

## GARGOYLE VISITS TWO DISTINGUISHED ALUMNI

From time to time, the *Gargoyle* carries accounts of conversations with distinguished alumni of the Law School. This serves to provide a broader perspective for students currently in Law School and alumni of all ages on the profession to which all *Gargoyle* readers devote their daily lives.

EDITOR.

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To converse with *Mr. Harlan B. Rogers* of Portage is to travel back and forth over a hundred years of Wisconsin history, and especially of Columbia County. His law firm, now called Rogers, Owens and Charles, has been in business since 1868—the same year the Law School was established—when it was founded by J. H. Rogers, father of Harlan Rogers. Members of Mr. Rogers' immediate family have always been associated with the firm. His two sons have been members, and one is currently a partner.

Mr. Rogers, a member of the Class of 1909, received us in his comfortable office over the City Bank of Portage, where he still works every morning. He has the self-assurance of a man who has lived a happy and successful life, an important member of a small community. His interest in the world around him, if a little detached now, is active and lively. He is clearly a man who is still enjoying himself fully, doing, in recent years, only those tasks he really wants to do.

Although he has been a contented small town lawyer for over sixty years, and although he is a member of a family with a well-established legal tradition, he is an accidental lawyer. He never intended it.

For one thing, his father was extremely hardworking, in his office night and day, seven days a week. This regimen did not strike Harlan Rogers, always interested in sports, as an acceptable way of life. He recalls sitting at the dining room table, as the family (parents and children) copied off documents in long hand. All had to participate except Harlan.

He was excused because he could neither write nor spell. In fact, he was a very poor student. In recent years, he has discovered that he probably has suffered from dyslexia, a relatively recently identified genetic condition which makes learning difficult for those afflicted.

Athletics was his great love, and his family comforted him by saying he earned his "honors with his heels," unlike other members of the family who were great scholars. The elder Mr. Rogers set an awesome pace, having earned the highest grade given in every course he took at the University of Toronto, before he attended Law School at the University of Michigan.

It was athletics, not the legal tradition, that attracted Mr. Rogers to college. He recalls setting forth by train from Portage to enroll at Beloit College, where he could play football. En route he stopped over in Madison to visit a cousin. He was persuaded, while here, to enroll in the Commerce Department of the University of Wisconsin. At the end of one year of academic work a required spelling and penmanship test ended his career in business. Admission to the Law School was possible, even for those who couldn't write or spell. Football was also possible for law students. So, despite his firm intentions, Mr. Rogers became a lawyer.

Although the family firm was well established in Portage, his joining it in 1910 was also accidental. His older brother, Selden Rogers, had passed the bar examination and joined the family firm in January preceding Harlan Rogers' graduation from Law School. Harlan Rogers was therefore free, on graduation, to go to New Mexico, where he was admitted to the Bar at Silver City by the Federal judge of the territory. Within the year, his brother died in Portage. On the eve of his departure to practice law in San Diego, he returned to Portage, and never left it again.

He has not been sorry. He enjoys the human associations which are an integral part of the practice of law. For many years he has been deeply involved in the business and personal lives of a large percentage of the people of Columbia County. He claims that he has never met anyone from whom he hasn't learned something.

On entering practice in Portage, he was paid \$25 a month. When his salary reached \$60, he married. The years have sustained his faith in the rectitude of his fellows in the legal profession. He served as a counsel to the Board of Bar Commissioners for about 20 years, and, during that time investigated 3500-4000 complaints against lawyers. For those 20 years, Mr. Rogers feels that he learned more about the attorneys of Wisconsin than anyone else. He was not disappointed.

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Ruth B. Doyle, editor

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He looks back with pleasure on his personal and professional associations with particular people. Both Burr Jones and John M. Olin were his law school teachers. Mr. Jones began his years of practice in the Rogers firm. Mr. Rogers considers him an outstanding trial lawyer, and remembers with pride the occasion when he won a law suit against him. Justice Marshall of the Supreme Court of Wisconsin often visited the Rogers office when he was in Portage between trains.

Of his association with the late, famed Dan Grady, Mr. Rogers says that, while they were bitter professional antagonists, they remained close personal friends always.

Mr. Rogers indicates, however, that his own father was the best lawyer he ever knew. On the last day of his life—in fact with the last words he spoke—he correctly cited for his son a case needed to unravel a knotty problem.

From the time of his enrollment in the Law School until the present day, Mr. Rogers has been closely identified with the Law School. All the members of the Rogers firm except its founder, J. H. Rogers, are alumni of the Law School. Mr. Rogers has served off and on as a member of the Board of Directors and the Board of Visitors of the Wisconsin Law Alumni Association, retiring from the latter in 1967. He agrees with the new emphasis on practical experience for law students and considers the General Practice Course "outstanding." He recalls that in his own case, he had never been in court, nor had he seen a jury drawn, until he was sent alone to try a case in Lincoln County. He won the case by a fortuitous circumstance. He heard two lawyers on the other side discuss the case, and was able thereby to prepare himself for the next day's argument.



**Harlan B. Rogers**

He has felt strongly for many years that the Law School should require an oath to uphold the Constitution of the United States from each student and Faculty member. Potential members of the Bar, who have any reservations in their support of the Constitution, commit perjury on admission — a "lousy way to start practice," he says.

Certification of graduates for admission to the Bar is properly the responsibility of the Law School, he feels. Neither the Supreme Court, nor any other agency, has the competence which the Law School has, by virtue of its three year association with a student, to judge the character and credentials of applicants for admission.

In the early days of his practice, his father insisted that he become thoroughly grounded in the Wisconsin statutes, and even today he does not use the index. He has read every decision of the Supreme Court of Wisconsin, and still spends up to an hour each morning reading recent decisions. Early in his career, he developed the ability to speed-read, and this has given him enormous pleasure throughout his life.

Reading aloud was a regular part of life in the Rogers household during his childhood, as it was when his own children were young, and is today, when he and Mrs. Rogers live alone. He recalls happily his mother's constant efforts to provide something of interest at dinner-time for her children. Discussions of interesting topics and books were continuous, and many famous and fascinating guests visited the Rogers home, including Booker T. Washington, Clarence Darrow, and President Taft. Zona Gale Breese grew up across the street.

The formula which combines a deeply-rooted family tradition, continuous commitment to a small, relatively poor community, and broadly-based professional associations covering many years and a wide area, has given Mr. Rogers the ingredients of a life of strength and pleasure.

He himself feels an urgent sense of history, and is working now on a family genealogy which he hopes will provide some of what he has learned and felt to his grandchildren and their children.

*Mr. Leon F. Foley* (Class of 1921), senior partner of Foley & Lardner, Milwaukee, Wisconsin, has an important characteristic in common with his fellow lawyer, Mr. Harlan B. Rogers. Although an attribute of two very successful men, one probably cannot conclude that it is an ingredient of success.

He cannot write, and he cannot spell. Life in elementary school was very difficult for him.

Visiting the offices of Wisconsin's largest law firm, one has the sense that it is an institution with a personality and character of its own, built over nearly 130 years of its continuous existence. Although it has grown continuously, with increasing rapidity, and its name has

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changed many times, and many different personalities have been parts of it, it is a solid entity with a distinct and separate existence. When its members speak of "the Firm", one knows exactly what is meant, just as one does when mention is made of "the Bank" or "the Company".

Mr. Foley's association with the firm covers most of the past 50 years, and is doubtless a contributor to the impression of permanence one gains on entering the offices of Foley & Lardner.

Mr. Foley's Irish ancestors came to Wisconsin during the Irish potato famines. His maternal grandfather came from Quebec to a farm at Rudolph (near Wisconsin Rapids) after eloping with the daughter of the family which employed him to take care of its horses. Mr. Leon F. Foley, an only child, grew up in Wisconsin Rapids.

On graduation from high school he worked seven days a week in a drug store and played a clarinet in a dance band two nights a week, to save \$250 during the summer before he enrolled at the University. Although for a time he thought he might want to study engineering, a course in economics persuaded him that law was his chosen field. He has since regretted the fact that he did not complete the work for a liberal arts degree, when, because of financial pressures, he enrolled in the Law School after two years of undergraduate work.

His years in the Law School, where his grades set a record which remained unbroken until his partner, Marvin E. Klitsner, graduated in 1942, were interrupted by service in the Navy in the first World War, where he began as a "landsman for yeoman" (a clerk) and

was discharged an Ensign. He attended the first Officers' Candidates School conducted by the Navy, and located at Great Lakes.

He married in May, 1918, and after his discharge in 1919, he worked on the crew which paved Main Street in Wisconsin Rapids for the first time. His story of his last two years of Law School has a ring of the present day. He and his wife had a small apartment. They had modest resources from savings and the sale of a piano. Mrs. Foley worked in an insurance office. Mr. Foley received a Wisconsin soldier's bonus of \$30 a month. He studied hard, and was selected the first Editor of the Wisconsin Law Review. He was offered an opportunity to be a Law Clerk to a justice of the Wisconsin Supreme Court, but he did not hesitate to decline it, when he received an offer to become associated with Miller, Mack and Fairchild in Milwaukee in 1921.

He has been associated with the firm for his entire professional life.

The founders of the firm were Asahel Finch, Jr. and William Pitt Lynde, in 1842. Members of the Miller family were associated with the firm almost from its beginning until just before Mr. Foley joined, when Mr. George P. Miller became inactive. Only one descendant



Leon F. Foley

of the Miller family, Mr. George M. Chester, remains with the firm and is a partner.

During Mr. Foley's professional career, the firm has changed its name four times: it was Miller, Mack and Fairchild from 1906-1951; Fairchild, Foley and Sammond from 1951-1960; Foley, Sammond and Lardner from 1960-1969; and Foley and Lardner at present. It is probable that Foley and Lardner will be retained for the future.

When Mr. Foley came to work for Miller, Mack and Fairchild there were 9 lawyers in the office. They were all engaged in general practice and they all worked extremely hard. He considers that his friendship with the senior partners, Edwin S. Mack and Arthur W. Fairchild, has compensated in part for his lack of a liberal arts degree. Through their eyes, he became aware of many aspects of life and acquired, he says, a broad cultural background from them.

Early in his career, after the death of Mr. James B. Blake, one of the partners in the firm, he assumed general management of the office, a responsibility he has now relinquished to his partner, Lynford Lardner, Jr.

Management included the recruitment of young lawyers in which Mr. Foley and Mr. Lardner played a major part. The firm has grown each year, particularly since 1941. There are now 39 partners and 36 associates. As many as 10 new lawyers have been added each year, and a glance at the roster reveals that they come from many different areas of the United States, and a number of different Law Schools. The largest groups are Harvard and Wisconsin Law School graduates. 12 of the present partners and 5 of the associates are Wisconsin alumni.

## Rogers, Foley con't

They have one important attribute in common: all have excellent academic records. Despite the changes in legal education, and developing changes in the methods of evaluation of student performance Foley and Lardner continues to feel that the best indicator of potential success in the practice of law is the academic record and the composite impression of the faculty who graded the students. Eighteen of the present partners were elected to the Order of Coif; 17 were members of Law Reviews. Among the associates, 10 are members of Coif and 19 have been Law Review members.

But a good record is not the sole criterion. For many years Foley & Lardner has depended also on the psychological evaluations of a consulting firm in making its selections. Until this service was employed, as many as 2 out of 3 associates selected were not kept permanently. Now the retention rate is much higher. Summer clerkships are a dependable recruiting device, since they provide an extended opportunity for the firm to observe an applicant and an applicant to observe the firm. Some years, he observes, are more fruitful than others; they have "vintage years" and "non-vintage years."

Speaking generally, the lawyers in Foley and Lardner are specialists.

They are divided into teams. Highly competent and diligent lawyers make the management of the firm headed by partners a relatively easy task. New lawyers take about two years to develop a specialty—the decisions being based on the needs of the firm and the interests of the lawyer.

Mr. Foley has placed great reliance on intangible native capabilities he calls "aptitudes" in assessing the strengths and weaknesses of lawyers. High intelligence and diligence must be supplemented by an aptitude for the tasks at hand. His own specialty for many years was as a consultant, as well as counsel, for the corporations which were clients of the firm. He has been a member of the Board of Directors of many companies, and retains several memberships, although he considers himself largely with-

drawn from the active practice of law.

Mr. and Mrs. Foley have lived in Whitefish Bay almost all the time they have been in Milwaukee. They live in the house they purchased in 1933, when they became "financially able to do so." They are content to stay there and have traveled extensively in all parts of the world until it became impractical to face the uncertainties and medical problems encountered in the various countries.

