



Profile: Rick Simons

After 36 years, he finds satisfaction representing clergy abuse victims and he's still banging around the hockey puck

BY STEPHEN ELLISON

For the 36 years that Rick Simons has been practicing law, one might assume it would be easy for him to lose track of some of the names and faces that helped him along the way as he evolved into one of the top trial attorneys in California. But Simons, when asked about his early influences, without hesitation rattles off an all-star cast of prominent plaintiffs' lawyers who were good enough to pass along expertise and present him with opportunities to flourish.

"A lot of people were really generous with their time and thoughts," said Simons, partner with Furtado, Jaspovice & Simons, based in Hayward. "My late partner Manny Furtado is number one on that list. He taught much more than just law. For 25 years, his counsel and guidance have been a big part of what has helped me throughout my career."

"And a lot of other plaintiffs' lawyers just took a little extra time to talk to me when I asked a question: Marvin Lewis, Dave Baum, and Rob Green. And today, I try to do the same with younger lawyers and colleagues."

As the list of names offered by Simons continued to grow – he added Gary Gwilliam, Mary Alexander, Larry Drivon and Peter Hinton, among others – it became increasingly clear that he now may be considered a member of that elite group. In his 36 years of practicing law, Simons' record matches up with the best of the best. Like those who gave him a career boost, he has tried dozens of cases to favorable verdicts, has received peer



Simons

Hinton, a longtime plaintiffs' attorney based in Walnut Creek. "While other attorneys often have some disappointing aspects in their character, Rick gets very high marks across the board. Unlike many of his successful colleagues, he remains pretty much unchanged from the admirable and natural person he has always been. Rick is also one of the most impressive trial lawyers in practice, with a record any attorney would admire," added Hinton.

So, with all he's accomplished, it may not be surprising to some that Simons is ready to call it a career – sort of. "I'm hoping to retire and maybe do projects that are of interest but not have the day-to-day stresses of running a firm, which is a hard business in 2012," he explained. "I'm looking forward to spending a little more time with my wife and grandkids."

East Coast transplant

As it happens, Simons is quite familiar with the weight of a grandparent's persuasion. During his childhood in

recognition in multiple professional organizations and has helped make significant strides in public policy.

"I know of no single attorney for whom I have greater respect than Rick," said

upstate New York, his grandmother's fondest dream was for her grandson to become a labor lawyer, falling in step with the family's tradition of maintaining strong union ties, he said. At the time, his grandfather was the vice president of the Cigarmakers Union and had been tight with Sen. Robert F. Wagner of New York, who authored the original National Labor Relations Act (also known as the Wagner Act) as well as other facets of President Franklin D. Roosevelt's groundbreaking New Deal legislation.

"So that was the goal," Simons said, "and I was never interested until I started working as a union organizer for UAW, and I was going to NLRB hearings and watching the lawyers there on both sides and saying, 'I can do a better job than these guys.' So I decided to go to law school."

By that time, the Simons family had found a new home in Huntington Beach, and young Rick had fallen head over heels for life on the California coast. He started his undergraduate studies at UC Santa Barbara "because I loved the beach," and that's where he met his wife. The couple eventually moved to the Bay Area in 1971.

Simons finished his bachelor's degree at UC Berkeley and grew quite fond of the campus. So he stuck around and attended the university's prestigious law school, Boalt Hall.

"I went to law school with the intention of being a labor lawyer, and my first year through some political connections, I met the folks at Newman Marsh and Furtado," Simons recalled. "When I got



here and went to my first civil trial, it was really exciting. I said, 'Wow, I like this.' And from that point on, I wanted to be a plaintiffs' trial lawyer.

"Thirty-six years later, here I am, still with that same firm. Once you get to Hayward, it's awful hard to get out," he explained.

Advocate for abuse victims

Simons' first big case was against Dow Chemical. He represented about 25 road workers who had been sickened by a pesticide spill in Yuba City. "We negotiated a fairly significant settlement ... involving lots of plaintiffs, lots of issues and lots of money," Simons recalled.

He then assisted Lew Warden in *Guyton v. Phillips*, a landmark civil rights case in the early 1980's that received a lot of publicity.

But Simons' career made a dramatic leap in 2002 when he received a call from his good friend and colleague Drivon. "He called me and asked if I'd be interested in working on some of the Northern California clergy abuse cases," Simons said, "and I thought to myself, 'How many can there be?' I learned – more than anyone possibly could have imagined."

So he started working on cases individually, representing those who had been sexually abused in their youth by Catholic priests and other clergy, and in 2002 had been given a temporary reprieve from the statute of limitations. When the coordination proceedings came in 2004, Simons was named as plaintiffs' liaison counsel for the Northern California cases. "So I got that responsibility," he recalled. "I got to try some cases and do some law in motion and argue the court of appeals."

When the dust cleared, Simons had co-counseled for 125 victims, and the body of work by the Northern California clergy abuse legal team resulted in more than \$150 million in settlements and awards. Simons said they were the most meaningful cases he's worked on and led him to make child sex abuse cases his primary specialty.

"He has dominated this field of litigation, and he has done so by overcoming the significant obstacles of lapse of time, statutes of limitation and pro-religious bias," Hinton said. "He has continued to make history in this area even after an apparent attempt at retirement."

Today, Simons continues in that realm, taking on the Jehovah's Witnesses for their role in covering for child sex abusers. In June, a jury awarded \$28 million to his client, a now-26-year-old woman who as a child had been sexually molested by a fellow member of Watchtower in Fremont. The verdict included \$21 million in punitive damages.

It was the first such verdict in the U.S. against the Jehovah's Witnesses for their policies of hiding child sex abusers and the largest verdict for a single victim of child sex abuse in a religious institution, Simons said. "It's apparently headed toward appeal, but the verdict itself is a pretty bold statement by the jury, about their public view of child sex abuse," he said. "And I think their boldest statement was we asked for \$28 million, and they awarded \$28 million and one – an exclamation point."

Political proficiency

Like many trial lawyers, Simons harps on preparation and is an ardent proponent of using all the resources available to him. He said he begins preparing for trial the minute he meets a potential client and continually prepares thereafter. Part of that is enlisting the help of jury advisers who have years of experience reading juries and developing strategies accordingly.

When in trial, Simons articulates his case to the best of his ability, but he refuses to patronize jurors.

"The biggest thing I've learned is not to stuff things down the jury's throat, but rather empower them to, as the case goes along, see for themselves what the wrong is and why it needs to be corrected and addressed," he said. "I think that results in better verdicts. They like information,

and they like interpretation, but they don't like being force-fed. I try to respect the power and integrity of the jury – let them do the work."

Such people skills likely stem from Simons' political experience, having run statewide campaigns and raised money. He said his involvement in politics dates back to his teen years. "I was at the Ambassador Hotel when Bobby Kennedy got assassinated because I had done a lot of stuff for the Kennedy for President 1968 campaign," Simons said. "I worked with the UAW and the United Farm Workers, as well. So the political side was always a big thing for me."

Those skills carried over to his contributions to professional organizations such as Consumer Attorneys of California. In 1986, when Proposition 51 was on the ballot, he volunteered to help the CAOC raise money for the measure. At that point, he had become the organization's go-to guy for political fundraising, eventually becoming CAOC president in 1998.

"I felt good about it," he said. "CAOC gave us a good opportunity not just to advance the agenda of our personal interests but also to affect public policy in a lot of different ways: education, environment, employee rights and all those things. So I liked working with the nurses and the teachers and working on the issues of health care and general concern for the public and how that played out in the legislature and in the political system."

Simons' political savvy, however, doesn't translate to his becoming a future candidate. He maintains that the real power lies with the fundraisers and advisers.

Besides, with the prospect of retirement looming, Simons has other plans: spending more quality time with his family and enjoying his favorite pastime – ice hockey. Since arriving in the Bay Area, Simons has been playing in adult recreational hockey leagues and has been known to show up in court with broken noses, black eyes and stitches.



These days, he plays in a 40-and-over league. “We also have a group of regulars that play pick-up games every week,” he said. “It’s been the same core group since 1975, and now our kids play with us.”

On the subject of advice, Simons defers to the teachings of his late partner Furtado: “Take care of the client, and the fees will take care of themselves. And treat people politely and respectfully. Even when things aren’t going your way, who you are is a lot more important and

transcends any individual case.”

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