

## Judicial Profile

RANSE PARTIN, KEVIN G. MEEKS, AND ALLISON BARNES SALTER

# Hon. Thomas W. Thrash Jr. U.S. District Judge, Northern District of Georgia

IN A GRADE school classroom several years ago, the teacher asked her students to raise their hands if their father wears a uniform to work. Little Maggie Thrash shot up her hand. “Yes, Maggie. What kind of uniform does your daddy wear?” Maggie responded, “He wears a blue suit, a white shirt, and a red tie every day.”

Judge Thomas W. Thrash Jr.’s wardrobe has not changed, although a black robe often covers his suit these days. Judge Thrash is a creature of habit. He arrives every workday at the Richard B. Russell U.S. Courthouse at 8 a.m., drinks black coffee, and reads the *Wall Street Journal*. Afterward, he dispenses justice in the same uniform manner as the attire he wears. All parties receive a fair hearing from a fully prepared judge.

Judge Thrash wanted to be a lawyer from his earliest days. Growing up in Alabama in the 1950s and 1960s, he witnessed the positive influence that a federal judge can have on society, finding an early role model in Judge Frank M. Johnson, the renowned jurist of the Civil Rights era. Judge Johnson’s reputation in

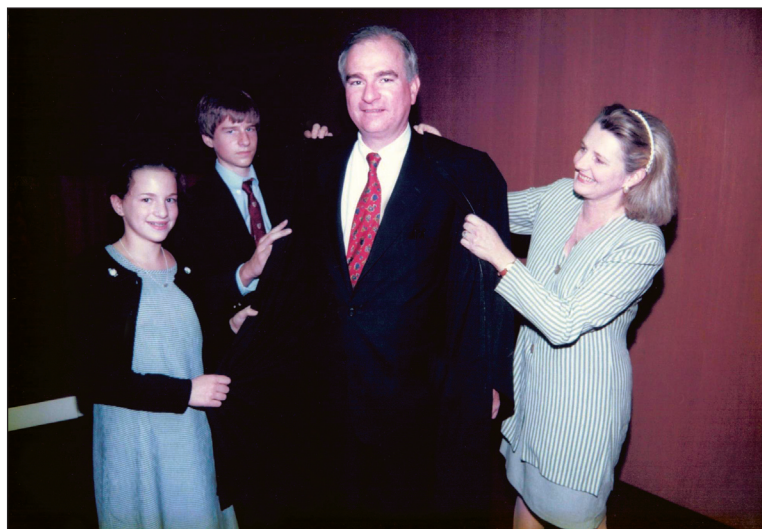
some quarters as “the most hated man in Alabama” speaks to the fortitude of Judge Thrash, who nevertheless wanted to follow in Judge Johnson’s footsteps. Judge Johnson has said, “I wasn’t hired to be a moral judge or a preacher or an evangelist. I’m hired to apply the law.” And Judge Thrash holds a similar judicial outlook.

Seeing the impact of a legal education, Judge Thrash pursued his education with zeal. The son of an Alabama Power lineman, Judge Thrash earned a Jefferson Scholarship to study at the University of Virginia; after receiving his bachelor’s degree, he entered Harvard Law School. After graduating in 1976, Thrash wanted to practice law in his native South, but he needed to choose the town. Georgia, with its progressive political system, seemed pointed toward the future, so Thrash moved to Atlanta to start his career.

Judge Thrash is an ardent promoter of public service. He counsels his law clerks to live below their means in private practice so as not to foreclose an opportunity for public service. Indeed, public service frames his own career. A year out of Harvard Law School, Thrash left private practice for the Fulton County district attorney’s office. At that time, the district attorney was opposed to hiring Harvard graduates, apparently believing they were unsuited for a prosecutor’s office. Thrash persisted, however, and eventually the district attorney gave him a chance in spite of his Harvard degree.

Thrash spent the next three years trying criminal jury trials in Fulton Superior Court, often in the courtroom of Judge Charles Weltner, a hero of the Civil Rights movement in Georgia who would later serve on the Georgia Supreme Court. Judge Weltner had resigned his seat in Congress in 1966 rather than sign a Georgia Democratic Party loyalty oath to support segregationist Lester Maddox’s gubernatorial campaign. Along with Frank Johnson, Judge Thrash had found a second role model in Judge Weltner.

Flush with courtroom experience, Thrash wanted to use his legal skills to represent individuals—those who did not typically receive Harvard-trained counsel. Therefore, he left the district attorney’s office and joined a small plaintiff’s firm, later known as Finch, McCranie, Brown & Thrash. For the next 17 years, he advocated for the rights of injured individuals with the



Judge Thrash at his July 1997 investiture with his wife, Meg, and children, Maggie and Drew.

firm, and later did so as a solo practitioner.

In addition to his law practice, Thrash taught a trial practice class at Georgia State University College of Law for many years. Thrash also became active in the Atlanta Bar Association, serving as president of the Litigation Section. Later in his practice, he began to mix politics and election law into his law practice, representing Zell Miller, the former governor of Georgia, in a hearing before the State Ethics Commission and serving as counsel to the Democratic Party of Georgia. Thrash also authored *Handbook of Georgia Campaign Finance and Disclosure Law*, which was published in 1997.

In 1996, despite having two children in private school and college costs looming, Judge Thrash gave up his lucrative private practice to re-enter public service at the age of 46, following in the footsteps of his role models, Johnson and Weltner. President Clinton nominated him for the bench in May of that year, and after a long delay resulting from the presidential election, he was re-nominated and confirmed in July 1997. In short fashion, Judge Thrash distinguished himself as a hard-working, intelligent, and fair jurist. One of the authors of this profile became Judge Thrash's law clerk in his second year on the bench and recalls the judge saying that his goal was to earn a reputation as an exceptional judge, who is known for scholarly and well-written opinions that obtained the right result. His first 10 years on the bench reflect this goal. By chance, during Judge Thrash's first few years on the bench he heard several class action suits involving securities. His thorough opinions in this area have helped shape the law in the Eleventh Circuit and are routinely cited in other judges' opinions. In *Lapides v. Board of Regents of Univ. System of Ga.*, a case regarding Georgia's Eleventh Amendment immunity, the U.S. Supreme Court upheld Judge Thrash's initial opinion after he had been reversed by the Eleventh Circuit. The Supreme Court agreed with Judge Thrash in a unanimous decision.

Judge Thrash had significant impact on his community early in his judicial career in a landmark case requiring the city of Atlanta to overhaul its ailing sewer system. The Upper Chattahoochee Riverkeeper Fund and others filed suit against the city of Atlanta, alleging violations of the Clean Water Act and the Georgia Water Quality Control Act. The plaintiffs contended that Atlanta was illegally discharging pollutants and violating federal and state laws in the process. Thrash granted the plaintiffs' motion for summary judgment as to liability on the Clean Water Act claims and later approved a consent decree requiring Atlanta to spend in excess of \$3 billion in order to eliminate the continuing violations of the Clean Water Act by the city's sewer system.

Thrash's work has not gone unnoticed. According to Bobby Lee Cook, the famed trial lawyer and



Judge Thrash (pictured with his fishing guide) on the San Juan River in northern New Mexico.

Thrash's longtime friend, "Judge Thrash is a person of superb intellect and judicial bearing and is a great credit to the bench and bar. He possesses those rare traits that make him a stellar figure in the judicial constellation." Another longtime friend, former Georgia Governor Roy Barnes, says that "Tom Thrash was a great lawyer and he has become a great judge. His temperament, his patience, and his wit make a lawyer rejoice when he is named to a case. I know his reputation and excellence will only grow with time."

His peers on the bench have also recognized Judge Thrash's attributes. He was appointed to the Judicial Conference Committee on Rules of Practice and Procedure. One of his colleagues on this committee, Judge Lee Rosenthal of the Southern District of Texas, described Judge Thrash's involvement as "invaluable," stating that Judge Thrash "exemplifies the best qualities of a supremely involved, engaged, and thoughtful judge who never forgot what it is like to be a lawyer." Thrash described his time on the committee as "one of the absolute high points of my judicial career, particularly the work restyling the Rules of Civil Procedure."

As one means of achieving his goal of thorough and well-written opinions, Judge Thrash uses his law clerks differently than some judges do. District court clerks in other chambers often help handle every motion that arises in the cases to which they are assigned. In contrast, Judge Thrash retains much of this work himself, efficiently dispensing with motions to compel and other nondispositive motions. He reserves his law clerks' time to focus on motions for summary judgment and motions to dismiss. As such, he expects his clerks to study the briefs, depositions, and cited cases, as well as conduct their own research to ensure that the draft opinions he receives are thorough and well written.

His clerks expect their drafts to be heavily edited, because Judge Thrash is a stickler for good writing. Fairness and accuracy are the primary goals, but Judge Thrash insists that his opinions exhibit clear prose along with sound law. On his desk sits a well-thumbed copy of *A Dictionary of Modern Legal Usage*, and he presents each new clerk with Strunk and White's classic *The Elements of Style*. (The authors of this profile have no doubt that Judge Thrash is at least mentally editing this piece, if not marking it with his red pen.) His opinions also contain the occasional literary flourish, often describing "piscatorial pursuits" to make a legal point.

As his fishing allegories suggest, Judge Thrash is an avid sportsman. He spends his free time either on the tennis courts or with a fly rod. His interest in tennis developed in the "long winter" of his 14-month nomination process. First nominated in May 1996, his then solo law practice soon slowed considerably, because few people hire a litigator who is winding down his or her practice. When the presidential election year stalled his nomination, resulting in more spare time than expected, he started to take tennis lessons. Civil War histories or his collection of Churchill biographies—two of Thrash's favorite literary subjects—can only fill so much of a day, he has pointed out. His confirmation in July 1997 seemed to indicate an end to tennis; however, his 14 months of lessons created a lasting passion that has become a hallmark of his chambers. Thursday evenings are reserved for doubles matches with his two law clerks and a guest, usually a lawyer or a fellow judge. Judge Thrash always seems to win when playing against the lawyers.

Thursday tennis matches earn Friday lunches. On Fridays, Judge Thrash lunches with his clerks at a rotating roster of "greasy spoons." Favorites include Carver's Grocery, Harold's Barbecue, or Barbecue Kitchen. His friends know the judge's skepticism "of any place that takes reservations and uses cloth napkins," notes Buddy Darden, the former Georgia congressman and a regular lunch and tennis companion.

After 10 years on the bench, Judge Thrash remains convinced that he has the best job in the world. He briefly questioned this opinion some years back after a trip to Canada to visit his friend, Gordon Giffin, who

was then serving as U.S. ambassador to Canada. But after comparing the length of tenure of both posts, Judge Thrash remained convinced that he had the better deal. He also contends that his law clerks have "the second best job in the world."

Although dedicated to his position, Judge Thrash is not one to cloister himself in the courthouse. He remains involved in the profession, serving on the board of the Federal Bar Association's Atlanta Chapter for several years and regularly attending functions hosted by the Inn of Court and Lawyer's Club of Atlanta. As Darden points out, "Judge Thrash enjoys the company of other lawyers, especially courtroom stories."

As proud as Judge Thrash is of his reputation for judicial excellence, he is most proud of his family. He and Meg, a former practicing lawyer herself, have been married for 26 years. Together, they have raised two bright and accomplished children, Drew and Maggie, who are currently pursuing a graduate and undergraduate degree, respectively.

The authors of this profile conclude with tips to practitioners. On numerous occasions after their clerkships end, lawyers with cases before Judge Thrash call his former clerks for advice on how to proceed in his court. For the record, the authors want to reveal the "secrets" to success in front of Judge Thrash. Be prepared (he will be). Know the rules. Don't take unreasonable positions. Respect the court's time. With that approach, the outcome is predictable and uniform, just like his blue suit, white shirt, and red tie. **TFL**

---

*Ranse M. Partin is an associate at King & Spalding LLP in Atlanta. Kevin G. Meeks is an associate at Troutman Sanders LLP in Atlanta. Allison Barnes Salter is an associate at the Barnes Law Group in Marietta, Ga. All three authors received their J.D. from the University of Georgia and previously clerked for Judge Thrash.*