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Interview with J. Rogers Jewitt, Class of 1915 (transcript)

Oliver Schroeder

Case Western Reserve University School of Law

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J. Rogers Jewitt, 1915 graduate *April 14,*
Interview with Oliver Schroeder, ~~February~~ 1988
transcription by Kerstin EKFelt Trawick

Speaking to you from the home of J. Rogers Jewitt, 5060 North Campana Drive, Tucson, Arizona. Mr. Jewitt is the oldest alumnus of Case Western Reserve Law School, the class of 1915. This interview is part of our oral history project being developed to celebrate the one hundredth anniversary of the law school at Case Western Reserve University in 1992.

Now we'll ask Mr. Jewitt, who was born in 1891-- Is that right, Mr. Jewitt?

Yes, May sixth.

May sixth, 1891. So he is one year older than our law school. And he is just as vigorous as our law school. So I'd like to ask you, Mr. Jewitt, you are a native Clevelander?

All my life, until I was 80 years of age.

Did you go to high school in Cleveland?

I went to Central High School in Cleveland, and from high school I went to one year at Ohio Wesleyan University, and then I went to Adelbert College for two years and there found out that they had a combination course of six years, allowing me in my senior year at Adelbert to go to law school for my first year and get a degree from both schools. Which seemed to me was a big advantage at that time.

I'm curious as to why you wanted to go to law school. Was your father a lawyer?

My father was a doctor, and I was the fifth child to be educated. Four of them ahead of me, brothers and sisters, had gone through college, so when I moved back to Cleveland I was notified by my father that I'd have to earn my own tuition for the law school, which at that time I think was \$400 and later raised, I think, to \$500. Which I accomplished by, luckily, in my second year at Adelbert to get a law clerk job at the Stanley & Horowitz attorneys in Cleveland. So as I then had, I thought, a five-year jump on my classmates.

Did you have a desire to be a lawyer earlier in your life?

No. I didn't decide to be a lawyer till I met Stanley and Horowitz. They encouraged me, and I was a little slow witted in my thinking, but I knew about the wonderful case system of law, that they taught at the law school. Where by getting a set of facts you logically come to a judgment or a conclusion. And which was invaluable to me later on when I represented insurance companies, half of my practice, and general public--I

represented-- the other half.

When you entered law school, about how many people were in your class? Where did they come from?

There were 40 in my class-- Up on Adelbert Road, the law school building had two stories, about three or four classrooms. Most of them came from northern Ohio. All 40 of them graduated, and most of them settled down in Cleveland, which was a big advantage, because all the friendships I made in law school for three years-- my classmates, I tried cases against them in Cleveland, and it was very pleasant because I knew them so well, knew whether they were good trial lawyers or not, when I tried cases.

There were two or three reasons why I decided to go to law school at Western Reserve. The first of course, I said, was the combination six-year course. Secondly, you didn't have to go to law school in the afternoons, so I was able to get a job as a law clerk in a law firm for five years, so that I could earn my tuition through law school. Otherwise I couldn't have made it. That was a big advantage. And so I was happy to go to Western Reserve Law School even though a few of my friends went to Michigan and other law schools. The compensations of knowing your classmates for the next three years that practiced law and settled down in Cleveland was really great. I don't think the law school appreciates that, because I was the one that participated in that.

Then I got acquainted with very good teachers, and I'll let you go on from there.

Yes. Who were your teachers? Tell me a little bit about each one of them, your impressions of them.

Well, it happens my memory is real good as to the names of the teachers 75 years ago. My favorite teacher was Walter Dunmore on property, because later on-- And my next favorite teacher was-- I think his name was Al Brightman on contracts.

That's correct.

My gosh, he gave me an A. Because I was a B student. And the education I got on contracts and through real estate was so valuable that when the Union Trust was shot, the U.S. liquidator, through a friend of mine, hired me on drawing the legal contracts on all the real estate that they sold for four years during the Depression. And the contracts teacher-- I had no trouble dictating for the U.S. liquidator for four years. They gave me a house that they foreclosed on in Willoughby, and my fees all went into the purchase of the house, so the house didn't cost me over a couple of thousand dollars.

That's very good. Did you-- I think Professor Throckmorton was there at the same time.

I think, I'm guessing-- I think his name was Archibald.

That's right. You got it.

I didn't pay too much attention to that course because at that time, 1915, I didn't see I'd ever have any clients involved in the conflict of laws between different states, between different nations, except on custody cases, where custody was granted in one state, to the parent, and custody was granted to the contrary in another state, and extradition cases. I didn't have a lawsuit involving that. And so Throckmorton was good on conflict of laws, but at that time it didn't seem so practical to me as it is now, when they have the World Court, which they didn't have I don't think in 1915, at the Hague. And on constitutional law I didn't get to the U.S. Supreme Court, but my son Jack Jewitt, a Reserve law school graduate and partner, had only one case go to the U.S. Supreme Court on conflict of laws. Now if I can go on to another teacher--

Go on.

Alexander Hadden, who was the good good [sic] probate judge, he had a good sense of humor. One of his questions was, Is it legal rape if a girl goes to bed with a man by force but she gets up first and pulls down the shade? And John Hadden of course was the top son trial lawyer up there with his law firm, and there was a member of my class by the name of [Emslie]-- Frank. In my contracts course, he pulled the chair out from underneath me when I stood up to answer questions to the teacher, so I would have trouble sitting down. And the fourth time I did that was in Finfrock's class. I reached over--I was very strong and husky--I took him by the shoulders and chair threw him over backwards on the floor. Even Finfrock-- We loved Finfrock, we called him Fin. I can't remember his first name.

Clarence.

Oh yes, Clarence. He was very good on negotiable instruments, which was very, very helpful. So I had no trouble in my practice, when I was young, in the courts, on account of my good education by these different teachers. I was able all my life to hold my own as a trial lawyer against any big firm or any trial lawyer, according to the results that I got in the court. I was able to go to the Court of Appeals a number of times and only lost once. And then I must tell you also how good the law teachers were-- When three of us registered in the Supreme Court of Ohio to take the bar exam, three years in advance, as required, so as to have a jump on our classmates three of us, Charlie Gentsch, myself, and McBee (I think his name was Harry) went down to Columbus in December of our senior year, after two years and three months. And we all passed the bar examination and McBee came top in the whole state of Ohio, which I thought was a compliment or an accolade for the teachers that we had up there.

Tell me some more about your classmates-- What they did and how you saw them afterwards. Did you, for example, have study groups? Did you study together?

No. But I was able to sponsor, when I was a young lawyer, a student for three years, as to the practicability of getting into the practice of law and getting started. McBee didn't have any personality, and he couldn't get any clients, so he only lasted one year. The public lost his brains-- because he was a very smart fellow. I was able to start up the practice of law by myself, which is awfully hard for a graduate. When I graduated, I had five years' experience with Stanley & Horowitz. I had built up a known clientele for five years, of collecting all the bad debts of the four big hospitals in Cleveland and 20 of the surgeons including Bunch Crile and Lawler (?), so I had a collection business that paid me, when I graduated, \$150 a month, on which I was able to get married and was able without the help of anyone to get started and continue in the practice of law.

That's great. In your preparation to go into law school, when you got into law school, did you find that certain studies that you had done, for example in college, that were helpful to you in the study of law? Is there any connection between what you studied for example in college to prepare you for law school?

As to pre-law, I don't know of any. I didn't have elocution in college, which my son Jack had, and so he was much more acceptable, being better looking, nice looking rather, and being more successful at getting bigger verdicts and bigger settlements than I ever could. And he is now a lawyer's lawyer, Jack, with Paul Hurd's law firm on the 25th floor of the Terminal Tower. Jack-- half of his work was for other lawyers, in trying cases and getting good settlements and good verdicts. Mine was about 25 percent, trial lawyer for my classmates that didn't specialize-- About half my practice was for insurance companies.

And I wanted to say this: I was rather slow witted in forming conclusions and judgments when I was standing up, which I had to do, and half way through my law school all of a sudden my wits became enough sharpened by the teachers--I'll have to say this and give them credit--that from then on I was able to make reasonable judgments--when I was quick, standing on my feet in court or representing clients thereafter. That was a big advantage that I personally got, which made enough difference so I was able to raise a family of two boys and gave them better educations than I had, and they're very successful.

Now coming more or less to a close, the last ten years from 70 (age) to 80, Jack and I as partners moved in with Carney, Carney & Broadbent, into their suite with them, and Jack helped Howard Broadbent to try cases, pro and con. Their ingenuity was something I couldn't believe. I wanted to say that Howard Broadbent, to my mind, an A student all the way through Reserve, was top. He has been very, financially, well off in the practice

of law. It was so pleasant being the last ten years, from 70 to 80, I didn't try cases as most lawyers don't, some of them stop at 65, but I drew briefs, lots of briefs, for preparation of cases and saw witnesses, and Jack paid me for ten years to help him, which I did.

There's one thing else, in going to a law school in your hometown. One of my classmates, Stanley Orr, a year ahead of me at Reserve, later a Common Pleas judge, he's with Thompson, Hine & Flory-- My first injury case, he said, "Roger, I don't handle injury cases, I'm with a commercial law firm." I took it and went to the Supreme Court and got a verdict of \$7000 for a guy, against the Cleveland Railway, whom they wouldn't pay a dime, and made \$3500.

Very good, very good.

And that was another advantage of practicing law in your hometown, where a lot of your classmates are also practicing law. I found that out, because naturally when I originally decided to be a lawyer, I was thinking of Michigan and Harvard and other different schools, but my father couldn't afford it. I figured they have a little advantage of me, being better lawyers, but these other advantages, that I give you now, more than took the place of going away to a law school.

What do you remember about the law school building where you studied law? Were you impressed by it? Was it a comfortable building?

On Adelbert Road-- It was just a nice two-story building with about four classrooms and a dean's small office in it. The teachers, I don't know if I've covered all the teachers. I think I had on constitutional law-- I don't know who my teacher was on that. Because I never had a lawsuit involving the Ohio constitution or the United States constitution. That and the conflict of laws I enjoyed and the teachers were good, but I never had any clients involved in that.

Did you have any special interests while you were practicing law? Were you interested in politics, or charities, or social organizations, religious activities, anything like that?

No. I practiced law by myself for 20 years, and Jack came in, in Jewitt & Jewitt. And because he had a nice personality he was offered the first year by the judges to be prosecutor, run for prosecutor, before John Corrigan got in there. I had chances to go with Squire, Sanders & Dempsey in their commercial department, I had chance to be attorney for the Central National Bank. I beat their attorney in a case against them. But I enjoyed almost half my time in representing the general public.

I didn't specialize in any one branch of the law although I did do a lot of probate court work. I can't remember who was my teacher in law school on probate work. I was the executor of a

couple of attorneys that died. I got very well versed in the probate court and handling estates. I was well enough known for that so that when the Benjamin Rose, the biggest trust estate for the Union Trust-- Nelson Brewer, whom I had campaigned for for judge, finally appointed me as referee, when I was young. The heirs of Benjamin Rose claimed that the bank as executor and trustee was negligent and criminally liable. It was a very, very important case in Cleveland, because it went to the Supreme Court. And the liquidator of the Union Trust settled it for \$144,000. I didn't find that the officers of now the Union Commerce Bank, which has been sold down to Columbus I understand, I didn't find that the bank during the 1910 to 1930 had been criminally negligent, so as to award special fees to the heirs. And that was a very interesting case and a very satisfactory case. That case and the cases where the U.S. liquidator had me appointed, of the Union Commerce, and I-- For four years with the liquidator I drew all the real estate contracts for the liquidator, selling properties of all kinds, and I never had any trouble, on account of Al Brightman, my good teacher on contracts, and Walter Dunmore. For four years I made money during the Depression! So I've been very happy to have stayed there. And I probably did better than if I'd gone to some law school away from Cleveland.

Did you ever handle any criminal cases?

Is Florence Allen a graduate of the law school?

No, she isn't. You know, when she applied they did not admit women.

I know.

So she went to the University of Chicago law school.

I got an anecdote on that if you want it.

Good.

Florence Allen was first hired by the county prosecutor as an assistant. Her first case was against me. In my senior year I practiced law and tried cases from December until I graduated, because I'd already passed the bar. And Florence Allen had this case. I was assigned three or four times for indigent (?) robbers. The county paid me \$10 a day--\$10 a day for trial work! I had about four of those cases. They all were found guilty and went to the penitentiary, so I decided I wasn't going to be a criminal lawyer, practicing law. Anyhow, the reporters were there on this first case of Florence Allen. I represented a fellow charged with robbery and going into a men's toilet, and the man was sitting on the throne, and he robbed him, because he had his pants down. I knew the reporters would pick that up. And I didn't want to be the victim with publicity in the newspapers the next day. So I took my man up and I said, "Judge, I'm going to plead him guilty." The judge says to him, like he

always does, "Did you do it?" "No! I didn't do it!" And so Florence Allen won her first case. She was later appointed to the Common Pleas Court for only one year, and then she was appointed to the Supreme Court of Ohio, and I played golf with one of the judges of the Supreme Court of Ohio at my club, country club. I made money, so I got started good. I said, "How do you get along with Florence Allen up there, you judges?" He said, "We all chew tobacco and we have to be careful when we spit." She told me her father was the first one that invented the curve ball, for baseball.

Is that so?

Don't know whether it's true or not, but she told me that.

Very interesting. She was a remarkable person. Not just a remarkable lady, but a remarkable person.

Now I might say this, maybe it's impertinent. When I retired down here to Arizona, when I was 80, and I remarried a very lovely girl from New York, being very athletic all my life with violent exercise to 65, I came down here to get another 5 years when I was 80, and now I'm 97 on May 6th! And the doctors say that my heart and lungs from swimming all my life so much are real, real good. And my metabolism is real good. And so I survive the hot summers in the last number of years. And I might say for the benefit of the law student, Tucson and Phoenix are great places for young lawyers to make money. They have an accident every day, automobile accident, when the northerners are driving down here-- Our traffic signs are bad, our traffic control is bad, and several firms have come down from Cleveland-- I'm not sure whether they came from Cleveland or not, I think they did. And they've been very successful in the last two years not only putting in an office here but putting another office in one or two of the other cities here.

That's interesting.

And Mr. Grand, the attorney, is the top attorney in the United States for the big verdicts he gets and big settlements. He's had over 40--this just came out--verdicts or settlements running from a million to three million dollars. So that for the law students, if they don't come from Cleveland-- So if I was a young lawyer-- If you'd like to be in the personal injury business, this is a great great place. For making money. I thought that would be interesting.

Well, you still do a little bit of exercise. You and I met in the street as I was coming up to your house. You were out walking.

Well, the doctors are surprised. I was in the hospital for 17 days with a bad infection of my left ankle, and they almost amputated my foot. From my swimming in my pool, which I still do, I got an infection with broken skin in the pool I think, dirt

getting in. And by gosh the hospital kept me for 17 days! And gave me hospital medical care for three weeks after I came home so that I can walk again.

And my insurance all paid for it. Blue Cross and Prudential, pick up. So I've developed a couple of special exercises to prolong my life. Which seems to be the rage, because 80 families where I live, in North Ridge Villas-- The women and the men are walking more, they're swimming more, they're jogging more, and they're retiring at earlier ages. And so I've just been an ordinary good attorney all my life and raised a family. But I've concentrated and specialized in exercises, handball, squash, and ice hockey, till I was 65. Then tennis down here, and walking. And so I really have specialized in exercise.

That's good. You certainly show it, because you're in very vigorous health. And you know, we're counting on you to come back to Cleveland when we have our hundredth birthday. You'll be a hundred and one, you see, and you can tell the law school how to live another year or two.

Unfortunately I used all my money, except for living down here, on my two boys, on top, top education. I can't afford to-- Beta Theta Pi had a convention, and Jack wanted me to go. I'm the oldest member of Beta Theta Pi, the Beta chapter. But they didn't send me any money to come to where the convention was. And for staying in the hotel there, and dinner. And frankly, I hate to admit it, I don't have extra money. So that if I'm a hundred, and I'm in health to go there, I'll have to depend on your resources.

Well, you never know what's going to happen there. You just sort of keep that in the back of your mind and reserve it. Because I think that something can be arranged, no problem about that.

I've been promised in California by well-to-do friends to do the same, have a hundredth birthday over there, come and get me. Down here, they talk about my hundredth birthday. It's easy publicity, getting old. In signing off, I'd like to say that-- I'm not signing off as a senior citizen, but as an aging juvenile.

Well, that's a very good way to end. And we sure appreciate the chance to interview you.

And my slogan is "Young to a hundred." "Old" is out of my vocabulary. Hoo boy!

M. Roger Jewitt

"I want to congratulate Western Reserve Law School on their 100th anniversary because it is a great school and it helped me to become a good lawyer and to make a good living all my life."

add above to taped interview.
stated after I had closed tape recorder.

Oliver Schwedde