

Diversity Dialogue Interview with Porter Kirkwood 1/08/20

John Caher: Welcome to Amici, news and insight from the New York State Unified Court System. I'm John Caher. Today we are once again turning the mic over to Kim Stephens of the Office of Workforce Diversity for a diversity dialogue interview. Today, Kim will be interviewing Porter Kirkwood, the first African-American District Executive in the Sixth Judicial District, which is based in Binghamton. Mr. Kirkwood, a graduate of Hofstra Law School, was previously an attorney in private practice on Long Island. He also served as the Delaware County Attorney, and as a court attorney-referee.

Kim Stephens: Porter Kirkwood, thank you for joining us today. As we heard in the introduction, you are the District Executive for the Sixth Judicial District. So, let's start from scratch. What in the world is a District Executive?

Porter Kirkwood: Well, thank you for inviting me to do this interview. I greatly appreciate this opportunity. As District Executive, under the direction of my Administrative Judge, I am responsible for all of the court operations in the 10 counties which comprise the Sixth Judicial District. So, everything from getting pencils and paper, up to organizing which judge is going where, to cover what cases.

Kim Stephens: Wow, it sounds like you're a very busy man. What is your day like?

Porter Kirkwood: Well, I'm an early morning person. I like to get in here before the phones start to ring. That time, I find particularly productive. But in a typical day, it's usually about 50 percent responding to emails, 30 percent meeting with staff on whatever issues happen to come up that day, and about 20 percent on the phone. On the days when I'm traveling around the district for meetings, that takes up usually half the day, for even the simplest meeting. Our district is really large, and so you can't get anywhere in less than an hour.

Kim Stephens: So, tell me what, in your mind, constitutes a perfect work day? For example, do your meetings fluctuate in time, or are they usually typically done at the same time every day, certain meetings?

Porter Kirkwood: They're very rarely scheduled. The meetings that happen here at the district office are usually impromptu. I have an open-door policy. When my staff have an issue, they just come right to the door, and we sit down and discuss it.

Kim Stephens: Oh, that's awesome. So, let me just ask you, how did you end up in this role as District Executive? You're coming from private practice, correct? Into public sector service?

Porter Kirkwood: No. Actually, I was the county attorney in Delaware County. I was a municipal attorney for most of my career. I started there as a staff attorney for the Department of Social Services and worked my way up to county attorney. Then when I joined the court system, I joined as a court attorney-referee here in the district office. The Sixth District did not traditionally have court attorney-referees, and myself and Lisa Smith were the first two here in the district office. Now we have four here in the district office, and we're continuing to expand that law department. But while I was here, the District Executive retired. I applied, and now I'm the District Executive.

Kim Stephens: So, how many years have you been an attorney?

Porter Kirkwood: I've been an attorney for over 25 years. March of 1994, I was admitted.

Kim Stephens: What influenced you to become an attorney? What sparked your interest? Did you have any mentors growing up that influenced you? Did you have any experiences that influenced you?

Porter Kirkwood: That's interesting. I've had lots of mentors over the years, but not that pushed me towards law school. The truth is, I took the LSAT. I did well on it, and I said, "Okay, let's go to law school." And after I got into it, I was like, "This is fabulous! I love this!" It was one of those things where life just pushed me in the right direction.

Kim Stephens: So, it's my understanding also that you were involved in some major initiatives before becoming District Executive. So, I believe you helped to found the criminal drug treatment and family treatment courts in Delaware and helped implement the raise-the-age legislation that raised the age of criminal responsibility

Porter Kirkwood: Yes. In Delaware County, it's funny, they all kind of tie together. I was very interested in the Drug Treatment Court when they first started it, and volunteered to be one of the founding members of the Drug Treatment Court. I was doing mostly Family Court work, and I knew that the next phase after they put in place a Drug Treatment Court would be a Family Treatment Court. And so, I wanted to be in on the ground floor when they developed the Family Treatment Court, which only a couple years later they implemented. Also, all that Family Court experience had me very much on the front lines of raise-the-age. You know, for years

we'd been talking about, "Are they going to increase the age of criminal responsibility?" And so, when I was here at the District Office, when RTA came into place, I was an obvious person to help be a liaison around the district to get that implemented.

Kim Stephens: This was all cutting-edge legislation, and to be a part of that, I'm sure is an amazing experience for you in your career, as well.

Porter Kirkwood: Oh, a wonderful opportunity. Absolutely.

John Caher: Does the court system, do you think... This is John Caher. I'm going to cut in a little bit.

Porter Kirkwood: Sure.

John Caher: Does the court system provide you and others with that opportunity to be on a cutting edge?

Porter Kirkwood: Oh, absolutely. The former District Executive, Gregg Gates, came to me. He knew that I had a background in family law. And so, when RTA came in, he came to me and he said, "Would you be interested in being the district's liaison for RTA?" And I said, "Oh, of course I would. Thank you so much for this opportunity." And, you know, I'd run around the district, and was able to help the various counties put together their plans and implement them, and liaison with the DCAJ's office. It was just a great experience. And it gave-

John Caher: Let's take a step back.

Porter Kirkwood: Sure.

John Caher: Where are you from, and how did a nice guy like you end up in Binghamton?

Porter Kirkwood: I was born and raised down on Long Island, in Cedarhurst. I saw an ad in the *New York Law Journal*, which is what got me to Delaware County back in 1996, staff attorney for the Department of Social Services. I was there for over 20 years before I took the job with the court system, which brought me here to Binghamton.

John Caher: Was that a big transition, going from a private practice on Long Island to public service in Delaware County?

Porter Kirkwood: It was. It really was. The firm that I worked for on Long Island did most of their practice in Manhattan, Queens and Brooklyn, and so I was driving in and showing up for calendar calls as a young attorney, and in those court houses you'd have calendars with 300 and something cases on them in the morning. And going to Delaware County, where the courthouse is across the street, and there are basically seven to 10 attorneys and you deal with the same people every single day... It was a very different environment, but just a wonderful place. Delaware County, moving to that rural environment, was just a great place to raise a family.

John Caher: So, tell me about your family.

Porter Kirkwood: I'm married with one son, who is 19 years old now. We were married back in 1996, just before we moved up to Delaware County, and have been together all this time, all these years. Haven't killed each other yet. Raising our son in Delaware County was just... You know. I mean, it was just wonderful. You knew when he walked from school to day care, which was only three or four blocks away, that he was going to pass at least 10 people who knew him and loved him on the way, so he was completely safe.

John Caher: It is a beautiful part of the state. Tell me about your parents. What did they do?

Porter Kirkwood: Well, my father is black, African-American, and we can trace his history back to slavery. My mom was from Sicily, and her family came here through Ellis Island in the early 1900s. Both of them grew up in poverty and oppression—you know, children of World War II and the Depression. They were Depression-era folks, and so they worked very hard. They believed in the American Dream, and worked very hard. My mother ended up as the Director of Social Work at Nassau County Medical Center, and my father is a college professor at Nassau Community College. He's 91 years old, and still teaching. He teaches sociology, criminology, and cultural and racial minorities.

John Caher: And you're a descendant of slaves.

Porter Kirkwood: Yes.

Kim Stephens: Wow. So, Porter, what are the demographics like in your district?

Porter Kirkwood: I can give you the... It's interesting you ask that. I have the exact demographics. I just happen to have them. It's 91.33 percent white, 3.28 percent black, .19 percent Native American, 2.79 percent Asian, .03

Pacific Islander, and .79 other races. Oh, then 1.59 are from two or more races. So, I'm in that 1.59.

Kim Stephens: So, as the first person of color to hold this important position, what has been the reaction, not only from your colleagues and the judges you serve, but the public as well?

Porter Kirkwood: Honestly, my race and my ethnicity hasn't had any impact that I've noticed, so I've been very warmly received all the way around.

Kim Stephens: What do you think it says to the public at large, when they see a non-traditional professional such as yourself in such a prominent position?

Porter Kirkwood: Well, I hope that it is an example that diversity and inclusion are positive, and that our society is moving forward in those aspects.

John Caher: In your opinion, is diversity in the court system merely a matter of optics, or racial-ethnic-gender pride, or does it matter in some substantive manner?

Porter Kirkwood: Oh, I think it definitely matters. I think that, you know, it's important for the court users, when they come in, to see people that look like them on the other side of the windows and benches, and I think that it's more than just optics. I think it's a matter of comfort, and knowing that they're going to find justice here.

Kim Stephens: So, how does the Sixth Judicial District encourage or promote diversity?

Porter Kirkwood: Well, I've been on a number of interview panels, and I really like the fact that we have a set procedure for increasing diversity amongst the court staff. The OCA Workforce Diversity policies that they provide each of us, I think are very helpful, so that when we're actually doing the interviews and looking for candidates, that we can really improve diversity throughout the system.

In addition, social media is a wonderful way to advertise the positions, but I think we need to do a better job connecting with colleges, law schools, graduate schools, high schools, actually getting out there. I know our security force and the court officers do a great job going out to the various job fairs on the various campuses, just so that you can see and touch and talk to our employees. I think that personal touch is a great recruitment tool for getting folks into the court system.

Kim Stephens: Well, I can definitely say, working in the Diversity Office and collaborating with Human Resources, we're definitely increasing the ways in which we interact with the public. Increasing our visibility by going out to more career fairs, seeking out military, former military personnel, or former law enforcement personnel, especially for our upcoming Court Officer Examination that's going to be offered in the spring of this year. We're also exploring more social media platforms as well, especially Instagram and Twitter and Facebook and so forth. So, we're definitely on that path to connect with a vast group of people, to attract them to come in and see the opportunities we have here in the court system.

John Caher: I think we're all on the same page with that. But Porter, let me ask you, are you getting the support that you need from your Administrative Judge, and the entire administration of the Unified Court System?

Porter Kirkwood: Without question. Our former Administrative Judge, Judge Fitzgerald, was extremely supportive when the DCAJ's Diversity Task Force was put into place. You know, she invited me, and was very supportive of my joining and becoming a part of that. I think that our new Administrative Judge, Judge Faughnan, is also very supportive of all of these types of initiatives.

John Caher: That's great to hear.

Kim Stephens: Is the court system a good place to work, for someone of your background?

Porter Kirkwood: Oh, God yes. This is a great place to work. I mean, I've said many, many times that I feel incredibly fortunate to have the opportunity to work with such talented and bright people, and to have the support that you have here in the court system. But my experience so far has been this is a wonderful place to work.

Kim Stephens: So, what would be your advice to someone who may want to follow in your footsteps?

Porter Kirkwood: Well, certainly in terms of applying for positions in the court system, the first thing I would tell them is be patient. Don't get discouraged by initial rejections. I had applied for many positions with the court system, and I understood that just because you get rejected, doesn't mean the system doesn't want you. It just means you weren't the best candidate for that particular position. So please, keep trying. Don't give up. Be patient. Be strategic in your applications. So, you know. Apply for the things that you

really have the qualifications for. Those would be the kinds of recommendations that I would make.

Kim Stephens: And finally, what legacy do you want to leave as the first African-American ever to serve as Sixth Judicial District Executive?

Porter Kirkwood: Well, in terms of legacy, I hope that my example will be a positive example for folks who want to get in and work their way up through the system. Certainly, anything I can do to help make the system a better system. My ultimate goal? I want us to have an absolutely perfect judicial system. That's what I would like it to be when I leave here. Certainly, I want to promote things like the expansion of alternate dispute resolution, and the problem-solving court models, because I believe that those kinds of case resolutions are much better than traditional adversarial dispositions. And so, certainly those are the kinds of things that I'll be working on during my tenure.

Kim Stephens: Well, Porter, thank you so much for your time today, and thanks for your service to the community.

Porter Kirkwood: Oh, thank you for this opportunity. I greatly appreciate it.

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. 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.