



Hon. Robert Bryan Harwell

Chief U.S. District Judge, District of South Carolina

by Derek A. Shoemake and Brendan Barth



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Chief U.S. District Judge R. Bryan Harwell, of the District of South Carolina, looks at home on the bench. Perhaps this is because serving as a judge seems to be part of the family business. One of his uncles, James R. Harwell, was a magistrate judge for Florence County, S.C.; another uncle, Baxter “Hicks” Harwell Jr., was a legendary judge on the South Carolina Circuit Court; and Chief Judge Harwell’s father, David Walker Harwell, served as chief justice of the South Carolina Supreme Court. However, those who know Chief Judge Harwell best will tell you that his comfort on the bench also stems from his 20 years spent practicing law.

Before the Bench

Even before his legal career began, Chief Judge Harwell demonstrated the intellectual aptitude and dedication that would pave the way for his future successes. Born and raised in Florence, S.C., Chief Judge Harwell graduated from Clemson University in 1980 in only three years. He accomplished a similar feat when he earned his Juris Doctor degree from the University of South Carolina School of Law in only two and a half years. He rounded out his legal training by serving as a law clerk for both South Carolina Circuit Court Judge Rodney A. Peeples and U.S. District Court Judge G. Ross Anderson Jr.

Chief Judge Harwell returned home to Florence in 1984 and became a partner with the law firm of Harwell, Ballenger, Barth & Hoefer. During his decades-long career as a lawyer, he handled a dynamic general practice that involved a broad range of civil and criminal matters. As he was admitted to the bars of the U.S. Supreme Court, the U.S. Court of Appeals for the Fourth Circuit, the U.S. District Court for the District of South Carolina, and the state of South Carolina, Chief Judge Harwell’s litigation career involved countless trials and appearances in courtrooms across South Carolina.

Based on lessons learned from watching the other lawyers in his family and in his law practice, Chief Judge Harwell was known to digest every detail of a case and approach its resolution with pragmatism. His prowess in the courtroom was recognized with an



invitation to the American Board of Trial Advocates, and he served on many other legal-related professional organizations. Chief Judge Harwell also worked as a certified mediator and arbitrator. His experience as a mediator—where he shepherded litigants through all manner of legal proceedings—would be particularly useful when Chief Judge Harwell made his way to the bench.

Adjusting to the Robe

Chief Judge Harwell’s move to the bench came in 2004, when President George W. Bush nominated him to fill a district court vacancy in Chief Judge Harwell’s home town of Florence. At the time, U.S. Senator Lindsey Graham heralded the nomination and highlighted Chief Judge Harwell’s “deep knowledge of the law” and ability to treat those who would appear before him with respect. “I’ve had the pleasure of knowing Bryan for almost twenty years,” said Senator Graham. “I have complete confidence in his ability to be an outstanding federal judge. His legal experience and unwavering character make him an ideal choice. He will make his state and nation proud serving on the federal bench.”¹

Those who practiced with Chief Judge Harwell echoed similar sentiments. Kevin Barth, his longtime

friend and former law partner, noted that Chief Judge Harwell had been a “lawyer’s lawyer” during his time in practice. “It was a true pleasure practicing law for twenty years with a good partner and good lawyer like Bryan,” said Barth. Chief Judge Harwell was ultimately confirmed by the U.S. Senate on June 24, 2004, and received his commission on June 30, 2004.

Now in his 15th year as a judge for the U.S. District Court for the District of South Carolina, and in his first year as chief judge for that court, Chief Judge Harwell has presided over numerous significant cases. These cases range from a precedent-setting trademark dispute to a death penalty trial to substantial civil rights cases. However, Chief Judge Harwell eschews the spotlight and treats every case before him as if it is the most meaningful case on his docket. Thus, his friends, colleagues, and former law clerks explain that what sets Chief Judge Harwell apart is not the cases over which he’s presided, but the aptitude, thoroughness, and work ethic he carried from private practice to the bench.

Keys to Success

As Barth correctly predicted when Chief Judge Harwell was nominated, the last 15 years have shown that the federal bench “added a great trial judge.” William Tinkler, a former law clerk for Chief Judge Harwell who has also tried cases before him, said Chief Judge Harwell would often view a case through the lens of his time as a practicing attorney and the education he received at the hands of his judicial family members, particularly his father. “When I was working for him, he would often remind us not to forget how hard it is to be a lawyer,” explained Tinkler.

Lawyers who appear before Chief Judge Harwell know that he’ll be able to quickly digest the legal issues at play, and that he’ll move cases with skill and without delay. Tinkler attributes his aptitude to a practical understanding of legal substance and procedure. “He intimately understands how the law affects the parties and how the procedural rules affect the lawyers,” said Tinkler. Chief Judge Harwell would catalogue this information, creating an ever-burgeoning research file where he has saved decades of key cases, articles, and other legal writings in a meticulously organized cabinet. “I’d often hear, ‘Check the research file, there’s got to be a case on this,’” said Nick Lewis, who served as one of Chief Judge Harwell’s first law clerks and who is now a partner at his former firm.

Chief Judge Harwell is also as thorough as he is skilled. Lawyers who have appeared before him often say that it is not uncommon for Chief Judge Harwell to be the most prepared person in the room. “The biggest takeaway that I had from years of clerking with Judge Harwell,” said Lewis, who has also appeared before Chief Judge Harwell, “was that you can never be over-prepared for Court. As the presiding judge, he made sure to know each and every case that came before him for trial both frontwards and backwards.” Although

he has been chief for less than a year, his preparedness is already assisting the other judges in the district. “Chief Judge Harwell has always been there to answer my questions,” said U.S. District Judge Donald C. Coggins, who was confirmed as a district judge for the District of South Carolina in November 2017. “Quite often he offers helpful materials as well.”

In chambers, Lewis said Chief Judge Harwell would spend hours considering all possible scenarios and arguments, and ensuring that he was well-prepared in the event that any of those potential arguments were raised. Before any hearing, Chief Judge Harwell will have read every relevant filed document, every key case cited in those documents, and various legal writings on related topics. “I have attempted, with varying degrees of success, to carry this mindset into my practice of the law,” said Lewis.

The thoroughness that Chief Judge Harwell brings to his docket is only made possible by a boundless work ethic. For more than six years after his appointment to the bench, Chief Judge Harwell served as the junior judge in the district, handling a large caseload that routinely required travel to courthouses nearly three hours away from his chambers. Even after more than a decade and a half on the bench and reaching the height of seniority, it is still not uncommon for Chief Judge Harwell to be among the last people to leave the courthouse after having sent his law clerks home hours before.

This dedication was not limited to the courtroom. He served as a JAG officer in the South Carolina Army National Guard. Interested in education, he taught business law at Francis Marion University and chaired the governing board of Florence-Darlington Technical College. His work in both the legal profession and the community earned him the Order of the Palmetto, South Carolina’s highest civilian award. Most importantly, Chief Judge Harwell managed to do all this while spending time with his wife and his two children, who were both school-age during the vast majority of Chief Judge Harwell’s time on the bench.

Chief Judge Harwell’s storied career shows no signs of slowing down. A lifetime spent with judges and lawyers has crafted a pragmatic and skilled jurist who still maintains, as Senator Graham said upon his confirmation, a “great understanding of people.” In that way, the lawyer’s lawyer from Florence became one of the great lawyer’s judges on the South Carolina federal bench. ☺

Endnotes

¹Sen. Lindsey Graham, *Press Release: Florence Attorney Bryan Harwell Nominated to Federal Bench* (Jan. 21, 2004), <https://www.lgraham.senate.gov/public/index.cfm/press-releases?ID=1EB33D92-B94B-4391-B118-DEE1FDE303EB>