

May 2011 Bar Bulletin

Profile / James "Jimmy" Rogers

A Talent Like No Other

By Todd W. Gardner

James "Jimmy" Rogers is a local boy, born in Seattle, who graduated from Mercer Island High School and the University of Washington, where he received his Bachelor of Arts in History. Jimmy went on to obtain his J.D. from the University of Arizona College of Law.

At that point, the bar almost "lost" Jimmy to the theater. Shortly before becoming a lawyer, Jimmy was accepted at New York City's legendary Neighborhood Playhouse, run by the fabled acting teacher Sanford Meisner. To our legal community's good fortune, Jimmy elected to become a trial attorney.

However, Jimmy did not completely abandon theater or writing. In addition to his full-time legal practice, Jimmy wrote the book and lyrics (the music was by Cole Porter, Irving Berlin and others) for a musical based on a personal injury trial, "Twelve." Jimmy played the role of the narrator in the musical. Jimmy's production attracted a cast of some of Seattle's top musical-theater talent, and was directed by Linda Hartzell. Jimmy's writing also includes being editor in chief of the less-musical *Anatomy of a Personal Injury Lawsuit, 3rd Edition*, a respected treatise for trying personal injury cases.



It is no coincidence that Jimmy has extraordinary talent in the theater and in putting pen to paper. A successful trial lawyer must have the ability to integrate evidence, witnesses, illustrative aids and exhibits in a manner that will successfully tell the client's story to 12 total strangers in a court of law.

Jimmy Rogers is, by any measure, an eminently successful trial lawyer. It is his ability to see in time and space; the capacity to engage his right brain in a manner few of us can hope to equal, that has allowed him to achieve so many successes in court and in other endeavors as well.

Jimmy's career, which has now spanned 37 years as a plaintiffs' personal injury lawyer in Seattle, has clearly benefited by his work with a number of masterful mentors. He began his career working with Seattle attorney Lem Howell. Jimmy tried his first solo jury trial while

working with Lem in the courtroom of Thurston County Superior Court Judge Gerry Alexander, whom we now know better as the recently retired Washington State Supreme Court chief justice.

Following the trial, Judge Alexander sent Lem a letter about his young associate. The letter states, "I believe he will be an excellent trial lawyer." Judge Alexander was correct, and Jimmy still has the letter, framed and hanging in his office.

Jimmy's next position was with the late Leon Wolfstone, the only ATLA (now AAJ) president from Seattle. Jimmy remembers Lee as a great teacher of trial law and the possessor of endless anecdotes about trying cases in an era when lawyers often went from courtroom to courtroom. He shared with Jimmy how the oratorical flourishes of lawyers like Ted Peterson, J.P. Tonkoff, Sam Levinson and Hugh Miracle captivated many a jury.

Jimmy went on to work in the Franco Asia law firm for several years and then became a partner in Crane, Stamper, Boese, Dunham and Rogers. In late 1986, Jimmy went out on his own and opened his own firm. That firm later became Rogers and Darvas, with now-King County Superior Court Judge Andrea Darvas.

It was during that association that Jimmy and Andrea tried a number of cases together, including a highway design, wrongful death case, *Cornejo v. State of Washington* in Yakima County, in which the Court of Appeals held that the verdict form should provide for itemized damages for each wrongful death beneficiary. Later, with former partner Mary Fleck, Jimmy's advocacy in *CJC v. Corporation of the Catholic Bishop of Yakima* established the discovery statute of limitations in childhood sexual abuse cases, recognizing the special protective relationship between victims and third-party entities. This case was an important part of the work Jimmy has done on behalf of victims of clergy sexual abuse in a number of cases in Washington since the early 1990s.

His innate capacity to see a case in multiple dimensions has asserted itself in Jimmy's leading work in crashworthiness litigation. Cases involving the crashworthiness of cars, trucks and ATVs are complicated, fought tooth and nail, and are conceptually sophisticated. It takes a special kind of lawyer to be able to get his or her arms around the evidence, vehicle dynamics and law as it pertains to crashworthiness. These cases involve, in essence, "a collision within a collision."

It takes a special lawyer with the keen ability to properly frame the question to have success in this field. Crashworthiness cases are not defended by inexperienced counsel. Litigation against Suzuki, Ford, Chrysler, GM, most of the Japanese automakers and a number of helmet manufacturers have all been successfully pursued by Jimmy Rogers. It takes an individual with the eclectic combination of exceptional talent in law, writing and advocacy to put together a successful crashworthiness case. Jimmy is one of those rare individuals.

Jimmy's accomplishments have been recognized by his peers and his adversaries. He is a Fellow of the American College of Trial Lawyers, a Fellow of the International Academy of Trial Lawyers, and is a past president of the Washington Chapter of the American Board of Trial Advocates (ABOTA). Jimmy is listed in "The Best Lawyers in America," both in the general field of personal injury litigation and in the more specialized area of product liability. Jimmy has been an invited speaker at literally dozens of legal seminars over the years and, for 14 years, co-chaired an extremely well-received annual December seminar for WSAJ with Paul

Luvera.

As Luvera notes, "I've know Jim since Woodrow Wilson was president, and we have been friends ever since. He and I are obsessive collectors of books, tapes, DVDs and seminar materials on trial. We have shared a mutual need to continually study the masters for ideas and ways to improve our representation of our clients."

In politics, Jimmy's reputation and skills would be referred to as being respected by "both sides of the aisle." The mutual respect Jimmy has from both plaintiffs' attorneys and defense counsel alike is best demonstrated by the fact that Jimmy was named Trial Lawyer of the Year by the Washington State Trial Lawyers Association (WSAJ) in 1998 and, in October 2010, as the Outstanding Plaintiff's Trial Lawyer of the Year by the Washington Defense Trial Lawyers. As Jimmy noted, "Being the only plaintiff's lawyer in a room of almost 200 defense lawyers was a bit surreal: lawyers I have had cases against throughout my career were coming up and congratulating me all evening."

Noted Seattle trial attorney Brad Keller says, "What stands out to me regarding Jimmy is his selfless devotion of countless hours supporting trial lawyer groups such as the International Academy of Trial Lawyers (he is Washington co-chair), the American College of Trial Lawyers (he is on the Washington state committee and organized the ACTL seminar for public interest lawyers last fall), and ABOTA (he has spoken at ABOTA's "Trial Masters" seminars). What makes it so amazing is that he runs a small firm, yet still finds the time to be active in so many legal organizations."

Jimmy's success is certainly based in part on his intelligence, legal talents and hard work. However, it is likely that the biggest ingredient in Jimmy's successful and ongoing career is the fact that he is "good people." No one is more willing to provide assistance than Jimmy Rogers. No one is more thankful of assistance from others than Jimmy Rogers. Jimmy works hard to "get it right," in the practice of law and with people.

His qualities are reflected in his two lovely and intelligent daughters: Zoey, a sophomore at Whitman College, and Sabina, an 8th-grader at The Northwest School in Seattle. Jimmy's girlfriend, Kim Brillhart, with whom he lives in the Laurelhurst neighborhood, also has two equally lovely and intelligent daughters: Emma, a freshman at Scripps College, and Alice, a sophomore at The Northwest School.

Jimmy's youthful appearance and high level of energy belie his 37 years in the bar. His legal accomplishments have now spanned four decades and continue with his current clients. Finally, this article cannot end without noting Jimmy's remarkable resemblance to a young Justice Louis Brandeis, whose bust is awarded by WSAJ to its annual Trial Lawyer of the Year. This uncanny resemblance has led more than one young lawyer to ask, "Why do they award a bust of Jimmy Rogers each year to the new trial lawyer of the year?" We all could do a lot worse than being compared to Jimmy Rogers.

One of the highest compliments I have seen paid to a trial lawyer came from Washington AAG John McIlhenny, Jr. After the resolution of a particularly hard-fought and difficult case, John wrote Jimmy a letter: "Despite any outcome, there are times when we get to practice law in the way I think it should be practiced. We managed to do that in this case and the credit goes to you. You have been the consummate professional: honorable, courteous, tireless, tough, detailed, and a passionate advocate for your client. In addition, you have been a fine man to

work with."

As John also observed, when talking about Jimmy Rogers, "You don't judge the great ones by the money they make. Jimmy's legacy is his daily demonstration of the enduring values of our profession." It is those words that so ably capture Jimmy Rogers as an attorney and a man.

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