

The LAWYER and BANKER

and BENCH AND BAR REVIEW

Published by

The BENCH and BAR REVIEW CO. (Inc.)

CHARLES E. GEORGE *Editor.*

VOL. III.

OCTOBER 1, 1910.

No. 5

EDITORIAL

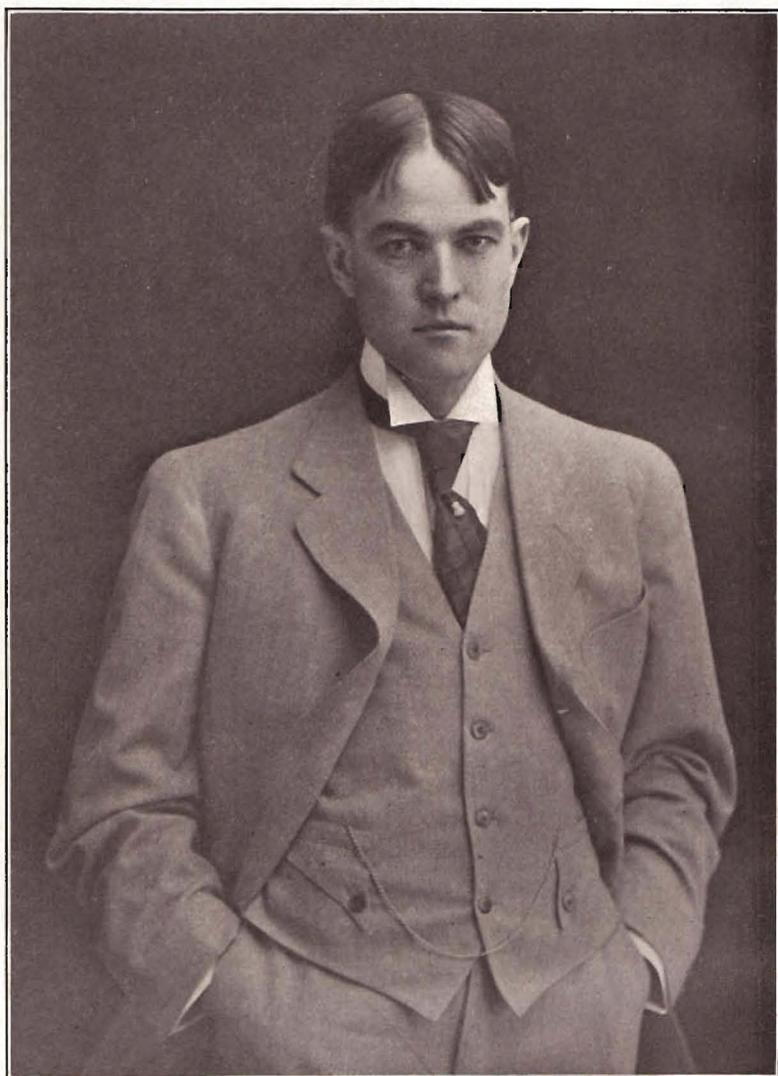
It has not been luck or environment which has spelled success for the Lawyer and Banker. From its birth it has been steadily going ahead, and today it has probably a larger foreign circulation than some of its Eastern contemporaries have locally. It circulates in each state of the Union and Alaska—more, it goes to ten Continental states—covering from England to the Orient. We have built from the German “Koenig”—the man who can. We have been, and are now erecting a foundation that will exist for years to come. Lawyers read this Magazine because it is aggressive, high in ideals, and moreover, it dares. It is because of this daring that it attracts attention.

It deals in live issues and not in a dead decayed historical inefficiency, which likely is bolstered up because of hereditary noblesse. It handles legal conditions in a novel—may be in a strange and startling way; those which are calculated to win battles against wrong. It contains ideas which are not of the verdegriis frappe variety. With the patent medicine reform of the earthly reformer we have no sympathy. We have tested our capability, and know what we can accomplish. We believe there is a vast difference between the conceit of the vain member of the bar or bench, and the honest self con-

Note—To insure regularity of service, subscribers are urged to notify the publishers of any change of address.

Subscribers who do not desire to renew their subscriptions are requested to give notice to this effect as otherwise the magazine will be continued temporarily until their wishes can be ascertained.

Terms of subscription are \$2.00 a year; \$1.25 for six months, payable in advance.



EARL ROGERS, ESQ.
Noted Criminal Lawyer of California

EARL ROGERS, Esq.

A NOTED CRIMINAL DEFENSE LAWYER

By W. H. ANDERSON, ESQ., of the California Bar.

Some years ago—not so many either—a prominent member of the Los Angeles bar, well-known for his excellent judgment and painstaking thoroughness, was acting as one of a committee whose duty it was to examine those who sought admission to practice in the courts of the State. Among the many who applied to him for examination was a slim, alert-looking young law-student, scarcely more than a boy, whose appearance and manner and keen intellect aroused the interest of the examiner and to whom as a consequence the most searching and comprehensive questions were put. He received his certificate and later was admitted to his chosen profession. After he left the office, the lawyer who examined him stated to his associates and has said repeatedly since that this young student was the best equipped mentally for the practice of the law of any who had appeared before him; and prophesied for him a brilliant career as a lawyer.

This prophecy has been fulfilled long since; and the bar of the west has no man who stands more firmly or rightly in the very forefront of its ranks than Earl Rogers, of Los Angeles.

Although still within the age where most men of his calling feel that their real careers are only commencing, Mr. Rogers' professional life has been so brilliant, varied, and comprehensive that in speaking of it, it is difficult to know where to begin.

His earlier reputation was won in defending persons accused of crime, and in this branch of the law he soon found himself without a peer. To a mind mentally analytical and profoundly logical, he brought an intuitive knowledge of human motives and human actions that was little short of marvelous. In that most difficult of all the arts, the great art of cross-examination, where wit clashes with wit, and brain beats against brain, he quickly became so expert that he could drag the truth from the darkest caverns of duplicity and unmask and put to shame the most adroit and skilful perjurer. He is equally felicitous in eliciting all that is to be gotten from his own witnesses, yet only what is pertinent and

useful. But nowhere is his genius more apparent than in the selection and handling of his juries. We use the word "his" advisedly, for from the moment of his courteous searching examination of a jurymen when he enters the jury-box until the verdict, that jurymen is almost invariably the admiring friend and advocate of this gentlemanly forceful and convincing attorney.

The truth of all of this appears from the record of Mr. Rogers' achievements in this branch of the practice. Aside from innumerable lesser triumphs where the verdict of "Not Guilty" gained by him has brought comfort and great joy to the hearts of hundreds, he has defended no less than fifty-seven persons charged with murder, out of which only two convictions were secured, and those for manslaughter only. Of these two, the longest sentence imposed was seven years.

This is not only a record. It is undoubtedly *the* record.

One of his noted cases of which he is most justly proud was that of Tom Hayes—lovable Tom Hayes—of Riverside—good friend and all-around good fellow, who, through the very qualities that made friends for him in all walks of life, fell into financial difficulties and was prosecuted for the alleged misuse of National Bank funds by that most formidable nemesis of law breakers, the Federal Government.

For months the Federal authorities worked upon this case, preparing it in its every detail with that thoroughness which is characteristic of them, and aided by certain men connected with the Bank, who apparently had urgent private reasons for wishing a conviction. The result of this work appeared in the trial when, link by link, an apparently impregnable chain of guilt was forged around the defendant.

Associated with Mr. Rogers for the defense were other leading members of the Los Angeles Bar, themselves among the most brilliant and eminent in the State. To him, however, and to his specialized skill was entrusted the delicate and seemingly impossible task of breaking down the Government's witnesses upon cross-examination. This he did with an adroitness so subtle that the prosecuting authorities did not realize how he had found the weak places in their chain until upon the argument, with irresistible force and logic, link by link was broken, the manacles were riven, and Tom Hayes walked from the court room a free man.

Into this case, culminating in a splendid victory, Earl Rogers threw the full force of his remarkable personality, urged on not alone by his pride in doing all things well, but also by the deepest promptings of an abiding friendship for the man whose freedom he secured.

Another series of cases in which Mr. Rogers achieved marked distinction were the famous graft prosecutions in San Francisco. There, although Col. Patrick Calhoun President of the United Railways and one

of the defendants, had surrounded himself and his associates with a formidable array of San Francisco's most eminent counsel, it was to Los Angeles and to Mr. Rogers that he turned for the handling of some of the most delicate and difficult portions of the long trials. Here again Mr. Rogers sustained his reputation and justified the wisdom of Col. Calhoun's selection; and his brilliant work in helping to select the juries and in cross-examining the most dangerous and wily of the State's witnesses contributed its full share to the complete undoing of the prosecution.

Nowhere in the annals of the courts is there a more brilliant example of successful, crushing, annihilating cross-examination than that to which he subjected the ex-supervisors who, under promises of immunity for their admitted crimes, testified against the defendants. This is particularly true of the several cross-examinations of Ex-Supervisor Gallagher, who enjoyed the "bad eminence" of the prosecution's witnesses in chief. Cool, careful and courageous, undaunted and unswerved by the objections, the threats, and the fulminations of Mr. Francis J. Heney, Mr. Rogers, with a rapier thrust here, a body blow there, subtly, adroitly and when necessary forcefully shattered the carefully constructed cases of the State to pieces until, without the necessity of putting on a single witness for the defense, they crumbled about the devoted heads of their builders.

Case after case involving victory after victory for Mr. Rogers might be enumerated, and by no means all of them from the annals of the criminal courts; for, not content with accomplishing all that could be accomplished in the way of success and reputation in that particular field, Mr. Rogers has with equal ability and success branched out into the civil practice. In fact, he prefers that practice with its wider opportunities and less heart-wearying strains.

The noted libel suit brought by Judge B. N. Smith, for many years one of the most respected and beloved Judges on the Superior bench of Los Angeles County, against the now defunct Evening News, is still fresh in the memory of many of us. There Mr. Rogers and his associates, after a hard fought battle against some of the best talent in Los Angeles, secured a complete vindication for Judge Smith of most vicious charges made against him, and also what at that time was a record verdict for damages in that class of cases—\$17,500.

In the civil courts as in the criminal, the varied talents and unusual versatility of Mr. Rogers have brought him success after success. He is equally as felicitous in presenting the most complicated questions of law to a judge on the bench as in arguing the facts developed by the evidence to the court or to the jury. His characteristics are thorough

preparation, a complete knowledge of his own side of the case and a preparedness for anything that his opponent may bring forth, eternal vigilance and continued alertness throughout the trial, an ability to penetrate the inner workings of the minds of others that is almost uncanny, an unflinching courtesy where courtesy is due, unflinching courage where courage is necessary, earnestness, zealously, judgment, shrewdness, the ability to bring truth out of falsehood, and that quality known as personality, so impossible to define, which carries conviction with it and sweeps everything before it.

The esteem and confidence in which Mr. Rogers is held by the business men of the community in which he lives is well illustrated by his most recent employment of importance. He is now engaged, at the expense of a Citizens Committee, representing the great industry of iron manufacturers of Los Angeles, in combating the demands made by the Labor Unions to unionize that city. These efforts have centered upon the great labor-employed manufacturers of steel and iron, who represent many millions of invested capital, and constitute one of the most active and important industries in our midst. In this employment Mr. Rogers not only represents these great interests in the civil cases necessary to enjoin interference by the Union with the respective businesses involved, but he also is engaged in the daily and even nightly prosecution of those elements among the Union men who resort to violence, picketing and other illegal interferences with the conduct of the various businesses against which they are allied. His success up-to-date in these matters has been uniform; and while neither he nor any right thinking person opposes the legitimate ends and aims of organized labor, he is proving himself a most energetic and efficient bulwark between the business interests of his community and those who, under the guise of organized labor,—let us hope falsely—violate the laws of both God and man.

Finally, in his private as well as in his professional life, Mr. Rogers is an accomplished and courteous gentleman, a good citizen and one of whom any community might well be proud.