

# HON. RALPH G. THOMPSON (RET.)

## U.S. DISTRICT JUDGE, WESTERN DISTRICT OF OKLAHOMA

### JUDICIAL PROFILE BY SCOTT E. WILLIAMS

Any lawyer who has set foot in the federal courthouse in Oklahoma City is almost certainly familiar with the towering legacy of Judge Ralph G. Thompson. For more than four decades, he has served the people of the United States and the state of Oklahoma in a host of judicial and legislative positions, including service on the Executive Committee of the Judicial Conference of the United States and on the Foreign Intelligence Surveillance Court. The hallmark of his stellar career has been the decency, professionalism, and judgment that he has shown during his 32 years of conducting civil and criminal jury trials. Although he retired from the bench in 2007, the example that he has set for lawyers and judges in the Western District of Oklahoma remains as strong as ever.

Judge Thompson learned about public service as a child. His grandfather, William Bennett Bizzell, was president of the University of Oklahoma. The judge's father, Lee B. Thompson Sr., was a lawyer and community leader who served as president of the Oklahoma Bar Association. As a boy growing up during World War II, Judge Thompson pretended to be a soldier with his friends in Edgemere Park on the north side of Oklahoma City. After graduation from the University of Oklahoma in 1956, he turned his imagination into reality by entering the U.S. Air Force. His work as a special agent with the Office of Special Investigations in Taiwan exposed him to the worlds of law enforcement and counterintelligence—areas that were to occupy much of his time as a judge. His service in the Armed Forces continued until 1987, when he retired as a colonel and was awarded the Legion of Merit.

In 1961, Judge Thompson graduated from the University of Oklahoma College of Law and began more than a decade of private practice. During this time, he was elected to two terms as a member of the Oklahoma House of Representatives, where he worked with future Oklahoma leaders such as David Boren, who became a U.S. senator and governor. Even without legislative seniority, Judge Thompson managed to become a principal author of legislation that resulted in constitutional amendments reforming the basic structure of Oklahoma's judiciary. Racked by a corruption scandal during the 1960s in which two state Supreme Court justices went to prison for bribery and a third was impeached,<sup>1</sup> the rule of law in Oklahoma had struggled under the burden of partisan judicial elections. The bill that Judge Thompson co-authored replaced this system with the scheme that prevails today: the appointment of appellate judges and the nonpartisan election of trial judges. He also played a central role in the enactment of the Uniform Narcotics and Dangerous Drugs Act, another statute that has been an important part of Oklahoma law for decades.

Rather than running for a third legislative term in 1970, Judge Thompson stood for election as lieutenant governor



This portrait by Judge Thompson's lifelong friend, Claude Woody, hangs in the Oklahoma Hall of Fame, into which Judge Thompson was inducted in 1995.

on the Republican ticket. He and the Republican incumbent gubernatorial candidate, Dewey Bartlett, lost to the Democratic candidates, David Hall and George Nigh.

But Judge Thompson's service to the public was just beginning. In 1975, President Gerald Ford appointed him to the federal bench to replace Judge Stephen S. Chandler Jr., who was, in Judge Lee West's words, "one of the renegades of the Western District of Oklahoma."<sup>2</sup> Indeed, Judge Chandler's bellicose judicial style had won him national notoriety.<sup>3</sup> By contrast, Judge Thompson proved to be unfailingly gracious, patient, and reliable in his devotion to applying the law fairly. He served the Western District of Oklahoma from 1986 to 1993 as chief judge and led the district through the challenging years that followed the collapse of oil prices and the failure of numerous savings and loan institutions. During this time, judges for the Western District of Oklahoma had some of the heaviest caseloads in the nation. Under Judge Thompson's leadership, the fed-

eral judiciary in Oklahoma City resolved civil and criminal cases efficiently and helped restore confidence in the economy. His legacy includes one of the most collegial federal benches in the nation and an exceptional clerk's office that prides itself on courteous service to practitioners.

Judge Thompson's abilities quickly led him to leadership roles in the federal judiciary. In 1981, Chief Justice Warren Burger appointed him to the Committee on Court Administration of the Judicial Conference of the United States, on which Judge Thompson served until 1987. From 1988 to 1990, he was a member of the Committee on Federal-State Jurisdiction. From 1998 to 2000, he served on the Judicial Conference's governing body, the Executive Committee. And from 1999 to 2000, he was the coordinator of long-range planning for the federal courts.

In addition to his work in judicial administration, Judge Thompson made use of his background in intelligence and law enforcement by taking on arguably the most sensitive judicial role in the entire country. In 1990, Chief Justice William Rehnquist appointed him to a seven-year term on the Foreign Intelligence Surveillance Court, which issues FISA warrants relating to espionage and terrorism. Although few will ever know the details about the highly sensitive work that Judge Thompson performed in the most secure of rooms in the bowels of the Department of Justice, the American people can be certain that this awesome responsibility was in the right hands. To this day, the judge praises the detailed work of DOJ lawyers and courageous federal agents who used the FISA process to protect American citizens from harm within a highly structured legal framework.

For Judge Thompson, there is no job more satisfying than that of a federal trial judge. His devotion to his judicial duties became especially clear when he kept a full civil and criminal case load even after he took senior status in 2000. But one other job tempted him to leave the judiciary: in the late 1980s, he was a top choice for the position of director of the Federal Bureau of Investigation. He considered the post seriously—his varied experiences had prepared him to serve at the highest levels of the executive branch in a role devoted to the rule of law and national security. In the end, his work as a trial judge and his grounding in Oklahoma led him to call Attorney General Ed Meese and decline to be considered further.

Over the years, Judge Thompson has demonstrated his decency in quiet but consequential ways. For example, he

enjoys telling the story of how he happened to hire Robin J. Cauthron as a law clerk. She was a celebrated recent graduate of the University of Oklahoma and interviewed with Judge Thompson, who decided to hire her in spite of his policy requiring law clerks to have at least two years of experience in private practice. However, the prospective clerk learned that she was pregnant and, in keeping with the mores of the time, reported that she was no longer able to accept the position. Seeing no reason why her pregnancy should require her to withdraw her name, Judge Thompson did not hesitate to hire her. In part because of his decency, that clerk ultimately became his colleague on the federal bench and she served from 2001 to 2008 as Chief Judge Robin J. Cauthron.



Chief Justice Rehnquist presented Judge Thompson with a certificate of appreciation as a judge of the U.S. Foreign Intelligence Surveillance Court.

Although he has presided over his share of complex civil litigation, Judge Thompson found that he had a preference for criminal prosecutions. He has explained that these cases gave him an opportunity to serve his community in a more direct way than he could by resolving civil disputes. By safeguarding defendants' constitutional rights and ensuring just punishment and incapacitation when defendants presented a danger to the public, he satisfied his drive to leave his world better than he found it.

All good things come to an end. In 2007, President George W. Bush nominated Judge Thompson's son-in-law, Timothy D. DeGiusti, to an open seat on the federal bench in Oklahoma City. Federal statutes prohibit two members of an immediate family from serving in the same judicial district. As a result, Judge Thompson took full retirement upon Judge DeGiusti's confirmation by the Senate. This abrupt retirement required Judge Thompson to decline Chief Justice Roberts' request that he serve on the Foreign Terrorist Alien Removal

Court. But Judge Thompson's retirement has not stopped him from continuing to act on his instinct toward service. He now holds a position on the Council of Federal Arbitration Inc., a group of former federal judges who arbitrate significant commercial disputes. The International Institute for Conflict Prevention and Resolution has named him to its Panel of Distinguished Neutrals. The governor of Oklahoma, Brad Henry, has appointed him to the Uniform Law Commission. Judge Thompson continues to teach at the Winter Trial Advocacy Workshop at Harvard Law School, which has benefited from his expertise for the last 27 years. And he still hones his exceptional skill as a photographer.

Throughout his career, Judge Thompson has enjoyed the

support of a family that shares his commitment to public service. His wife Barbara was selected as America's Mother of the Year in 1995. She has served as Honorary Consul of France for Oklahoma, and received the Chevalier Legion of Honor from French President Jacques Chirac in 2006. Judge Thompson credits his timely introduction to Barbara when he was a young man with his decision to stay in Oklahoma rather than pursuing a career as a covert operative for the Central Intelligence Agency. Two of his daughters, Elaine and Maria, are lawyers and community leaders in Oklahoma City, and his oldest daughter, Lisa—whose husband has held policy positions at the Department of Justice—worked for the Federal Bureau of Investigation in Washington, D.C., for more than a decade.

Judge Thompson has explained that, after his foray into Oklahoma politics in the late 1960s and early 1970s, he found that he wanted to make sure that the legal process reached the best result—all things considered, not merely the best result for his client. He wanted to follow the examples of two of his mentors, Judge Frederick A. Daugherty of the Western District of Oklahoma and Judge H. Dale Cook of the Northern District of Oklahoma. The people of the state and the nation have been the beneficiaries of Judge Thompson's decision to move beyond the private practice of law

and into a judicial role. As he has done for more than four decades, he still strives to perform without hesitation what he calls "consequential service for good." **TFL**

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#### Endnotes

<sup>1</sup>See R. Darcy, *Conflict and Reform: Oklahoma Judicial Elections 1907–1998*, 26 OKLA. CITY U. L. REV. 519, 528 (2001).

<sup>2</sup>See Lee R. West, *Biographical Sketch for the Historical Society of the Tenth Circuit on Judge Stephen S. Chandler, Jr.*, available at [www.10thcircuithistory.org/pdf\\_files/Chandler\\_Article.pdf](http://www.10thcircuithistory.org/pdf_files/Chandler_Article.pdf).

<sup>3</sup>See Joseph C. Goulden, *When the System Flops II: The Tiger Who Drinks Wild Turkey*, THE BENCHWARMERS: THE PRIVATE WORLD OF POWERFUL FEDERAL JUDGES at 185 (1974).