

**ANNE E. THOMPSON**  
U.S. DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY



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*A mentor and guide,  
on and off the bench*

BY THOMAS M. HARDIMAN

**O**n July 8, 2024, Judge Anne E. Thompson of the United States District Court for the District of New Jersey celebrated her 90th birthday. As a senior federal judge who was eligible for retirement with full pay and benefits in 1999, Judge Thompson essentially has been working pro bono publico for 25 years. This profound commitment to public service exemplifies her character. As one of many federal judges privileged to know Judge Thompson, I'm grate-

ful for the opportunity to offer some reflections about this extraordinary woman.<sup>1</sup>

Soon after federal judges are appointed, they attend the Federal Judicial Center's Orientation Seminar for Newly Appointed District Judges — what is facetiously known as “baby judges’ school.” The curriculum has two phases. In the first, around 15 judges convene in a hotel conference room with two mentor judges, along with staff from the Federal Judicial Center. The second phase involves a week of classes and lectures in Washington, D.C., at the Thurgood Marshall Federal Judicial Building and a wonderful reception and dinner at the Supreme Court. Though the week is to some extent celebratory, judges return home with a clear sense of purpose, a respect for their judicial forebears, and a keen appreciation for the enormity of the task that lies before them. As meaningful as that second phase is, a good argument can be made that the first phase in the nondescript hotel conference room is even more influential. That was true for me, in large part because of our mentor judges, Anne Thompson and D. Brock Hornby.<sup>2</sup>

I attended baby judges’ school in 2004, three years after Judge Thompson assumed senior status upon completing her seven-year term as the chief judge of her court. Judge Thompson volunteered a week of her time to help us make the transition from lawyer to judge. The curriculum established by the Federal Judicial Center covers many subjects: trying criminal cases, guilty pleas and sentencings, recurring issues in civil litigation such as motions under Rules 12 and 56, judicial ethics, financial disclosure reports, and opinion writing. During these sessions, Judge Thompson imparted a wealth of knowledge drawn from her 25 years of experience on the

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Group dinners were an especially memorable part of the program. As each day drew to a close, Judge Thompson eagerly awaited these meals, where further judicial education would occur. Judges Thompson and Hornby regaled us during the cocktail hour and dinner with war stories from their decades of experience. The anecdotes they earnestly shared were funny, surprising, and educational. And they emphasized two critical points: We were embarking upon a noble profession, and a good judge needed to learn on the job because some matters essential to good judging could not be learned in law school or legal practice.

Judge Thompson's path to the bench was, to some extent, a result of the hard work and talent of her loving parents, who were raised in the segregated South. Her father, Leroy H. Jenkins, was a dentist. Her mother, Mary E. Jackson, was a teacher. They raised their daughter in Philadelphia, and emphasized education at every turn. Judge Thompson attended Howard University and received her BA in 1955 and two years later earned a master's degree

from Temple University. She worked as a theater arts teacher until 1961, when she returned to Howard to attend law school. She received her JD in 1964.

For her first job as an attorney, Judge Thompson worked for the Office of the Solicitor for the United States Department of Labor in Chicago. After moving back to the East Coast and marrying her husband, Bill Thompson, she was an assistant deputy public defender near Trenton, N.J., from 1967 to 1970. She then worked as a prosecutor for two years in Lawrenceville, N.J. In 1972, she worked part time as a municipal judge in Trenton. In 1975, Governor Brendan Byrne appointed her to be Mercer County prosecutor, the first African American woman in the nation to hold such a position.

Four years after becoming Mercer County prosecutor, on November 2, 1979, Judge Thompson received her commission as a federal district judge, becoming the first woman to serve on the United States District Court for the District of New Jersey. She was also the first African American judge to serve in New Jersey and the sixth African American woman appointed to the federal bench nationwide. Judge Thompson was a trailblazer. But because of her remarkable humility, we didn't learn any of those things while she served as our mentor at baby judges’ school.

Instead of tooting her own horn, Judge Thompson educated us about one of her heroes, Judge Constance Baker Motley, who was appointed to the United States District Court for the Southern District of New York some 13 years before Judge Thompson took the bench. Judge Thompson's admiration for Judge Motley was palpable, and she told us how privileged she was to have her as a mentor. Judge Thompson also spoke glowingly about her colleague, Judge Dickinson Debevoise, who was ►

her reliable confidant when challenges arose at work. The lesson to us neophytes was clear: Don't be afraid to ask questions and lean on the wisdom of elder colleagues willing to mentor the next generation of federal judges. By sharing her experiences with Judges Motley and Debevoise, Judge Thompson made clear that if we hoped to have successful judicial careers, we would need to remain curious and humble.

Judge Thompson considered teaching her law clerks and young lawyers an essential part of the job. For many years, she organized a weekly summer lecture series about litigation techniques and different career paths in the law for all the law clerks and summer interns in the Trenton courthouse. I am told that one of the highlights of the summer was a tour of the prison in Trenton and meeting with prisoners who served as paralegals to help fellow inmates file appeals and other pro se cases. She also took her law clerks on field trips to investitures, law school lectures, the New Jersey State Museum, and bar association meetings.

Judge Thompson continued to learn new strategies for presiding over trials and became known for her jury utilization techniques. She was one of the first judges to allow jurors to take notes and ask the attorneys questions during trial. She learned technology skills at Federal Judicial Center workshops and taught jury utilization techniques to other judges. So it was fitting that her law clerks would propose naming the jury assembly room in the Trenton courthouse after their beloved judge. Judge Thompson also spoke broadly to various audiences, including new lawyers and courthouse employees. She taught them about Black history beyond the law, presenting on topics such as the Harlem Renaissance and poets Langston Hughes, Countee

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Cullen, and Paul Laurence Dunbar. Third Circuit Judge Leonard Garth traveled from Philadelphia to participate in her "Einstein on Race" presentation.

During her tenure on the U.S. District Court for the District of New Jersey, Judge Thompson wrote several noteworthy opinions. I will mention just three. In *Bowen Engineering v. Estate of Reeve*, 799 F. Supp. 467 (D.N.J. 1992), cited more than 400 times, she adjudicated a thorny dispute involving the cleanup of a hazardous waste site in North Branch, N.J. The case arose under the Comprehensive Environmental Response, Compensation, and Liability Act and raised complicated questions of environmental, corporate, and indemnity law.

The litigation was so contentious that the parties filed cross-petitions for sanctions under Rule 11 of the Federal Rules of Civil Procedure. In that era, Rule 11 had become increasingly criticized as a weapon for overzealous lawyers to create "satellite" litigation — a trend that would ultimately provoke a 1993 amendment to Rule 11 to rein in such motions. Perhaps presaging that amendment, in her 1992 decision in *Bowen Engineering*, Judge Thompson denied the requests for sanctions, writing: "This court finds no basis for

imposing Rule 11 sanctions against plaintiffs for pursuing this action. While the court's ruling on defendant's counterclaim ultimately renders plaintiffs' claims futile, the applicability of the indemnity clause to this action was far from clear. To sanction plaintiffs would involve the imposition of hindsight to a difficult question of law." *Id.* at 490.

In another case cited over a hundred times — *Fellenz v. Lombard Investment Corp.*, 400 F. Supp.2d 681 (D.N.J. 2005) — Judge Thompson clearly and concisely explained the proper role of motions for reconsideration under Local Rule 7.1. Such motions should be filed when the court has overlooked important factual or legal matters, not to present new evidence, make new arguments, or relitigate matters already decided by the trial court, which should be pursued "through the normal appellate process." *Id.* at 683. Lawyers considering whether to file motions for reconsideration would do well to heed Judge Thompson's admonition in *Fellenz*.

Finally, Judge Thompson decided an antitrust case that has been cited dozens of times — *In re Ductile Iron Pipe Fittings Indirect Purchaser Antitrust Litigation*, No. 12-169, 2013 WL 5503308 (D.N.J. Oct. 2, 2013). There, indirect purchasers of ductile iron pipe fittings alleged that manufacturers and distributors conspired to raise and stabilize prices. Judge Thompson dismissed claims for injunctive relief and unjust enrichment, but denied the motion to dismiss as to plaintiffs' federal antitrust claims and some of their state-law claims. The case involved unsettled questions of Article III standing in the context of class certification.

It would be inaccurate to say that Judge Thompson's most important worldly contribution is her jurisprudence. During baby judges' school, she

imparted another critical lesson: Judges are people, too. The work of a conscientious and devoted judge tends to be stressful, sometimes all consuming. But Judge Thompson emphasized that there was plenty of room for family life and hobbies. She spoke about her husband and children and her lifelong love for the theater. She encouraged us to keep first things first and to participate fully in life outside the law. Judge Thompson had a special glint in her eye when she spoke about her friendship with Kitty Carlisle Hart, an American stage and screen icon. (Given the age gap between our mentors and the newly minted judges, we knew Hart only as the lady from the television game show *To Tell the Truth*, but Judge Thompson educated us about her friend's distinguished career.)

After Judge Thompson raised her two children, she began vacationing on Martha's Vineyard during the summer with Judge Anna Diggs Taylor of the U.S. District Court for the Eastern District of Michigan. Together they hosted play-reading dinner parties, attended the Martha's Vineyard Agricultural Fair, and went to many book events. Judge Thompson also volunteered for the Martha's Vineyard Playhouse for many summers. She ushered the audience to seats during plays, distributed publicity to the island bed and breakfast inns, and hung posters around the island at Alley's General Store, the Chilmark Community Center, and other locations. When Judge Thompson bought a home on the island, Hart was her first houseguest. A few years after baby judges' school, Judge Thompson invited me to her home on Martha's Vineyard for a delicious summer lunch and encouraged me to bring my mother and daughter, who were eager to meet the judge about whom I had spoken so highly.

Besides swimming, kayaking, and listening to authors or artists introduce their latest work, Judge Thompson's favorite activity on Martha's Vineyard is to host dinner parties. Those dinners include a book swap where every guest receives a used book wrapped in a map of the island. Judge Thompson also organized an annual lunch for federal judges, often hosted by Judge Colleen McMahon of the U.S. District Court for the Southern District of New York. Those lunches included Judge Taylor, Judges Harvey Bartle and Michael Baylson of the U.S. District Court for the Eastern District of Pennsylvania, and Judge Norman Stahl of the U.S. Court of Appeals for the First Circuit.

Eager to include the next generation of jurists, Judge Thompson added Judge Robin Rosenberg of the U.S. District Court for the Southern District of Florida to the Martha's Vineyard gang. The youngest member of the group, Judge Rosenberg was the only one who would kayak with Judge Thompson. As their friendship has blossomed, Judge Rosenberg has hosted Judge Thompson's birthday dinner for the past five summers and, more recently, has included her former colleagues in the festivities through Zoom — including for Judge Thompson's retirement in 2020 and for her 90th birthday this year. Judge Thompson's legion of former law clerks also visit her on Martha's Vineyard. They organize regular reunions, share family pictures, and remain connected to Judge Thompson as part of her extended family.

While maintaining an active family and social life, Judge Thompson has taken on additional work. Beyond the over 30 programs she conducted for the Federal Judicial Center, Judge Thompson always said yes when asked to help the overburdened District

Court for the Virgin Islands. Sitting on that Article IV court by designation, she has presided over nearly 100 civil cases and at least eight criminal cases, resulting in 94 written opinions. I was fortunate to reconnect with Judge Thompson on St. Croix when she was working there while I was hearing appeals for the Third Circuit. Our dinners were great fun, as if time had stood still despite the many years that had passed since we first met.

I hope I have given readers a snapshot of the extraordinary Judge Anne Thompson. She is a great American who should be celebrated for her distinguished service the past 43 years. As remarkable as that work has been, to those fortunate to know her personally, Judge Thompson remains in our hearts and minds even more for her dignity, grace, friendship, and beautiful smile.



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- <sup>1</sup> The author gratefully acknowledges the research support of Duke Law student John Godfrey, Judge Robin L. Rosenberg, and Judge Thompson's daughter, Sharon Thompson.
- <sup>2</sup> Judge Hornby has served the people of Maine with distinction for over 40 years. He was a United States magistrate judge from 1982 to 1988, an associate justice of the Maine Supreme Judicial Court from 1988 to 1990, and a United States district judge for the District of Maine from 1990 until 2022. He served as chief judge on that court from 1996 until 2003.