

Women Leaders in the Courts: Eileen D. Millett

John Caher:

Welcome to Women Leaders in the Courts, a new program created and produced by the New York State Judicial Institute. I'm John Caher, senior advisor for strategic and tactical communications. The Women Leaders in the Courts program features interviews with just some of the remarkable women who sustain one of the largest and most complex court systems in the nation, if not the entire world.

Today, we're joined by Eileen D. Millett, counsel to the Office of Court Administration. Eileen, formerly a partner at Phillips Nizer in Manhattan, essentially runs a government law firm. She oversees 18 attorneys who handle an enormous range of cases and address an endless stream of novel issues. She's a former assistant district attorney and a former assistant attorney general and she spent much of her career in environmental law.

Eileen, welcome to the program and thank you for being with the court systems leaders.

You have a very distinct cultural background, as the oldest daughter of not one but two immigrants. Tell me a little bit about your parents, where they came from, the values, and the work ethics they instilled in all of their children.

Eileen Millett:

I'm the oldest daughter of a Cuban immigrant who came to this country as a child, always described herself as a proud black Cuban, arrived here as a child speaking no English, and a dad who came from Trinidad and Tobago in his mid-20s already a pharmacist but with a desire to become a medical doctor. It's interesting that he applied to schools in the United States and was accepted, actually, to medical school in the South, but being black, he was told that he could not live on campus, and he went to the Roman Catholic Church, being a good Roman Catholic, hoping that they could help him find accommodations, and then they told them that they could not. So my father left his first adopted country, the United States, for his second adopted country, France, where he studied medicine at the Sorbonne for six years and left us when I was about four years old.

My communication with my dad was really through the letters that he wrote to me, exhorting me to set a good example and help my mother, and oftentimes he'd send me cards in French that he would translate for me, so I grew up hearing my mother speaks Spanish and didn't really hear

French, but I saw these lovely translations of wonderful cards that he sent me.

But, John, I had so many wonderful examples in my family. My great grandfather, who was my inspiration to become an attorney, who I grew up hearing my mother speak about all the time and thought, when she told me that he had patented a medicine when he arrived in this country in his 60s and was accused of practicing medicine without a license and defended himself and won, I always assumed he was an attorney. I found out later that he was really a headmaster of a school and his desire was really to teach at Columbia University. That was not a goal that he ever achieved, but he was nonetheless very successful joining Marcus Garvey and becoming the leader of South and Central America and the Provinces of the West Indies and the Universal Negro Improvement Association.

My maternal grandmother became an officer in the Salvation Army. She was a captain and the prayer leader of her congregation. My mother's sister got her PhD in Romance Linguistics from Columbia University, so obviously it was always assumed that I would be a professional, that whatever we did, somehow we would be at the top of a profession, though my dad's view was that medicine was really the field that surpassed all others; he was very disappointed when I went to law school. I don't know that I ever pleased him because his goal was I should have a JD/MD, and that's not something I ever achieved.

John Caher: As a black Cuban woman, did you face any particular hurdles in law school or along the road to becoming an attorney?

Eileen Millett: John, I would say that it really had more to do with gender and less to do with race. I mean, I will say that I can remember a few incidents of what one would describe as bias when I was in law school, but I looked at the example that I just described to you of folks in my own family who overcome so many challenges. My aunt, for example, whose goal was to work at the UN, spoke five languages, and that was not a goal that she achieved, she was never successful in getting a job at the UN, but she nonetheless persevered and became head of the language department at Mary Bertram High School. She authored many textbooks in Spanish, lived in Spain, and took courses during the summer. So I had these wonderful examples to draw upon.

When I looked at how my dad, spending six years away from his family and seeing us only in summers and sometimes at holidays, and my mother succeeding with five children without my dad, I thought of those hardships and things that folks in my own family endured, and so even if

there were incidents of bias, it didn't deter me, because it didn't deter anybody in my family.

John Caher: Now, when you joined the court system in 2019, only about nine months ago, you were at the peak of a successful career. You'd worked in government, you'd work for large law firms, you were a partner at Phillips Nizer. Why at that point in your career and in your life did you want to come to work for the courts?

Eileen Millett: John, in working for clients can show them how to avoid liability, you can demonstrate to them how they can mitigate risks, you can even demonstrate to them how they can reduce penalties, if there are enforcement actions, and all of those things obviously can line your pockets and help your clients to sustain and increase their own profits. But when you look back at it and you ask yourself what you've really accomplished, given the examples that I've just demonstrated to you, I think you have to ask yourself, "What can you do that's really consequential?", and so when I was offered an opportunity, as it was described to me, to become the highest-ranking non-judicial person in the court system and to run, as you've described it, a small law office, for me, it presented an opportunity to be at the helm of that office, recommending and being instrumental in developing policies and practices that could have long-ranging effect and long-standing consequences and that seemed to me to be something worthy of a try.

John Caher: Now, your role rather defies specialization. You have to be a jack-of-all-trades. You represent judges and non-judicial personnel in litigation. You play a large role in preparing the court systems' legislative or political agenda, and in that capacity, encounter both small and large "P" politics. You advise the Administrative Board, the five judges who set statewide policy for the entire state. What has prepared you to wear all of those hats?

Eileen Millett: To answer that question, I would direct everybody to a wonderful book that I read when we were in lockdown before the reset started in Phase One and now Phase Two. It's a book by David Epstein called *Range: Why Generalists Triumph in a Specialized World* and while most people think that it makes some sense to spend a lot of time and many hours and focus and specialize on one thing, David Epstein, I think, was surprised to hear that Malcolm Gladwell, the writer for *The New Yorker*, actually agreed with him, that being a generalist helps people to get broader perspective.

Specialists really thrive in a world where patterns repeat themselves and it's very, very good for deliberate thinkers. But Epstein describes what he calls a "wicked learning environment," where the rules of the game are not clear, but you will allow yourself different experiences and you learn to be comfortable in different environments. So, as you've said, I've been a visiting professor in the law school, I've worked in government, I've been a prosecutor, I've been a general counsel. I was general counsel to a small tri-state water quality authority that did work in ensuring that there would be clean waters in the greater New York Harbor. It had authority over New York, New Jersey, Connecticut. So I think all of those experiences have taught me to be comfortable in multiple worlds.

John Caher: What in this role are your most difficult decisions that you have to make?

Eileen Millett: Well, John, I think it's only starting now to become clear to us that as we relax restrictions and come back to what used to be normalcy, and I don't know that we'll ever come back to normal, it'll probably be a new normal, but I think the consequences of what we faced are going to mean that there will be serious budget constraints, and so I would say that personnel decisions are probably the most difficult ones.

The most recent ones, for example, as we came to Phase One, even with 18 people, we had to think of who the 25% persons that you brought back in Phase One and who are going to be the 40% that you'd bring back in Phase Two, and while initially people seemed excited about the prospect of returning, invariably, there were reasons why, either because of their own fears about themselves or their families, they were not as anxious to return to the workplace, and so I would say that personnel decisions now, and I think ones that we're going to face in the future when those inevitable budget constraints rear their ugly head are the most difficult ones

John Caher: It will be a difficult time going forward, I'm sure. Now, in your career, as everyone else has experienced, you've experienced good administrators and administrators that were not so good. In your mind, what distinguishes the good from the less than good?

Eileen Millett: Well, I think the shining example that we all have in front of us is Andrew Cuomo, who many I think a few years ago saw as somewhat dull and I don't think was easy in front of audiences. I don't think many people had a good sense of who Andrew Cuomo was, but this pandemic has had him rise to the occasion and really become must-see television. He's taken New York from being the largest number of cases of COVID infections to the lowest number in the entire nation. If you watch those news

conferences at 11:30 or 12:00 every day, you saw him use charts and graphs and embrace science and listen to the experts. I think he embodies all of the qualities that one would want to see in an administrator who is at the top of his game, so Andrew Cuomo is my example.

John Caher: How would you describe your management style? Open door, top-down, or is there a particular style that you ascribe to?

Eileen Millett: As you've said, John, I run an office of 18 lawyers who have been here for, collectively, an enormous amount of time. I've been here all of seven, eight months. The folks here, I don't think anyone else has been here for less than 10 years, some even longer than that. So you have folks that have honed their craft and not only have a great deal of experience in their individual disciplines, but also have a great deal of experience in the Unified Court System. Part of being to be able to do your job well is to know the people as well as the institution and the organization. So I would say the most important thing that I've been able to do and I've tried to do is to listen to people and the harder thing that I've strived to do is to be patient.

I'm a Gemini, so we like immediate results and we think of ourselves as very smart people and we like to surround ourselves with smart people, but we also like to get things done yesterday, and I've found that I've had to slow down my expectations about what I can accomplish and how quickly I can accomplish it. This is an institution where you have to get to know the people and you have to know the substance as well as the people.

One of the things that the pandemic has helped us to do is that we've had daily calls, for example, with the Deputy Chief Administrative Judge for upstate, with the Deputy Chief Administrative Judge for the New York City courts, with the Chief Judge and the Chief Administrative Judge. Of course, the Chief Judge is an administrative judge I've worked with more closely as part of the Administrative Board, but on the calls that I've described, there are upwards of 50 to 70 people, and so it means that I had the opportunity for the months that we were on lockdown to listen to the concerns of those people, to understand what it is that they thought was important about their particular jobs, and to understand the personalities as well as the substance of what they wanted to achieve. So I would say listening and learning are the things that are most important to managers and those are things that I think I've had to embrace, simply because when you don't have the opportunity to be able to reach out and touch someone, I think it's even more important that you listen.

And again, as I said, that's been very hard because it's felt as though things have been slowed down, but in some ways, they've speeded up because it's forced the court system to embrace a lot of technical systems that some attorneys and even judges are not comfortable with, but all of us have had to get very, very comfortable with technology and adapt and in some instances, even substitute all for what we thought was the best way, which was the in-person communication.

John Caher: I want to follow-up on the differences between managing in the public and the private sector. What is the difference?

Eileen Millett: Well, I would say that the private sector is more hierarchical and I think if you're an associate at a law firm, you feel that much more acutely because your reporting line is to perhaps the more senior associate first and then to a junior partner and then to a senior partner, but much less interaction with a managing partner or somebody at the top of the food chain.

I do think that in the public sector, one would think change should come easily, but I found that that's exactly the opposite because, despite what I've said about having to adapt to new systems on a technical level, the Office of Court Administration is a huge behemoth of an animal, if you will, it's like a battleship, and even though I think it deserves high marks for adapting in these odd times that we've lived through, I don't think it's come very easily. So, for example, when you posit different policies or practices, it's not so much that you get pushback, but you certainly get a lot of curiosity as to why it is you think there's a different way or a better way when we've always done it this way and we've done it this way for 10 years or 20 years and why do you think, you're a new kid on the block, that your way makes more sense.

John Caher: Well, let me take it one step further: Is managing in the public sector different than managing it in the private sector for a woman?

Eileen Millett: I wouldn't say that. I think even though we function in, I think, a profession that is still dominated in the hierarchy by males, there are still a significant number of women. Again, there was a report on women in the courts that was recently adopted by the State Bar Association and they found that women have not really attained speaking roles in the way that we would have thought would have been accomplished at this juncture. We still don't see women in the leadership positions, but I would still say that there are enough women so that my expectation is that that will change and that as we see more women in leadership

positions, you will see more women taking speaking roles and you'll see more women taking charge.

I mean, we have a Court of Appeals that's led by a very able, very capable, very strong, very driven Chief Judge who I think is an example to be looked at, not just in New York, but across the nation. I do think that there are more challenges for women, but I think there are wonderful examples of women leading and women stepping into leadership positions.

John Caher: Do you think, or has it been your experience, that women tend to manage differently from men? Is there a "woman way" of managing?

Eileen Millett: I think that women tend to be more hands-on and I can give you an example. I talked about the daily calls with the Deputy Chief Administrative Judge of the upstate and the downstate courts, what we dealt with in trying to be sure that we could manage a court system when you didn't have an in-person interaction and we kept coming into a problem being raised by county clerks. County clerks really have two distinct roles; one is the clerk of the county and the other is the clerk of the court. There are two sets of statutes that deal with those obligations, there are different sets of responsibilities. The structures are very different.

This is what I kept hearing as, again, new kid on the block, and while I could read the statutes and see that there was differences, I think it was really difficult to grasp the nuance, and so I decided to take myself down to the county clerk's office and spend a day with them. They said they had not had a counsel do that ever, so I spent a day talking with the clerks in the county court, looking at their indexes, looking at how they documented the receipt of papers, how they accepted fines or fees for certain documents that had to be filed, construction loans and grants, for example. I looked firsthand with their technical people at how it is that they received information.

Sitting across from them with my mask on and my gloves and spending an entire day with them, I came away with not just a better understanding of what the county clerks did and how they functioned, but I also think I came away with them having a different kind of regard for counsel's office, and that is something that the five county clerks communicated to me. I don't know if it's a women's management style, but maybe my management style seemed to resonate with folks that are really important in the court system.

John Caher: Now, you came into the court system with a lot of experience and a very impressive resume, but I imagine you still had to earn the trust and confidence of those who are working for you, as does any manager coming in from the outside. How do you do that?

Eileen Millett: Again, John, two things, two answers: One, I think, patience, because one would have imagined, "Well, you've come into an entirely new system, but you have to learn the system and you have to learn the people, you've got to give yourself at least six months to do that." I didn't have six months. We were confronted with a global pandemic and then that made it even more difficult because it meant that you no longer had that, you couldn't interact personally with people because you were told that you were you're forbidden from doing that.

When it was appropriate, I did what I explained to you a moment ago that I did, which is to spend a day in the county clerk's office, but I also, when I was getting frustrated and talked with people in the court system, mentors that I look to, people like Judge Betty Ellerin, she cautioned, as did Judge Alan Scheinkman, also a mentor, "Be patient, Eileen. Wait a little while. You can't expect things are going to be as they were. This is a different time that we're all living through," and it took me a minute to absorb and process that advice, but I think it was terrific advice and I think that's what I've done.

John Caher: It sounds like the takeaway for other women department heads or women who want to be department heads is, "Listen, be patient, get to know people." What else would you advise them?

Eileen Millett: Be strong and have heart.

John Caher: "Have heart"? What do you mean by that?

Eileen Millett: Understand that when, for example, an attorney says to you, "I'm really having a great deal of difficulty thinking about returning. I have three children at home. I'm not really sure how I'm going to find childcare. They're varying ages. One could perhaps go to day camp, but a three-year-old and a four-year-old, I may not be able to do that with, I may not be able to get a nanny because of the difficulties and fears that people have about transmitting the virus," but you try to be understanding and you try to say "If there's a way that that individual could work from home and not have to be in the office, let's allow that accommodation to occur."

John Caher: Thank you, Eileen. Thank you for your time and thank you for your leadership in the courts.

Eileen Millett: Thank you.