an example of the high regard in which Bill Anderson held Myron, he turned to Myron when one of the plumbers working for his company wanted to go out on his own. Mr. Anderson had agreed to lend money to this gentleman to get started, upon the conditions that Myron Jacoby draw up the papers for both parties and that the plumber use Myron Jacoby as his attorney. That plumber was very successful in business and his company developed over the years from plumbing to plumbing and mechanical to general construction and construction management. Today, in its third generation, it remains one of the foremost general contractors/construction managers in the area. This growth has occurred for many of Jacoby Donner's clients, a number of whom the firm has represented for three generations. Mr. Anderson's reliance on Myron went well beyond the referral of a subcontractor. In addition to heading up his company, Bill Anderson was the chair of the Groundhog Table at the Union League which then consisted primarily of architects and contractors. In that position of leadership, Mr. Anderson influenced the progress of the construction industry, with Myron Jacoby as both his protegé and his advisor.

### **The Middle Years**

As the economy slowly recovered in the late 1930's and Myron's reputation grew, he was brought in to represent many additional contractors. It was during this period that Myron became increasingly identified with the construction industry. The legal landscape of the industry then was not only different from the way it looks today, but also different from the earlier part of that decade. This is because the New Deal resulted in a far broader sweep of government regulation of business, especially in the area of labor law. By reason of his focus on the construction industry, Myron became counsel to various employer associations, including the General Building Contractors Association. In this position, he prepared one of the first multiemployer trust fund agreements in Philadelphia and played a key role in establishing the framework for multiemployer benefit funds that still exists today. Throughout the 1940's and 50's, Myron was partner with another attorney, Henry Maxmin. Mr. Maxmin represented clients in trust and estate matters, while Myron concentrated on construction and labor law. As was the case in those days, when most lawyers were general practitioners, both lawyers also did far more. The firm employed a series of young associates during this period, two of whom later became well respected judges: the late Harry Takiff, who served on the Court of Common Pleas of Philadelphia County; and Louis C. Bechtle, who served as a Judge and Chief Judge of the United States District Court for the Eastern District of Pennsylvania and developed a national reputation for handling complex national class actions. Now retired from the bench, Judge Bechtle praised Myron as "skilled, intelligent, able and diligent," and says that he was proud to have been associated with him. In 1971, Myron's son, Fred Jacoby, joined the firm and three years later, Henry Donner, an attorney in the large law firm of Dilworth Paxson, joined them



as a partner. Fred and Henry practiced with Myron until his death in 1978. Myron taught them and aided their professional development so well that, even with the loss of his impressive presence, the practice not only survived but thrived.

### **Jacoby Donner Today**

The Jacoby Donner of today is a firm of 10 attorneys, combining the core values upon which the practice has grown with dedicated and skilled legal professionals and state-of-the-art information technology to provide a wide range of legal services. In addition to Henry Donner, who is now the firm's Senior Member, the other firm principals — Christopher Lee, Stanley Edelstein, William Denmark and Margaret Underwood — bring a depth of knowledge and complementary skills and experience which have enhanced the firm's professional development. As in the past, our client base is comprised heavily of participants from all facets of the construction industry, but describing the firm solely as a construction law firm falls far short of portraying the full range of our current practice. In addition to construction law and construction litigation, the firm counsels businesses and individuals operating in many other industries and lines of service. We maintain an extensive practice in corporate and business law, litigation, real estate, employment, labor law, OSHA compliance and proceedings, association law, employee benefits law, business succession and estate planning, and internet and e-commerce law. True to our employer association moorings, we continue to represent various contractor and other associations, and continue to serve as co-counsel from the management side for multiemployer benefit funds with collective assets in excess of one billion dollars. The scope of what constitutes the practice of construction law has widened with focus on contracts, labor and real estate, but construction law today also involves a number of other areas, including compliance with federal, state and local laws, product liability and constantly-evolving theories of liability. While laws involving the workplace used to be primarily limited to union matters, today's workplace is governed by statutory, regulatory and case law comprising an entire area of employment law that was unknown a generation ago. As the nature of construction law has expanded, the firm's lawyers have broadened their knowledge and experience.

### **Around the Region and Around the World**

We combine the best characteristics of both small and large firms. Because of our size, we are immediately responsive to client needs; clients know who is handling their work and whom to contact to discuss matters. Coupled with depth of knowledge, excellent skills and the use of continually updated technology, we can work with clients virtually anywhere, with almost instantaneous communication and rapid turnaround time for exchange, review and revisions of documents and filings. We have grown and continue to grow in staff size as well as in the number of office sites. In 2001 we became a member of Lawyers Associated Worldwide (L.A.W.), a selective network of small and medium-sized law firms throughout the United States and around the world. L.A.W. membership is limited to firms screened for impeccable reputation, high quality work, responsiveness and a compatibility that allows them to share local legal knowledge wherever a client's needs arise. Given time, most attorneys can eventually find a local attorney to help in another jurisdiction; L.A.W. gives us instant access to members whom we often know personally from L.A.W. regional and global meetings and whom we know will be responsive and effective.

### **A Legacy For The Future**

Were Myron Jacoby to return today, he might be surprised, but would certainly be pleased, by the many changes that the firm he established has undergone. One thing he would find familiar, however, would be the firm's core values — an intimate knowledge of the law, passionate advocacy, and a true dedication to clients and the surrounding community. Those values served him well, they continue to serve the firm well. Most importantly, they are the basis for the reliable and effective support and protection we provide to our clients.

