



Judicial Profile

by Maria D. Mathus and Elizabeth Fella

Hon. Sarah Sharer Curley U.S. Bankruptcy Judge, District of Arizona

Walking into the bankruptcy court clerk's office in downtown Phoenix, one is pleasantly surprised by the beautiful, awe-inspiring photographs of Arizona landscapes. Visitors can gaze upon photographs including Horseshoe Bend, an area on the Colorado River, or Monument Valley, characterized by its vast sandstone buttes. Outside the courtrooms of the bankruptcy court in Tucson, another gallery awaits, thrilling viewers with pictures of soft light playing on the geological swirls of Antelope Canyon and other Arizona wonders. Unbeknownst to the admiring audience, the artist is the court's own Judge Sarah Sharer Curley.

The judge received her first Brownie camera at the age of 8. The camera was a simple, black, rectangular box covered in imitation leather with nicked fittings. To take a picture, all one had to do was hold the camera at waist height, aim, and turn a switch. The judge remembers attending her first art class with a local artist at the age of 9 ... and she never looked back.

Judge Curley grew up in Illinois. Both her parents came from farming communities. However, she comes from a long line of medical professionals and business entrepreneurs—all with their own colorful adventures. They run the gamut from a great-grandfather who started out as a cabin boy on a riverboat on the Mississippi and became one of the youngest captains, at the age of 19, to a grandmother who ran a cheese factory to support a family in Canada, became a nurse, and immigrated to the United States with dreams of becoming a doctor. Judge Curley's father and grandfather were doctors and had the honor of serving in World War II in such capacities. Her mother, also dreaming of becoming a doctor, majored in and excelled at biochemistry at Purdue University—one of the few women then admit-



ted to the school.

As a child, Judge Curley's parents instilled in her and her three siblings the desire to engage in public service and improve their community. Her father was passionate about improving medicine and formed a roundtable group that shared critical information about tumors. Prior to the invention of the internet, this process of information sharing was highly innovative. Judge Curley's mother was part of the Infant Welfare Society

Maria D. Mathus has served as Judge Curley's career law clerk since 2002. Elizabeth S. Fella clerked for Judge Curley from 2006 through 2008 and is an associate at Quarles & Brady in Tucson.



(IWS) and regularly volunteered at the local hospital. IWS began in the Chicago area in 1911, running milk stations in the poorest areas of the city. As it grew, the organization provided medical support, baby care, and prenatal care for young mothers with infants. As a teenager, Judge Curley volunteered endless hours with IWS as well as with the Gad Hills program, a literacy organization that taught inner-city children to read.

In high school, the judge took part in advanced academic classes. A competitive swimmer since the age of 5, Judge Curley continued with her passion and joined the swim team. She also studied French and was the editor for the school's French publication. She participated in both the debate club and science club, all while continuing her community service through the IWS and Gad Hills programs.

Upon graduation from high school, Judge Curley wished to follow in her brothers' footsteps and attend Princeton University. Unfortunately, Princeton did not admit women as undergraduates at the time. Unable to apply to the Ivy Leagues, Judge Curley did what many other women of her time did and applied to a number of the esteemed Seven Sisters colleges, an association of prestigious liberal arts schools in the Northeastern United States.

The judge embarked, sight unseen, on her collegiate career at Mount Holyoke College. While there, she learned to ski, made lifelong friendships, and alternated between art history and history courses. She graduated with a degree in history, specializing in American history.

Judge Curley attended New York Law School and obtained her Juris Doctor *cum laude* in 1977. Fairly typical for the times, her law school class was 25 to 35 percent female. While in law school, she was invited to join the law review, through the writing competition and as a result of her cumulative grade point average after her first year. She was only one of two women selected that year. She also had the opportunity to serve as a student law clerk (similar to the externship programs now available at many law schools) to a federal judge. She was placed with a bankruptcy judge, the Hon. Edward J. Ryan, at the same time as she took her first bankruptcy class in the summer of 1976. She has remained devoted to bankruptcy practice ever since.

After law school, the judge worked as an associate attorney at Fogelson, Fogelson, & Collins and Otterbourg, Steindler, Houston & Rosen in New York City. Before her appointment as a bankruptcy judge, she served as senior-level counsel to First Wisconsin Corporation in Milwaukee. Judge Curley represented First Wisconsin in complex bankruptcy proceedings and multistate litigation related to bankruptcy and provided legal advice to the commercial lending and workout groups of the principal bank.

In 1986, Judge Curley became the first woman appointed to the U.S. Bankruptcy Court for the District of Arizona. As Judge George Nielsen, the district's for-

mer chief bankruptcy judge, recalls: "It was an exciting time when the Arizona Bankruptcy Bar learned that for the very first time (1) the Ninth Circuit was appointing a woman to the Arizona Bankruptcy Bench, and (2) she was an 'outsider' practitioner, coming to us from the great unknown of the East Coast and Midwest. Rumors furiously circulated about alleged 'sightings' of her and what she looked like. I don't recall a similar curiosity about the males appointed to the judiciary. She finally made her appearance, appearing to be a normal person, and was able to absorb quickly the way we did things and, more importantly, whether they made any sense or not. She and we all survived the excitement. She broke the ice and educated us. Thereafter, as a number of excellent ladies were appointed to our court; we never again had to wonder about silly matters. Judge Curley quickly became a vital part of our legal community and helped us widen our horizons. Her career culminated in a successful term as Chief Judge, where she was responsible for the complex and thankless task of moving us into our own Courthouse. She is moving on herself to other pursuits, but I'll always remember her memorable entrance."

Judge Daniel Collins, who joined Judge Curley on the bankruptcy bench in 2013, remembers litigating against her prior to her appointment. (Judge Collins represented a debtor, and Judge Curley represented a creditor in the same case.) According to Judge Collins, "She quickly proved to be a formidable opponent. When she took the bench shortly thereafter, she became famous in our local bar for her tireless attention to her cases, her encyclopedic knowledge of bankruptcy law, and her photographic memory for cases and facts. As a colleague, I have come to greatly value her advice, warmth, good humor, and broad interests in and out of the courthouse. She has faithfully and energetically served this District since her arrival from Wisconsin."

Judge Curley's grace under fire is also appreciated by the litigants appearing before her. Attorney Carolyn Johnsen recalls, "What was always striking was Judge Curley's profound sense of responsibility and integrity as a judge and her unequivocal professionalism and patience toward lawyers appearing in her court. She was always well-prepared and an intense listener. But, I also think of her sense of humor. For example, I had an extremely litigious case in front of her. One day, we provided all the lawyers and clients with buttons inscribed with the name of the case and the words 'case from hell.' I left one on the bench for Judge Curley and when she appeared and saw the button, she never batted an eye, pinned it on her robe and wore it for the ensuing trial."

Appointed to a second 14-year term in 2000, Judge Curley took the helm as chief bankruptcy judge for the District of Arizona in 2001. In that capacity, she oversaw the renovation projects at the Prescott Valley, Phoenix, and Tucson facilities. She instituted a strategic planning process at the court, including the transfer

of the court to the Case Management/Electronic Case Files (CM/ECF) system and focused on the implementation of a self-help center for those individuals wishing to proceed *pro se*. This innovative zeal and desire to make the legal system as accessible as possible to all litigants has garnered Judge Curley many supporters in the legal community. Tami Johnson, a *pro-se* law clerk at the bankruptcy court, shares a sentiment felt by many in the legal community: “Judge Curley is a visionary. Early in her judicial career, she saw the great need for a place where unrepresented debtors could get assistance. As Chief Judge, she acted on the need by establishing the Bankruptcy Court Self-Help Center. Due to the Self-Help Center, the Volunteer Lawyer’s Program recently awarded the Bankruptcy Court its highest For the Love of Justice award. This is just one example of Judge Curley’s commitment to the ideal that public service goes beyond the courtroom into the community.”

In November 2005, the Arizona Women Lawyers Association (AWLA)—Maricopa County Chapter awarded Judge Curley for her professional achievements, her contribution to the legal profession, and her advancement of women in the profession. AWLA Past-

President Paige Martin notes that Judge Curley “has been a long-standing and loyal member of AWLA.”

From 2006 to 2007, the judge was president of Soroptimist International of Phoenix, Inc., a local chapter of the international organization that has received nongovernmental organization status at the United Nations and strives to empower women globally. Judge Curley also served as an officer, director, and board member of the National Association of

Women Judges. In October 2007, the association gave her the Justice Vaino Spencer Leadership Award for her innovative ideas in the program and finance area.

During her judicial career, Judge Curley has overseen some of the largest bankruptcy cases filed in Arizona: *American Continental*, *Residential Resources*, *Harbor Financial*, and *Pro Ranch Market*, among others. She also presided over *Nationsway Transport Service, Inc.*, and its related entities. With more than 50 published decisions, lawyers and fellow jurists have come to expect straightforward, well-reasoned opinions on a plethora of bankruptcy and related issues. “As a jurist, at her core, Judge Curley is intelligent—very capable of grasping the sophisticated issues of bankruptcy law. She authors understandable opinions that gracefully educate the District Court judges, who com-

monly lack an in-depth understanding of the complexities of bankruptcy law. But mostly, my preference is to say, I admire her as a member of our book club who is always an enthusiastic, friendly, and an enjoyable person,” says U.S. District Judge Roslyn Silver.

In January 2011, Judge Curley was selected for membership in Arizona’s *Finest Lawyers*, which includes judges, lawyers, and professors who have demonstrated “high achievement, excellent legal skills, and a well-earned reputation for integrity.” The same year, Judge Curley joined a steering group of seven lawyers and judges to form the Arizona Bankruptcy American Inn of Court (ABAIC), a project that was deemed an important part of the Arizona Bankruptcy Court’s strategic planning process. She was selected as its first president. Arizona’s only bankruptcy-focused Inn of Court, ABAIC boasts a membership of 80 lawyers and judges and a healthy waiting list of applicants.

Since 2009, Judge Curley has served as an adjunct professor at the Sandra Day O’Connor College of Law at Arizona State University, where she lectures on a wide variety of bankruptcy issues including cross-border and municipal insolvencies. Each year, she passes on her enthusiasm for bankruptcy law and practice to her students. Her teaching is an extension of the mentorship she has generously bestowed on many throughout her judicial career, by providing externships and law clerk positions in her chambers.

In between a busy caseload, teaching courses at the local law school, and her commitment to various community organizations, Judge Curley has continued with her first passion: art. She has taken innumerable workshops with the Friends of Arizona Highways, even serving on its planning board from 1994 to 1998. She has pursued seminars and workshops in acrylic painting, mixed media, and cyanotype, an alternative photographic process. Her mixed media piece “Atomic Snowfall” was selected for the juried show Best Artists of the 2011–2012 academic year at Scottsdale Community College. Several of her cyanotype pieces were selected for the national juried show Light Sensitive 2013 and exhibited at the Art Intersection in Gilbert, Ariz.

After 28 years of public service on the Arizona bankruptcy bench, Judge Curley retired on June 30, 2014. Excited about the next stage in her life, she is ready to travel and fully commit to her art. Next time you are in Arizona and find yourself wandering into an art gallery or studio (or even a bankruptcy court!), you might be walking into one of her exhibitions. So walk in ... and be sure to say hello. ☺

In between a busy caseload, teaching courses at the local law school, and her commitment to various community organizations, Judge Curley has continued with her first passion: art. She has taken innumerable workshops with the Friends of Arizona Highways, even serving on its planning board from 1994 to 1998.