



# FROM COCKPITS TO COURTROOMS: LOOKING BACK ON A 50-YEAR JOURNEY

## A CONVERSATION WITH TOM LINTNER

From early rides on the roads, in the sea and in the sky, to diverse roles at the sharp and blunt ends, **Tom Lintner** has had an extraordinary career spanning half a century in aviation. In this conversation, **Steven Shorrock** talked to Tom about how his experience has shaped his perspectives on Just Culture.

I've worked with Tom Lintner for several years in the context of EUROCONTROL's Just Culture training courses and other forums. Those who have met him could not forget him: he's a striking, extroverted, and humorous straight talker (a native New Yorker, and a proud Irishman). But what has come across to me more gradually over the years is an extraordinary breadth of aviation knowledge. He's as happy to talk about air traffic control, cockpit operations, and dispatch, as airline operations, accident investigation, and justice. But it's not only understanding that he brings; it's operational experience in a diverse range of roles. It all adds up to around half a century of time served in aviation. I spoke to Tom about his life in transportation, and his views on Just Culture, on 'both sides of

the pond'. In his own characteristic style, he narrated a lifetime intertwined with multiple modes of transportation.

### Early Days

It might be the psychologist in me, but in getting to know someone for an interview, and in general, I am usually curious about their early years. Indeed for Tom, the seeds of his passion for transportation were sewn early. *"My father took me for a plane ride with a friend of his out of Edwards Field, a grass strip on Long Island. I was in the back seat. I was 8 or 9, maybe 10. That was my first plane ride."* His father also taught him how to handle boats on Long Island, and on the beach roads he

learned to drive. His cousin worked for a moving and storage company, and taught Tom how to drive trucks. By 18, he was driving 40-ton (80,000 kg) tractor trailers in New York City. *"If it had gear shifts, I was fascinated,"* he recalled.

## College Days

Next came college, and Tom asked me to guess his major at college. My guess was physics, and I was partly right, since that was his minor. I could not guess his major, which didn't even come to mind: accounting. *"Can you picture me as an accountant?"* he asked. *"I can until you start talking,"* I replied (though, of course, I know there are accountants in NYC). *"Why accounting?"*, I asked. *"Not a freaking clue,"* he replied, *"but it's a good foundation."* His vague idea was to go on to law school, major in tax accounting, and *"make a fortune"*.

By the second year of college, he had transferred to a university on Long Island, which was affiliated with a flight school. His trucking job paid his tuition fees, and allowed him to accumulate a collection of flying licenses. Nine months after his first airplane lesson in his first year of college, he had a private pilot licence. Twelve months later came an instrument rating and commercial pilot licence, followed by an instructor's certificate. Then he started to instruct. By the third year, he finished the university programme.

## Trucks, Boats and Hospitals

After college, he went to a trailer leasing company. It was the mid-1970s. *"Vietnam was over. I realised that the airlines were flooded with post-military pilots. So, in the hiring curve of aviation, I was in the wrong time, wrong place."* It was a brief diversion into a company with a primary focus on profit margins. After two years, he realised, *"This is not for me."*

In his early-20s, Tom also obtained a US Coast Guard International Captain's licence for Oceanic operation. The licence required him to log 360 days on the ocean and a written exam. He recalled that it was *"probably the most difficult written exam I've ever taken."*

Meanwhile, he decided to train as a volunteer hospital paramedic, motivated by his experience of growing up, when his mother had four open-heart surgeries in the 1960s. *"I grew up in emergency rooms and hospitals,"* he said. As is now clear in his history, motivation and capability aligned with opportunity: *"I never turned down a chance to do something."* One of his flight students was a cardiologist and introduced Tom to a basic paramedic course. He signed up for it, and 365 hours of instruction in cardiac emergency medicine made him an advanced cardiac paramedic. He then started as a volunteer working in the emergency rooms and coronary care units.

I was starting to lose count of the number of licences and certificates. By his mid-20s, Tom had an airline transport pilot's licence, an instructor's licence, a multi-engine licence, a US Coast Guard captain's licence, and a cardiac paramedic licence. But it was becoming clear that this was not all part of a grand

plan. *"There was absolutely no plan. I never even had a goal. I explored everything I could and was always fascinated. The whole life strings out the same way. 'Hey, that sounds interesting. Let's do that.' But if I could point my finger at one industry, what intrigued me, it's transportation – basically moving big things from point A to B."*

Indeed, it seemed that there was more of an aversion not to do certain things. It struck me that this is a man with a deep aversion to boredom. *"I can't do it,"* he confirmed. And so, after his time spent on the roads, he took to the skies.

## First Job in Aviation

Tom's first job in aviation was as a flight instructor, teaching primary students, commercial instructing, and instrument training, out of airports on Long Island. On Saturdays, he would leave the trucking terminal at 16:30, driving out to Long Island. On arrival he would change clothes, tend the bar in a restaurant, then drive to the hangar. After sleeping there, he'd fly eight hours teaching on Sunday.

His next opportunity took him to ATC at 25 years old. He had taken the Federal Aviation Administration (FAA) ATC exam two years prior *"on a whim"*. He scored 95% and waited. Two years later came *"this big government envelope"*. He was offered a position, at Islip flight service station. But it wasn't for him. *"So, I called and said, thanks, but I only wanna work in a tower...either LaGuardia or Kennedy."* He was advised not to be picky, but another manila envelope arrived, with a job offer for Rochester Tower. His response was the same. Then, the next day, an offer for LaGuardia arrived. In 1979, starting in a "level four facility" without going up through the ranks raised eyebrows, but his training began directly in La Guardia Airport Traffic Control Tower. One year later, he was a licensed controller. By 1981, he was checked out, certified and working on all the positions.

In August 1981, the union declared a strike. PATCO (Professional Air Traffic Controllers Organization) sought better working conditions, better pay, and a 32-hour workweek, along with exclusion from some civil service clauses. Tom assessed the strike as *"a lose-lose"*. He resigned from the FAA within Reagan's 48-hour deadline and moved into airline dispatch. But three weeks later, he was reinstated as a controller at La Guardia. Having obtained an airline dispatcher's licence, he retained a second job for Pan Am World Services as an airline dispatcher instructor, teaching sections of the dispatch programme associated with flight operations, weight and balance, navigation, and meteorology.

## New York TRACON

From La Guardia, Tom went to the New York TRACON (terminal radar approach control) on Long Island, which handled the New York metropolitan area – some of the busiest and most complex airspace in the world. He transitioned out of LaGuardia Tower into the LaGuardia sector, but the similarity ended there. The TRACON environment was horrible. *"Dark room, no windows, no sense of what time it was. There were*





*spotlights in the ceiling and you had to walk along looking for a spotlight to read a flight strip."*

The social environment was toxic, too. *"Picture a whole bunch of Type A personalities. Every person wanted to be in command. Nobody believes in consensus. Then put 'em into a small dark room. It was controlled quiet chaos, mixed with a feeling of 'what's going to be thrown at us next?'"*

**"Nobody considered anything in air traffic as related to safety. It really wasn't our job. Safety was assumed."**

I raise the issue of safety culture. *"There wasn't one. We never thought about that. Nobody considered anything in air traffic as related to safety. It really wasn't our job. Safety was assumed."* The lack of safety focus was systemic. *"There wasn't a safety department per se in the air traffic control environment. There wasn't even a safety officer. It was assumed that if the book said you need three miles, that's all you needed to do."*

The term 'risk' was never used, either. *"That was just not part of the thought process. The thought process at the time was, 'Do you guys think this is gonna work? That's as close as you got to risk management.'" Still, individual controllers would build in an extra half-mile buffer, principally to avoid blame. Reflecting on the thought process at the time, Tom explained: "Now, with that buffer, if the first aircraft slows down unexpectedly, I can do something before I get in trouble for a close call."*

His headset years in LaGuardia and the New York TRACON amounted to around nine years.

But there were another 20 years in the FAA.

## Safety Auditing and Investigation

Tom moved into 'Quality Assurance' at the Regional Office in the mid-1980s: *"Damned if I ever knew what that meant."* He went in as a staff specialist to the regional office at Kennedy Airport. He would go into a facility, plug in, and watch and critique how the controllers worked. *"We would have their own local manual and the headquarters manual. And we'd check, are they doing things in accordance with what the local manual says? While we didn't think of it at the time, we were operational safety auditors."*

But he'd not quite finished with Ops. *"I had checked the box for the tower environment. I had checked the box for radar. I needed*

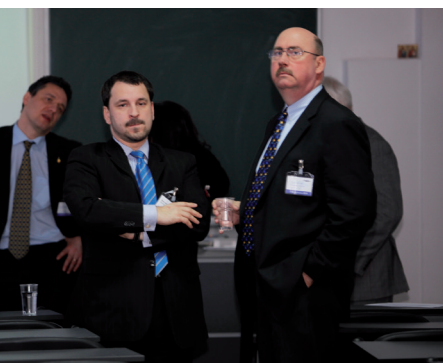
*to check the box for supervisory experience."* He transferred to become an area manager in the radar room at Washington Dulles International Airport and remained there for 18 months.

Curiosity satisfied, he was drawn to Washington headquarters: *"the real Investigations organisation: the Office of System Effectiveness"*. This involved incident investigations for the entire USA: from losses of separation to accidents, and every operational event in between.

It was a desk job, but not a regular desk job. *"I probably spent 40 to 50 per cent of the time on the road, all over the country: Chicago, Atlanta, San Francisco, Anchorage."* Part of the job was monitoring the system from the air, in the cockpit, which was *"both boring and fascinating."* How so, I asked? *"The different systems on the aircraft. The jump seat in the Concorde crossing the North Atlantic at 60,000 feet – you do see the curvature. The approach into Point Barrow, Alaska, at 800 feet, looking for a snow-covered runway..."*

There were so many incidents at the time that a new, dedicated unit was established. The Office of Air Traffic Investigation was a small office, with eight staff responsible for conducting investigations of the air traffic handling of events. Tom and his colleagues were teamed up with a similar organisation within FAA flight standards, and the National Transportation Safety Board (NTSB). This was an era of many accidents. *"Value jet into the Everglades. American Eagle into Illinois. US Air 427 into Pittsburgh. US Air into Charlotte. The Cessna 150 crash into the White House in 1994. We were just finishing Delta 191 into Dallas."* Those were just the big ones. *"We were losing two GA aircraft a week on average. Then TWA 800 blew up off coast to Long Island."* That was the last one for me, he said. *"I couldn't change anything. What are we doing here? We're not making a change. We're just burying people."*

The emotional impact was significant and remains a driving force. *"I still hear screams in my head."* I assumed he meant those of families, heard during the inquiries, but the voices were those of pilots. *"There were rarely any survivors. And nobody goes down quietly."* In those days, there was counselling support, but it would rarely be accessed. *"Only weak people did that"*, Tom quipped. *"You could see a psychologist, but not if you wanted to work again."* It was a different era, but sadly, these attitudes remain in aviation.



The lack of effectiveness and lack of support was joined by a lack of accountability. This brought us back to Just Culture. *"Investigations were the ultimate blame game."* In those days, every accident investigation was centred around protection from unwarranted blame. Competing organisations and professionals were coming after each other.

**"Investigations were the ultimate blame game."**

But there was a change in the nineties. The usual practice of assigning 'probable cause' to the pilot or controller changed. *"The NTSB added that 'the FAA failed to provide effective management oversight'. The foundations of the earth shook."* But what looked like a system approach remained a blame game. The targets just expanded.

All of these experiences influence how he thinks about just culture now. *"I saw all the ways that don't work. Pointing the finger doesn't work. Making accusations before facts are known does not work, and neither does denial."* His idea on how things should be is clear: *"The goal of any investigation is to provide the foundation for future changes – if warranted – so that similar events are prevented. To achieve that the investigation must be fair, balanced, and unbiased. To accomplish that objective, someone, or some organisation, must accept responsibility, and that does not automatically mean they have to be punished. Conversely, a 'blame-free' environment does not work, and nobody can be seen as above the law."*

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## The Other Side of the Pond

Bringing a US perspective to the European context, Tom has observed several differences. *"We walked a different path earlier on and it was never called just culture."* It goes back to the NASA aviation safety reporting system (ASRS), founded in 1976. The FAA's regulatory role to encourage aviation activity conflicted with its enforcement responsibility. FAA and NASA therefore agreed to establish a programme, run by NASA, to collect safety data. Tom recounted that every pilot was told, *"carry this green sheet. If something happens, write the story down, it goes to NASA, and we can learn from it to make the system safer."* In order to get pilot cooperation, the FAA would take the filed NASA report into account, and not suspend or revoke the pilot's licence. They would instead issue a letter

concerning what happened and what was learned. *"It was a tacit understanding that if you cooperated by telling your story, the FAA flight standards inspector would take that into consideration."*

Subsequent reporting programmes developed at major airlines would eventually evolve into the 'Aviation Safety Action Program' (ASAP). Airlines, the FAA, and professional organisations and associations created a way for employees to report safety data with certain protections. *"In retrospect, without ever calling it 'Just Culture,' it was the genesis of a future approach to reporting and handling reports from front line personnel. It's as close as you can get to what I would refer to as operational just culture. It's not immunity; it's still accepting responsibility."* This is where Tom believes that Europe needs to focus.

Currently, the European definition of Just Culture includes the legal term, "gross negligence" while ASAP-type programmes do not use the term. *"This is a huge advantage. Gross negligence can only be determined by a professional trained in the law and – fortunately – it is an exceptionally rare event. But unfortunately, that criterion has become a challenge to just culture implementation in some quarters."*

## Obstacles on the Just Culture Journey

Tom referred to a number of issues that get in the way of Just Culture. The first is how professionals and organisations deal with gaps in human capabilities. *"The world is a bell curve with people with different abilities and different skills doing different jobs that have different parameters and requirements. And somewhere in that bell curve, you have to establish certain standards, and that is the responsibility of the organisation. So, what happens when there is a mismanagement and you have the wrong person in the wrong job, trying the best they can, but the job demands and system complexity exceed their capabilities. Then, at a point in time, they make mistakes? That's not an individual's 'honest mistake,' in my opinion, that's a failure of a system, and that needs to be acknowledged."* According to Tom this issue will be a challenge. It's a taboo topic, but one that he says we collectively need to talk about.

A second obstacle is responsibility and accountability, either by the people or the organisation as a whole. *"The bottom line is somebody or something has been inconvenienced, hurt, or penalised because the wrong person was in the wrong job, trying their best, but they shouldn't have been there under the conditions at the time."* The bigger picture for Tom involves *"finding the balance"*, and accepting responsibility and accountability for the ultimate results of something that goes wrong. He's not necessarily talking about the typically traumatic context of restorative justice (or restorative just culture), but the more mundane, which might be as simple as lost luggage. Having experienced this recently, with no apology and no admission of anything by the airline and airports, I could see what he means. Sometimes, professionals and organisations are so intent on not admitting wrongdoing that the right thing isn't done. Especially when there are professional or organisational implications (e.g., liability), honesty, apology, and amends often don't happen.

A third obstacle that Tom warned about is focusing Just Culture programmes on specific employees only. *"You have developed a Just Culture programme, and, when you say, 'this is for the pilots' or, 'this is for the controllers,' you're also saying, 'This is for our highly trained, specialised, important people.' So, what about those who work under the wing? That airplane's not gonna move unless the folks under the plane do what they need to do."* There is a similar situation in air traffic, with support staff sometimes seemingly outside of the Just Culture programme. *"Just culture for some' creates levels of unfairness within an organisation, and you have inadvertently segregated your workforce into 'them' and 'us.'"*

A fourth obstacle is denial of the legal reality. Reflecting on the early years of the EUROCONTROL Just Culture Prosecutor Course, Tom remarked that *"the understanding today is much better than it was when we started 11 years ago."* In the beginning, the legal environment was a shock to professional associations, in terms of the legal context and the type of questions that might need to be answered. The peculiarities of Napoleonic law when it comes to prosecution *"still blows my mind"*, said Tom. And it's not lost on him that Common Law has its own peculiarities, such as the practice of filing a complaint in a more liberal or conservative court depending on the history of that court and the local regulations on evidence. *"But the law is the law. If you don't like it, change the law."*

A fifth obstacle that became clear from our conversation was a focus on individual cases over the bigger picture. *"We are going in the right direction, albeit at a glacial pace. But we're hampering our own progress by not looking far enough down the road. We are so engrossed in specific cases, which we perceive to be miscarriages of justice, that we lose track of the potential gains we can have as a whole in society."*

## Looking Back and Looking Forward

Going back to Tom's early days, I asked him at the start of the conversation what his mother or father would have said were his gifts. What was he naturally good at? One gift was obvious: *"Determination. Once I locked onto something – once I said 'let me take this airplane ride' – I wouldn't let go."* This was apparent in his collection of certificates and licences. Tom's second gift was less obvious, but it made sense even in the context of the conversation: *"Seeing the breadcrumbs going forward and backward."* I asked him what this meant for him now. *"I can see the breadcrumbs going backward from an event, but I find it easy to envision multiple alternative paths going forward. I don't allow myself to be stopped by a single obstacle – usually bureaucratic – I simply take a different path to the same objective."*

The conversation helped me to trace the breadcrumbs along his lifepath, from a childhood flight that sparked a passion in aviation, through to his operational and safety roles.

From these roles – spanning 50 years in aviation – I could understand the roots of his perspectives on Just Culture and safety. Much of the professional and organisational history Tom described helped him to understand what doesn't work, and what can work. As he likes to say, *"Just Culture is both simple and complex,"* or rather, simple in theory, but complex in practice. **S**



Tom Lintner is currently the President and CEO of The Aloft Group, LLC as well as Managing Director of Aloft Aviation Consulting, Ltd., in Dalkey, Ireland. Tom retired after 30 years of air traffic operations with the U.S. Federal Aviation Administration. His experience and familiarity with U.S. and European air traffic control and flight operations, ATC enroute and terminal procedures development, safety and quality assurance, and accident investigation, represents a unique range of aviation expertise. Tom is a citizen of Ireland and the United States and is a trained safety auditor with EUROCONTROL. He holds a U.S. Airline Transport Pilot license, is an active Certified Flight Instructor, holds both an Aircraft Dispatcher and Control Tower Operator license and has taught for Flight Safety International and PanAm World Services.

Tom is a facilitator on EUROCONTROL's Just Culture Prosecutor Expert Course.