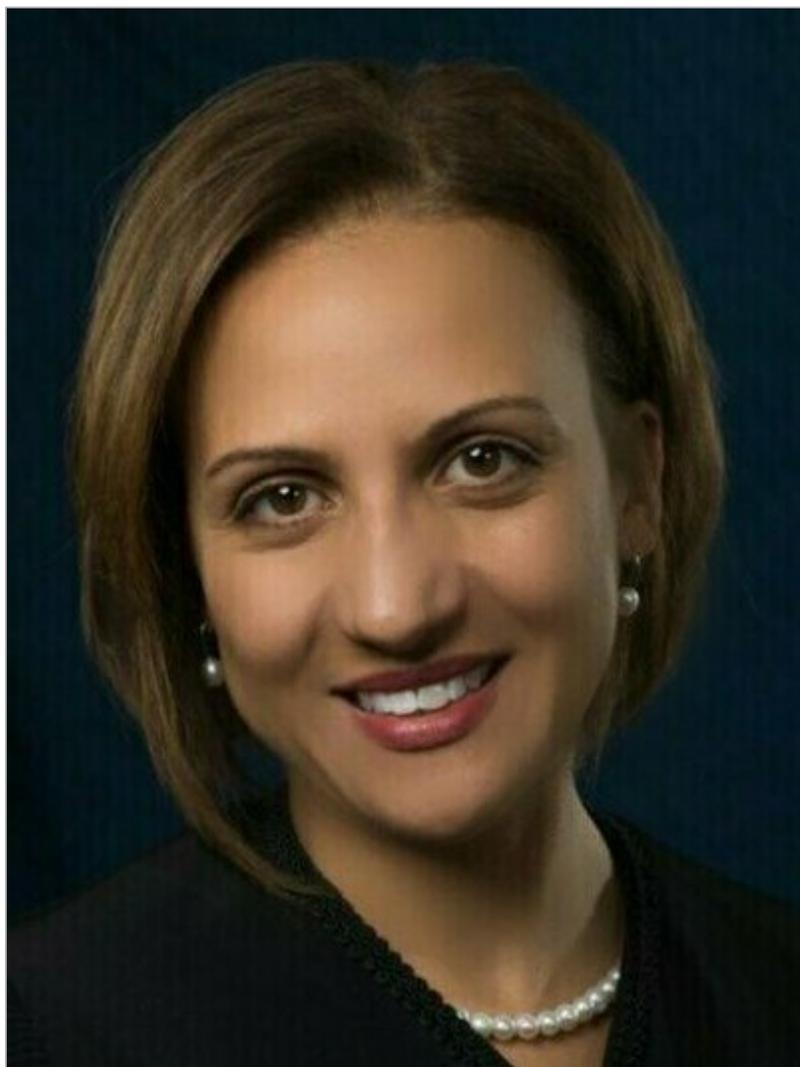


## After 15 Years, 1st Latina Still Only One On Western NY Bench

By **Marco Poggio**

Law360 (April 11, 2022, 3:30 PM EDT) -- Judge Betty Calvo-Torres is the first Latina to serve in Western New York and is currently the only one on the bench in a region that covers 22 counties.



Judge Betty Calvo-Torres

Judge Calvo-Torres, who is of Dominican and Puerto Rican descent, began her judicial career in 2007, when she was appointed to fill a seat in Buffalo City Court left by a judge who had moved to the county court. That same year, she ran in the scheduled election and won the seat and did so again in 2017.

She currently presides over the Drug Treatment Court, Mental Health Treatment Court and Veterans Treatment Court in New York's second-largest city.

In addition to her work as a judge, Judge Calvo-Torres teaches at State University of New York at Buffalo Law School, where she earned her law degree. She is also a past president of the Minority Bar Association of Western New York.

## **In Their Own Words: NY Judges of Color**

Some racial groups remain largely underrepresented in the New York judiciary. This is the fourth interview in which Law360 Pulse speaks with New York jurists of diverse ethnicities about what it's like to be a judge of color in the state and possible ways to add diversity to the bench.

Before landing on the bench, Judge Calvo-Torres worked as a prosecutor in the Erie County district attorney's office, then as an attorney at Cantor Lukasic Dolce Panepinto PC.

Judge Calvo-Torres spoke with Law360 Pulse about how her racial background influences her work on the bench and what's needed to diversify New York's judiciary. This interview has been edited for length and clarity.

### **How do you describe your racial background, and what does it mean to you?**

Being a Latina means that you are a mix of races. [There are] folks who are Hispanic and don't recognize that we are also Black, we are Indigenous and we do have Spaniard origins. Those folks fail to recognize the history of our countries and the richness of our culture.

So being Latina means a lot of things. It means I'm Latina, but I'm Black, I'm Hispanic, I speak a second language, I have a rich culture, I eat great food — I make great food, by the way. From a judicial perspective, it means that I have a different lived experience.

### **You are the first-ever Latina judge in Western New York. What do you make of that?**

It's been a humbling experience. It also means that I have an extra weight on my shoulders because I am the first. Not only did I have the opportunity to open that door, but I have an obligation to keep that door open. My hope is to not be the last and to not continue to be the only one.

I've been on the bench now for 15 years, and in that time, we have not had another Hispanic [woman] on the bench. When I refer to the bench, I'm referring to not just the city court level [but also] County Court [and] Supreme Court. I'm the only Latina in the entire Eighth Judicial District. That's a sad state of affairs. I see it as a great opportunity — I'm very blessed, my family has been blessed by the opportunity — but I also see the shame in the fact that in 2022, I'm still the only one.

### **We live in a society where there's so much professed emphasis on diversity. But we're also in a society that tokenizes people. Do you feel like you're being tokenized? Do you feel like you've been given a burden that you might not want to have?**

I don't know that I would label it as a burden, but certainly some extra expectations and responsibilities have been put on my plate being the only one. There are certain panels or events that I'm expected to be a part of simply because I'm the only one.

But I see that also as an opportunity to make sure that folks understand that we're much more than what is portrayed on TV, that a Latina does not have to have an accent or look a certain way. That we can be smart, professional and vibrant, all at once.

I see what some people may categorize as a burden. I really see it as an opportunity to keep that door open, with the hope that other Hispanics will be able to walk through that door.

## **Does your racial background come up in your work on the bench? Does it interfere?**

I don't think that it's something that you talk about. It's something that is there and is present.

I wouldn't say it interferes, but it certainly influences. I wouldn't say that it's front and center, but it's always present. Who I am as a person, as a woman, as a judge is directly impacted by my culture and my heritage. How I perceive things and how I interact with folks is impacted by that.

Any judge who says otherwise is just not being honest.

That's why diversity is so important. Every one of us brings a different perspective to how we view the litigants before us, to how we interpret the law. There are studies that have found that female judges are more likely to identify gender bias in their courtrooms and to intervene. There are studies and research that suggest that judges from different backgrounds often rule differently from one another in certain categories of cases, such as those involving civil rights.

Those different perspectives are necessary so that the public can have confidence and trust in us and our rulings. How can we possibly ask the public to have confidence and trust in our institution, if they see it as one that is segregated — if the communities that it's supposed to protect are excluded from its ranks?

I do treatment court, for example. In the treatment court, a good number of our participants are people of color. A good number are folks who are struggling financially and obviously are working to overcome a mental health illness or addiction. When they look at me, some of those people — and I'm referring to, you know, people of color — they get a certain level of comfort. It's not spoken. It's something that they feel, or that they perceive, because they look at me and assume that we have similar life experiences.

My ability to interact with them, to relate to them, and to encourage them on their journey is based on my life experience. It directly feeds and impacts my ability to help folks.

## **How did you get into the law and become a judge?**

My grandmother — rest her soul — would always refer to me as "abogadita sin título," which means "a little lawyer without a title." It was her way of referring to how inquisitive I was and how I would push back on certain things. I would ask questions and not just see things for the way they would present it, that is. I think that really may have sparked my interest in what a lawyer meant.

What I knew about lawyering was very little when I went to law school because I had never actually met a lawyer before. What I knew about lawyers was what I saw on TV. And, of course, it's made to be very elegant — you know, this wonderful career. But I didn't know everything that it entailed. I asked a lot of questions, and I followed that dream that I had. I went to Binghamton University for college. I was the first generation in my family to go to college. And I was also the first generation in my family to go to law school. So a lot of firsts there and a lot of blessings, and a lot of challenges too, along the way.

I started my career as a prosecutor with the Erie County DA's office. When my husband and I had our son, I decided I wanted to go into private practice, thinking that it would allow me more flexibility with my schedule. I went into private practice, and I quickly found out that there was a real need for a bilingual attorney to do criminal defense work and family law. That's where I concentrated my efforts.

After some time, there was a vacancy in Buffalo City Court, and Mayor Byron Brown found fit to appoint me to that vacancy. That gave me the start of my judicial career, in 2007. I was appointed in June. Then I had to run for the primary election and the general election.

It was a real learning curve, because I went into applying for the appointment based on a real wholehearted belief that I could do the job because I had done the work from both sides. I had been a prosecutor, I had been a defense attorney, so I thought that combination of experience and skill set

would serve well on the Buffalo City Court bench. But I didn't really know the political aspect of it. I had to learn very quickly, in order to retain my seat. I did what needed to be done, ran a successful campaign. I'm in my second term now.

## **Why do you think the state judiciary lacks diversity?**

I think there are a multitude of reasons why there's a lack of diversity on the bench. Part of it has to do with the demographic makeup of the counties. Part of it has to do with the finances involved. For example, in the Eighth Judicial District, you have to run in eight different, very spread-out counties. That's a lot of money. That's a huge expenditure.

Historically, when you look at this country, there's a correlation between access to higher education, access to jobs and access to money. That high need for money to run across a judicial district, unfortunately, naturally excludes people of color.

## **How do you think the bench could become more diverse?**

The powers that be also have to have the political will to make change. There are cross-endorsements that occur. When a candidate is cross-endorsed by the two parties, that greatly reduces the amount of campaigning, money, travel — it makes being elected so much more attainable. How often do you see the parties cross-endorsing people of color?

There are ways to make things happen. You've heard that saying, "Where there's a will, there's a way"? If the political parties had the desire to make it happen, they could.

Everyone involved in the process has to be genuine about their desire to diversify. Everyone can say they're about diversity and inclusion, but actions have to spell that out. That includes the political parties. That includes the elected officials who have the ability to make the appointments. That includes the committees that do the vetting of candidates. Are they being open-minded and intentional about presenting a diverse slate of people for appointment?

"Diversity and inclusion" is about being thoughtful, and it's about being intentional. It shouldn't be a catchphrase.

## **Court leaders say their plan to consolidate trial courts would increase diversity. Do you have any thoughts on that?**

I'm not going to comment directly on their plan, because I don't know that it would be appropriate for me to do so, but I'll give you some facts.

As part of that merger plan, the city court judges are put in the same category as town and village [courts]. They all become Municipal Court judges and they are stripped of the ability to be given acting County Court or acting Supreme Court status. So there's that.

With respect to diversifying the Supreme Court bench, well, it seems to me like you're just shuffling people around. And if the actual numbers don't increase, then what have we really done? You're just renaming courts, somehow centralizing power in the [Office of Court Administration]. You may be shuffling them around, but if the numbers don't change, then have you really diversified the bench?

There's got to be a goal. There's got to be the actual political will to diversify the bench, and not just a renaming of things.

--Editing by Gemma Horowitz.