



Public Information Office
United States Courts for the Ninth Circuit
Office of the Circuit Executive · 95 7th Street, San Francisco, CA 94103 · (415) 355-8800 · (415) 355-8901 Fax

NEWS RELEASE

May 6, 2011

Contact: David Madden (415) 355-8800

**Ninth Circuit Court of Appeals Mourns Passing of
Judge Thomas G. Nelson**

SAN FRANCISCO – The Hon. Thomas G. Nelson, an esteemed senior judge of the United States Court of Appeals for the Ninth Circuit, died Wednesday, May 4, 2011, at his home in Boise, Idaho. He was 74. Judge Nelson had been in declining health and passed away peacefully with family members at his bedside.

Nominated by President George H.W. Bush, Judge Nelson received his judicial commission on October 17, 1990. He took senior status on November 14, 2003, but continued hearing cases through 2009. He maintained his chambers in Boise until last December. At the time of his death, he ranked 23rd in seniority among the court’s 46 active and senior judges.

“Judge Nelson was widely respected by the bench and bar. His decisions reflected both legal acumen and common sense. And he did much to advance the practice of law in his home state and the nation,” said Chief Judge Alex Kozinski of the Ninth Circuit Court of Appeals.

Noteworthy opinions authored by Judge Nelson include:

In re Slatkin, 525 F.3d 805 (9th Cir. 2008), a bankruptcy case that held that once the existence of a Ponzi scheme was established, payments received by investors as purported profits were deemed to be fraudulent transfers as a matter of law. The case involved a massive scheme in which hundreds of investors lost a total of more than \$240 million.

LaGrand v. Stewart, 173 F.3d 1144 (9th Cir. 1999), which held that Arizona’s use of lethal gas to execute inmates was unconstitutional, and that petitioner had not waived his right to challenge the method simply because he had chosen it over lethal injection.

Abdul-Jabbar v. Gen. Motors Corp., 85 F.3d 407 (9th Cir. 1996), where basketball star Kareem Abdul-Jabbar sued General Motors and its advertising agency, claiming that they had used his birth name (Lew Alcindor) in a television commercial without his consent. Judge Nelson’s opinion held that Abdul-Jabbar had not abandoned his birth name for purposes of the Lanham Act, even though he had not used it in over ten years.

Judge Nelson is warmly remembered by colleagues for his intelligence, dedication and wit:

“Judge Nelson was very bright, succinct, and well prepared in all that he did. He was an excellent trial lawyer and a better judge. I always said that Tom Nelson did law work the old fashioned way, he earned a great reputation and wonderful results for his clients with hard work and preparation. He was always courteous and cordial with everyone. Judge Nelson always had a good story to tell everyone; one could never leave speaking with him without a chuckle or a hard laugh.” – Judge N. Randy Smith of Pocatello, Idaho.

“Tom Nelson was a lawyer’s lawyer and a judge’s judge. Humble, self-effacing, possessed of a warm disposition and a keen sense of humor, he brought common sense and a sharp legal mind to tackle the difficult issues he was called upon to decide. He was my dear friend and I will miss him terribly.” – Judge Richard C. Tallman of Seattle, Washington.

“He was a terrific colleague. He was one of the judges everyone liked to sit with. Among his opinions, he had only a handful of dissents because he worked very well with his colleagues in trying to achieve a consensus.” – Judge Barry G. Silverman of Phoenix, Arizona.

Prior to coming onto the federal bench, Judge Nelson was in private practice in Twin Falls, Idaho. He worked at Parry, Robertson and Daly from 1965 to 1979, and was a principal partner at Nelson, Rosholt, Robertson, Tolman & Tucker from 1979 until his federal appointment. He began his legal career in the Idaho Office of the State Attorney General, where he worked from 1963 to 1965 as an assistant state attorney general, then as chief deputy state attorney general. While a member of the U.S. Army Reserve, he served in the Judge Advocate General’s Corps from 1965 to 1968.

Born in Idaho Falls, Idaho, Judge Nelson attended the University of Idaho College of Law, receiving his LL.B. in 1962.

Judge Nelson served the bar in various capacities over the years. He was president of the Idaho State Bar, the Idaho Chapter of the American Board of Trial Advocates and the Idaho Association of Defense Counsel, and served two terms on the Idaho Supreme Court Committee on Appellate Rules. He was also a Fellow of the American College of Trial Lawyers and the American Bar Foundation, and a member of the American Judicature Society and the American Bar Association, serving in its House of Delegates in 1974 and from 1987 to 1989.

Also active in the community, Judge Nelson served on the Twin Falls City Council and as a director of the local United Way. He chaired citizen committees that established a temporary shelter for non-delinquent children and a facility providing special services to children with developmental disabilities.

Judge Nelson is survived by his wife of nearly 30 years, Sharon; their four children, Kyle Nelson and Curt Cutler of Boise, Hal Nelson of Claremont, California, and Carrie Musicant of San Diego; and four grandchildren.

Funeral arrangements are pending. In lieu of flowers, the family suggests contributions to the Genesis World Mission, 215 West 35th Street, Boise, ID 83714, or to the Idaho Human Resources Education Center, 777 S. 8th Street, Boise, ID 83702.

#