

## **Nicholas S. Thompson**

Nick Thompson was elected to the bench after being invited to run for an open seat by then retiring Judge Richard Behn. He was subsequently appointed as a California Superior Court Judge by Gov. Schwarzenegger and was sworn into office August 15, 2008. He is currently assigned as the On-Call Magistrate for Orange County (OC). He reviews and issues Search Warrants and arrest warrants for all law enforcement agencies in OC. He also handles the statutory requirement of reviewing all probable cause declarations for arrests in the county of 3.2 million residents. He handles bail and release matters when requested. He has previously served as a calendar judge for felony arraignments and preliminary hearings, and an open trial court. His duties have been primarily criminal matters (misdemeanor and felony) but have also included jury and court trials on civil personal injury, unlawful detainer and other civil cases.

Prior to coming on the bench, he was an environmental and gang prosecutor, the only local prosecutorial liaison to the Joint Terrorism Task Force, deputy public defender and private attorney. He was a decorated Iraq War veteran with the Joint Special Operations Command and a Bosnia veteran attached to the British Command under the 1<sup>st</sup> Royal Canadian Regiment. He had over 20 years of concurrent service in the Army Reserves and as a trial lawyer. His legal career included diverse areas of both civil and criminal law.

As an Orange County Deputy District Attorney (OCDA) assigned to a gang task force, he tried serious felonies and murder cases and targeted the most violent members and leaders of criminal street gangs. He was reputed as tough on violent gang crime and white supremacists, and in disrupting threats to domestic security. He held a Top-Secret Security Clearance SCI with the military and FBI.

While in the OCDA Environmental Protection Unit, he prosecuted civil enforcement actions and illegal operations for dumping toxic materials and hazardous waste into storm drains and sewage systems which endangered public health, the environment and public infrastructures. His actions also protected legitimate businesses from the unfair and environmentally harmful practices of illegal operations.

As a Deputy Public Defender, Nick worked in Dependency Court handling the most complex and serious cases. He also specialized in Indian Child Welfare Act matters. In the criminal courts he tried serious felony cases including murder.

Nick's military service included numerous overseas missions to a dozen countries. He received the Bronze Star for his leadership of a Psychological Operations detachment in a covert Task Force during the invasion of Iraq. He was awarded the Joint Service Commendation Medal for his work with foreign military intelligence units and psychological operations in Bosnia. He was later commissioned a JAG officer (Judge Advocate General) before coming off active duty upon his return from Iraq. He served in that capacity with the Civil Affairs and Psychological Operations Command at Ft. Bragg, North Carolina until being assigned to the U.S. Army 7<sup>th</sup> Psychological Operations Group in Moffett Field, CA and then the 426<sup>th</sup> Civil Affairs Battalion (Airborne) in Upland, CA. During his enlisted military service, he was a paratrooper in the Special Operations community and worked as an Intelligence Analyst and Psychological Operations specialist. He was an operator and expert in the field of psychological operations for over 15 years and traveled to over a dozen countries for exercises and missions to train foreign military allies in their fight against terrorism. He has spoken at the Asian Terrorism Conference in Anaheim as a subject matter expert on the Tamil Tiger terrorist group in Sri Lanka that was ultimately defeated after 30 years of conflict. He was a frequent speaker for training with the U.S. Navy Fleet Information Warfare Center at Coronado, the Marine Corps Expeditionary Forces, and deploying Army troops. He is a member of the Veterans of Foreign Wars and former Commander of Post 1053 in Pasadena CA.

Nick Thompson is also a stage actor and member of the Screen Actors Guild. He appeared in films such as Dances With Wolves starring Kevin Costner and Rambo III with Sylvester Stallone. He has been in numerous stage productions, including many family musical theater shows with his children.

Other interests and activities during his career included riding horses in films, having managed and coached the U.S.C Women's Polo Club Team, and competing in a variety of horseback riding styles of Reining, Western and English.

Nick Thompson is a devoted family man. He lives in Fullerton with his wife, Tisha, son Cole and daughter Shanelle. Nick grew up in a large, nuclear, faith-oriented family. His father was a high school teacher while his mother raised the family. He continuously worked from about the age of twelve and put himself through college and law school. His jobs included being an ambulance dispatcher and driver, mental health transportation attendant, warehouse worker, security guard, stagehand, meatpacker, karate instructor and flower deliveryman. He also learned the value of community service and volunteer work at a young age by being involved with the Sea Explorer program, the U.S. Naval Sea Cadets and being a 4-H leader. In high school and junior college, he was a record-holding varsity track and cross-country athlete. At Western State law school, he was a member of the Jessup International Law Moot Court Team that placed 4<sup>th</sup> in the nation ahead of major Ivy League law schools. The team was recognized on the floor of the House of Representatives by Congressman Bill Dannemeyer on April 29, 1980 while in Washington D.C. for the competition.



Courtesy of Nicholas Thompson

# Call of the Wild

Vacations to the Great White North lured Judge Nicholas Thompson into dog sledding.

By Skylar Dubelko

Daily Journal Staff Writer

**F**ULLERTON — Orange County Superior Court Judge Nicholas Thompson once tried to take his Siberian husky on a sledding expedition in Canada.

"It turned out to be a nightmare," he recalled.

At the time, Thompson wasn't aware that during the winter holidays many airlines have blackout dates for pet travel.

"They made all kinds of excuses and said, 'We have it saved for sports equipment,'" Thompson recalled. "And I said, 'Well, my dog is part of a sport — it's dog sledding.'"

Thompson said he and his wife were first introduced to dog sledding on a Christmas trip to Montana but fell in love with the sport on repeated visits to Canada.

Mad Dogs and just hit it off great," Thompson said. "It was a small company at the time, and it's very personal."

Thompson eagerly dove into the sport, studied books on dog sledding and worked closely with the owners of Mad Dogs.

"You just learn to work with the dogs, and you learn the terminology," he explained. "It's just by doing and practicing."

Asked about getting to know the dogs prior to hopping onto the sled, Thompson said it's better to be familiar with the animals but it's not absolutely necessary.

"For new people, who are going on a tour just to experience it, they have a guide with them," he explained.

The company's guides and owners know how to best position each dog, Thompson said.

"They know who the best lead dog

get experience dog sledding," the judge added.

A typical tour consists of six to eight dogs pulling the sled, Thompson said. Depending on factors such as distance, snow conditions, weather and sled weight, more dogs may be needed. But doesn't take much to get the dogs going.

"When they're all harnessed up and behind the sled, it's like a cacophony of yelps and barks," the judge explained. "They just want to go."

Asked how fast a dog sled travels, Thompson said, "I've never clocked it but pretty darn fast."

It's easy to pick up speed on terrain, he explained, noting it's tougher on hills, especially if there's weight on the sled.

"Those dogs work," Thompson added. "If they don't feel like you're helping out, they'll look back."

Explaining that it's not uncommon to have one foot on the sled while "skating" along with the other to help push, Thompson said if the going gets really tough, "You're literally running alongside of them."

"You're not always just cruising along," he continued. "You're working."

It can easily turn into a disaster, however, if somebody loses control of the sled, Thompson added.

"If somebody ... doesn't know how to break, or if you're going up a hill [and] you're not dispersing your weight properly, the sled can fall over," Thompson explained. "You get lost, and the dogs are running away with the sled."

One such incidence occurred years ago, when Thompson and his son, who was 10 at the time, took one of Thompson's friends out. They were leaving a camp in heavy snow, Thompson recalled, and once they were on the trail, he realized the dogs were going one way and the sled seemed to be going the other.

"So it could easily flip," he ex-

plained.

In order to regain control, Thompson knew he had to drive the sled through the snow and then muscle it across.

"Right when I was doing that, my knee snapped and I went down," Thompson recalled, noting he tore a tendon and lost the sled. Fortunately, his son and friend were still on board.

After his son was able to get the dogs stopped, Thompson said, "They loaded me on the sled and ... got me back to camp."

Orange County Superior Court Judge Joe Perez, has known Thompson since the two of them

worked in the public defender's office. Speaking about Thompson's extracurricular activity, Perez said, "He and his wife went out to Canada, and they went dog sledding, and they just fell in love with it."

Noting their children go to the same school, Perez described Thompson as "the most involved parent you can imagine."

"You can see how much he cares, and he really seems to enjoy doing whatever he can to assist in the school itself," Perez said.

Describing his colleague as a very thorough judge, Perez also

noted, "He's really up on the law. He was an officer in the military, and I think he takes what he does with a very deep sense of duty — that officer doesn't go away."

Asked if there are any similarities between controlling sled dogs and controlling a jury, Thompson laughed.

"That is a very funny comparison, but it would probably be right on," he said. "Dog sledding is trying to control some very anxious, excitable creatures. You have to maintain control, otherwise you lose it."

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Skylar Dubelko / Daily Journal

"We started going up to Alberta to explore because we like hiking and mountain biking and canoeing," he explained. "We fell in love with Alberta and kept going back."

The judge and his wife tried a variety of dog sledding companies in Alberta before coming across Mad Dogs & Englishmen Expeditions, which offers authentic dog sledding adventures in the Canadian Rockies.

"[We] met the couple that run

is, who the best wheel dog [is] and who can be next to a different dog," he continued. "They have 109 dogs and have to learn each personality and who works well and who does what."

Noting his family now travels to Alberta annually for a dog sledding expedition with Mad Dogs, Thompson said he sometimes helps guide. Last year, for example, his 13-year-old son "was helping guide Japanese students, who were coming over to

## Alternative investment manager hires new general counsel

By Matthew Sanderson

Daily Journal Staff Writer

**S**an Diego and New York-based Artivist Holdings Inc., an alternative investment and technology solutions provider, announced the hiring of a new general counsel, Kamal Jafarnia, on Oct. 18. He replaces Doria Bacheneimer, who was the company's first general counsel.

Prior to Artivist's merger in June with Allegis, another alternative investment manager, Bacheneimer elected to pursue other opportunities, according to spokesperson Laura Simpson.

Jafarnia plans to allocate his time between the company's San Diego and New York headquarters. He reports directly to James Waldinger, Artivist's

founder and CEO.

"As regulations governing wealth and investment management continue to evolve, Kamal's expertise will be invaluable for helping us to ensure that the asset managers, financial advisors and investor clients on our alternative investment platform remain in full compliance through the capital raising and investor communications process," Waldinger said.

On the day-to-day, Jafarnia will oversee all legal and regulatory issues for the company. Under Waldinger's leadership, Jafarnia said he hopes to expand Artivist's post-merger legal department and expand its market presence.

"I am eager to do my part, from a legal and regulatory standpoint, to help Artivist bring best-in-class alternative

strategies to more investors globally," he said.

Prior to joining, Jafarnia worked as senior vice president at W.P. Carey Inc., a large real estate asset manager and investment trust. Before W.P. Carey, he worked as counsel in the real estate investment trusts and securities practice in Greenberg Traurig LLP in New York and also counseled funds and broker-dealers as a member of the financial services and products practice group with Alston & Bird LLP in New York.

He earned his law degree from Temple University School of Law and his master of laws degree from Georgetown University Law Center.

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## Clyde & Co hosts 5th Art Awards

The San Francisco office of law firm Clyde & Co



# On Stage

Orange County Judge Nicholas Thompson, an occasional actor, sees plenty of drama in court.

By Arin Mikailian  
Daily Journal Staff Writer

**F**ULLERTON — Judge Nicholas Thompson is a veteran who's served in Iraq and Bosnia, but he also played a soldier on screen in a far older war.

A longtime actor on the side, one of the judge's biggest roles entailed donning a confederate uniform in Kevin Costner's Oscar-winning western epic, "Dances With Wolves."

Thompson was on horseback in the opening Civil War battle scene.

"I was a stunt rider," he said. "They get paid a little more than extras."

That wasn't the only time he tried to mirror one of his real-life professions on camera. After his bench appointment in 2008, Thompson auditioned to play a bench officer on a legal drama and hoped his actual courtroom experience might help him land the role.

"That was kind of my pitch: I have some experience," he said. "But I think they already had somebody in mind."

## Judge Profile

While he didn't get the role, Thompson sees plenty of unscripted courtroom drama in his day-to-day job presiding over jury trials and preliminary hearings at the North Justice Center in Fullerton.

Thompson said he's frequently asked for indicated sentences and asks attorneys a lot of questions in trying to learn about a defendant's record and the root of their problems.

"I don't like to create my own interpretation or version of the law," he said.

For drug-addicted defendants, Thompson said treatment is always on the table.

"I will often incorporate that as terms of probation," he said. "If people voice the desire to change their behavior, I will generally give them that opportunity. Sometimes, it comes at a price, and I may hang [jail] time over that."

Newport Beach criminal defense attorney David Swanson said the judge is very cautious in coming up with indicated sentences and never bases rulings on subjective feelings.

"He's very thorough in trying

to figure out what the facts are," Swanson said. "He's very interested in making the right decision, and he feels that he can only make the right decision if he has all the facts."

Thompson isn't afraid of trying something unusual when addressing underlying causes, said Deputy Public Defender April Gilbert, who provided an example of what the judge might do in a misdemeanor domestic violence case.

"If my client was accused of misdemeanor conduct, he might have them volunteer in a place that deals with a traumatic brain injury," she said. "So they can see what impact [that] could have on the person."

Gilbert said Thompson is respectful and cares about defendants, often telling them directly they are valuable human beings, which means a lot to someone who's never had positive reinforcement.

Thompson said he's also a stickler for aging cases and will ask why someone is making a third or fourth appearance in front of him.

When assigned a case for trial, he said he doesn't like surprises and tries to flush out all evidentiary issues ahead of time. He'll usually go over them during an informal review in his chambers before making tentative rulings.

Santa Ana criminal defense attorney William Bruzzo said that while presiding over a felony arraignment and preliminary hearing calendar, Thompson was willing to view surveillance video in a multi-defendant assault case.

The footage, Bruzzo said, was of a fight in a dormitory, and Thompson ultimately ruled the matter to be a misdemeanor based on the evidence.

"I've never seen a judge go to the length of actually looking at a video, which is pretty deep in the weeds for a case at pretrial," Bruzzo said.

Thompson said despite the heavy calendar, he's willing to review documents, photos or videos if attorneys are in agreement when he's asked for an indicated sentence.

During trial, Thompson said he lets jurors ask questions in writing, and if they're appropriate, he'll confer with lawyers on drafting a response. The judge said it's empowering for jurors to submit queries, although it doesn't happen often. He'll even remind them of the opportunity.

"I'll tell jurors, 'Let me know if

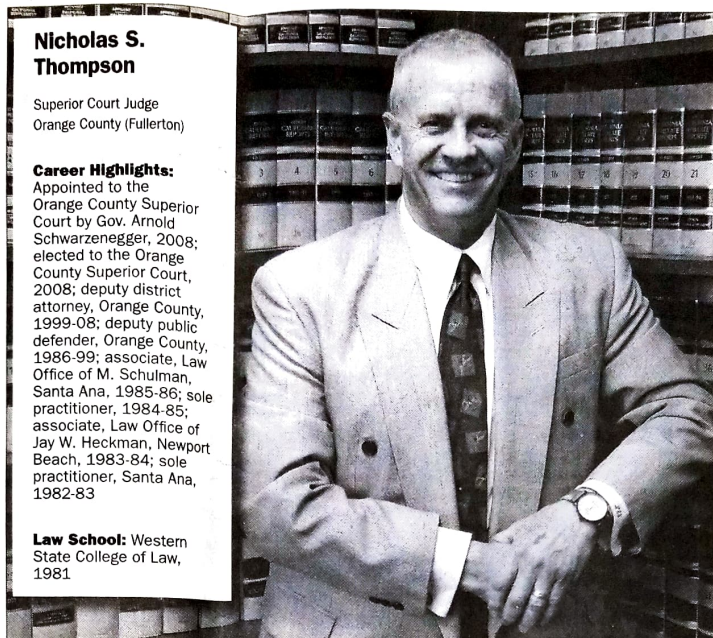
### Nicholas S. Thompson

Superior Court Judge  
Orange County (Fullerton)

#### Career Highlights:

Appointed to the Orange County Superior Court by Gov. Arnold Schwarzenegger, 2008; elected to the Orange County Superior Court, 2008; deputy district attorney, Orange County, 1999-08; deputy public defender, Orange County, 1986-99; associate, Law Office of M. Schulman, Santa Ana, 1985-86; sole practitioner, 1984-85; associate, Law Office of Jay W. Heckman, Newport Beach, 1983-84; sole practitioner, Santa Ana, 1982-83

**Law School:** Western State College of Law, 1981



Arin Mikailian / Daily Journal

you have a question before this witness is excused because I may not be able to get them back," Thompson said.

Although Thompson didn't land the gig to play a judge on camera, he presided over a headline-making case last year with a plot that could have been dreamed up in Hollywood.

Involving the novel issue of kidnapping by proxy, the elaborate online play was carried out by Angela Diaz in an attempt to frame her ex-husband's former fiancée, Michelle Hadley. Diaz posted rape fantasy ads on Craigslist targeting herself, indicating she wanted her fantasy fulfilled even if she regretted it. But Diaz posted the ad posing as Hadley, making it appear as though the latter was plotting kidnapping.

Hadley was jailed for three months until she was exonerated by further police investigation.

After nearly a month of preliminary hearings in the case against Diaz — which included charges like false imprisonment, forgery and filing a false police report — Thompson denied a motion to dismiss. That's when Diaz and her attorney, Allison Margolin of Margolin and

Lawrence in Beverly Hills, agreed to a plea.

Thompson handed down a five-year sentence, but Margolin said she appreciated that the judge's ruling allowed Diaz to appeal the kidnapping by proxy charge.

"It was important to preserve it; it was a novel theory," Margolin said. "It wasn't a sweetheart deal, but we got to preserve the issue on the kidnapping, which made it fair."

Thompson said in an email that he permitted the appeal because it was a unique issue and there wasn't another case that existed on point.

Hadley's lawyer, Michael Guisti of Garden Grove, said Thompson allowed him to advocate for his client and attend chamber discussions under Marsy's Law. The judge also allowed Guisti to read a victim impact statement on Hadley's behalf.

Born in Pasadena and raised in Altadena, Thompson worked as an ambulance driver and dispatcher as one of his first part-time jobs. While his brother went on to train as a paramedic, Thompson studied at Western State University for his undergraduate and law degrees.

His father was a World War II Navy veteran, who fought in the South Pacific. Thompson tried to

maintain the family tradition by enrolling in the Air Force ROTC, but the scholarship fell through.

After law school, he worked in business litigation, criminal defense in small firms and on his own. In the mid-1980s, Thompson joined the Orange County public defender's office. Still hoping to serve his country, he later joined the Army Reserve.

"I went over to the recruiter's office to enlist, but I had to fight them," Thompson joked. "They thought I was out of my mind."

In 1995, Thompson was shipped to Bosnia, where he was a member of the 7th Psychological Operations group. He had another active duty stint in 2003, when he participated in the U.S.-led invasion of Iraq. After completing his tour, Thompson became a JAG officer.

In the decade prior to his judicial election, Thompson crossed over to the Orange County district attorney's office and prosecuted gang crimes.

He successfully ran for the bench in 2008, and his victory was sped up by Gov. Arnold Schwarzenegger's appointment shortly thereafter.

Thompson developed his passion for acting through several outlets

growing up, including working as a stage hand for his friend's dad, who was the master electrician at the Pasadena Civic Auditorium.

Today, he maintains a lengthy Screen Actors Guild resume that includes other nameless characters such as a Mujahadeen horseman in "Rambo III." More recently, Thompson has kept his performances on the stage, taking part in productions like "Aladdin" and "Joseph & the Technicolor Dreamcoat" with a local troupe at the Whittier Civic Theatre.

And when he finds time during colder months, Thompson enjoys dog sledding with his wife. For the past 15 years, he and family law attorney Tisha Harman of A Center for Children and Family Law Inc. in Orange have worked as guides up north.

"We started in Montana, but since then we've dog sledded and helped guide with Mad Dogs & Englishmen in Alberta, Canada ... often on the Spray lakes," Thompson said, "where 'The Revenant' and many films have been made — unfortunately none of which included me."

Here are some of Judge Thompson's recent cases and the attorneys involved:

• *People v. Lamont*, 15NM14098 — DUI

For the prosecution: Austen Duel, district attorney's office

For the defense: Jamie Kim, public defender's office

• *People v. Nabavinoori*, 16NM12589 — DUI

For the prosecution: Stephen Ladous, district attorney's office

For the defense: Bryan Kazarian, Santa Ana

• *People v. Quintanilla*, 17NM01002 — sexual battery

For the prosecution: Christina Cornejo, district attorney's office

For the defense: Ricardo Nicol, Santa Ana

• *People v. Lenyi*, 18NM00612 — DUI

For the prosecution: Tom Phan, district attorney's office

For the defense: Terrance David, public defender's office

• *People v. Kissling*, 16NM10166 — DUI

For the prosecution: Erin Henry, district attorney's office

For the defense: Derrick Smalls, Tustin

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9th Circuit may re-decide special prosecutor order on hang



# O.C. prosecutor called up

Nick Thompson would help wage a psychological war in Iraq.

BY LARRY WELBORN  
THE ORANGE COUNTY REGISTER

**SANTA ANA** • One of Nick Thompson's ancestors commanded a unit during the Revolutionary War. Another died in battle in the Civil War. His father fought with the Navy during World War II.

Thompson has dozens of books on wars and battles on his shelves, a toy-soldier collection in his den and antique swords, helmets and pistols throughout his Aliso Viejo home.

He left his military collections behind Thursday to follow his family's tradition by shipping out to Fort Bragg, N.C., for final training before he is deployed overseas as an Army psychological operations specialist.

"What we do is figure out ways to win the hearts and minds of our enemies, of civilians and specific political or military targets," said Thompson, 46. "We don't call it propaganda per se. But a lot of people do."

Thompson, an environmental prosecutor in the Orange County District Attorney's Office, is one of only a few psychological operation specialists in the Army Reserves trained in mass-communication techniques such as preparing leaflets for airdrops behind enemy lines to convey vital information, said Ben Abel, an Army public-information officer.

Abel said Thompson also would be writing radio spots for broadcasting to the enemy, developing strategies for using loudspeakers to get information to civilians in a war zone and meeting face to face with political or military tar-

gets.

Thompson has been in the Army Reserves for 15 years while at the same time he advanced in his legal career in Orange County, first as a deputy public defender and later as a deputy district attorney.

The Army called him up for an eight-month tour of duty during the Bosnia-Herzegovina crisis in 1995.

And he was on active duty stateside during Desert Storm in Kuwait in 1990.

The Army also used him for six training missions in Sri Lanka and assignments in Papua New Guinea, the Philippines, Honduras, South Korea, Thailand and Japan. Those deployments were limited to weeks at a time.

This time, he said, his call-up could last as long as two years, depending on whether war erupts.

Tisha Harman, Thompson's wife of a little more than a year, said his return to active duty will be difficult, but she supports him and admires his dedication to his country.

"We haven't been married that long really, and we were trying to have children," said Harman, who is a private lawyer who accepts court appointments to handle adoptions, child custody and surrogacy cases. "I will write to him every day, even if I can't mail the letters, and he's promised to write back every day."

One of Thompson's passions has always been military history, Harman said. He has books such as "Diary of the Airborne Rangers" and all four volumes of "The Barbarians Invasions of the Roman Empire" and a huge collection of metal-cast toy soldiers from



MICHAEL GOULDING, THE REGISTER

**READY TO ROLL:** Orange County prosecutor Nick Thompson packs in the living room of his Aliso Viejo home while talking to his section leader about plans for his departure.

the Napoleonic Wars and the Revolutionary War.

She said one of his favorite weekend getaways is to Cambria in San Luis Obispo County so he can shop at The Toy Soldier Gallery.

District Attorney Tony Rackauckas said Thompson was assigned to environmental cases, hate crimes and the counterterrorism unit because of Thompson's background and because those areas have high priority in the D.A.'s administration.

"I've seen him in here on weekends working on cases, and I have seen him be the last

one in here in the evenings," Rackauckas said. "We need him here, but I think the country needs him more right now."

Thompson walked into his office a few months ago and reported that he had been called up to active duty, Rackauckas said.

"I told him we were proud of him and that his job will be here when he gets back," Rackauckas said. "And I told him to be careful over there, and don't step on any land mines."

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