Coleman Blease: My name is Coleman Blease, B-l-e-a-s-e, and I'm Associate Justice of the Court of Appeal for the Third Appellate District.

Richard Sims: And my name is Rick Sims, S-i-m-s. I'm Associate Justice at the Court of Appeal for the Third Appellate District also.

David Knight: Wonderful. All right. I am pretty much ready, Justice Blease, any time you'd like to begin.

Coleman Blease: Okay. All right. Well, let me start by saying that I'm . . . it's my pleasure to interview Richard M. Sims III – which I'll comment on in a moment – as part of the Appellate Court Legacy Project, which was instituted by the Judicial Council/Administrative Office of the Courts in order to record the personal experiences of individual justices who are retired or about to retire from the court. I understand that you will now be about the 81st in this list, so it's a fairly complete account of the many justices who have served on the appellate courts.

So let me first say that I commented on your full name because you are the third, and your father was Jr.?

Richard Sims: Yes.

Coleman Blease: And also a member of the Court of Appeal in the First Appellate District.

Richard Sims: Division One.

Coleman Blease: Division One. Which is somewhat unusual. So let me ask . . . start by asking you somewhat about your early period, your early history. Were you born in Marin County, or . . . . ?

Richard Sims: I was born in Oakland, California, at Oak Knoll Army . . . Naval Base. My father was in the Navy, 1943, and so I was born in a naval hospital.

Coleman Blease: Really? And when did you move to Marin County?

Richard Sims: I think that my parents had rented a house in Marin County when I was born. So I think as soon as I got out of the hospital I moved to Belvedere in Marin County, where they had rented a house.

Coleman Blease: And did you live at that place throughout your period in Marin County?

Richard Sims: Oh, I lived at that place when I was an infant, and then my parents bought a house, after the war, in Belvedere at the foot of Belvedere Island. And we lived there until I was through the second grade, and then we moved to Novato in northern Marin County. 2:36

Coleman Blease: All right. And what are . . . . Your father was a lawyer and then a judge in Marin County before he went on the Court of Appeal.

Richard Sims: He was. He was practicing law in San Francisco with the firm of Knight, Boland & Reardon. And he went into World War II – was in the Navy in World War II in the South Pacific and came back after the war and for whatever reason decided he wanted to move to Marin County. And so he took a job in the County Counsel's Office as Assistant County Counsel, soon became County Counsel, he then ran for and was elected District Attorney, and in 1952 he ran for and was elected municipal court judge. And in 1952 I was nine years old, and I can remember going around Marin County campaigning for him in that judge race. And I can remember going to a big parade in San Rafael and having a whole stack of cards that said "Sims for Judge" and going down the line saying, "Won't you vote for my daddy?" as the parade went by.

Coleman Blease: Is that the point at which you became potentially interested in going into law?

Richard Sims: No, it was not. But it was an interesting time because it was a time before media had any influence on politics in Marin County. Political races were not advertised even on the radio, let alone television. And politics in those days was all whom you knew and "Hi, how are you?" and shake hands and go to the whist parties, and it was a very different era of politics – certainly a more personal level of politics and undoubtedly a healthier level of politics than we have now.

Coleman Blease: So what kinds of activities did you engage in when you were a young person?

Richard Sims: Well, I was very active in two organizations. One was the 4-H Club when we lived in Novato. I was in the Dairy Division of the 4-Club, and I showed my Holstein heifers at fairs around northern California and the state fair. That I enjoyed very much. And it was a deal where you would take your heifer to the fair and you'd be in the barn and there'd be a lot of straw in the barn, and you would take your sleeping bag and you'd sleep next to your heifer at night with the other 4-H kids there, and it was just a lot of fun. We went to the various county fairs around. And so I was active in 4-H, and then active in Cub Scouts, and then very active in Boy Scouts. And Boy Scouts was a very important experience to me growing up.

Coleman Blease: Now, why did you go into Boy Scouts?

Richard Sims: I went . . . . I'm an Eagle Scout, and I actually worked a summer at a Boy Scout camp as a counselor. And my two . . . . I have two sons, who are now 33 and 31 years old. Peter's 33 and Chris is 31. But when they were growing up in 6:00

Auburn, they were in Boy Scouts and I was an assistant scoutmaster of their troop in Auburn for about six or seven years.

Coleman Blease: So you started working early on, did you?

Richard Sims: I started . . . . I went to work when I was 12. Actually, before that there's an important part of my life that becomes relevant later, because we were living in Marin County but every summer my mother would take me and my sister, then, and then later children up to Dutch Flat in Placer County, a little mining town. And she'd rent a house and my father would come up on the weekends. But I would spend virtually all summer until I was 12 years old in Dutch Flat, running around barefoot and trying to get off the hot asphalt, you know, and run from shady spot on the street to shady spot on the street so your feet wouldn't get too burned, and hanging out a lot at the Dutch Flat community swimming pool. And that was a very important experience to me. And my mother bought a house in Dutch Flat and it became kind of a family base for our family.

But I went to work when I was 12 years old. I went to work in the summer, when I was 12 years old, at the drugstore in Tiburon called the Corinthian Pharmacy. It was run by two guys who had met each other in the service, in the Army in World War II – Arnold Vassa and Ed Grotonik, two great guys who owned the Corinthian Pharmacy. I went to work as a clerk in the summer, and then I continued working there during the school year after school. And I did that for about three years.

Coleman Blease: You went to school in Marin County, through high school?

Richard Sims: I went to school in Marin County. Grammar school and public school, yeah.

Coleman Blease: And what schools did you attend?

Richard Sims: In Tiburon I attended the Reed Grammar School, and in Novato I attended the Marion Avenue Public School. And then my first year of high school I went to Tamalpais High School in Mill Valley, and then they built a new high school in Larkspur – Redwood High School. And they sent the kids from Tiburon, where I was then living; they sent all those kids to Redwood High School. So I finished my last three years at Redwood High School and graduated from Redwood High School.

Coleman Blease: How did you find Redwood High School?

Richard Sims: I found, among other things, that I had *the* two best teachers that I ever had at any level of education, including college or law school. One was a math teacher, Charles Kurtz, who was just a wonderful math teacher, and the other was my French teacher, Robert Mautner, who taught French. And to give 9:11

you some example about . . . of how good the level of education was in this public high school, my fourth year of French the entire class was conducted in French – no English was spoken – and Mautner had us reading Camus, Sartre, Molière, and discussing all those things in French. And I did not take French in college, but two years into college someone thought it'd be a good idea to take a language proficiency test – a foreign language proficiency test – and I took that test having been away from French for a couple years and I scored very high on that test, thanks to Robert Mautner. I had a wonderful high school education in California public school in every respect, and it equipped me to go on to attend Amherst College in Massachusetts, which is a good school and draws a lot of kids from prep schools in the east, and I found that I was able to compete with the Andover, the Exeter kids.

Coleman Blease: How did you select Amherst?

Richard Sims: I selected it because all the members of my family had all gone to Stanford, and I wanted to do something else. And there was a gentleman in my church in Belvedere – Dave Winslow – just . . . . I thought he was a wonderful guy, and he had been to Amherst and he kind of recruited me. He kind of introduced me to Amherst College and talked to me about Amherst, and I got to know a little bit about the school, and it seemed like a good fit. And that's kind of how I decided to go there.

Coleman Blease: And what did you study at Amherst?

Richard Sims: Well, I majored in political science and minored in English. I had enough credits to have a major in English, but my degree says political science, I think. And I . . . . But I took a lot, I mean, I took an awful lot of . . . . I took a great course in genetics in college that has come back to help me in many ways since then, and even in the law, you know.

Coleman Blease: And how well did you do there?

Richard Sims: Well, I did well enough so that I graduated cum laude from Amherst and I was awarded the Charles Rugg Fellowship to study law at Harvard Law School.

Coleman Blease: Really.

Richard Sims: So I went to Harvard Law School on a fellowship from Amherst, and . . .

Coleman Blease: Your father . . . .

Richard Sims: . . . so it was well enough. It was . . . .

Coleman Blease: Your father had gone to Harvard Law School. 12:01

Richard Sims: He had. Yes, he had. Uh huh.

Coleman Blease: So . . . . And we've all had experiences in law school, some of 'em difficult . . . more difficult than others. How did you find Harvard Law School?

Richard Sims: Well, I really didn't like the first year at all. First year at Harvard Law School is a year in which you take classes the whole year and there are no exams and all the exams come in a two-week period at the end of the year in June. And the pressure is incred . . . . The most stress I've ever been under anywhere in my life, including trying cases, was going into finals at Harvard Law School. And that was very difficult. Also in that era, there were problems at Harvard Law School of being moribund. You have to remember, I was the class . . . graduating class of 1968 in Harvard Law School. It was a time of great social interest in the country, some social unrest – although not at Harvard Law School – but people were interested in social and political problems.

And in my first year at Harvard Law School, I had a property class taught by A. James Casner, the guy who wrote the textbook *Casner and Leach on Property*. And we spent 80 percent of the school year – we spent from September until the end of April – studying feudal conveyances, A to B to C and his heirs, and the variations on feudal conveyance. And at the time, I was sitting there thinking, "You know, this doesn't have anything to do with the real world at all, in any respect." And actually in retrospect, when I got away from Harvard Law School, and when I got into the practice of law, and during 30 years as a judge, I found out that that perception was absolutely correct. It didn't have anything to do with anything, and it was just, to me, an irrelevant undertaking. So I was not happy at the end of my first year at Harvard Law School. I went in to talk to the dean – Dean Bruce – and said I was seriously thinking of transferring to Boalt because I was so disappointed in the Property class, and he talked me into staying. And I'm glad I did, 'cause the last two years were really enjoyable.

Coleman Blease: And you were active in student affairs there?

Richard Sims: I was active in the Harvard Law School Drama Society. The Drama Society . . . . They had a little drama society at Harvard, and they wrote and produced their own musical play every year called the *Law School Show.* And I was in the *Law School Show,* and I wrote a little bit for the *Law School Show,* and every year I played the villain in the *Law School Show,* and by the end of law school I was very well known because every year I would play the villain. And actually, as you know, in musical theater productions, usually the villain is the most popular character, actually – the way it works. So by the 15:05

end of law school I was well known and was elected president of my class as a consequence of being in the *Law School Show.*

Coleman Blease: Being the villain.

Richard Sims: I also wrote a great line; I want to tell you about the great line I wrote for . . . . In the third year I was playing this dorky guy who lived in the dorms, and so I wrote the following little scene. There are these two girls, attractive girls, from Lesley College that's right next to Harvard Law School. And they're walking along, and they're referring to me – my character. And they're saying, "Well, do you know Dweebie Jackson?" And she says, "Oh, yeah, Dweebie Jackson; he's weird. He has naked pictures up on his wall." And the other girl says, "Oh, I don't know, that's not so weird; I know other guys who have naked pictures up on the wall." And the other girl says, "Of Oliver Wendell Holmes?" So that was the line that I wrote in the *Law School Show*.

Coleman Blease: Really. So . . . .

Richard Sims: I had some wonderful professors at Harvard Law School, you know. And the most important thing about Harvard Law School of all, to me, was meeting classmates, who are just the most remarkable people and I'm still . . .

Coleman Blease: Yeah.

Richard Sims: . . . in touch with them. And they're just a remarkable slice of people, just smart but interesting and socially conscious and funny. Just wonderful, wonderful . . .

Coleman Blease: Yeah, I find that . . .

Richard Sims: . . . classmates.

Coleman Blease: . . . an interesting aspect of your life. You really pay attention to people that you've grown up with and known. And you see them fairly frequently, I take it?

Richard Sims: Yeah, I do. I invest in my friendships. I think that's important. I think it's important to invest in your friendships. And the best friendships are the old friendships, because they have all that archaeology to them. So it's particularly important, to me, to do that, and I make a conscious effort to do that. You know, earlier this week I drove down to San Francisco to have lunch with a friend – good friend – that I hadn't seen in a couple of months, and it was too long since I had seen him, you know. And I called him up and said, "Bob, we've got to have lunch because it's been too long." So we had this wonderful lunch.

Coleman Blease: You do the same thing with your extended family, I take it, as well. 17:36

Richard Sims: Well . . . .

Coleman Blease: You have relatives who are in the wine business?

Richard Sims: You have my rel . . . . I do. My cousins run a winery in Sonoma. It's called Gundlach Bundschu winery. My grandmother was Louise Bundschu, and my cousins run the winery. And it's kind of the centerpiece of our family, that side of the family – my father's side of the family.

Coleman Blease: So when you left Harvard – when you graduated from Harvard – you returned to the West Coast.

Richard Sims: I did, although it was kind of accidental that I did so. I was in my third year at Harvard, the Vietnam War was going on, and I was very much philosophically opposed to the war, and I was trying to decide what to do about it. And I had actually done well enough in law school to have gotten a clerkship with a federal judge and gotten a deferment for that. But I really . . . . I had friends – I had good friends – who were going to fight in Vietnam, and I thought, you know, "It's too cushy to take a federal judgeship; that's just not right when my friends are going over there and they're going to be on the front lines."

And so what I finally . . . . After looking around, I finally decided the right fit for me was to become a VISTA volunteer, which was a domestic Peace Corps. And they were putting together a cadre of VISTA volunteer lawyers, and the deal was that they trained you and then they sent you into a poverty community and you had to live in the poverty community where you worked and . . . as a lawyer. And I was paid at that time 196 bucks a month to do that. And I did that. And we trained in Denver, Colorado – a group of 40-something, maybe 44 guys. And I say that advisedly because there were no women in our training class. But trained to be VISTA lawyers. And I remember hooking up and making friends with a guy from New York named Tom Rafalski, who was a lawyer from New York and was a good spirit. And part of the VISTA training in Colorado was that they gave you 25 cents and they put you out on the street. And they told you, "Okay, you have to go survive for 24 hours with 25 cents." And so guys from the training class were going and sleeping in the bus station, you know, and getting some newspapers and sleeping under park benches. And Rafalski and I started putting, you know, two and two together and we went to the University of Denver. We found the University of Denver, and we found some girls, and the girls took us to a party, and so we went to the party and we had this great time at the party and we got to sleep on the couches. And the next day we went back to the VISTA Training Center and met all these guys who had been . . . .

Coleman Blease: Still had the 25 cents. 20:38

Richard Sims: Still had the 25 cents. Yeah. Met a lot of guys who had slept on park benches.

Coleman Blease: Okay. Well, and when you left VISTA, where did you go?

Richard Sims: Well, I want to talk a little bit about VISTA before we pass that. I mean, VISTA was . . . VISTA had been the most important experience of my life, ever. I was a year and a half in VISTA, and I got assigned . . . I got selected in a VISTA draft by a guy named Chick Tooker, who was in the EOC Office in San Francisco. And he put me in San Francisco, south of Market, and . . . which was Skid Row, and assigned me to the San Francisco Neighborhood Legal Assistance Foundation, Central City Office, which is on Skid Row. And I found a little apartment – no heat, lots of cockroaches – on Tehama Street, half a block from Sixth and Howard. And I lived there for a year and a half and I worked in the Central City Office.

And there were a couple things that were really interesting about that. One, of course, is that all of a sudden I . . . . I mean, I grew up in Marin County, which is one of the most affluent parts of the world. All of a sudden I was in, really, a serious poverty community with a very high rate of alcoholism and very poor people and lots of problems.

And the other thing was I was working in the Central City office of the Neighborhood Legal Assistance Foundation and, with the exception of one other lawyer who was a great influence on me – Howard DeNike – taught me a lot about practicing . . . nuts and bolts of practicing law when I was starting out. Howard and I were the only straight people in the office. Everyone else in the office was gay. The secretaries were gay, all the lawyers were gay. And for me, you know, I had never been around a lot of gay people before. And it was an introduction into the San Francisco gay community – into the social relations of the gay community, the power structure of the gay community. So it was a very . . . . You know, that was very, very interesting.

And I do want to tell one story about being in VISTA, 'cause it's a story worth telling. There was a time in 1969 when the Oakland Police Department raided the Oakland Black Panther headquarters in Oakland. There was a shootout, and I think one or more officers were killed and about four Black Panther Party members were killed. There was a Black Panther headquarters in San Francisco on Fillmore Street, and the word went out, immediately after the Oakland shootout, that somebody connected with the Panthers was looking for volunteer lawyers to go to the San Francisco Black Panther office and be there in case of a confrontation with the police so that you could mediate the confrontation and calm it down and prevent the kind of bloodshed that had happened in Oakland. So I volunteered. As it turned out, I was the first one 23:59

there. And I took a bus from south of Market; I didn't have a car at VISTA. I took a bus from south of Market with my sleeping bag and made my way to Fillmore Street, made my way to the Black Panther headquarters, and knocked on the door. And this little peephole opens and I said, "I'm the lawyer who's supposed to be here," and I get in to the Black Panther headquarters. And there's this young guy there – probably about 17 years old – on a desk, you know, and he says to me, "Are you really a lawyer?" And I said, "Yeah, I'm really a lawyer." And he says he wants to know how to go to law school, how to get to law school. And I thought that was pretty neat. So he and I had this talk. And then these two older guys came and took me up some stairs and around a catwalk to the front of the building. And we got up there and I realized that the entire interior of the building was sandbagged. And this catwalk was up there and it had gun ports in it, and then there were these sandbags. And they pointed at the floor on the catwalk and they said, "That's where you're going to sleep," you know. And I thought, "Oh, I think I know what this is about," you know. I mean, if there's a shootout, I think I know what this is about. And so I lay . . . I put my sleeping bag down and I lay down on my sleeping bag, and of course, you know, if I slept five minutes, I don't remember it. I mean, I just lay there all night. But no one attacked the Panther headquarters. The morning came, and some other lawyer was my replacement and came and I got back on the bus and went down south of Market again. But it was kind of indicative of a very dicey time in the country.

Coleman Blease: So you went from there to . . .

Richard Sims: I . . . .

Coleman Blease: . . . the Sheriff's Department, or . . . ?

Richard Sims: No, I went from there and I went to work for a committee called the San Francisco Committee on Crime. It was a citizens committee appointed by Mayor Joe Alioto. The co-chairmen were two prominent lawyers in San Francisco: Moses Lasky, one of the great lawyers of that era, and Bill Orrick – who later went on the federal bench – of the famous Orrick law firm. Became Federal District Judge Bill Orrick. They were the co-chairmen of the committee. And the executive director of the committee was Irv Reichert. It had federal money to study criminal justice in San Francisco. And I went on as assistant executive director. And the committee published a series of reports that I did a lot of writing on. And so I did that for almost two years. And then Richard Hongisto got elected Sheriff of San Francisco on a reform platform, came in in 1972, and I went to work as General Counsel for the San Francisco Sheriff's Department in the Hongisto administration, which I did for a year. Worked hard . . . . I worked hard on establishing for the first time in the jails a disciplinary system for 27:07

inmates that had some due process . . some minimal due process to it. And we did that, and Hongisto put it in.

And I can tell a good story about that. Hongisto was Sheriff. He was kind of an eccentric guy, was an absolutely brilliant guy. And I was home at my apartment one night about 10:00 in San Francisco. I get a call, and he always said, "Hey, how ya doin'?" And he said, "Hey, how ya doin'?" and I said, "I'm okay; I'm about to go to bed." He said, "Hey, listen, I've got a problem." And what had happened was that he had had a date with a girl, and he had taken his date in to show her the jail at the Hall of Justice. And they had done a routine search on his date as she went in the Hall of Justice, and they found a bunch of marijuana in her purse. And so they had busted her, and she was under arrest. And somehow there were reporters who had gotten news of this, and the reporters were there, and Hongisto said, "You gotta help me! You gotta . . . . We gotta get her out of here!" So I said, "Okay, I'll see what I can do." And I called a, at that time, municipal court judge with which I had a relationship from the . . . actually from the Crime Committee, and said, you know, "I need some help. I just need an OR release for this girl." And he said, "Yeah, I'll phone it down there." So we got an OR release for the girl. I went down and got her out of the jail, went down a back elevator, put her in my car in the basement of the Hall of Justice under a blanket, and drove her out of the Hall of Justice, took her to my apartment. She stayed for a couple of days in my apartment in San Francisco. And that was the story of representing the Sheriff's Department and Richard Hongisto.

Coleman Blease: So you went from there, in this exciting time, to a regular law firm.

Richard Sims: Well, not . . . no, to an irregular law firm: the famous law firm Penrod, Himelstein, Savinar and Sims. Name partner. Penrod, Himelstein, Savinar and Sims. In existence from 1972 to 1976, thereabouts. It was a law firm comprised of four of us who had met each other and liked each other as lawyers. And I had gone to college – I had gone to Amherst College – with Tim Savinar. And I had met Jim Penrod and Mark Himelstein. We put together Penrod, Himelstein, Savinar and Sims. And the cardinal organizational principle of that law firm was that each guy only worked nine months a year. And we did that from '73 to '76.

Coleman Blease: 'Till you ran out of money.

Richard Sims: Exactly. Exactly. We did that until . . . . I mean, it was a deal where none of us was married, we didn't have any kids, we didn't need that much money. But each one of us took three months off every year and some of us went to Africa, some of us went to Europe. I took my three months and went up to Dutch Flat and lived for three months in Dutch Flat and 30:28

actually went to work for my brother-in-law's father, building roads in Todd Valley outside of Auburn, building . . . working on a road crew and doing some writing. So I was writing and doing some reading and building roads during my three months. But I got . . . . So we did that, and then at the end of that I went to . . . I went back to a firm – Thelen, Marrin, Johnson & Bridges – for which I clerked during law school. I clerked there during law school two summers. And I went back, and coincidentally they were looking for a lawyer with a little experience, which I had at that point, so I signed on with Thelen, Marrin, Johnson & Bridges in 1976.

Coleman Blease: And what kind of work did you do there?

Richard Sims: Well, I was doing mainly construction law of one kind or another. It was all. . . . . I was doing litigation. And basically somebody would build something and it wouldn't work; it would . . . there would be a problem, whether it was a road, or a building, or a dam, or you name it. Somebody would build something and it wouldn't work. And everybody'd sue everybody. And Thelen, Marrin, Johnson & Bridges always had the contractor and Farella, Braun & Martell always had the architect; Bronson, Bronson & McKinnon always had the engineer. And we had a lot . . . . you know, all these cases. They were construction cases. They were very . . . . . Each case was a different screwup, you know. It was very interesting trying to figure out what had gone wrong and who was liable. And I enjoyed that work very much. I also enjoyed the people there. It was a law firm that believed that you won lawsuits with good law. They really believed in the law. They really believed that if you could make the legal argument that was a sound . . . that you would win. They believed that more than knowing the judge or making good with the jurors or any . . . . They just believed in good law. And that's a wonderful way when you're starting out practicing law. I mean, that's really a wonderful environment to learn to practice law in, you know. I know you did exactly the same thing. You had exactly the same experience with your approach to the law, you know – that you won cases with good law.

Coleman Blease: Yes.

Richard Sims: Yeah.

Coleman Blease: And somewhere along the line you met Gigi Carroll.

Richard Sims: Yes. Well, I had gone to first grade with Gigi Carroll.

Coleman Blease: Ah.

Richard Sims: In Belvedere. And then I went to public school and she went to private school. And I was working for Hongisto – Sheriff Hongisto – in '72, and she was a photojournalist who 33:17

hooked up with a national magazine. She was taking photographs for *Newsweek* and *[inaudible]*, and she had a job for *Esquire* magazine. And there was a guy named Ron Rosenbaum who was writing a story on jails. And so he wanted to talk to me, and Gigi Carroll called me up and said, "Do you remember me? We went to first grade," and I said, "Sure I remember you," and she said, "Let's meet at some bar with Ron Rosenbaum. He wants to talk about jails." I said, "Okay." And we walked into the bar – I walked into the bar – and there's Ron Rosenbaum and there's Gigi Carroll except she was different from the first grade. She was a young woman! And so we hit it off and started dating, and we got married in 1974.

Coleman Blease: So out of that came two unusual children.

Richard Sims: Oh, I don't know how unusual they are, but . . . .

Coleman Blease: Well, let's start with their middle names.

Richard Sims: Well, the older one is Peter Eagle Sims, born in 1976 – Bicentennial baby. And the younger one is Christopher Otter Sims, or, as I like to call him, C. Otter Sims, born in 1978. And . . . .

Coleman Blease: Well, they have each pursued rather interesting careers.

Richard Sims: Yeah, yeah. My son Peter went to Stanford Business School and they . . . . Both of 'em went to Bowdoin College in Maine, and I'm here to testify that Bowdoin College was a wonderful experience for them – maybe not the right place for everybody, but they had a wonderful experience at Bowdoin College. It taught 'em a lot – taught 'em how to write well. And Peter went on to Stanford Business School, and he has become an author; he's become a writer and has co-authored a book that sold well in the business community called *True North* that he co-wrote with Bill George, who's a professor at Harvard Business School. And Peter is in the process of finishing up his second book, which is going to be called *Little Bets* – it'll be on the bookshelves in the spring – just by himself, with his own name.

And my younger son Chris is in a Ph.D. program at Cal – University of California at Berkeley – in the School of Information. Now, when I was going to school, there was the Law School, the Business School, and you studied history. But at Cal, maybe 10 or 12 years ago, they created the School of Information. And he's in it, and he's going to get a doctorate, God willing.

Coleman Blease: And what, pray tell, do they do?

Richard Sims: I'll be damned if I know. I mean, I've never . . . . They study emerging technology and how it affects the way people 36:14

live. And my son Christo is on a project this year collecting data for his thesis, and he's on a project in Manhattan where the MacArthur Foundation – the "genius grant" people – have funded a project in an elementary school where they're taking cutting-edge technology, hot media technology, and applying it to see if they can teach kids more about history, math, English, using new-age . . . new technology. And Christo is studying that. He's . . . . In particular, he's studying the sixth grade. He's gotten to be very close to the kids and to their parents, who are part of the study. And he's very interested in this stuff, and so, you know, great. Neither one of 'em ever wanted to be a lawyer.

Coleman Blease: And why do you think that's . . . .

Richard Sims: My grandfather was a lawyer, my father was a lawyer, I'm a lawyer, and neither one of 'em wanted to be a lawyer. I don't know. I mean . . . .

Coleman Blease: Well, they probably watched what you did!

Richard Sims: They probably watched what I did. Yeah.

Coleman Blease: All right. Well, somewhere along the line, you must have met Jerry Brown, or his surrogates.

Richard Sims: No, I have only met Jerry Brown on two occasions in my life – both of which were at political dinners. I don't . . . . That's the only connection I have with Jerry Brown.

Coleman Blease: Well, how did you . . . .

Richard Sims: I do have a substantial connection with J. Anthony Kline.

Coleman Blease: Ah.

Richard Sims: Tony Kline.

Coleman Blease: And where did you meet Tony?

Richard Sims: I met Tony when I was a VISTA volunteer lawyer, and I was involved in a big lawsuit that involved south of Market, where I was stationed. And the lawsuit involved the emerging construction of the Moscone Convention Center. And what was going on is that the Redevelopment Agency of San Francisco was taking a lot of money under the Federal Housing Act to build the Moscone Convention Center, and in the process they were going to tear down 10,000 units of housing. And so a bunch of lawyers, including Neighborhood Legal Assistance lawyers and Housing Law Project lawyers in Berkeley, brought a lawsuit to stop the project and get housing that was being destroyed in the process. And I like to tell people about the lawsuit because it's not a very complicated legal 38:41

argument. Here's the legal argument: The money comes from the federal Housing Act; you're tearing down 10,000 units of housing. End of case. And Judge Stanley Weigel and the federal bench of San Francisco saw it, saw that it was pretty straightforward, and joined the . . . shut down the project. And they finally built the replacement housing and now we have Moscone Center and we have a lot of housing for elderly people that we wouldn't have had otherwise. And I worked on that lawsuit with Tony Kline.

Coleman Blease: So . . . .

Richard Sims: And Tony Kline helped me get appointed to the trial bench in Placer County, and I'm sure helped me get appointed to this court, although I'm not sure about this court. But I know he helped me get appointed to the trial bench.

Coleman Blease: So Jerry Brown became Governor, at least for the first time; maybe a second time. And Tony Kline became his legal secretary.

Richard Sims: Legal affairs . . . .

Coleman Blease: Legal affairs secretary.

Richard Sims: Legal affairs secretary, yeah.

Coleman Blease: So . . . .

Richard Sims: Yeah. And I was helped.

Coleman Blease: So . . . . But you were helped to take a superior court position in Placer County, where you did not live at the time.

Richard Sims: That's right. I was practicing law in San Francisco at Thelen, Marrin, Johnson & Bridges. And the Legislature created a new superior court position in Placer County. And I wanted, frankly, to move my little family out of the Bay Area and get to Placer County to raise my children. I mean, that's what I really wanted to do. And here's this vacancy that they created, and I heard about it, and I submitted an application for it, and the process kind of went down the road. And there were two local guys who applied – two local lawyers from Placer County who applied for the job – and I applied for the job, and we went along and went through JNE. And somewhere along the line, one of the lawyers had a massive heart attack and had to withdraw for medical reasons, and the other lawyer was found "not qualified" by JNE because of the recommendations of the local lawyers in Placer County. And so I was the only guy left standing. I was the only guy left standing, and I got appointed.

Coleman Blease: Now, I remember your investiture ceremony – which I attended, incidentally. You might tell us about that. 41:16

Richard Sims: Well . . . .

Coleman Blease: And . . . .

Richard Sims: When I got appointed, there was a great brouhaha in Placer County: "Carpetbagger Appointed to Judgeship," you know, and there was actually a headline in the *Auburn Journal* that said, "There have been many breakfast meetings." Well, none of this was good, you know, and that was the climate that . . . in which I arrived in Placer County. And I thought . . . I honestly thought it was somewhat unfair, since I'd spent my entire boyhood in Placer County and since I'd worked building roads in Todd Valley, and since I knew where the town of Iowa Hill *was,* where, you know, most lawyers who had shown up in Placer County from L.A. three years ago had no idea where Iowa Hill was, and I knew where it was. So I thought it was unfair.

But in any event, we had the swearing-in ceremony. And so I started my remarks. Well, the other thing you have to know is that the county seat of Placer County is Auburn, and it is not Placerville; Placerville is actually in El Dorado County. And one thing that happens famously . . . . If you're a trial judge in Placer County, one thing that happens famously is on the day that the trials get sent out, you get phone calls periodically from lawyers who are desperate, who call from Placerville and say, "Your Honor, I'm sorry. God, I had no idea that the county seat was . . . . I'm in Placerville, and I'm going to be late." "Okay, it's okay." You know, this happens all the time.

But in any event, it comes to my swearing-in, and so I got up there and kind of took a deep breath and said . . . started off my speech – my speech to Placer County – by saying, "You know, I know that there are many of you who are apprehensive about this appointment because you think that I'm a stranger to Placer County. But I just want to tell you that it's great to be here in Placerville." And . . . .

Coleman Blease: Wonderful.

Richard Sims: And fortunately people laughed, thank God. So people laughed. And then I spent the next two years . . . . I had to run for election in two years, and I spent the next two years campaigning – going around the county to every event, every parade, every fair, Sons of Italy, Lodge 1413 Roseville, all these meetings. And fortunately I was befriended by two Placer County judges – Keith Sparks, with whom I later served on this bench, and Dick Couzens, one of the great trial judges of our time. And they kind of took me under wing and helped me and mentored me and introduced me around. And certainly if it were not for their help I probably would have been defeated in the election. But as it turned out, nobody ran in the election. 44:23

Coleman Blease: Now, you had some significant trials during your superior court tenure.

Richard Sims: I did. I had a couple of death penalty cases. In fact, Placer County . . . . When I was Presiding Judge of the Placer County Superior Court, we had four trial departments and we had four pending death penalty murder cases at the same time. It was awfully tough trying to get civil cases and other cases out. But I had this most amazing death penalty case involving a guy named Floyd Van Ord. And Floyd Van Ord was 21 years old. He had spent a lot of time in St. Elizabeth's Mental Hospital in Washington, D.C. They released him, he bought a Chevy Impala, he drove across the country, he got to Reno. In Reno he bought a survival rifle – a .22 caliber one-shot ArmaLite survival gun – put it in the car, and then that night was driving down Interstate 80, went into Denny's restaurant in Roseville at about 1:00 in the morning to get something to eat. And he goes into Denny's restaurant, and there's a girl – and I use that term advisedly; she's about 18 – who's a waitress. And she's got a little Denny's waitress outfit on, she comes and waits on him, and he orders something to eat. And he immediately falls in love with her, he thinks. And so he goes out to the car, gets his gun, comes back into the restaurant, and says, "Bring me Sherry; get Sherry." And she runs in the back of the restaurant and he goes back and finds her and brings her out and stops at the cash register and takes the money – robbery – takes the money out of the cash register. And there's a guy sitting at the counter at Denny's who's been drinking all night and doing cocaine. And he's really loaded, and he's going to be a hero. And he gets up and starts moving toward Floyd and the girl, and Floyd says, "Don't come," and the guy says, "Put her down, put her down, put her down" and keeps coming, and Floyd fires one shot at the guy. He goes down, Floyd and the girl get out, jump in the car, and take off.

The police come, and emergency people come, The victim has been shot once right here with a single .22 shot. They take the victim to the hospital, he's alive, he's talking, he's conscious, they put him on a gurney, they put him outside a . . . in the hallway. He's sitting up, he's unattended, he's just sitting there, he's sitting there for about an hour in the hallway waiting for something – surgery or something – at which point all of a sudden he dies. And all of a sudden it's a death penalty murder case, because it's murder in the commission of a robbery.

Meanwhile, Floyd and the girl are driving to Reno. And the girl has the prescience to tell Floyd that this is never going to work with them, and she tells him also she's got to talk to her family about this. And she talks to Floyd about this and talks Floyd into taking her to Reno Airport. Floyd drives to Reno Airport, never touches her, buys her a ticket so she can fly to San Diego to visit her parents, and puts her on the plane with the 47:57

ticket. And she gets on the plane – still in her Denny's outfit – she gets on the plane and goes, "Oh my God!", you know, and notifies everybody.

Meanwhile, Floyd gets in his car, they pick him up four miles from the airport – no resistance – and they arrest him.

And he's in trial in my court in a death penalty jury case that goes for about two months. And near the end of it, I realize . . . . I'm sitting there as a trial judge, and at the end of it I realize, you know, this is a bad deal because if the jury comes back with death – and, you know, Placer County is a hard-nosed county – but if the jury comes back with death, I'm going to have to set it aside. This is not a death penalty murder case. It just isn't. This guy never touched her. He takes her, he puts her on the plane, he's fired one .22 shot that hits the victim in the shoulder, this is not a death penalty murder case. Technically, it's a murder in the commission of a robbery, but this just isn't. And it was 1982, it was an election year for me, and I'm sitting there thinking, "This is going to be tough; I'm going to have to set this aside. And I've got to run for election; this is going to be tough." But I knew I had to do it. So the jury goes out. I'm kind of sleepless, waiting for the jury, and the jury comes back: life without parole. Did the right thing. And so it was all okay. But it was quite an amazing case, I thought.

Coleman Blease: So you then got an appointment to the Third District Court of Appeal . . .

Richard Sims: I did.

Coleman Blease: . . . at the end of 1982.

Richard Sims: Correct, to a vacancy created when Justice Cruz Reynoso was appointed to the California Supreme Court.

Coleman Blease: Right.

Richard Sims: And so I was appointed to that vacancy.

Coleman Blease: And how did you find your greeting at the court?

Richard Sims: Well, my greeting was very amicable. I had a difficult period of adjustment because I enjoyed the drama of the trial court. I enjoyed the players, I enjoyed the bailiffs, I enjoyed the jurors, I enjoyed the drama unfolding before me of Floyd Van Ord kidnapping the girl and driving her to Reno. I really enjoyed all that, and all of a sudden here the drama's gone, for the most part. There just isn't that drama. There are other things going on that are wonderful, but that drama wasn't there. So there was that break-in period. And also I had a lot to learn about appellate judging. Fortunately, I had some wonderful 50:34 –

albeit strict – teachers in your*self* and Bob Puglia and Keith Sparks, who are all . . . . You and Bob Puglia and Keith Sparks were all wonderful teachers to me. But there was a learning curve, I guess, still going on, you know. Still going on.

Coleman Blease: Never ends.

Richard Sims: Never ends, yeah.

Coleman Blease: Okay. Well, we've had some interesting times here, and one of them occurred at a Sacramento bar dinner at McClellan Air Force base.

Richard Sims: I think it was Mather.

Coleman Blease: Mather.

Richard Sims: Yeah, I think it was . . . . You and I were talking about this. We thought it's after 1986.

Coleman Blease: Yes.

Richard Sims: 1986. And so the story is that the Sacramento Bar Association throws a dinner at Mather Air Force Base Officers Club for the Third District Court of Appeal. There were seven of us on the court at that time. And the dinner was a formal dinner – linen tablecloths – held in the Officers Club. And at one end of the Officers Club was a stage. And after dinner, the seven judges of the Third District Court of Appeal got up on the stage and looked out over the audience. And we were seated in chairs in a row along the stage. And by agreement, the protocol was going to be that each of us would introduce another judge, who I think was the next senior to that person, as I recall.

But I know I had to start out by introducing Bob Puglia, our presiding justice. And I was the first speaker in that event after dinner. And I got up, and just as I was about to speak, this huge horn went off in the Officers Club. And it went like this. It went *[three loud honks]*. And I said, "Don't worry, ladies and gentlemen. If this were a nuclear attack, it would have buzzed *three* times." So that was funny.

And so then each of us introduced one of the other judges. I introduced Bob Puglia in glowing terms, and it went down the list. Well, as we're going down the list, Justice Hugh Evans had the duty of introducing Justice Frances Carr. The lectern was in the middle of the stage, and I'm on the end of the stage in my chair, and Hugh Evans gets up to introduce Frances Carr and proceeds to tell an off-color story – joke – that refers to Frances Carr as basically being promiscuous. And I'm not sure what motivated him to do that, but all I know is I looked out at the audience and I see that Frances Carr's husband, Ozro Gould, who stood all of five foot six inches tall, is 53:50

standing up at the table right in front of the lectern, right at the bottom of the stage. And Ozro Gould stands up and points at Hugh Evans and says, in the loudest voice, "You, sir, are a cad!" And Evans is shocked; he's shocked by this. And . . . .

Coleman Blease: And there are 500 people in the audience.

Richard Sims: 500 people. Yeah. And Ozro Gould is down there remonstrating, "You, sir, are a cad! You have no right to talk about my wife that way!" And so then there are people in the audience who start yelling things. And Frances Carr gets up and turns to Evans and says, "What do you think you're doing? What do you think you're doing? This is ridic . . . ." And so the whole thing develops into this kind of pandemonium. And just about the time that Frances Carr gets up to confront Evans, I turn my chair to get a better view of what's going on at the podium, and I fall off the stage backwards. Just tumble off the stage. And so I'm kind of down in the orchestra pit watching this scene unfold, you know. And there are women . . . .

Coleman Blease: The Marx Brothers at the . . . .

Richard Sims: Yeah! And there are women, younger women, who are standing up at their tables yelling, "Hugh Evans, you bastard! You bastard!" I mean, in the middle of this dinner. And so finally I get back, kind of get back up on the stage, and by that time Bob Puglia has gone up and commandeered the microphone, and said, "Well, I think we're going to shortcut the program." And he had this great . . . . He said . . . . Puglia said, "Well, ladies and gentlemen, you are entitled to see us tonight as we are and not as we wish to be." And so that program ended, and as far as I know, we've never been invited back by the bar association.

Coleman Blease: Actually, that kind of event never occurred internally in the court; it only occurred in public.

Richard Sims: Yeah, yeah.

Coleman Blease: So we had . . . . Actually, Hugh Evans was a party to another event that occurred of some prominence.

Richard Sims: Well, this is really one of my favorite stories about the earlier days of the court. This occurred in the earlier 80s – I'd say about '84. And I call it my "Oral Argument Story." And it's a story where we would hear cases in panels of three in our ceremonial courtroom – our wonderful courtroom in the Library and Courts Building, probably the most single beautiful courtroom in the state of California: dark wood paneled, very sedate, very, very officious. And panels of three. And the senior justice of the three would be the acting presiding justice and run the show. And the youngest justice would sit, as you

57:12 looked out on the audience, stage left. And we would enter the stage from a hallway that was over here, stage right.

And we're hearing this case. It was a criminal case, and it had been assigned to Hugh Evans, and the acting presiding justice was Ed Regan, who was in his . . . by that time at least 75. Probably a little older than 75. And he was the acting presiding justice, and I was over here. We're hearing oral argument and an issue came up in oral argument that the parties had not had the opportunity to brief. And so the appellant's lawyer said, "Well, could I have 30 days to brief that issue?" And Hugh Evans said, "Yes, that'll be fine, and the Attorney General will have 30 days to respond." At which point Ed Regan, sitting in the middle, turned to Evans and said, "I'm the acting presiding justice, and that's the job of the acting presiding justice to assign the times!" At which point Evans, I could see, was turning red and kind of grimacing, and he said, "Well, Mr. Acting Presiding Justice, may we please take a recess?" And Justice Regan said, "Well, certainly we'll take a recess." At which point we all get up and start moving toward the exit hallway. And Evans is first, and he opens the door to the hallway, and Regan is behind him. And just as Regan gets in the hallway with the door still open, Evans says – in an extraordinary loud voice – "Listen, you fucking old fart, if you ever do that to me again I'll kick your ass!" At which point this echoes through this . . . through the courtroom. And I'm in the middle of the courtroom; I'm still making my way toward . . . and I look out at the courtroom, and people cannot believe that they've heard what they've just heard, you know? And so I just get out of there as quickly as possible and get in that hall. And I get in the hallway, and here are Evans and Regan, with clenched fists, and Evans says, "You know, I ought to kick your ass right now," and Regan, who is 76 years old or something, says, "I used to be a Golden Gloves boxer; I'll take you on right now!" And they kind of jockey this way down the hallway and out into the main hallway of the court, at which point, coincidentally, Frances Carr is walking along and sees this altercation – Evans and Regan in their black robes – and Frances Carr rushes over and says, "Boys, boys, boys, break this up right now!" At which point they do! So Frances Carr rescues the scene, and we all settle down, and then we go out to hear more oral argument after that.

Coleman Blease: Our oral arguments are recorded, so that recording was a popular piece . . .

Richard Sims: I don't know.

Coleman Blease: . . . which circulated amongst the staff.

Richard Sims: I think maybe it was.

Coleman Blease: At any rate, well 1:00:27

David Knight: Let me interrupt you if I can; time to change tape. All right, and we are ready to pick it up again any time.

Coleman Blease: So you mentioned Frances Carr, who was one of our justices here for a long time – a wonderful person. Why don't you tell me a little bit about that?

Richard Sims: Well, Frances Carr grew up at a time when the ethnic composition of people who were migrant farmworkers was different than now; it was more diverse. An earlier time. And her parents were migrant farmworkers. And she grew up in a family of migrant farmworkers, and they would move with the crops from place to place. And I think that Frances Carr went to an extraordinary large number of high schools in California. I forget; she told me once that she had been to something like 17 or 18 different high schools to get through high school in California, because her family was moving. And so she came up tough and hard, and she was one of the pioneer women in the Sacramento legal profession. And on the Sacramento court, I think you mentioned that she was only the second woman ever appointed . . .

Coleman Blease: Right.

Richard Sims: . . . in Sacramento.

Coleman Blease: After Annette Adams.

Richard Sims: After Annette Adams. And so she was on our court when I got here, and she was this remarkable combination of a huge heart with a particular fondness for dependent children but someone who had been in the trenches as a lawyer. She had been slugging it out with the men lawyers, and she was tough and she was a very good lawyer in her own right. She was very, very careful, very exacting. One of her traits I thought was interesting is that she was always – forever, as far as I knew her – uniformly tough on women lawyers. She thought that women lawyers had an obligation to maintain the standards of the profession, and that when they were sloppy or ill-prepared she was tough on 'em, you know, that . . . . I think she felt that it was important for them to carry the ball, carry the flag. And she could be tough on the women lawyers who did not do that. But she was just a remarkable person.

Coleman Blease: And her husband Ozro Gould was as well.

Richard Sims: Yes.

Coleman Blease: An interesting pair.

Richard Sims: Yes, yes. They were very, very much in love with each other. You know, she . . . . Frances Carr was a good eight to 1:03:30

ten inches taller than Ozro. And in her practice I think Frances Carr had done quite a bit of plaintiff's personal injury work, and Ozro Gould was an insurance adjuster by profession, and they found, I guess, common ground in talking about claims or something. But Ozro was wonderful.

Coleman Blease: Perhaps the most interesting of your colleagues, early . . . probably throughout your career here was our presiding justice, Robert Puglia.

Richard Sims: Yeah, yeah. Really, really wonderful, interesting man. A man who, in his early years, was a Democrat – voted for Adlai Stevenson. Had a change of political heart, change of political philosophy, became very conservative by political philosophy. An extraordinarily smart guy – very, very smart. And ultimately, in every case that I was ever on with him, faithful to the law. He had his proclivities, he had his view of the criminal justice system and how crime worked and da-da da da, but I'll tell you, in my entire experience, if you got Bob Puglia on the law, you *got* him on the law. He was *always* on the law. And he was smart enough so that he could take civil cases and when there was an analysis that was not correct in the civil case, he could see it and would straighten it out.

I must tell you that the single most rewarding moment that I ever had on the Court of Appeal occurred on a weekend with Bob Puglia. And the situation was one in which an initiative was headed for the ballot that would have created no-fault insurance in California. And the initiative was about 128 pages – typewritten pages – long, and a group brought a lawsuit to knock the initiative off the ballot on the ground that it violated the single-subject rule of the California Constitution that says an initiative can only embrace one subject. And so Bob . . . it was Bob Puglia's case. And he and I got into this case, and it turned out that what had happened was that in the 128 pages, it did indeed set up a system of no-fault insurance where people who were injured would get compensated, without a determination of fault liability, for their injuries in automobile accident cases. And right in the middle of the 128 pages, in a paragraph, was a provision that said something like, "Notwithstanding any other provision of law, no law shall require any insurance company to report any political contributions that it makes in the state of California." Well, well, well, would you ever think that by voting for a no-fault insurance initiative that you would insulate the insurance industry from FPPC reporting requirements? Would anyone ever think that? And Puglia and I were totally in agreement that this was really a sleeper pill – a poison pill – in this thing, and we didn't like it. Neither one of us liked it. And so he and I came down to the Library and Courts Building and spent a weekend drafting an opinion kicking the initiative off the ballot for violation of the single-subject rule. And he, you know, he took the first draft and my chambers was almost right 1:07:36

next to his, and it would come over to me and I would fool around with it, it would go back to him. And we worked Saturday and Sunday, and by Sunday afternoon we had an opinion. And I forget who the third judge was on the case, but it was a unanimous opinion, and we filed the thing, kicked the thing off the ballot. So it's a published opinion – one of the few opinions in the state of California that actually kicks an initiative off the ballot, and a leading case, still, on the single-subject rule. But it was just a wonderful experience working with him on that case because it was just so clear; it was just not . . . it just wasn't fair to go about that that way, you know. It was a hidden . . . . It was a depth charge hidden in this 128 pages. There was no inkling that it was there.

Coleman Blease: You were the author of a very interesting case involving a jurisdiction over Indians . . . Indian claims, and . . . which I participated, which is unusual because . . . .

Richard Sims: Signed it!

Coleman Blease: I signed it. But what was unusual about it was apparently there was absolutely no support for that opinion. Do you want to talk about that?

Richard Sims: Well, I . . . . When you and I were talking about getting ready for this interview . . . . And before we go any farther, I want to say that this interview strikes me as the ultimate in self-indulgence. And, you know, talking for more than an hour about myself. And I appreciate the fact that other than my sons Peter and Christo, no one is going to be very much interested in this. But I'm going ahead, notwithstanding that I think this is incredibly self-indulgent.

But that case, when we were talking about it . . . . That's actually my favorite opinion that I've ever written on the Third District Court of Appeal – that opinion. And it's a case in which the Agua Caliente Indian tribe took the position that it was not required to comply with reporting requirements of the Fair Political Practices Commission in several respects, the most glaring of which was that in a single year they had given over seven and a half million dollars to California politicians and then taken the position that they didn't have to report their donations. They also did not . . . took the position they didn't have to report lobbying requirements to the FPPC. So the FPPC sued the tribe to make them comply with these reporting requirements for political contributions and lobbying practices. And the Indians – the tribe – filed a motion to dismiss for lack of jurisdiction in the trial court, on the ground that they were a sovereign Indian tribe and the doctrine of tribal immunity shielded them from this suit by the FPPC. And the trial court denied their motion to dismiss, and the tribe took a writ petition to this court, we issued an alternative writ, and then I wrote the opinion denying the writ, which meant that the 1:11:14

FPPC could sue the tribe. And it's my favorite opinion because it's an opinion that really did break some new legal ground. And it's also an opinion where actually I kind of figured out the analysis myself. And there are a number of cases where our staff attorneys help with the analysis. This was a case where . . . .

Coleman Blease: I think it's the only Tenth Amendment case I've ever been on.

Richard Sims: Yeah. And Fourth Amendment. Well, a different part of the Fourth Amendment.

Coleman Blease: Yeah.

Richard Sims: Yeah. But it was a case in which the argument . . . I liked so much because it was really simple. It's a very simple argument. What happened was that my staff attorney Joanne Medwid – wonderful, wonderful staff attorney – I asked her to tell me everything there was to know about the doctrine of tribal immunity. She came back and, among other things, she said, "Well, it's a common law doctrine; it's made up by the United States Supreme Court. It's not a constitutional doctrine. It's . . . . There's no federal statute. The U.S. Supreme Court just made it up according to its common law powers." And she reported this to me in a memo. And then I started thinking about it, and I started thinking, well, really, the state – through the Fair Political Practices Commission – is asserting a right to have fair political process and fair elections. And that's always been a traditional part of the republican form of government that's guaranteed by a portion of the Fourth Amendment. And then the Tenth Amendment says that all rights not granted by the . . . to the people are reserved to the states. And so the argument that became obvious to me – and simple, which is why I liked it so much – you know, that kind of elegance of that simple argument where you say, "Yeah, this is . . . was this. That the state's right to protect its republican form of government, which is a constitutional right, trumps the common law doctrine of tribal immunity. It's just a common law rule. The Constitution trumps common law rule. That was the opinion. And the Supreme . . . Cal Supreme Court ran a review of the case, and Ming Chin – Justice Ming Chin – wrote the opinion for the Cal Supreme Court affirming what you and I agreed to, affirming our opinion, and adopting the same analysis, which is . . . which I thought was good, you know, was nice.

Coleman Blease: Yeah. Do you want to say a little but about your relationship with your staff attorneys and how you work with them?

Richard Sims: Okay. I'm very fortunate to have two *very* gifted staff attorneys. Joanne Medwid has been with me for 20-plus years, and Brendon Ishikawa has been with me about a year and a half now. And they're both very gifted. 1:14:30

And I'll tell you how I work with my staff attorneys. When we . . . . These are my chambers attorneys. We get cases assigned at the beginning of the month, and I read the briefs in those cases, and then I assign the cases to my staff attorneys according to the workload that they have at that time and their interest in different cases and their degree of expertise in different cases. And then they read the briefs, and they come in and talk to me, and we take . . . we have a preliminary take on the case, which can range from "This looks like the analysis," you know, "This is the way the analysis is going to be," to "Well, let's . . . tell me more about these cases and what you think about those cases." And so we get into these cases, and then by the end of the month they have a memo to me. And they are both . . . both these attorneys are very bright and very conscientious. And it just makes my life pleasant to work with them. I just think the world of both of them.

Coleman Blease: Well, along the line you had a personal change in your marital life around the year 2000. What happened?

Richard Sims: Well, what . . . . My wife, Gigi, and I separated in the year 2000. And we were living in Auburn, and I moved to Dutch Flat and bought a little house there. And Gigi moved onto a houseboat. And then in 2001, I started dating our court librarian, Linda Wallihan, and she and I hit it off famously. And she and I got married in 2004, and I moved in with her to her house in Sacramento. But the . . . I think the most interesting thing about the whole scenario is that Gigi – ex-wife Gigi – current wife Linda, and I and my two sons are all very good friends. We're all very close, and Gigi and Linda are good friends. And we have all our major holidays together: we have Christmas, Thanksgiving, Easter all together. And we see each other a lot at other times during the year. So it's worked out for me, because I'm much happier being married to Linda Wallihan, but the whole family . . . my whole family dynamic is still intact. And it's . . . . I don't know, people say it's unusual. I don't know how unusual it is, but I'm glad . . . .

Coleman Blease: I think it's unusual.

Richard Sims: I'm glad it works that way.

Coleman Blease: Yeah. Well, you're about to retire. It'll be a great loss for the court, may I say. I have . . . .

Richard Sims: I think there are a lot of lawyers who would disagree with you!

Coleman Blease: I have personally enjoyed all the 28 years of our association, and I will dearly miss that. But you have some elegant plans, or some plans about how you're going to live your retired life. So tell us about that. 1:17:49

Richard Sims: Well, before I get to that, let me return to a theme that I did mention that went by pretty fast. And that was the degree of education and mentoring that I've gotten from you and Bob Puglia and Keith Sparks. I mean, I, you know, I really, you know, I really feel a tremendous debt to the three of you for teaching me so much. Let's just leave it at that.

Now, retirement. Well, I have a project in mind for retirement, and it is this: It occurs to me that, increasingly, incumbent state court judges – trial . . . mainly trial judges – are getting run against in elections for political reasons, not because they're incompetent, because people have a political agenda. And we've seen some orchestrated attempts to do that very recently, and they're increasing all the time. It seems to me that's a very bad thing for the judiciary. These attacks on incumbent state court judges are coming from the left and the right – from all over the place. And so one thing I want to do – a project that I have in mind when I retire – is to form a political action committee. And it's going to be called The Committee for an Impartial Judiciary. I originally thought it was going to be called A Committee . . . The Committee for an Independent Judiciary, but I recently talked to a professor in the Political Science Department at Sac State who said they'd done studies, and people don't like independent judges; they like impartial judges. So it's going to be Committee for an Impartial Judiciary. We're going to form a political action committee – a real one. I'm going to recruit retired judges and lawyers throughout the state to be on this committee, and we're going to go out and we're going to raise money. And when these political attacks come along on incumbent judges – state court California judges – in elections, we're going to dump dough into those elections on behalf of the incumbent and support him.

Coleman Blease: Wonderful. Well, there we are. The end of a career at the . . . on the court, for which I am sad. But anyway, there it is.

Richard Sims: Okay, there it is. Enough is enough.

Coleman Blease: Yeah.

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