UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

HONORABLE DAVID O. CARTER, JUDGE PRESIDING

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A SPECIAL TRIBUTE and CELEBRATION of LIFE HONORING:	)
PRESIDING JUSTICE DAVID G. SILLS (1938-2011)	) CEREMONY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Santa Ana, California

Tuesday, November 15, 2011

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SANTA ANA, CALIFORNIA, TUESDAY, NOVEMBER 15, 2011

CEREMONY

(Proceedings begin at 3:59 p.m.)

CALLS TO ORDER

U.S. MARSHAL: All rise.

In the presence of our flag, emblematic of the Constitution, and remembering the principles for which it stands, the United States District Court is now in session.

The Honorable David O. Carter, Judge, presiding.

COURT OF APPEAL SENIOR DEPUTY CLERK: The Court of Appeal, Fourth Appellate District, Division Three is now in special session. The Honorable William F. Rylaarsdam, Acting Presiding Justice, presiding.

We welcome the Chief Justice of California, the Honorable Tani Cantil-Sakauye.

JUDGE CARTER: We're going to invite all of you to remain standing for the presentation of the colors by the Marines of the Second Battalion, 23rd Regimen.

After the presentation of the colors, please remain standing for the playing of our national anthem and for playing of *America the Beautiful*.

Today we're joined by the Saddleback Master Chorale. And it's led by Director Charles Stevenson.

Present the colors.

(Presentation of colors by United States Marine Corps.)

(Singing of national anthem by Saddleback Master Chorale.)

(Singing of America the Beautiful by Saddleback Master Chorale.)

OPENING REMARKS

JUDGE CARTER: If you would please be seated.

Well, first, welcome to all of you: The legal community and friends here in Orange County.

This is truly an historic honor and occasion, a colleague, who is referred to oftentimes by all of us as "Justice David Sills," sometimes by others of us as "Captain David Sills," United States Marine Corps, but by all of us in this room as a true and dear friend.

It's unprecedented that the California Court of Appeal and the United States Federal Court would join together in such a ceremony. It's literally a first. But what makes this so absolutely special today is the honor of having David's wife Susan Sills with us. She was escorted by Captain Tetzloff of the United States Marine Corps to start our ceremony today.

Susan, we're honored to have you. These accolades that are about to be really lavished upon David because they're so well deserved and so well earned today is really

an outpouring of our affection for you, for your guidance, wisdom, gentleness, love from a colleague/friend that we simply knew as "David."

We're especially honored to have the Chief Justice of the California Supreme Court, who's an absolutely gracious, gracious person, and Justice Bill Rylaarsdam, who's been a friend.

I don't think we need to be reminded of the following: If Lincoln could change the history of the world with a few words in Gettysburg in less than two and a half minutes, our speakers today will take less than five minutes.

(Laughter in the courtroom.)

JUDGE CARTER: Because at 5:00 o'clock, we will promptly gather at the corner and go across for a very special ceremony presented by the United States Marine Corps.

Without further introduction, I want to introduce John Hueston -- I refer to him as "Local Boy "-- President of the Orange County Bar Association. I don't think John needs any introduction other than he represents the thousands and thousands of people in our legal community, this wonderful community.

John.

MR. HUESTON: Thank you, Judge Carter.

WELCOME

MR. HUESTON: Welcome, everyone, to this very special tribute and celebration of life, honoring Presiding Justice David Sills. It's my honor to introduce each of the distinguished speakers today. Each one deserves a comprehensive introduction, the likes of which I cannot give today. I've been threatened with collective contempt of over 50 Courts and Judge Carter if I go on at length, so I will dive right into it and try to keep within your time constraints.

First, it is a great honor to have the Chief Justice visit us in Orange County again. Chief Justice Cantil-Sakauye has served more than 20 years on California appellate and trial courts. She is the first Asian-American to lead the State's judiciary. In addition to serving as Chief Justice of the California Supreme Court, she oversees the statewide judiciary that includes more than 1,700 judges, several hundred other judicial officers, 21,000 court employees, and a budget of roughly $4 billion that she's desperately attempting to preserve.

She's already shown her dedication to the courts in her relatively short tenure by her active work on the ground around the state. Many of you know that she just visited last week, here in our Fourth District, Division Three Court of Appeal. She's also equally dedicated to the

04:10 individuals serving so hard in the name of our courts. And
04:10 she's showing and demonstrating her commitment again by
04:10 honoring us with her presence in this special celebration.
04:10 Please join me in welcoming the Chief Justice.
04:10 *(Applause in the courtroom.)*
04:10 JUDGE CARTER: There are exceptions to every rule.
04:10 The Chief Justice is granted as much time as she would like.
04:10 *(Laughter in the courtroom.)*
04:10 **REMARKS**
04:10 CHIEF JUSTICE CANTIL-SAKAUYE: Really, I come here
04:10 in humility and out of tremendous respect for a remarkable
04:11 man. I do not come alone. I come with the admiration,
04:11 affection and respect from the California Supreme Court, the
04:11 California Judicial Council, and the Administrative Office
04:11 of the Courts.
04:11 I come here because today we honor a remarkable
04:11 man. We honor a man whose work and whose concern and
04:11 courage will live on. And I have only a few words to say in
04:11 that respect. I know that he will live on in his work.
04:11 Justice Sills, in his lifetime, authored over 2400 opinions,
04:11 400 published. The precedent he set in emerging law, in
04:11 surrogacy, land use, election law, and family law will
04:11 forever guide us in our decision making in California.
04:11 He also worked, as many of you already know, ten
04:11 years in service to the City of Irvine, four times as mayor.

and we've also heard reference to his work serving this country, protecting our freedoms as a Captain in the Marine Corps. His work will live on.

He will also live on through his efforts across the street. He took on a project that usually is outside the reach of most justices and judges, and put together a building from the ground up with hands-on, with incredible attention to detail. And we have for that now the beautiful court building across the street. I was just there, and I know in every detail and in every honor that Justice Sills lives on. And he also lives on, as we know, in our hearts, based on those here today because of his affection, his courage, because we are his friends, and because he will live on forever in memories in our hearts.

But I also want to take a moment to really extend my support and respect for the courage and compassion of Susan in these last few months, but also for the lifetime you spent with Justice Sills. Because all of us know that a hero in public life, a hero on the courts, and a hero in our U.S. armed services, always has another hero; and we know that, throughout it, it was you, Susan. So again, with great respect and honor, we, the California Supreme Court, the Judicial Council and the Administrative Office of the Courts, salute you as well.

Thank you.

04:13 *(Applause in the courtroom.)*

04:13 MR. HUESTON: It is now my honor to introduce Acting Presiding Justice William Rylaarsdam. Justice Rylaarsdam served as a Superior Court judge for approximately ten years before he was appointed an associate justice of the Court of Appeal in 1995. Justice Rylaarsdam has always attempted to give back to his legal community. Over the years, he has published over 60 articles, served as an adviser to the Executive Committee of the Litigation Section of the State Bar. He writes a monthly newsletter on new legal developments and he is a co-author of two popular Rutter Group guides in his spare time.

04:14 Please join me in welcoming Justice Rylaarsdam.

04:14 *(Applause in the courtroom.)*

04:14 JUSTICE RYLAARSDAM: Thank you.

04:14 Before I start, I want to thank the Orange County Bar Association, Joe Dunn, and particularly our colleague, Richard Fybel, for organizing this memorial. Particularly, Richard, when I asked him to take charge of this, and he agreed to do so, I don't think either one of us had the slightest idea how much work would be involved. And he has spent a great deal of time and effort to make all the arrangements. And I, on behalf of all my colleagues, thank you Richard.

04:14 *(Applause in the courtroom.)*

JUSTICE RYLAARSDAM: A few weeks ago, actually quite shortly after David passed away, one of our staff, Attorney Bob Wolfe, came up with an idea, which we implemented. We got a book and passed -- with blank pages, and passed it around, over the past couple of weeks, through our court for you, Susan. And everybody who wanted to -- and that included, I think, everybody there -- wrote a page or a page and a half with some of their memories of David. And we will present that to you later.

I just received the book back this morning. And I -- on reading it, I was really struck by a theme that ran throughout the comments: The tone that David has set in governing the court.

There were many comments, but -- such as, "When I first arrived, the atmosphere of the court had a dramatic impact. Compared to my prior working experience, I was in heaven working in such a calm, peaceful and congenial environment. Although I did not know it at the time, I came to learn that much of this was due to Justice Sills' management style. He allowed us to work without being pressured or micromanaged."

Another comment written by another member or employee of our court: "Justice Sills led by example, showing respect and cordiality to everyone."

Here's another: "The judge was the most

remarkable, but more, admirable person I have ever known. I think that was because of a unique personal security. He brought out the best in everyone. He gave everybody he touched a chance to flourish."

His certainly is a life of accomplishments, and that most -- many of which has already been alluded to: His distinguished military service; twenty years of legal practice; his service to the City of Irvine as City Councilman and as Mayor during a period when the City was growing at a tremendous rate; served as chairman of the Irvine Health Foundation for 26 years.

And in 1985 he and I, on the very same day, were appointed on to the trial bench. I was appointed to the L.A. Superior Court, and he to the Orange County Superior Court. I didn't know David up to that point at all. And actually, after a very short time, I transferred to Orange County Superior Court, and got to know Dave while we were both on the trial court. He was there for five years before he moved on to the Court of Appeal.

But I really got to know David much better, of course, after I came to the Court of Appeal, 15 -- no -- 16 years ago. We worked together for that entire period. David, of course, led our court for 20 years, far longer than any of his predecessors, and he was a born leader.

As has been mentioned, David was the first justice

in the California appellate process to deal with the very difficult legal issues of surrogacy when really there was no legislation and there was no precedent, and he established precedence in this area, and continued to serve our society well.

Also, in my opinion, David was probably the best writer on our court. You've all probably read his opinions and know they're always clear and many times entertaining. But he set the tone for our whole court. And as our colleague Bill Bedsworth wrote, "He was as kind and generous man as I've ever known. Rooms got warmer and brighter when David Sills walked in. People got better. Problems seem smaller. Leadership came naturally to him. Good and decent people have a calming and reassuring affect on others. And David was good and decent in spades."

And David's long-time staff attorney, Jeff Calkins wrote. He said, "There was something profoundly old-fashioned about Justice Sills. Perhaps it was his midwest origins; perhaps it was his call to military service. Somehow the old-school motto, *'God, Duty, Country'* comes to mind. Whatever he did, he always was a Marine Captain: Steadfast, calm, loyal, looking ahead. He picked his battles with care, and worked with us with admirable patience. Patience and tolerance were his chief virtues. No wonder Churchill and Eisenhower were his patron saints."

David kept all the parts of our courts moving together. He did so in his unique way, quietly and always with sensitivity to the needs others. He was always willing to listen to anybody's position. David and I did not always agree, but I did never -- I never heard David raise his voice in disagreement.

Finally, of course, I think I should mention David's pride in obtaining our new courthouse, a project that took many years before the first spade was turned. And without David, this project would never have come to completion. We will always miss him very much.

(Applause in the courtroom.)

MR. HUESTON: Thank you, Justice Rylarsdaam.

Rick Derevan is a certified specialist in appellate law and a partner at Snell & Wilmer. He is a current member and past president of the California Academy of Appellate Lawyers, and a fellow of the American Academy of Appellate Lawyers. He practices regularly before Division Three of the Fourth District.

And Presiding Justice Sills appointed Rick to be on the committee that planned the courthouse. And he's very proud of that.

Rick, welcome.

MR. DEREVAN: Thank you, John.

Let me say this right off the top: Presiding

Justice Sills was a terrific judge; but, more importantly, he was a terrific human being, as you've heard already, and I think that speaks volumes about him.

I would like to focus my remarks from the standpoint of a lawyer who did practice regularly before him and his court and start out by saying that, quite simply, it's the best appellate court I've ever appeared in front of. And I'm convinced it started at the top with his leadership, quite apart from the quality of his opinions -- which I'll get to in a minute.

Other things about the court made it a wonderful place to practice: The court staff was just unfailingly kind and gentle. I think they took after Presiding Justice Sills. They took a practical approach to solving things. Cases didn't get decided on technical matters, but things got decided on the merits. And so, if you had a problem with the court, they'd figure out a way to get around it from the standpoint of processing cases.

And I think the court -- the clients who practiced before the court and had lawyers who were there, knew that the court took a kind view and a fair view of their cases. And I think that really made the clients happy to be in front of that court.

But the essence of Justice Sills, from a lawyer's standpoint, I think, was the opinion writing that he did.

You can't help but appreciate his writing, regardless of whether you won or lost. And when you picked up an opinion, you knew instantly it was a Dave Sills' opinion. You didn't have to go to the back of the opinion and see who signed it. I mean, you knew.

Shakespeare and deadpan humor made frequent appearances in his opinions. And I'd like to read a passage from one of them, if I will, 'cause the writing is just so good.

He says, "In Shakespeare's *Henry V*, there is an early scene where the Archbishop of Canterbury delivers a long, tedious and virtually incomprehensible speech to the new king," parenthetical, he says, "incomprehensible unless you have the text in front of you and you've taken a graduate seminar on the law of royal succession in Medieval France."

Now, who else would write something like that?

Then he goes on to describe this topic that is being talked about. And then he goes on to say that, "Upon that fine, pedantic, legal distinction would awake the sleeping sword of war and as a consequence later in the play, ten thousand French knights and soldiers would get slaughtered in the mud at Agincourt. In the case before us, by contrast, the worst thing that can happen as a result of the fine, pedantic distinctions on which this case turns, is

that a case, which should be otherwise considered by one court, will be heard by another, which is not quite the same thing as dying in a battle from a gale of Welsh arrows."

(Laughter in the courtroom.)

How many opinions will you pick up and find something like that. It's terrific writing. But it's not the turn of a phrase that made him a great judge, I don't think. It's the moral quality that he brought to his opinions. And I want to talk about one case in particular for a couple of minutes.

It's a case called *Passante v. Williams (sic)*. It had to do with a baseball card trading company. And in that case, it involved what he called a "rookie" baseball card trading company, and it was on the cusp of success or failure, depending whether it could obtain financing.

And its lawyer, in Justice Sills' indomitable words, "stepped up to the plate" and, in the clutch, delivered financing for the company. And the Board of Directors was so happy, they promised the lawyer certain number of shares in the company, which would later turn out to be worth millions and millions of dollars.

And what happened, though, there was -- there was not all joy at this company. Ultimately, the company, in Presiding Justice Sills' words, quote, "Outright reneged on its promise," forcing the lawyer to sue for breach contract.

While, ultimately Presiding Justice Sills held that the company had a right to do that, he did, in the course of the opinion, give the company a lecture and talked about what is right versus what is strictly legal. He said, "The Board had a clear moral obligation to honor its promise to the lawyer. He had, as the baseball cliche goes, "Stepped up to the plate" and homered on the Upper Deck's behalf. "And if this Court could enforce such moral obligations, we would advise the company even yet to pay something in honor of its promise."

And I think that speaks volumes about where Dave Sills was and how he ran his life, how he ran his court, and how he interacted with other people.

Speaking of other people and lawyers, I'll leave you with this: He did not like lawyers who adopted, what we call "Rambo style" tactics in the courtroom, pressed for every advantage, tried to take unfair advantage of people, but he wanted lawyers to be colleagues.

And he wrote in another opinion, "The proper model of professional relations between opposing counsel has been around since Shakespeare "and do as adversaries do in law, strive mightily, but eat and drink as friends."

We've all lost a great friend in Presiding Justice Sills, but let's strive mightily in our work, and honor him by eating and drinking as friends.

04:25 Thank you.

04:25 *(Applause in the courtroom.)*

04:25 MR. HUESTON: Thank you, Rick.

04:25 Senator Joe Dunn is currently Executive Director of the California State Bar. He served with distinction in the California State Senate from 1998 until 2006. Among other roles, he has since served as CEO of the California Medical Association and as a founding member of the Senators Law Firm.

04:26 Most importantly, he is a longtime friend of Justice Sills. And he showed his trademark initiative in recent weeks, taking a lead role in organizing this celebration, something that we are deeply indebted to you for.

04:26 Senator Dunn.

04:26 SENATOR DUNN: Is this where I'm supposed to say, "May it please the Court"? Judge Carter, can I beg for a minute, extra minute or two?

04:26 JUDGE CARTER: You have 6 minutes and 38 seconds. Take your time.

04:26 SENATOR DUNN: Thank you, Judge. Thank you very much.

04:26 And thanks everyone that is here, and thanks to everyone who made this event happen.

04:26 I appreciate the comments, John, but, obviously,

it was a big team effort, and everybody at OCBA was absolutely incredible. And thanks to all the others -- you know who you are -- that made this happen.

My apologies. As you can tell -- for those I've not interacted with yet, don't interact with me -- I have a cold. This is the first day out after four days laid-up on the couch watching football. So my apologies for my cold.

This is one of those ones that I -- the comments where -- many of you have heard me speak, many times, unfortunately. And you know, generally, I speak without notes. It's something that I pride myself on, in my -- giving my presentations, publicly.

Perhaps the best honor I can give to David is to admit I can't do that with this one. And so I wrestled with what it was that I should say today, and how I should say it. And I reached out to a very dear friend of mine, who many of you know, but I will not identify, who made a suggestion.

He had written a book a year ago, which is an incredible book. It's simply a collection of letters he wrote to people in his life that had passed on before him, commenting, whether it was family, friends -- it could have been his teenage heartthrob that he only met once -- but these were folks who crossed his paths, and he wanted to put a collection of letters together. And he published that

book about a year ago.

And I thought his recommendation was a good one for me. So what I want to do today is quickly read my letter to David.

"Well, here we are at the celebration of your life event. And being the loveable curmudgeon that you are, it's an event you didn't ask for, nor did you want, but we're doing it anyways, David. Perhaps the first time we're simply ignoring your requests, simply because we want to.

But I've struggled for months about what to say today. On a personal level, our friendship was deep and well-known. And over the course of the years, we laughed together, we cried together, we spent your final days together; and through that time, we talked history, we debated politics, we wondered whether the big ten -- we're both big ten graduates -- would ever produce a champion football team again. We strategized for years over the creation of the new UCI law school. We rolled our eyes constantly at the lunatics in your political party and the ones in mine.

(Laughter in the courtroom.)

We learned things about each other we can never tell. And we readily agreed that World War I was the seminal event of the 20th Century, yet could never agree on whether FDR or Ronald Reagan was the best President of that

same century.

Through it all, you became one of the most important people in my life. And I proudly stand by the fact that you were, indeed, a second father to me. But I think, in your heart, David, you know that.

What I do need to say today is something bigger than our deep friendship. It is something that I think you know but would never admit to anyone, including yourself. It is something that was captured in that article I told you about; that article that came up time and time and time again between us."

And let me pause for a moment and just share with you the article that I'm referring to, because I used it in many of my speeches over the years. And it was an article that David loved. It was an article I read in, of all places, an airplane magazine. On the airplane, you all know the magazines, of course. And it was an article about a young man who had gone across the country to college in the 1960's. And, as a freshman, about a month into school, he started to call his parents every single night.

For those who went to college in 1960's, when there was no cell phones and, et cetera, it was that pay phone at the end of the hall in the dorm.

And he started to call his family across the country every single day, until, finally, once, after about

two weeks of the constant calls, his father finally said, "Son, we appreciate hearing from you, but how are you paying for these calls?" And the son said, very excitedly, that, in fact, the pay phone at the end of the hall was broken, and all the students can make as many calls for free as they want. And the son was very excited.

And the father simply said, "Son, that's not right."

His son blew him off, of course, and thought just a curmudgeon dad. But over the night, that comment, but a few words from his father, ate away at him, until, finally, the next morning, he felt he had no choice but to do the right thing: Call the phone company, who promptly came out and fixed the phone, much to the chagrin of all of his classmates.

What that story was about was simply about those few individuals in our lives who, with but a few words, can change the path that we are on, short term or long term, through their strength, through their wisdom, through their ethical assuredness, and through their quiet determination. For many of us, that person is our dad.

"David, that article was about you. Yes, for me personally, but, more importantly, for our entire community in Orange County for the last 20 years. Whenever there was a problem, a challenge, a crisis facing our community,

inevitable we would say, 'What does David think?'

"It is though we are one large Orange County family. But when we were worried, one of us kids would say 'Let's ask dad.'

"David, you have been the dad to our entire community. It is a role you neither sought, nor relished, and it came to you simply because of the person you are. And, like a good Marine, like a great dad, you accepted the role without fanfare or attention, knowing it was one of responsibility, not privilege. You just did what was right. It's what dads do. As a result, you made all of us better lawyers, better citizens, better persons, like no one else could. And indeed, it was your greatest achievement.

"I know by now you're saying, as you often did to me, 'Wrap it up, Dunn' -- my apologies, Your Honor -- 'Your Irish bullshit is getting the best of you.'

(Laughter in the courtroom.)

"But I wanted you to know that all of us stand in awe of the true presence you provided to our entire community. It's an presence that will last forever.

"Now, back to that Reagan-FDR debate.

"Signed, your colleague, your student, your friend, your adopted son, Joe.

"P.S. It was FDR."

(Laughter in the courtroom.)

04:34 And one last comment for all of us. It is said in time we get over losses of loved ones, but I always say we never get over them; we simply get used to them.

With David, that will be a very, very long time.

(Applause in the courtroom.)

MR. HUESTON: Thank you, Senator Dunn.

It's my pleasure to introduce to you Brigadier General Frank Quinlan of the U.S. Marine Corp. General Quinlan practices with Newmeyer & Dillion. General Quinlan is a longtime Marine Corps colleague and friend of Justice Sills. A former FBI agent, Brigadier General Quinlan is the current chairman of several corporation board audit committees. Most importantly, he knew Justice Sills well, and even more so, fundamentally understood how important the Marine Corps was to Presiding Justice Sills.

Welcome, General.

BRIGADIER GENERAL QUINLAN: Thank you, John.

Well, it's an honor to be here to recognize Dave's extraordinary career.

Dave was a member of the November 10th Association, a group of Marines. A number of us in this room are part of that group. We meet annually, and have for 26 years, to celebrate the tradition of our Corps, the annual birthday. Dave was a trustee of ours, a longstanding

trustee, and a trustee of our Corps' tradition.

When Dave retired, the Commandant of the Marine Corps sent a letter to us. We'd hoped to read it and congratulate Dave at the most recent birthday of the Marine Corps. But, in talking with Justice Bill Bedsworth, we decided we'd better present it to him right away.

So Bill and I drove to Dave's house. And there, we found him among a group of loyal, old-time friends and Marines in his library -- his extensive library, as Senator Dunn knows. We told Dave we would like to read the Commandant's letter aloud. And Dave looked at us for a moment. Then pulled himself out of his chair and he stood at attention, so everyone else in the room stood at attention, and we read the letter. And if I may, I'll read it to you.

LETTER FROM COMMANDANT OF THE UNITED STATES MARINE CORPS

"12 July 2011.

"Dear Justice Sills:

"On the occasion of your retirement from the California Court of Appeal, I wish to extend my sincere appreciation on behalf of the United States Marine Corps for your lifetime of devoted service to Corps and country.

"You answered our Nation's call and proved your mettle as platoon and then a Company Commander in our Corps. When you left our active ranks, you continued to use your

exceptional leadership skills and legal talents to benefit your community and your country. While practicing law and serving as a city councilman, a mayor and a judge, you consistently demonstrated the utmost integrity, professionalism and commitment.

"Your most recent assignment as a Presiding Justice of the California Court of Appeal is a culmination of many years of outstanding service and accomplishment. The myriad of honors and awards you've received throughout your career are testament to your outstanding professional leadership and unwavering fidelity. As you now prepare to leave the judicial ranks, know that you have earned the admiration and respect of all who have known and served with you, as well as the appreciation of a grateful nation.

"Thank you for dedicated service and job very well done.

"On behalf of all Marines, my wife, Bonnie, and I wish you and Susan all the best as you began the next chapter of your lives.

"Semper fidelis.

"James F. Amos, General.

"United States Marine Corps.

"Commandant to the Marine Corps."

As we finished the letter, Dave stayed firmly at attention. It's as though he was reporting for one last

duty. Dave knew that the Commandant reaching out is an extraordinary event, and it signified our motto: Always faithful. Always faithful to fellow Marines, as Dave was.

Judge Carter will close by directing us to a flag presentation, rifle salute ceremony, over in front of the Court of Appeal.

That was personally ordered by the Commandant of the Marine Corps in honor of Dave, and to acknowledge Susan's loyalty and fidelity to her husband and to our Corps.

Thank you.

(Applause in the courtroom.)

MR. HUESTON: Thank you, General Quinlan.

Judge Andrew Guilford has served as a United States District Court judge since 2006. Everyone in here knows that he has been a pillar of the Orange County Bar for decades, as a long-time resident partner at the Sheppard and Mullin law firm, as a former Orange County Bar President, when he called for the founding of a public law school in Orange County as well as for a federal courthouse to be built in Orange County, and as our former California State Bar President. And during his extensive period of public service and private sector work, he naturally came to know the friend and greatly admired Justice Sills.

Judge Guilford.

04:39 JUDGE GUILFORD: Well, I'm really humbled as I
04:39 look out over this audience with so many great giants of our
04:39 legal community who have contributed so much. I thank those
04:40 who have put this together. I particularly thank them for
04:40 honoring me with the request that I speak. Indeed, it is
04:40 with humility that I do so.
04:40 You know, lots of paper crosses my desk, and much
04:40 of it reflects the shortcomings and disputes and squabbles
04:40 among people. But occasionally, over the last 20 years or
04:40 so, I've been blessed to get a document like this.
04:40 It is classy. It is usually brief. It is
04:40 sometimes handwritten. It often raises fascinating points
04:40 to think about. And it has always made my day. It's been a
04:40 personal letter from Presiding Justice David G. Sills.
04:40 Now I have a stack of these letters, and I'm sure
04:40 many of you have, likewise, been so blessed. I treasure
04:40 them.
04:41 We've had a reference to letters today from Joe.
04:41 We didn't coordinate our comments here. Historically, such
04:41 letters have been common from great people. But now the art
04:41 seems to have been lost, except for truly legal great
04:41 people, truly great and gracious people. In many ways these
04:41 letters are the measure of this truly great and gracious man
04:41 we honor here today.
04:41 Here's one, very old, discussing plans to get a

law school at UCI.

Here's one about getting more justices for our Court of Appeal in Orange County.

Here's one with some insights about the war in Iraq.

Here's one sending an article on, yes, our mutual hero: Sir Winston Churchill. Graciously sent to me. It's like I had a clipping service in the Presiding Justice of this county.

(Laughter in the courtroom.)

Here's one graciously recommending a young man for a job.

And here's one saying we need to get together to discuss our lists of the greatest U.S. Presidents.

(Laughter in the courtroom.)

Joe, I don't think it was Ronald Reagan.

But, you know, Dave used to dine with Ronald Reagan. And I do wonder, maybe you wonder -- except Joe may have stolen my thunder -- whether Ronald Reagan would be first on that list. Knowing Dave got me within one degree of separation of that President. But, more importantly, knowing Dave put me in personal contact with a truly great man.

You know, his letters were straightforward and to the point, like a Marine who gets the job done, takes the

hill. These letters were eloquent and well-written from a very skilled writer of California's common law. These letters all reflect a brilliant mind from a devoted student of history and the law. These letters reflect a kind and selfless heart, always generous and anxious to help others. These letters were humble and gracious, sometimes providing undeserved thank yous and support.

Here's a fairly recent one, where he said, "As you know, I always feel uncomfortable when people start to sing my praises."

Keeping that in mind and keeping in mind what our chief judge down here told us, in terms of time limits, and keeping in mind the hour that we now have, and keeping in mind Justice Sills' appreciation of the skill of brief communication, I'll bring my comments to a close. But I'll go back to that letter about getting together to discuss our rankings of the greatest Presidents.

I'm sorry I never got a chance to have that discussion. I will forever regret that. Sadly, I'll never know the true insights of Dave that would have been provided in that discussion. But Dave will always be on my list as a great man, who served his country and his state and his city and his beloved Orange County, all with the loving support of his wife, Susan.

(To Mrs. Sills:) I hope you'll keep in touch with

us and all those who loved you, and love you, and loved Dave.

I want to close with the words of a President and a general ranking pretty high on my list. I'll close by paraphrasing what President Eisenhower said at the funeral of Winston Churchill.

Again, we didn't coordinate. It was referenced, from the quote read by Justice Rylaarsdam, about his two heroes: Eisenhower and Churchill.

And the words of Eisenhower at that funeral, I think are largely applicable to our friend David Sills, so I paraphrase:

At this moment, as our hearts stand at attention, we say our affectionate, though sad, goodbye to the leader to whom we all owe so much. In the coming years, folks will strive to interpret the motives, describe the accomplishments, and extol the virtues of David Sills -- judge, soldier, statesman, and citizen -- that this great county was proud to claim as its own.

Among all the things so written or spoken, there will ring out one uncontestable refrain: Here was a champion of justice.

May God grant that we, and the generations who will remember him, heed the lessons he taught us in his deeds, in his words, in his life. May we carry on his work

until no one is denied justice, and no person is denied opportunity for fulfillment.

Now, to you, Justice Sills, my old friend: Farewell.

Farewell, yes, for now. But my faith tells me that I will again be in the presence of this powerful force, who will again be teaching me what it means to be great, not through his vast knowledge of history, but through being himself.

(Applause in the courtroom.)

JUDGE CARTER: Well, in a few moments, we're going to retire the colors.

(To Justice Cantil-Sakauye:) In a few moments, I'm going to ask, after the retiring of the colors, if you would be so gracious as to adjourn us at the conclusion, Chief.

But before doing so, I want to give you some directions, because I don't think we'll have your attention. We're going to gather in a true military operation that Dave would be so proud of, at 5:00 o'clock -- the big hand's on the "12" and the small on the "5" -- across the street at the Court of Appeal. And the Santa Ana Police Department is waiting to block the intersection during rush hour.

So they're asking us to exit the courthouse as quickly as possible, gather at the corner, and they're going

to escort us and close -- if you can imagine -- the intersection for a few brief seconds.

If you're lucky enough to make that group, you're blessed. The rest of you are on your own in terms of traffic.

(Laughter in the courtroom.)

This ceremony will take place at 5:00 o'clock. There will be a traditional rifle salute. The flag will be presented to Susan.

When we retire these colors, we're retiring the colors for the ceremony. But our affection, Susan, for you and Dave will never be retired.

God bless Captain Sills, Justice Sills, our friend David.

Retire the colors.

(United State Marine Corps retire the colors.)

Captain, if you would step forward, please, and escort Mrs. Sills.

(Marine Captain Tetzloff escorts Mrs. Sills from the proceedings.)

Chief, would you adjourn our courts.

ADJOURNMENT

CHIEF JUSTICE CANTIL-SAKAUYE: Yes. Thank you for the honor.

04:49 In honor and memory of Justice David Sills, we
04:49 stand adjourned.
04:50 *(At 4:49 p.m., proceedings were adjourned.)*
04:50 -oOo-