

Diversity Dialogue Interview with Tony Walters, 4/13/2020

John Caher: Welcome to Amici, News and Insight from the New York State Unified Court System. I'm John Caher. Today I'm speaking with my colleague Tony Walters, the Director of the Court System's Office of Diversity and Inclusion, for the latest Diversity Dialogue interview. Tony, welcome to the program.

Tony Walters: Welcome, John. Thank you.

John Caher: First, what is the Office of Diversity and Inclusion? What are its goals?

Tony Walters: The Office of Diversity and Inclusion is that office at OCA [the Office of Court Administration] that really tries to be a clearinghouse for all manner of diversity and inclusion-type topics.

Our mission, very simply, is that the Unified Court System has a long-standing commitment to equal employment opportunity, the elimination of under-representation of minorities and women, and to ensuring a diverse workforce that reflects the community that it serves. As we are now finding out by work that is being done in the private sector and in other public sector entities, diversity contributes to the many different perspectives, approaches, talents and aspirations that court employees lend to their work.

Diversity considerations include, but are not limited to, nationality, ethnicity, race, gender identity or expression and the many other aspects of backgrounds and identities including age, religion, geography, family status, sexual orientation, physical and mental abilities and other differences.

Those differences are unique to us as individuals, but other differences connect us to groups of people. The strength of diversity is realized by valuing and leveraging all of those differences to contribute to the overarching mission of our court system, which is the timely and just resolution of matters before the courts.

John Caher: Why is that important though, particularly in a court system? A court system, particularly judges, base decisions on facts and the law. The court system is based on facts and the law. Why does diversity matter in a substantive way? Or is this a matter of optics, a matter of gender and racial and ethnic fairness and perception?

Tony Walters: I think it's much more than optics. If you erode the confidence of those who are, in fact, supposed to be served by the court system along those lines, I think you have an extremely faulty, if not ineffectual, platform.

So, I think it's very important that we never stray too far afield from making sure that diversity and inclusion are at the very pillars of our court system.

John Caher: Now I know the name of your office changed fairly recently from the Office of Workforce Diversity, and we'll get into that in a minute, but let's discuss the origins of it. Give me the who, what, when, where, why. How does this office exist and why?

Tony Walters: Sure, sure. I think we'd have to go back to, I don't have the exact dates, but the 1980's. Chief Judge Sol Wachtler put his hand on the pulse of our court system when it came to diversity, in two ways. One, how were employees interacting with each other along those lines? But then also how was the public being treated along those lines? What was the perception of the public regarding diversity in our court system?

He empaneled the Franklin H. Williams Judicial Commission, which at that time I think was called the Franklin Williams Commission on Minorities. But he empaneled them and very quickly they identified Franklin Williams to head up that task force. And they asked the commission to take a substantive look at diversity in the courts and diversity as it related to the court system interacting with the public.

What they saw was whole scale deficiencies. in the number of minorities, women, people of other orientations that held leadership positions, that held any of our positions. Then they saw there were great disparities and how people in the public would be treated along those lines as well. There was just a lack of civility, a lack of fairness being shown to litigants, court users throughout the system. I think that this really underscores the fact that we as a court system, and Judge Wachtler, realized that we cannot have that as the perception.

One of the recommendations that came out of that study was that the court system needed an office of diversity. So, I would say maybe late 80's the office started out as the EEO or the Equal Employment Opportunity Office under the auspices of the Human Resources Division.

John Caher: Well, let me cut you off one second because coincidentally, and I swear it is 100% coincidental, I happen to have that report in front of me and I'd like to read a little bit of it. I think that would add some context to this.

The things that the commission found, that the commission that Judge Wachtler put together found, when they went out and did public hearings were rather startling:

A witness in Albany testified that the court personnel's attitude was that "an inner-city person is a nobody and we felt hopeless rage as we see them snickering and whispering snide remarks."

A *New York Times* survey of 1,147 New York City residents found that 47% of blacks and 43% of Hispanics were convinced that courts favor whites. A *New York Law Journal* poll found that 71% of Blacks believe that a white would get a lighter sentence than a black, the identical crime, a perception shared by 31% of the white respondents. And a witness in Buffalo told the panel that 95% of the clerks, court officials, city marshals, law assistants and attorneys were members of the minority community.

In New York City, a former court employee said that minorities work in lower pay grades and lower pay ranges over all other employees.

So that's what the Chief Judge was confronted with at the time that your office was being contemplated and created. Is that correct?

Tony Walters:

Absolutely. And as you just so eloquently stated, and that the report stated, the problems were relatively widespread.

Right now, New York City looks a lot different than it did then. As far as the court system in other parts of the state, maybe less so. But back then you could have these issues and Judge Wachtler saw that this court system cannot continue to embrace or practice [disregard for diversity].

So, again, they started an Office of Equal Employment Opportunity to address some of these issues within the court system itself. I'm not sure who that first director was, but I know that when I came into the system in 1994 it was Alice Chapman at that time. She was Deputy Director for EEO under Human Resources. And that's when I came into that office as an analyst.

John Caher:

So, this office that was set up, one of the things they decided is that the director of this office—you—should be a member of the court system's top executive management team. Why is it important that the person who's heading that office be part of that team?

Tony Walters:

You have the leader of that office in constant contact with the overall leadership of the organization, because what you really want to foster is

this constant thinking, if not practice, execution of diversity and inclusion principles. When there's a position open, are we thinking about all of the people who are qualified to be included in the interview process? When we are appointing administrative judges and supervisor judges, are we thinking of everyone that is in fact in that area to be the person who will make those decision-making policy procedures?

So that diversity person has to be in constant contact, letting those people know. The other part of that is now, as I'd say, "priming the pump" so that you are always attracting employees of various backgrounds into the workforce so that they can ultimately progress to be decision makers as well.

So, it's this constant push, outreach and creating awareness to do that. But it is this constant communication and constantly having that, not very far from the mindset of the people who make the decisions that, are we thinking about diversity? Are we thinking about being inclusive? And sometimes that means even to get the best and the brightest and to get the most competent requires going outside of our system. We shouldn't be shuttered into thinking that only the people that [currently] work for us have the best problem-solving ideas. And I think our court system has come a long way in doing just that.

John Caher: Now it sounds like your job is to *not* present the rosy picture to the Chief Judge and the Chief Administrative Judge but give them the true picture. Correct?

Tony Walters: I think that's correct. This could never be Tony Walters' personal assessment of diversity when it comes to decision-making, but it's to constantly let them know when there might be blind spots, when we're not think about certain people, and bringing that to the fore. And it's also constantly giving them, when possible, the actual applicants to do that.

Go back to a recent court officer recruitment campaign. Court officers are the face of our courts. They're often times the first people that the public sees when they come into our courts. We want those people to look like the communities they serve to the greatest extent possible. My office, along with the Office of Human Resources, court leadership and direction from our OCA leadership, we allocated resources. We allocated time, effort to do just that, to get out into communities and let them know about that position. And it takes that multifaceted approach so that, as my deputy would like to say that, that diversity, inclusion, its concepts, are part of the DNA of this organization. And that comes through

thought, communication, action, execution, initiation of the strategic platforms.

John Caher: Now, you really cannot be effective without support from the highest levels. Are you getting the support you need?

Tony Walters: I absolutely think right now I am. I can honestly say that since I became a director back in 2010, Chief Administrative Judge Marks, who at that time was head of OCA, made it very clear to me that diversity and inclusion was very important to him. Our Chief Judge then, Judge Jonathan Lippman, I thought was extremely [supportive]. Judge Lippman's one of the founding persons of the commission; he was there at the very beginning of this and he understood the importance of diversity and inclusion to do our work relatively free of the bias and perception of bias that the litigants and our court users might have.

So, there've been many administrations that have shown support, but I think if you look at our core system today, it's never been more diverse than it is right now.

John Caher: So, would you say that since Judge Wachtler set this up, there's been a history of cooperation and interest going from Judge Wachtler to Judge Kaye to Judge Lippman to Judge DiFiore?

Tony Walters: Yes. Absolutely.

John Caher: Okay. But how have things changed in the 10 years since you've been in the office? And I mean that in two ways. How have the objectives and needs changed and evolved? And how has the court system responded and hopefully improved as a result of the efforts of your office?

Tony Walters: Great question, John. I think if we go back to the beginning of my tenure, I think the focus really was, let's get numbers, let's just get more minorities, get more women, get more people with different orientations and backgrounds into positions. And we did that largely through outreach, awareness, letting people know about the opportunities that we had.

I think somewhere along the line a shift began. Numbers are great and I think the numbers still need improvement in a lot of areas. But, and maybe this came about really through a constant hum from our affinity groups, our fraternal organizations that represent employees of certain backgrounds. They I think shifted their dialogue to, "We want people of different colors, ethnicities, backgrounds in decision-making positions."

And I really believe the changes started from the very top of our structure, which was really the judges, administrative judges, the head of OCA.

And I think you saw more appointments of administrative judges, district executives, the people who ran and led OCA. So, I think that's been a difference. And I think that's where you see that shift and evolution to inclusion, because now we have people of various backgrounds who are legitimately in authoritative and decision-making positions. Who's being hired? Who is going to be promoted? So those are very important distinctions that have to be made in this type of work. I think, again, initially just numbers, let's just get people in. But then it was, let's get people in and promote them and get them into positions of authority. And I think we've done a great job of that.

John Caher: Now you mentioned a moment ago, that the name of the office changed recently from Workforce Diversity to the Office of Diversity and Inclusion.

Tony Walters: Correct.

John Caher: What's the difference?

Tony Walters: I like to use the analogy: Let's look at a party, you're being invited to a party. Diversity is having everyone invited to that party. So, at the party you have Hispanics, you have African Americans, you have LGBTQ, you have white people, you have everyone there. And as I've been to many parties, at least in my youth, you'd have parties where people used to stay in their sections. No one's dancing with people outside of their particular group.

Inclusion is being asked to dance! You are now part of and part in parcel of that party. You are being asked to join in the integral motivations and purposes of that party. So that's what inclusion is. It's actually now getting everyone involved, getting them involved in decision-making, leveraging their differences to in fact become a better problem-solving mechanism. Because at the end of the day, any one position, any group, you're being really tasked to solve a problem. You have a goal in mind., and in the court system, it's the timely and just resolution of matters before our courts. And as we are constantly interacting with people that look like everybody in our communities, it just makes sense and logic to have people that look like those people as part of your decision-making process.

John Caher: That's a great explanation. Thank you. I'd like to explore a little bit of ... you. What is your cultural background?

Tony Walters: My parents are Caribbean, born on the Island of Jamaica. But I was actually born in Great Britain. Back in the 60's there was a great migration between the Caribbean islands that used to actually be colonies of Great Britain. They would go back to Great Britain for educational and career opportunities. My mother, who ultimately became a nurse in New York City for over 35 years, began her education in Great Britain, where she met my father, who was a construction type of a person. They met, they got married, they had myself and my two siblings and I spent the first five years of my life in Great Britain before I came to New York.

John Caher: What sort of influence were your parents? What sort of role models were they?

Tony Walters: It was interesting and I had a very bifurcated type of influence system in my household. My mother's side, her mother and my grandmother were extremely, extremely focused on education for her children. She had four daughters going through the educational system in this country and she really encouraged them to take advantage of those opportunities. So, on my mother's side, I have a mother who was a registered nurse. I have an aunt who went to Cornell and Columbia, became a teacher and an executive for IBM. I have an aunt who was public school teacher. And I have an aunt who was a bookkeeper for a large accounting firm for many years. So, on that side it was always education, education, education.

My father's side, it was much more, although he was not formally educated, was work ethic: You get up and you go to work every day. You give your employer an honest day's work. Because that's what he did for as long as I can remember.

So those are really the two influences I would say shaped me. It's a pretty substantial work ethic but it was also taking advantage of educational opportunities.

John Caher: As you did, of course, going to a very renowned university, Georgetown, in the early 80's. Those are Patrick Ewing years, weren't they?

Tony Walters: He was my classmate, absolutely.

John Caher: Was he really? So, you majored in English and my guess is this is not what you had planned as a career at that time. Or maybe-

Oh, I know what you were thinking! As a hall of fame high school football player, you were waiting for a call from the only football team in New York State, the Buffalo Bills, right?

Tony Walters: Well, it's interesting, when I got to Georgetown, great governmental center, legal center, I thought for a long time that I wanted to be an attorney and English, history, government were great feeder majors for that profession. I had an internship I guess my first, second year where I worked for the DC Superior Court in pretrial services. And I got a really keen look at the court system. It dispelled for me, the Perry Mason-type image where everybody gets a fair trial, and you're constantly in court battling for your client's rights. And I saw that it was much more complicated than that. As you know, most cases don't go to trial in our court system in this country. Most cases are pled out or other ways of being disposed.

And I wasn't as keen on being an attorney in that type of process anymore. But I still always had this love for at least being in that environment. So that's what's kept me from that internship, to interning governmentally on Capitol Hill for a couple of summers, and then coming back and basically doing pretrial work in the court system for a not-for-profit, the Criminal Justice Agency Bronx Criminal Court. I always was around the courts so it was like always doing things around the court but just not doing it as an attorney.

John Caher: you're attracted to the court system, the legal system, but not so much the practice of law.

Tony Walters: Yes.

John Caher: What do you like most about your job?

Tony Walters: I like those times when I get to make a difference. I like those times when I get to advocate for someone that maybe, if not for my pushing, they might not have gotten that job. And then to see them flourish and thrive in our system, that gives me great satisfaction. And it's given me great satisfaction to, again, to see the progress that we've made. When I came into the system in 1994, you could count on maybe two hands, probably less than that, administrative judges, district executives, chief clerks, the leadership of OCA, how many people of color were in those positions. You look at it now and it's amazing, we were talking about, it's been 25 years. There's a huge shift and I know that we work under an administration that will not take their foot off that gas pedal until they see the benefits of that.

And I think now it is becoming more of that thought process of, "Okay, when we look at this position, has this been a place where there has not been a person of color or underrepresented group?" And then we quickly look to, is there anybody that's qualified? Let's give that person a look, let's have them be interviewed, let's see what they have to say. That's all part of a process organizationally that really only happens when you have commitment from the top. And I think right now we definitely have that type of leadership.

John Caher: Well that's a great way to end. Tony, thanks for your contributions, and thanks for the interview, and thanks for always having your foot on the gas.

Tony Walters: John, thank you and I just want to close by saying I don't do this by myself. I have a dedicated staff of people who absolutely assist me on a day-to-day basis with doing this work. So, I want to give a shout out to Rena Micklewright, to Kim Stephens and Doretha Jackson.

John Caher: So done!

Tony Walters: John, thank you so much.

John Caher: Thanks for listening to Amici. You'll find all of our recent podcasts on the court system's website at www.nycourts.gov. And most are also in the iTunes podcast library. If you have a suggestion for an Amici podcast, please let me know. I'm John Caher and I can be reached at (518) 453-8669 or jcaher@nycourts.gov. In the meantime, stay tuned!