



Hon. Rosemary Gambardella

U.S. Bankruptcy Judge, District of New Jersey

by Hon. Elizabeth L. Gunn and Shelby Kostolni



Hon. Elizabeth L. Gunn was appointed as a bankruptcy judge for the District of Columbia on September 4, 2020. Before her appointment, Judge Gunn served as an assistant attorney general for the Commonwealth of Virginia as the bankruptcy specialist for the Division of Child Support Enforcement. In 2017, Judge Gunn was recognized by the American Bankruptcy Institute as a member of its inaugural class of 40 Under 40. Judge Gunn received her BA, cum laude, from Willamette University in Salem, Oregon and her law degree, cum laude, from Boston College Law School. Shelby Kostolni serves as Judge Gunn's 2023-24 term clerk. She is a 2023 graduate of the University of Alabama School of Law. She also received her Bachelor of Social Work in 2019 and her Master of Social Work in 2023 from the University of Alabama.

"Sometimes people see you in positions that you don't always even see yourself in," says Bankruptcy Judge Rosemary Gambardella about what inspired her to apply for the vacancy that ultimately resulted in her 1985 appointment to the bench. Although becoming a judge was not originally on her radar, after a few lawyers inquired if she was going to apply, she decided there might be some merit to it. Judge Gambardella submitted her application with just six years of practice under her belt—but practice that included a bankruptcy clerkship and working for the Office of the United States Trustee when it was still a pilot program. Now, approaching almost 40 years on the bench, it is hard to find someone who remembers the New Jersey bankruptcy court without her presence. The word count of this article is insufficient to even touch on a fraction of Judge Gambardella's successes, influential opinions, news-worthy cases, and contributions to the bankruptcy community as a whole. Instead, we focus herein on her journey to the bench and highlights of her service.

A native of New Jersey, Judge Gambardella did not leave the state she calls home. After growing up in Newark, she moved to Glen Ridge at 15, and she remained in New Jersey for both college and law school. Judge Gambardella knew she wanted to be a lawyer when she was inspired by her sociology/juvenile justice teacher Miss McAtee to pursue law school after college. At that point, in the early 1970s, there were not many female lawyers in the area and none in her family.

Judge Gambardella is a proud Rutgers (New Brunswick) alumna, entering with the first class of incoming women as part of the Class of 1976 and continuing at Rutgers for law school as part of the Class of 1979. Judge Gambardella's twin sister Frances also entered Rutgers law school in 1976, creating built-in study partners from the beginning. At that time, Rutgers was "ahead of the curve" on recognition of women in the practice of law. Just before Judge Gambardella entered law school, Ruth Bader Ginsburg ended her tenure at the school as a professor, leaving behind a legacy of women in the practice. Senator Elizabeth Warren is



another noted former professor. Although she would not characterize it as such, Judge Gambardella is another example of the history of fabulous women with connections to Rutgers law school.

After law school, Judge Gambardella sought out a clerkship for what she characterizes as "any judge." It was at this time she "fell into" bankruptcy. Because her graduating class was the first graduating law school class after the enactment of the Bankruptcy Code, Judge Gambardella was part of the first interviewing class for the former bankruptcy referees, now bankruptcy judges. Judge Gambardella credits her sister Frances with encouraging her to consider clerking for a bankruptcy judge. Both sisters obtained clerkships with bankruptcy judges out of law school, with Judge Gambardella clerking for Chief Bankruptcy Judge Vincent Commisa in Newark and Frances clerking for Bankruptcy Judge Richard Hill in Trenton. Judge Gambardella describes this time as a great time for young professionals to get involved in bankruptcy because "the playing field was being leveled" as the code had just been enacted and "everyone was an 'expert' at the same level."

Directly after her clerkship, Judge Gambardella's next adventure was to join the fledgling Office of the United States Trustee (UST) in its second year of ex-

istence. Those who practice in New Jersey and Delaware today will be shocked to hear that when Judge Gambardella joined the New Jersey UST office, there was one staff attorney to cover all of New Jersey and Delaware. As a result, as a very young attorney Judge Gambardella was able to participate in cases in all chapters, including all the big cases in those jurisdictions. She remembers fondly Hugh Leonard, the United States Trustee for the Districts of New Jersey and Delaware at the time, who served as a mentor for her.

One case, Data Access Systems, started in the bankruptcy court, but the reference was withdrawn to the late District Judge Stanley Brotman. In addition to Judge Gambardella, two other attorneys in that case went on to become judges: Judge Donald Steckroth and Judge Diane Weiss Sigmund. Just imagine being a fly on the wall in that courtroom!

In reflecting on her process of appointment, Judge Gambardella reflects that life can be interesting sometimes. After being selected as a finalist for her appointment in 1985, Judge Brotman was the district judge on the Third Circuit's selection panel. In considering the circumstances of her application for employment, Judge Gambardella reflected that 1985 was a time of large turnover on the New Jersey bench as a result of the retirement of many former bankruptcy judges. One of Judge Gambardella's mentors, then-District Judge and later Third Circuit Judge Maryanne Trump Barry, gave her invaluable guidance as she navigated both the application process and in her new role as judge. So did District Judge Anne Thompson. Judge Gambardella noted that during her interview, she was asked how old she was, and she was relieved to be able to answer that she had just turned thirty. (Making Judge Gambardella one of the youngest ever bankruptcy judge appointments, still true to this day!) As a reflection of how great she was, by the time she got home to New Jersey from Philadelphia that night, Judge Gambardella had gotten a call from the Third Circuit's Chief Judge Ruggero Aldisert that she was selected for appointment.

As would surprise no one who has ever attempted to mentally spar with Judge Gambardella, her appointment came after only one application. In addition, she was the first female bankruptcy judge in the District of New Jersey. Judge Gambardella will let you know that she was not the "first" and "only" female for long, as shortly after her appointment, Judge Judith Wizmur joined her on the bench. With great colleagues, she found challenges not in her status as the first female bankruptcy judge, but instead those that come with the job. As a young judge, she says she "had to rely on her energy as much as her experience" and that what she knew then is still true now—that you have to put in the time doing the work to reap the rewards.

Over a tenure of almost four decades, Judge Gambardella has had to adapt to many changes—legal and otherwise. "Back in the day" petitions were filed on paper (in multiple copies!) in the Clerk's office, a court-



house electronics policy was a non-issue (who would try to bring their car phone into court?), and a "Mac" was a McDonald's burger. Now everything is filed via CM/ECF, courthouses have electronics policies and § 341 meetings are done by Zoom, and a "Mac" is a computer. Looking back on all the changes, Judge Gambardella wishes she had known then that technology advances are not as scary as they seem when they are new. Instead, she encourages all lawyers to continue to take advantage of technological advances that can benefit the legal practice, as well as take recommendations and adjust if they could be helpful.

Another highlight of her career is the great chambers teams that have and continue to surround her, including law clerks and interns that she has worked with and mentored over the years. Judge Gambardella gives two main pieces of advice: get involved and make good career choices. She breaks these down simply. Get involved in bar events, speaking engagements, and similar activities. These allow young lawyers to get exposure to other attorneys and the bench. Which career choice is not always straightforward, make sure to do good work because there are no shortcuts.

In one of her many leadership roles throughout her career (including a stint at Chief Judge of the Bankruptcy Court for New Jersey), Judge Gambardella had the opportunity to be the bankruptcy observer to the Judicial Conference of the United States during Chief Justice

Top photo: Judge Gambardella taking in the new Barbie movie with her sister, Frances, and friends Karen Giannelli and Geraldine Ponto, all of whom went to law school together; Bottom photo: Judge Gambardella with her sister, Frances, at a Bruce Springsteen concert at MetLife Stadium in New Jersey.

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Left photo: Judge Morris with Former President Bill Clinton at an event for Tina's Wish Runway for Research. Judge Morris is a founding member of the organization, founded in the memory of Judge Tina Brozman, a dear friend and mentor of Judge Morris who had ovarian cancer. Bottom photo: Judge Morris at a charitable fashion event for Tina's Wish in 2023.



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Roberts' tenure. Through this role, she was able to observe the executive meetings of the Judicial Conference and report on those to the bankruptcy community. She reflects that this role truly allowed her to be in the "room where it happened" and taught her that the most important work is done in the committees for the judiciary.

While she is a career-long bankruptcy fan, her biggest piece of advice is that when a young lawyer makes a career choice, to make a good one (even if it's not bankruptcy). She implores young lawyers to set themselves up to advance and maintain control of their own journeys. Over the years and following her own advice, Judge Gambardella has so much to be proud of, including her body of published opinions, her law clerks, and her interns. She hopes that all the writing she did as a young judge can help judges and attorneys in their practice (though we'd posit all her writing even through today qualifies in this category). She wanted to leave behind something to be proud of, and that she has. Judge Gambardella specifically notes how

proud she is of her law clerks and interns that have all gone on to have great careers, in bankruptcy or otherwise. Even further, she is so proud and thankful over her years to see the diversity on the bench progress, and even though there is a way to go, she is delighted for the change that she has seen.

Outside of her legal career, Judge Gambardella has even more to be proud of. She has a wonderful, close-knit family that lends itself to be her support system and something she loves to boast about—her sister Frances, her brother Ben, her sister-in-law Linda, and her niece April, who is a lawyer herself. She often finds herself reminiscing on the support and love they received from her parents, Ben and Lucy. Her sister? She went on to be a bankruptcy lawyer and even serve as a chapter 13 staff attorney before her retirement.

"You have to love what you do," Judge Gambardella reminded us. Clearly Judge Gambardella loves what she does, and the bankruptcy bench and bar are better because she does. ☺