
Morison Buck

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ROBERT JAMES SIMMS:
STANDARD BEARER FOR FAMILY AND FAIRNESS
(1947-2004)

Whatever your tastes, the sounds of music entering the human ear are an indirect gift to the soul.

Benjamin Franklin may have had something akin to that in mind when, in a lighthearted moment, he remarked: “Beer is proof that God loves us and wants us to be happy.”

In his extraordinarily productive life in music of four score and ten years, Milt Hinton (1910-2000) gave intense pleasure to people all over the world, as a master of the string bass, an integral component of the rhythm section. His was the world of traditional jazz and swing music in the 20th century. Hinton, a native of Vicksburg, Mississippi, was also a renowned photographer. It has been said that he quite literally played with the Cab Calloway Orchestra for most of the 1930s. His career recording credits included stints with Eddie South, Ethel Waters, Teddy Wilson, Lionel Hampton, and Louis Armstrong All-Stars, and many others. This scribe saw Hinton in live performance at the Orpheum Theatre in Memphis with Cab Calloway one afternoon in 1939. Milt Hinton was fondly as “The Judge” by his contemporaries and fans.

Bob Simms, the subject of this story, was a real Judge who achieved uncommon success over a relatively short span of years, serving in three different divisions of the 13th Judicial Circuit: Felony, General Civil and Family Law; also in all the divisions in Plant City.

Usually a good place to start any story is at the beginning. Bob was born in Cincinnati, Ohio on October 4, 1947, the middle child born to Joseph A. Simms and Juanita Dunaway Simms. Two older brothers predeceased Judge Simms, and his two younger sisters, Connie Simms and Tampa Jo Simms (who will be heard from later) survived him.

The Simms family relocated in Tampa about the time their youngest won was ready for elementary school. By all accounts, Bob was a good student at all levels in local schools. He and a modest-sized group of male students at Seminole Elementary had
the good fortune to be sponsored by Mrs. E.R. Cary and Mrs. Lucille Ingram in a new reading activity known as Roy Rogers Story League. Mrs. Cary taught at Memorial Junior High and also was S. Cary Gaylord’s grandmother. Bobby Simms (as he was then called) and Cary Gaylord were classmates and became lifelong friends. Mrs. Ingram was Principal of Seminole Heights Elementary School.

Bobby was one of about a dozen or so youngsters who became members of the Story League. All of them were called upon to read selected stories aloud in the classroom to the other students. A newspaper story, accompanied by a photo of the league members, reported that the boys gained a better understanding of the value of reading good stories, and they also gained more confidence and poise in their own ability by the experience. Such a program is in stark contrast, most thoughtful adults might agree, with contemporary programs focused on television and computer material with students peering for extended periods at screens.

The highlight of Simms’ high school experience was also at the center of his remarks upon his investiture as Circuit Court Judge on February 11, 1991. Here is what he said:

“Twenty-eight years ago when I first saw my wife, we were going to Hillsborough High School, both being sworn into Student Council. We had on black robes, and there were two rows of us going in to the auditorium. I saw this young lady over there and it was like a thunderbolt hit me. It was love at first sight and anyone who says they don’t believe me, I tell them ‘baloney.’ I saw Rosalie and fell madly in love with her. And, I’m still madly and passionately in love with her. She’s everything to me. When people talk about retaining your own identity and being your own person and all of that modern day stuff, I say to you, until a person becomes a part of you and you become a part of that person, you really don’t know life is about, and what love is about. She knows what I am going to do before I do, and I want it that way. She’s just my love.”

Confident in their destiny to be a matched pair until parted by death, Robert Simms and Rosalie Guarino (Tampa native and Daughter of Paul R. and Lillian Guarino) exchanged their marital vows on March 22, 1970. The union was blessed with their daughter, Jacqueline. She is presently engaged to be married to Justin Petredis from Amherst, Ohio. They met at Tulane University Law School and were sworn in as attorneys on September 25, 2004 here by Federal Magistrate Judge Mark Pizzo for whom Jacqueline is clerking.

In her own words Rosalie, whose life began the year prior to Bob’s birth, tells about her life before and after marriage:

“Bob and I were high school sweethearts. We dated for 7 years before we were married. Early in our courtship, I was allowed to date with the stipulation that we ‘triple date.’ Later I was allowed
to double date and ultimately Bob and I were allowed to date singly. We were best friends long before we married and I knew he loved me to put up with all the “stipulations” set for us. While Bob was at USF, I attended the University of Florida in Gainesville. But I became so homesick for Bob that I transferred to USF to finish my B.A. degree in Education. I graduated the year that we married. I taught in Hillsborough County schools for 12 years and continued to work as a substitute teacher and in P.T.A. activities after ceasing full-time teaching to raise Jacqueline. I was also a longtime member of the League of Women Voters holding various positions. From 1998 to 2002 I was employed by Ybor City Chamber of Commerce as Assistant to the President and Membership Services Coordinator.

In Bob’s 1990 judicial campaign, I served as Deputy Manager. In 1996 I served as Campaign Treasurer during his unopposed reelection campaign. Bob was not comfortable asking for donations, so in his 2002 unopposed reelection campaign, we paid the filing fee with our own funds, soliciting no money from others. He was concerned with the growing costs and commercialization of judicial elections. While he believed strongly in the democracy of elections of the judiciary, he was hopeful that parameters would be constructed to preserve the dignity of the office. When he volunteered for projects such as the Bench/Bar Conference, I helped any way I could. We appreciated each other.

When Bob decided to seek judicial office in 1990, my entire family worked long days and my sister Lorri Seibert Woodacre of Massachusetts, who was awaiting results of her taking the Massachusetts Bar, came to Florida for the three months duration. Lorri, who had run other successful campaigns, said this was the most challenging because Bob was so apolitical.”

Picking up the treads of Bob Simms life after high school, he received a Bachelor of Arts Degree from University of South Florida in Marketing. Then he attended Stetson University College of Law in Gulfport (1972-1975) and was awarded his Juris Doctorate degree.

After marriage to his beloved Rosalie and admission to The Florida Bar, Simms moved forward, placing his roots and faith in Tampa even deeper. Ambitious and energetic, he began working as a clerk for the Richard Salem Law Group, P.A. in 1974. Starting in 1975, he broadened his experience and added to the quality of his resume by venturing into public service. After two years as an Assistant State Attorney in Pinellas County, he then became a prosecutor on the staff of E. J. Salcines in Hillsborough County, serving from 1977 to 1980. One of Simms cases, State v. Bachelor tried in 1979 resulted in a conviction of second-degree murder and petit larceny. Some eight months later, the trial judge ruled
that Bachelor was “the wrong men” and vacated the conviction. A co-defendant who was never brought to trial, was represented by Richard Lazzara, a Tampa lawyer who is now United States District Court Judge here, credited Bob Simms with doing the unparalleled work of going to Connecticut, locating witnesses to the crime, deposing them, then traveling to Sumter Correctional to interview Bachelor and concluding, finally, that he was indeed the wrong guy. Not many prosecutors would go to such lengths to ascertain the truth and exonerate an accused formerly believed to be guilty.

Wearing a different hat but with the same panache, Simms was at the epicenter of a notorious criminal case which captured the headlines of local newspapers. It was an intriguingly dramatic trial, one which famed detective writer, Willard Huntington Wright (writing as S.S Van Dine, Creator of Philo Vance) might have called The Sunshine Skyway Murder Case. The year was 1982 and Bob Simms was one of the lawyers for the accused in a trial that lasted longer than a month. Simms client was a 25 years old man, Carl Casey, who, with his girlfriend, Thelma Delling, and another, had robbed a companion and then killed him by tossing him unceremoniously from atop the Sunshine Skyway Bridge causing his death. Twenty-four days after being found guilty of first-degree murder and given a sentence of 25 years to life in prison, Casey and Delling were married in the courtroom. Simms acted as best man and Public Defender, Brian Donerly took snapshots at the occasion, some might call a mixed blessing.

Richard Bockman, then a staff writer for the Tampa Times, later for The Tampa Tribune, and presently National Editor for St. Petersburg Times, not only covered the Sunshine Skyway trial, but also was reliable observer of Simms at work in the courtroom at the counsel table years prior to assuming the duties of a trial judge. Not only an astute observer but a gifted writer, Bockman relates:

“What struck me about Bob Simms was how he related to juries. He did not put on any airs. He did not attempt to buffalo anybody. He never tried to sneak anything past them with any lawyerly tricks. It was all straightforward reasonableness. He was funny and easy going, he contained his ego, never let making himself look good or important or smart get in the way of doing what was best for his client. If that meant playing second fiddle or fading into the background, that’s what he did. That might not sound like much, but a lot of lawyers could stand to learn that lesson. Sometimes not being the center is just what it takes. I remember him talking to me once about elected vs. appointed judges. He told me that he was going to run for office because he would never get his name forwarded to the governor by the Judicial Nominating Commission. The commission was political, he said, you had to play politics and work the right people to get your name sent along. My only chance, he said, to be a judge is to let the people
vote for me. And that’s how it happened. The people voted. He could relate to people. He empathized with them, and they saw him as one of them. That, I think, really helped him to succeed as a lawyer.”

For six years beginning in 1985, concurrently with his private practice of law, he was a Special Assistant Public Defender. His own office at 412 Madison Street opened in 1980. He maintained a general practice but was predominantly involved in criminal defense until his fateful decision to seek the office of circuit judge in 1990.

Bob Simms had an easy-flowing and outgoing manner, which led to the formation of enduring friendships. Several of his old friends quickly responded to a request for expressions about their association with him over the years:

“Bob Simms grew up in a house on the northeast corner of Central Avenue and North Street directly across from the old Corces Grocery Store. We first met at Mrs. Mallard’s kindergarten located north of Hanna on Suwanee. We went on to Seminole Heights Elementary and Bob and I had most of the same teachers for the next six years. My grandmother, Mrs. E. R. Cary, conducted a chapter of a local story league. We learned to recite stories before various sized groups and it probably was our first exposure to public speaking. In the early fifties there wasn’t much grass in Seminole Heights and we both grew up playing in dirt alleys and the playground of our school. Bob was always a good athlete. In high school Bob played football and was always a tough, quite kid. I have flashes of memories of our playground activities, building bicycles from police auction parts and wandering those dirt alleys looking for something to do that didn’t involve trouble. When we graduated from high school in 1965 Bob and I went in different directions. I went off to West Point and then the Army, returning to Tampa in 1983. When Bob became a judge, he was always on the job at 4:30 on Friday afternoons. It was a matter of pride with him that lawyers knew he was committed to being prepared for every hearing. His work ethic was admired by everyone, lawyer and litigant, who came before him.”

S. Cary Gaylord (Tampa lawyer)

“I was privileged to be a good friend and neighbor of Bob Simms and his family. His love of the law was exceeded only by his devotion to Rosalie and Jacqueline. Bob’s idea of a perfect Friday night was not a fancy restaurant or hanging out at a downtown watering hole. For him, it was a night of the ‘three D’s’—Dominos,
Diet Pepsi and Dallas. Although not judgmental about the lifestyle of friends, Bob enjoyed himself enjoyed being with friends at any gathering but with out the benefit of alcohol. When he first stood for election as judge, I violated my long standing rule of never endorsing a candidate for public office to my politically active clients. My confidence in Bob, his character, his intelligence, his demeanor and love of the law made that endorsement the only ‘right’ thing to do. He never breached his promise to my clients and me to always do his absolute best. Our friendship became even closer when my son went to New Orleans to study law at Loyola at the same time that Jacqueline was a student in law at Tulane there.”

W. Eric Venable (Tampa lawyer)

“Bobby and I became friends while 3rd grade students at Seminole Elementary. He was a quality individual. We were on the same kickball team, which competed with others. At an early age he had a highly developed sense of reason and fairness, presaging his future success as a defense attorney and judge that enabled him to settle the dispute. Years later I assisted him when he ran for Circuit Court judgeship. My wife and I attended his robbing ceremony with pride, and observed during his tenure on the court that he served with distinction.”

Floyd C. Johnston (Riverview, Fla.)

“I have lost a great friend, truly a brother- a superb, hard working and dignified judge, lawyer and man who made our lives better for the short time he was here.”

Tom Cunningham (Tampa lawyer, speaking at Simms memorial service)

And these heartfelt comments from family members:

“Throughout my life my father was a great encourager. I was a nervous wreck in the days preceding my first law school exams. My dad knew it; he had been in my shoes many years before. He knew I would be O.K. but I didn’t believe him. So, he found a way to help me through the agony. Before each exam I would come home to a card in my mailbox. These cards brought simple messages of his encouragement, his understanding, and his love. Sometimes they even included a monetary bonus, with instructions to treat myself to Starbucks. I would also receive a card each afternoon when I returned home from an exam. This was really the time I needed to know he was with me. He had excellent timing. This tradition continued for my entire three years of law
school, with only one exception, my final exam, which took place a month after his death. However, he had already purchased the cards to send me and had them in a drawer at home. My mother found them and sent them for him. I knew he was still with me. I know he will always be with me. At my law school graduation, six weeks after my father’s death, my family was honored by a surprise announcement. The class gift was named in honor of my father, who had volunteered his time at Tulane. Never before had a class gift carried a name.”

(Bob’s daughter, Jacqueline)

“Bob Simms was our dear son-in-law. He was 16 and Rosalie, our daughter, was 15 when we relaxed our restriction against dating at her tender age so they could attend the traditional Thanksgiving Day football game between Plant and Hillsborough High Schools. When Bob arrived at our home to pick up Rosalie for the Game, her jealous dog lunged at Bob and bit through the leg of his brand new trousers. We couldn’t have loved Bob Simms more if he was our own child.”

Paul & Lillian Guarino (The In-laws)

“My brother knew what he wanted at an early age. In the 7th grade he wrote a paper stating his desire to be a judge. With determination, love, hard work and support, he lived his dream.”

Tampa Jo Simms (Bob’s sister)

“I am the oldest of the three sisters. Bob Simms entered our lives when Rosalie was in the 9th grade. In our youths we were often a foursome, with Bob coming along as an integral part of the family unit. He derived much satisfaction from making my sister (Rosalie) happy, even while the girls were on shopping trips—something most men avoid. Bob always kept that Florida Boy sense of humor. No matter how difficult the problems which I presented to him, he would consolidate the facts, isolate the issue, and spin it so that we would both laugh at life’s conundrums. It was uncanny how Bob could find humor in adversity.”

Lorri Seibert Woodacre (Bob’s sister-in-law & Wellesley, Mass.atty)

Simms was one of three candidates to qualify for election as Circuit Court Judge, Group 14, in the primary of Oct. 2, 1990. Others in the race were: Paul S. Elliott, former County Judge, and Mike Benito, a well-known, popular prosecutor. Benito was the top vote getter with 19,129. Simms finished second with 17,847 and Elliott trailed with
11,435. There was a heavy turnout for the runoff on November 6, and Simms won by 3,472 votes. He then served continuously until his sudden death on April 9, 2004.

Among the tributes given in memory of Judge Simms was a resolution submitted by Congressman Jim Davis on the floor of the House of Representatives on April 22, 2004, now part of the Congressional Record. He was posthumously named Outstanding Jurist of the Year by the Young Lawyers Division of The Florida Bar. On May 20, 2004, he was inducted into the Hillsborough High School Hall of Fame, Class of 1965. Also, he was given the Robert W. Patton Award as Outstanding Judge by the Young Lawyers Division of the Hillsborough County Bar Association. On October 4, 2004, the honorable Robert J. Simms Memorial Law Library was dedicated. During his short but stellar career in the judiciary, Judge Simms worked tirelessly on programs and activities designed to promote respect for his profession, and to assist young lawyers. These good works included participation in William Glenn Terrell Inn of Court, teaching at Hillsborough Community College as an adjunct professor, and perhaps most notably serving many hours, including weekends judging at Hillsborough County schools Mock Trial Competition (now named in honor of Bob). In August 2004, Bay Area Legal Services announced that its Training & Conference Room would be named Judge Robert J. Simms Training & Conference Center. The 13th Circuit’s Chief Judge, Manuel Menendez, Jr. decreed on April 12, 2004 that the United States flag and the flag of the State of Florida on all courthouse facilities would, for three days be flown at half-staff in Judge Simms’ memory.

A colleague of Bob Simms serving on the Hillsborough County Circuit Court, Hon. Claudia R. Isom, briefly relates her on-the-job-contacts with him:

“I enjoyed our friendship and could count on him for a no-nonsense opinion on legal and interoffice politics type of issues. He was dependable and not given to the shenigans engaged in by others when it came time to elect or reelect our chief judge. I do have a cute photo of four of us when we were assigned to Felony and showed up for a division photo. It shows Bob and “Brother Bob” Mitcham flexing their muscles and has Diana Allen in the picture as well.” (photo is attached as an appendix to story).

It has been said that Judicial Assistants are the backbone of our trial courts (I just said it). One of these special ladies is Linda Greno, in the service of Hon. James M. Barton, III. Div. C. He is also Administrative Judge of the General Civil Division. Attached are two pages provided to me by Ms. Greno. One is an explanatory memo, accompanied by a copy of the so-called “Settlement Agreement,” all of which simply proves that even in the somber and Olympian-like atmosphere of the Courthouse there is still room for some fun and mischievousness.

Lorri Woodacre earlier noted her brother-in-law’s remarkably happy personality. In a court setting, not often conducive to humor, Judge Simms’ countenance was
consistently pleasant. Before becoming a judge, he appeared occasionally in Circuit Civil while this scribe kept a seat warm in Room 311 for some years. Whenever Bob Simms walked into the hearing room it was as if someone had raised the blinds and let the sunshine in. It was Lincoln Steffens, late 19th century journalist and the original “muckraker” in hid field who reminded us that “the only thing worth having in earthly existence is a sense of humor.”

In one of his monologues aired on National Public Radio’s Prairie Home Companion, Garrison Keillor observed that men generally do what they feel will please women and keep them happy. Judge Simms’ successful marriage to Rosalie and his pride in his wife and daughter is compelling evidence of his belief in that bit of practical philosophy. 19th century English poet William Blake expressed the same thought in different words but no less clearly: “Everything that lives, lives not alone, nor for itself.”

Judge Simms was active on so many groups and organizations, including his church; it is impractical to name all of them. In his off-work time, he was an avid sportsman. He was most passionate about his golf game, and he played as often as possible with friends like Tom Cunningham. It is probably a fair guess that one of his favorite professional tour players had to be Lee Trevino, dubbed the “Merry Mex” by American sportswriter. Trevino had a unique style, which produced victories all over the globe. Known for his quick wit, he is credited with the quip: “Columbus went around the world in 1492. That isn’t a lot of strokes when you consider the course.”

Woodrow Wilson’s doctor and good friend, Dr. Cary Grayson, was called upon to give a description of Wilson after the former president’s death. He did so by borrowing as epitaph from a grave marker in a southern country churchyard: “He was unseduced by flattery, unawed by opinion, undismayed by disaster. He faced life with antique courage, and death with Christian hope.” It seems altogether fitting that it be borrowed once more in describing Judge Bob Simms, a man of character and integrity whose devotion to the law was exceeded only by his fidelity to family.

Morison Buck

Afterword:

A life, which is in any way worthy, is like ascending a mountain. When you have climbed to the first shoulder of the hill, you find another rise above you, and that achieved there is another, and another still, and yet another peak, and the height to be achieved seems infinity; but you find as you ascend that the air becomes purer and more bracing, that the clouds gather more frequently below than above, that the sun is warmer than before and that you not only get a clearer view of Heaven, but that you gain a wider and wider view of earth, and that your horizon is perpetually growing larger.

Endicott Peabody (1857-1944)
Founder of Groton School in
Massachusetts. Franklin D. Roosevelt was a graduate.
Clockwise from left: Judge Claudia R. Isom, Judge Robert J. Simms, Judge Bob Mitcham, and Judge Diana Allen
While many of us are still in shock and disbelief at the unexpected and sudden death of Judge Simms, I believe that best thing to do is think of the good times and all the laughter we shared with him. The following story is a typical example of how he made anything and everything funny and I treasure the many memories I have from our over 20 year friendship.

While visiting with Judge Barton and myself one afternoon, Judge Simms commented that the dress that I was wearing looked like a "Burger King" uniform. For many days that followed he would call me on the phone to place his lunch order for the day, such as, "I'll take a number one, hold the lettuce and tomato." I also found on my desk one morning a Burger King crown.

Not to be outdone and seeking my revenge, I placed a "hot pink fluorescent dot" over the face of Judge Simms in a group picture I had in my office that included him. This quickly escalated to Judge Simms being called "Dot or Dottie" by many.

In the spirit of our many years of friendship, Judge Simms offered a settlement. If he bought me lunch (not at Burger King) and refrained from commenting on my attire, I would remove the pink dot and no longer call him "Dot or Dottie." I accepted the terms of the settlement and as we were on our way to lunch, he produced a written settlement agreement to be signed by all parties with witnesses.

We had great fun with this, and in his memory I have framed the settlement agreement which now hangs in my office. Every time I look at it, I think of him and it brings a smile.

Judge Beck,

Let me know if you need anything else.

P.S.
272-6994
SETTLEMENT AGREEMENT

COMES NOW the below parties, Robert J. Simms and Linda Greno, and do hereby enter into this Settlement Agreement on this [7] day of [June], 2002, settling all matters concerning Burger King and its employees. The parties agree to the following terms:

1. Upon receipt of lunch (beverage included) Linda Greno agrees to release any and all claims against Robert J. Simms.

2. Linda Greno agrees to immediately and permanently remove the "pink dot" from the picture of Robert J. Simms.

3. Linda Greno agrees to discontinue the use of the word "Dottie" and discourage the use by all others within her dominion and control.

4. Robert J. Simms agrees not to comment on the business attire of Linda Greno.

ENTERED into this [7] day of [June], 2002, at Miguel's Restaurant.

ROBERT J. SIMMS

LINDA GRENO

Witness

Witness

Witness

BURGER KING