

Texas Attorney Going to Bat for Conn. Native American Tribe

When noted Texas attorney Austin Tighe was sought to represent the Schaghticoke Tribal Nation in the tribe's \$610 million lawsuit against Connecticut, he said he jumped at the opportunity.

By **ROBERT STORAGE** | July 13, 2017



Texas attorney Austin Tighe

When noted Texas attorney Austin Tighe was sought to represent the Schaghticoke Tribal Nation in the tribe's \$610 million lawsuit against Connecticut, he said he jumped at the opportunity.

As with other cases he's taken on behalf of Native American tribes seeking redress against the government, Tighe, 51, said he believes the case has clear merit. "I was attracted to this case based on three facts," he said. "No. 1, the state took the Schaghticoke's land. No. 2, the state promised to pay for that land and broke that promise; and No. 3, the U.S. Constitution and the Connecticut Constitution require the payment of fair compensation for taking of land."

The Schaghticoke claim the state seized 2,000 of the tribe's 2,400 acres of land in Western Connecticut from 1801 to 1918 without proper payment, and despite promises of compensation. For Tighe, issues related to the plight of Native Americans are something he holds close to his heart. "There was a real sense of injustice that was visited upon these tribes over a long period of time," Tighe said. "In all of the cases in which I represent the tribes, the common thread is the government's failure to deliver on its promises to some of the nation's first families."

Tighe said he has always had an interest in American Indian law but "my focus on representing tribal interests has accelerated in the past three to four years."

Later this month, Tighe will be in Connecticut to personally argue against the state's contention that the Hartford Superior Court does not have jurisdiction to hear the tribe's claims. "The court does have jurisdiction to hear our claims," he said. "They are true. The state promised to pay for the land and never did. These are all procedural [issues] and we look forward to addressing them and moving the case forward to trial."

In essence, Tighe said, the state has no answer as to why the tribe's land was taken over the course of more than a century. He said the state is trying to throw monkey wrenches into what he believes is a solid case. After meeting several times with Schaghticoke Chief Richard Velky, Tighe said he was "very impressed with their knowledge and very impressed with their passion. A strong relationship with the client is key for me. Because I only take cases on a contingency fee basis, I am investing in my clients like they are investing in me which results in a real sense of common purpose."

Former U.S. Connecticut Sen. Joe Lieberman, senior counsel for Kasowitz, Benson, Torres & Friedman in New York City, is also defending the tribe.

Tighe said partnering with Lieberman is a joy. “Joe is just like you see him on TV or in the well of the Senate,” Tighe said. “He is very thoughtful, honorable and straightforward. He brings a real sense of perspective on every issue that comes up.”

Of the half-dozen tribal cases Tighe has handled, two were resolved. One is confidential, and another out of Oklahoma, in which he represented the Choctaw and Chickasaw tribes, was settled for \$186 million in 2015. “We were alleging the government failed to properly protect tribal interests in the sale of about 1.3 million acres of tribal timberland between 1908 and 1940,” he said.

The more they see, the more Tighe’s contemporaries say he is an expert at distilling facts and getting to the central point of a case. After that, he fights like heck to win. Tighe on your side in a legal matter “is like having your own Doberman,” some say.

“He tries to communicate, both in writing and orally, in a brief and succinct manner — a very understandable manner,” said Jim Reed, a founding partner of Gray, Reed & McGraw in Houston. “He is not the only attorney who does that, but a lot of lawyers do not. Many times, judges get communication styles that are hard to understand. His is not.”

Tighe’s admirers say he also puts his all into each case, and works at a pace many lawyers find hard to match. “It’s more than just going the extra mile. I doubt he even sleeps, because he is going at it all the time,” said Brian Kabateck, founding and managing partner of Kabateck Brown Kellner in Los Angeles. Kabateck worked with Tighe representing the NAACP in a landmark predatory lending lawsuit against major banks. “The guy would constantly be calling, emailing and talking to try to set up meetings at all hours of the day. He was and is extremely aggressive. I always want to work with someone who works at least as hard as I do, and that is Austin.”

Tighe has worked for several firms in Texas and spent a brief stint in Chicago. He has worked for Nix, Patterson & Roach in Austin, Texas, since August 2015, and has represented plaintiffs for the firm in consumer class actions, represented Fortune 100 companies, policyholder actions against

insurance companies, commercial litigation, and personal injury, among other cases. One case he is particularly proud of is leading a class action on behalf of retired NFL players against EA Sports. The case, which has been going on for years with hopes to finalize later this year, involves allegations that EA used the likenesses of about 2,600 retired players in its Madden football games. “We are seeking compensation for the players,” Tighe said. “EA has generated a giant amount of profit. We are looking at potentially tens of millions of dollars.”

Tighe said he got hooked on becoming a lawyer after the 9th grade, when he went to a big New York City law firm where a friend’s father worked. “I got to see how lawyers work for a few days. One lawyer even let me watch a hearing in the Eastern District of Manhattan. After that, I was hooked. I rode the train back to Summit [in New Jersey] and said to myself that I knew what I wanted to do.”

Part of that passion has included seeing the law as a noble profession, Tighe said. “It does a tremendous amount of good,” Tighe said, adding, “There is a lot of talk in how important the amendments are to the Constitution. There is often a lot of talk about the First and Second Amendments. But, people who really focus on those amendments will tell you that all of the amendments were designed to be held in equal esteem, and that would include the Seventh Amendment.”

But the amendment that provides for a right to trial by jury, Tighe noted, is under attack “by people who think arbitration should take the place of right to jury trial and by various political interests. It’s a more noble profession — now more than ever, maybe. We, as plaintiffs attorneys, defend and foster citizen rights under the Seventh Amendment.”