

**SILLS, David George**

PRESIDING JUSTICE, COURT OF APPEAL, Fourth Appellate District, Division Three

**Appointment/Election:** Appointed [succeeding Presiding Justice Harmon Scoville, retired], by Governor Deukmejian Aug. 7, 1990, confirmed by Commission on Judicial Appointments Aug. 28, 1990, oath same day, confirmed by electorate Nov. 6, 1990 to an 8-year term, and reconfirmed by electorate Nov. 3, 1998 to a 12-year term.

**Other Judicial Office:** Judge, Superior Court, Orange County, Sept. 20, 1985 (date of oath) to Aug. 28, 1990, appointed [succeeding Judge Kenneth E. Lae, retired] by Governor Deukmejian Sept. 16, 1985, and elected in 1986 (unopposed). Served briefly as Justice *pro tempore*, Supreme Court of Calif. in 1992 and Court of Appeal in 1988; and Judge *pro tempore*, Orange County Superior Court, in 1978.

Past Employment: Private law practice, Orange County, 1965-85. Mayor (1984-85, 1981-82, 1979-80, and 1976-77) and City Councilman (1976-85), City of Irvine, Calif.

**Memberships/Awards:** Member: Calif. Judges Assn., 1985—; Orange County Bar Assn., 1965—; American Legion, Santa Ana, 1978—; and Irvine Health Foundation, 1986— (Chair, 1986—). Former member: Executive Committee, Southern Calif. Assn. of Governments, Los Angeles, Calif., 1984-85. Recipient: Roger J. Traynor Memorial Award, Appellate Justice of the Year, Los Angeles Consumer Attorneys Assn., 2001; Honorary Doctor of Laws degree, Calif. Western School of Law, 1994.

Teaching/Lectures/Panelist: Instructor (Selected Problems for Business), Univ. of Calif., Irvine, Graduate School of Business, 1981.

**Noteworthy Cases:** Significant decisions authored by Justice Sills include: *People v. Soto*, 35 Cal.Rptr.2d 846 (upholding admission of DNA evidence) and all California surrogacy cases; *In re Marriage of Buzzanca*, 61 Cal.App.4th 1410; *Jaycee B. v. Superior Court*, 42 Cal.App.4th 718; *In re Marriage of Moschetta*, 25 Cal.App.4th 1218; and *Anna J. v. Mark C.*, 286 Cal.Rptr. 369; *Polis v. City of La Palma*, (1992) 10 Cal.App.4th 25 (holding that a local ordinance limiting council members to 2 terms was invalid, having been impliedly preempted by state law); *Gates v. Municipal Court for the Central District of Orange County*, (1992) 9 Cal.App.4th 45, 11 Cal.Rptr.2d 439 (holding that sheriff could not be held in contempt for releasing prisoners from jail in contravention of state statute where federal court order required sheriff to maintain certain minimum standards for prisoners in jail); *Briseno v. City of Santa Ana*, (1992) 6 Cal.App.4th 1378, 8 Cal.Rptr.2d 486 (holding city's attempt to limit the number of people who can live in a dwelling was preempted by state law, namely, the Uniform Housing Code, which sets those limits on a statewide basis); and *Ross v. City of Yorba Linda*, (1991) 1 Cal.App.4th 954, 2 Cal.Rptr.2d 638 (holding that public opposition to development was not, by itself, a rational basis to restrict development). *Guardianship of Simpson*, 67 Cal.App.4th 914 (reversing trial court decision to terminate guardianship); *In re Marriage of Shaban* (2001) 88 Cal.App.4th 398, 105 Cal.Rptr.2d 863 (Islamic certificate of marriage could not be a valid prenuptial agreement); *Villa Milano Homeowners Association v. Il Divorce* (2000) 84 Cal.App.4th 819, 102 Cal.Rptr.2d 1 (arbitration clause for construction defects held unconscionable); *Boicourt v. Amex Assurance Company* (2000) 78 Cal.App.4th 1390, 93 Cal.Rptr.2d 763 (insurer could not have blanket rule against disclosure of insured's policy limits); *Hammond v. Agran* (1999) 76 Cal.App.4th 1181,

90 Cal.Rptr.2d 876 (candidate was not precluded from giving an opinion on issues in candidate's statement mailed out under Elections Code); *Lawson v. Management Activities* (1999) 69 Cal.App.4th 652, 81 Cal.Rptr.2d 745 (no cause of action for emotional distress by bystanders who witnessed plane crash); *Saika v. Gold* (1996) 49 Cal.App.4th 1074, 56 Cal.Rptr.2d 922 (one-sided arbitration clause allowing physician to ignore arbitration if award exceeded \$25,000 held unenforceable); *Askew v. Askew* (1994) 22 Cal.App.4th 942, 28 Cal.Rptr.2d 284 (wife could not be sued in fraud for false representations that she sexually desired husband); *ACL Technologies v. Northbrook Property & Casualty Ins.* (1993) 17 Cal.App.4th 1773, 22 Cal.Rptr.2d 206 ("sudden" as used in insurance policy did not encompass gradual leakage from storage tank); *In re Marriage of Iverson* (1992) 11 Cal.App.4th 1495, 15 Cal.Rptr.2d 70 (trial court's comments indicated gender bias and required retrial of family law proceeding).

**Military Experience:** Active Duty, U.S. Marine Corps, 1960, 1962-65, infantry and armor, attained rank of Captain. Served as platoon and company commander and battalion staff officer. Education: LL.B. (1961), Univ. of Illinois College of Law, Champaign, Illinois (Phi Delta Phi; National Moot Court Finalist; Editor, law school newspaper); B.S. (1959, Political Science), Bradley Univ., Peoria, Illinois (Omicron Delta Kappa; Phi Eta Sigma; Pi Sigma Alpha; and Pi Kappa Delta); Graduate: Woodruff High School (1956) and Peoria Heights School (1952), both in Peoria, Illinois.

**Personal:** Born March 21, 1938; Peoria, Illinois; Married to the former Susan LaCroix of Marblehead, Mass.

**Interests:** Enjoys playing golf, fly fishing, woodworking, history, travel, and hiking.

**Admission:** Admitted to Calif. Bar June 14, 1965.