

Justice Richard “Rick” Sims

Placer Superior Court 1980-1982

Third District Court of Appeal 1982-2010

Justice Richard “Rick” Sims was born in 1943 in Oakland, California. During his youth he lived in Marin and Placer County, spending many summers in Dutch Flat. As a young person he raised Holstein heifers for the 4-H club and earned the rank of Eagle Scout. He worked building roads in California’s Todd Valley before attending law school. After high school he graduated cum laude with a Bachelor of Arts degree from Amherst College in 1965 and a Juris Doctorate degree from Harvard Law School in 1968 where he served as class President. Following law school, Sims worked for two years as a VISTA volunteer lawyer in San Francisco before founding a small law firm – Penrod, Himelstein, Savinar & Sims – which operated until 1976. From 1976 until 1980, Sims was an attorney at the San Francisco law firm Thelen, Marrin, Johnson & Bridges, where he made partner. In 1980, Sims was appointed by the Governor to the Placer County Superior Court.

After serving two years on the Placer County Superior Court, in 1982 the Governor appointed Judge Sims to serve as an Appellate Justice on the Third District Court of Appeal where he served for over twenty-eight years. Justice Sims mastered appellate law, writing extensively about the appellate process. His opinions were eloquent, thoughtful, well-reasoned. His eloquence focused on clarity so that his opinions could be easily understood and followed. His opinions were artfully written carefully expressing the legal reasoning that led to the court’s ruling.

His favorite opinion involved the consideration and analysis of tribal sovereign immunity, (*Agua Caliente Band of Indians v. Superior Court* (2004) 116 Cal.App.4th 545), which upon review our California Supreme Court reached the same conclusion. However, his humor and wit are apparent in a decision he authored in the case of *Lodi v. Lodi*, in which a man sued himself to terminate a trust: “In the circumstances, this result cannot be unfair to Mr. Lodi. Although it is true that, as plaintiff and appellant he loses, it is equally true that, as defendant and respondent, he wins! It is hard to imagine a more even-handed application of justice. Truly, it would appear that Oreste Lodi is that rare litigant who is assured of both victory and defeat regardless of which side triumphs.” His scholarship and eloquence are only surpassed by his charm, wit, humor and humanity.

Justice Sims returned to Dutch Flat when he retired from the appellate court to mediate cases at his Flying Fish Mediation Center. In that capacity he was again described as “brilliant, but did not flaunt it” and took care of all the arrangements during mediation, right down to “ordering lunch.” He is remembered fondly by many friends for his zest for life, his love of his family, humor, wit, his passion for justice, and his commitment to making and then staying in touch with friends. He was equally erudite and down-to-earth, serious and ebullient, kind and self-deprecating.

Justice Sims was married to Georgiana (Gigi) Carroll in 1975 and they welcomed two children, Peter and Christopher (Christo). Justice Sims was married to Linda Wallihan from 2004 until his death.