

AMERICA'S BEST-SELLING AUTHOR WAS A CALIFORNIA LAWYER

By John S. Caragozian

When Erle Stanley Gardner died in 1970, he was 20th-century America's best-selling author, with over 100 mystery novels published and over 300,000,000 books sold worldwide. Gardner's most famous character was criminal defense attorney Perry Mason, who was featured in 82 novels and also in movies, radio shows, and finally a long-running television series.

Less known is that Gardner was a successful Ventura County lawyer with a strong record of representing minorities and the poor.

Gardner was born in 1889 in Massachusetts, but he and his family moved to California, and he attended high schools in Oroville and Palo Alto, where he graduated in 1909. He then worked as a typist and read law in Willows (north of Sacramento). Gardner attended Valparaiso University law school in Indiana for one semester, but resumed reading law in Santa Ana. He was admitted to the California Bar in 1911.

Gardner began his law practice in Merced but quickly moved to Oxnard, then a farm town with a population of 2,600. He affiliated with a veteran lawyer and took the office's smaller cases. As Gardner wrote to his father, "I have built a law practice in which I am dealing with ... clients of all classes—except the upper and middle class." Erle Gardner, "The Court of Last Resort," 4 (1952).

Gardner's clients included residents of Oxnard's Chinatown. When Oxnard officials decided to crack down on an illegal Chinatown lottery, the police obtained arrest warrants for various Chinese shopkeepers. Gardner arranged for the shopkeepers to switch locations with each other, such that, for example, the butcher was at the laundry, the druggist was at the grocery market, and so forth. The police failed to recognize the switches and arrested individuals not named on the corresponding warrants. The court therefore dismissed the cases. See Richard Senate, "Erle Stanley Gardner's Ventura," 59-62 (1996).

In 1915, Gardner entered into a partnership with another Oxnard lawyer, Frank Orr. The practice grew, but, in 1917, Gardner became convinced that he could earn more in sales. He moved to Oakland and became part of a tire and automobile accessories company. When the company failed after World War I, Gardner moved back to Ventura County and resumed his partnership with Orr, this time in the City of Ventura.

In the 1920s, Gardner's firm grew and became Sheridan, Orr, Drapeau & Gardner. Gardner represented a mix of individuals and businesses in trials and appeals and earned \$20,000 annually (approximately \$350,000 today). The firm moved into downtown Ventura's First National Bank building, which was built in 1926, had four floors, and boasted the county's first elevator.

Gardner continued to represent poor and minority clients. One day, he was in a courtroom during a murder prosecution of Joseph Sandoval. Gardner was "much moved with sympathy for [Sandoval's] unfortunate plight" and believed that Sandoval had not received "full benefit of ... rights and privileges." Gardner

successfully moved to be an amicus, but was unsuccessful in persuading the California Supreme Court to alter the death sentence. *People v. Sandoval*, 200 Cal. 730, 732-33, 736-37 (1927).

While practicing law full-time, Gardner also began writing fiction. At first, he wrote short stories and submitted them under various pennames to “pulp” magazines (so named, because they were printed on cheap, rough newsprint). Initially, his stories were rejected, but Gardner persisted, sometimes writing and re-writing late into the night, even in the midst of a jury trial.

In 1921, Gardner sold his first story to a pulp and received \$10. He continued simultaneously to practice law and write and soon was a contributor to various pulps. By the early ‘30s, however, Gardner was writing more (200,000 words per month) and practicing less (two days per week). See <https://www.britannica.com/biography/Erle-Stanley-Gardner>.

In 1933, Gardner became a full-time writer and ended his legal practice, though he hired away three of the firm’s secretaries to do his typing and other office work. That year saw the publication of Gardner’s first Perry Mason novel, “The Case of the Velvet Claws.” *Time* magazine and the *L.A. Times* hailed it as among the best books of the year. See Dorothy Hughes, “Erle Stanley Gardner: The Case of the Real Perry Mason,” 107, 119 (1978).

Gardner’s output was astonishing. Each year, he wrote at least two Perry Mason novels under his own name and at least one additional mystery novel under a pen name, plus magazine stories. Also, between 1934 and 1940, Warner Bros. made seven Perry Mason movies.

Gardner’s legal experience provided material for his novels. For example, after successfully representing an elderly Ventura County pioneer who wanted to preserve trees along a roadway, Gardner incorporated that case, *Hill v. Oxnard*, 46 Cal.App. 624 (1920), into the 1939 Perry Mason book, “The Case of the Rolling Bones.” Gardner used his successful representation of a widow in a double-indemnity insurance case, *Magby v. New York Life Insurance Co.*, 136 Cal.App. 772 (1934), in his 1941 novel, “Double of Quits.”

While Gardner never claimed high literary style, he was masterful with his plotting. Law school deans praised the accuracy of the books’ courtroom scenes. Albin Krebs, “The Fiction Factory,” *N.Y. Times*, Mar. 12, 1970, at 1, col. 1.

In the 1940s, several Perry Mason novels were reprinted as small paperbacks sold for 25¢ at newsstands and drug stores. Gardner “led the boom in paperbacks” and eventually sold 100 million of them. Dorothy Hughes, *supra*, 222-24.

Between 1943 and 1955, Perry Mason was also featured as a radio drama, running more than 3,200 episodes. Gardner, however, was unhappy with many of the scripts.

When Perry Mason was turned into a CBS television series, Gardner formed his own production company—which included his secretaries as partners—and kept tighter control over scripts and other production aspects. The series, starring Raymond Burr in the title role, regularly ranked among the most popular TV shows throughout its nine seasons, from 1957 through 1966. See *id.*, 232, 241, 243-51.

Gardner semi-returned to lawyering in 1946. A Los Angeles lawyer sent Gardner a plea to help William Lindley, who faced execution for murder in “almost a matter of hours.” Despite publication and radio script deadlines, Gardner read Lindley’s entire trial transcript and constructed a timeline proving that Lindley could not have been at the crime scene when witnesses placed him there. Gardner then wrote letters to each California Supreme Court justice, the governor, and other officials. As a result, Lindley’s execution was stayed and then commuted, and Lindley finally was determined to be innocent. See *id.*, 255-56, Erle Gardner, *supra*, 8.

The Lindley case generated national publicity, and, in 1948, Gardner formed “The Court of Last Resort.” It was comprised of top national experts—such as a private investigator, handwriting expert, even a former prison warden—who would investigate possible wrongful convictions. During CLR’s decade of existence, Gardner devoted 80% of his time to it, and he and *Argosy* magazine provided financial support. Gardner’s resulting book, “The Court of Last Resort,” won the 1953 Edgar award for best fact crime book. See Dorothy Hughes, *supra*, 258-61. More important, the CLR was able to clear wrongfully convicted prisoners and became the template for the American Bar Association and others to create innocence projects that are active to this day.

Gardner’s personal interests included camping in the American West. In 1937, he visited Temecula, then an unincorporated Riverside County crossroads with perhaps 250 residents and a single telephone at the general store/post office. Gardner first bought property there as a camping spot but later constructed several buildings—an office, library, main house, barn, and corral, among others—and the property grew into a 3,000-acre ranch. It became Gardner’s home for the rest of his life. *Id.*, 171-75.

In 1947, Gardner began camping in and exploring Baja California, which then had few paved roads south of Tijuana. Between 1948 and 1970, Gardner wrote eight nonfiction books about Baja and was honored by the Mexican government.

Gardner died in 1970. Downtown Ventura’s First National Bank building, where Gardner wrote his first Perry Mason novel, still stands. Gardner’s Temecula ranch has been absorbed into Pechanga Indian lands.

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A version of this article first appeared in the April 23, 2024 issue of the Los Angeles Daily Journal. Reprinted with permission.