

# Strength in Diversity

BY ALLEN G. KADISH

## An Interview with Bankruptcy Judge Maureen Tighe

On Dec. 9, 2021, Mr. Kadish interviewed Chief Bankruptcy Judge **Maureen A. Tighe** of the Central District of California.<sup>1</sup> They are members of ABI's Diversity & Inclusion Working Group.<sup>2</sup>

*Mr. Kadish:* Let's start at the end! What's the best thing about being a bankruptcy judge?

*Judge Tighe:* There are so many great things, it's hard to pick one. It's taught me so much about human beings and their frailties. It's a front-row seat to just some of the most heartfelt stories. And the other aspect I hadn't realized until I got into the job for a while is having law clerks, these wonderful young people every few years coming into my chambers. I've learned a lot from them. Also, how much you can keep learning because bankruptcy brings in every possible topic. So it's been intellectually challenging, good for the brain, and I've never been bored. It's a great, great job. I'm passionate about enhancing the diversity of the pipeline of potential applicants. We can't make them all judges, but I want to make sure we have a diverse group applying for these positions, because they're great jobs and important ones.

*Mr. Kadish:* So now, let's go back to the beginning. Where did you grow up, and when you were young, what did you think you would want to do as an adult?

*Judge Tighe:* I grew up in New Jersey. My dad was a telephone coin collector for New Jersey Bell when it existed, and my mom was a nurse. I started out wanting to be a horticulturalist on that first career paper you have to write as a kid in high school. My dad one night said, "Why don't you think about law school? Those people seem to do some interesting things." And I applied to law school. I loved it and just have had some fortunate breaks ever since then.

*Mr. Kadish:* From there, let's talk about your path to a federal judgeship.

*Judge Tighe:* I guess the first step in the path was clerking in the federal court. U.S. District Judge Howard Ackerman of the District of New Jersey had his law clerk reach out to me in law



Hon. Maureen A. Tighe

school. I hadn't even thought about applying. I clerked for two years, and due to another person reaching out to me, I spent two years at a large Wall Street firm — another option I hadn't known about and wouldn't have done if it hadn't been for somebody's help. After that, I realized that the most exciting cases

I'd seen clerking were the white-collar-crime cases from the U.S. Attorney's Office, and I really wanted to be a white-collar-crime prosecutor. I applied at a time when there was a nationwide hiring freeze, but there was an opening in Los Angeles to start a bankruptcy fraud task force. I was fortunate to get that and got into bankruptcy that way doing bankruptcy fraud prosecution for 10 years. That led to becoming a U.S. Trustee, and when a bankruptcy judge opening came up, I was amazed that I got it.

*Mr. Kadish:* And that makes me go back to a topic you've talked about in gatherings with ABI and others, and with me, that you are openly LGBTQ+. Were you always "out" professionally? And how did that, particularly being LGBTQ+ or a member of a minority group, affect coming into a judgeship?

*Judge Tighe:* I've been out since right after college. I couldn't have hidden it and made it through three security clearances. That actually made the security clearances particularly difficult with the FBI at that time. I think I succeeded by just being who I was and matter-of-fact about it. I did litigate some fairly significant gay rights cases as *pro bono* matters in private practice. I was part of a team that helped start a lawsuit in New York City for domestic-partner benefits for gay employees, and I remember those discussions. I always cared about and was involved in the issue. I've become more up-front about it in the last number of years since I've learned so much about the suicide rate of young LGBTQ+ people. It's important for people in positions of power to be out as role models. The fact that I might have to deal with any awkwardness or even nastiness is nothing compared to how difficult it might be for our young people in many parts of the country and in many families. The bankruptcy community is especially open and



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<sup>1</sup> Judge Tighe's tenure as chief bankruptcy judge concluded on Dec. 31, 2021.

<sup>2</sup> Learn more about ABI's Diversity & Inclusion Working Group at [diversity.abi.org](https://diversity.abi.org).

welcoming to all sorts of diversity. We are used to dealing with sensitive, difficult situations.

*Mr. Kadish:* And you've been more public and generous of late in the bankruptcy and restructuring community, like ABI, speaking about your experience and DE&I.

*Judge Tighe:* I never set out to be outspoken. My main interest is mentoring young people who have not had the advantages that others in society have had. We've been involved in a lot of community college career programs for the last number of years and also bringing high schoolers in for mock trials. I like concentrating on community colleges, because those are the kids who didn't get the scholarships, didn't have the ability or the funding to go to the four-year schools. We need to get them to complete those two years, and go on to four-year colleges and to realize what the steps are that they need to take for certain careers. It's been an unbelievably satisfying, wonderful project.

*Mr. Kadish:* How did your LGBTQ+ identity or any other characteristic — being a woman, or having a partner, or being a parent — affect your career?

*Judge Tighe:* Building a career is hard for everybody. I don't know if I had it any harder than anybody else. I probably did a lot of overcompensating because of "imposter syndrome," which probably goes back more to coming from a working-class family. Besides being gay, I was trying to prove that I deserved to work in the Department of Justice. I think most junior associates at big law firms and Assistant U.S. Attorneys probably work way too hard, too, so I don't know that I was that different. Being a bit of a workaholic for that many years probably helped my path to the judgeship, because I had accomplishments to point to. But I think a lot of people work extremely hard for different reasons.

*Mr. Kadish:* Is there an intersection of bankruptcy and LGBTQ+ or minority rights?

*Judge Tighe:* Consumer bankruptcy deals with people's lives, and necessarily you're going to deal with LGBTQ+ and other diverse people in that world. We did have the dilemma of how to handle same-sex spouses filing together. Judge Tom Donovan [of the U.S. Bankruptcy Court for the Central District of California], in his deep, deep wisdom, ruled in *In re Balas* that California legally married same-sex couples could file bankruptcy jointly, and I was really proud to be able to sign on to that decision.<sup>3</sup> A few rulings around the country came up before the Supreme Court ever ruled in 2015, and I think the bankruptcy courts never got the recognition they deserve for recognizing that constitutional right long before other courts did.

<sup>3</sup> *In re Balas*, 449 B.R. 567 (Bankr. C.D. Cal. 2011):

This case is about equality, regardless of gender or sexual orientation, for two people who filed for protection under ... the ... Bankruptcy Code. Like many struggling families during these difficult economic times, Gene Balas and Carlos Morales (Debtors) filed a joint chapter 13 petition.... Although the Debtors were legally married to each other in California ... and remain married today, the [U.S.] Trustee ... moved to dismiss this case ... asserting that the Debtors are ineligible to file a joint petition based on Bankruptcy Code § 302(a) because the Debtors are two males.... In this court's judgment, no legally married couple should be entitled to fewer bankruptcy rights than any other legally married couple.

Famously, almost every judge of the court signed on to the opinion.

*Mr. Kadish:* To go back, as a parent, how did you balance work and family life? In the Mentorship Program under the ABI DE&I working group umbrella, this is one of the most important questions for young professionals today.

*Judge Tighe:* It's fantastic that it's being discussed. We didn't dare raise it. The U.S. Attorney, when I was adopting my daughter, was amazingly progressive and allowed me four months' leave combining sick and annual leave, and that was wonderful, so I got to really be there after the birth of my daughter. But after that, I had a tough time balancing. I think the way the bankruptcy community encourages a combination of family and work is wonderful. Some of the best times I have had were bringing my daughter to bankruptcy conferences, and I can still remember some of the lawyers I know dancing with her. And it's one of her good memories, too, being a little kid getting to be in this fancy ballroom. We need to allow people to have their families as part of the workplace in certain ways, because that's a tough stage for professionals to be in with young children and still trying to make it in the profession. I love the quote from Justice Ruth Bader Ginsburg, "You can't have it all, all at once." You just do your best to balance. I didn't realize then what I do now, that life may always feel out of balance. Just do your best, because there's really no way around it.

*Mr. Kadish:* I have two questions on advice. What's the best advice you've ever received, and what's the best advice you've ever given?

*Judge Tighe:* The best advice I ever received was from Robert Brosio, chief of the Criminal Division in the U.S. Attorney's Office in Los Angeles. Before my very first trial, a jury trial, a bank robbery case, I was nervous. He said, "Just go do justice." I later realized it was some of the best advice ever, because while the mechanics are important, if your intention is in the right place, you can do so much more. And when I started as a judge, I would be nervous before I would open that door and walk into the courtroom and I started saying that same thing. It was my mantra — just do justice.

*Mr. Kadish:* What about the best advice you might have given?

*Judge Tighe:* I have advised a number of young people not to be perfectionists. Perfectionism gets in the way of getting the job done and taking necessary risks. We all are too harsh on ourselves. Strive to do your best, but don't drive yourself crazy — just get the job done.

*Mr. Kadish:* Here's another question that I've heard from the young folks in our ABI DE&I Mentorship Program and elsewhere. How do we advocate for diversity, equity and inclusion at our firms and in our communities without being "the diversity person?"

*Judge Tighe:* Let me first acknowledge how lonely that can feel. And it's important to make sure the one professional who is not like the others in whatever way you perceive that to be — for people to reach out and make sure that person is not alone. Those of us who are "different" in whatever

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way we categorize that — race, gender, class, religion — shouldn't assume people of a certain type aren't there to support us. You'd be surprised where you find allies. Put yourself out there, and you'll find those allies. As [American research professor] Brené Brown says, “stay awkward, brave and kind.” It's OK to feel awkward. Just be brave, too.

*Mr. Kadish:* I hear this question all the time: How do I attract the right attention for my diversity? For instance, think of a young, diverse law firm associate who seeks support and recognition, but not to be tagged as “the diverse associate.”

*Judge Tighe:* I want to recognize that for me being gay was a lot easier than, say, being Black. I could be in a meeting and get to know certain people before sexual orientation came up. You can't do that as a person of color or with many other characteristics. It may be a lot tougher for many people. You don't get a second chance to give a first impression before whatever stereotypes may get applied to you.

*Mr. Kadish:* They can't pass.

*Judge Tighe:* They can't pass. But once you're tagged and once you're that “diverse” person, it's important to talk about it and also say, “I'd also like to work on this project,” and ask to work with certain people so they get to know your bankruptcy work or how great you are with clients or whatever your research and writing abilities are. Being “the diversity person” may give you some opportunities [that] you might not otherwise have, but it cuts both ways.

*Mr. Kadish:* Is there a vision that you have for promoting DE&I in our industry?

*Judge Tighe:* What we are doing is great. DE&I efforts really seem to be taking hold, and we're finally paying attention to it. My goal would be that someday we don't need these committees because we are just who we all are — all the wonderful diverse groups that we are. I hope at some point we can say we don't need to work on promoting diversity — that we will be as diverse as is our society.

*Mr. Kadish:* And my last question, you're in your second term. What's next for you?

*Judge Tighe:* I've been very, very blessed to have met the love of my life, and I want to spend more time with her. Since I'm eligible, I'm going to retire this summer and take recall. I have loved this job. I'm going to keep my cases and finish what I have, but I really want to work on other projects I care about. One of them is to be with my wife, who is the best thing in my life. We're going to travel, and I'll see what to do after that. I still want to stay involved in mentoring young people. And my pet project is working on consumer access for those who can't afford attorneys.

*Mr. Kadish:* It's been a joy to talk with you and get to know you and hear about your life and career, and your support for mentoring young professionals and DE&I. Thanks for speaking out on these issues for the ABI community. **abi**

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