NYC 9/11 Public Portal Document

DAILY NEWS, SUNDAY, DECEMBER 2, 2001

Voting no on elected judges

Tomorrow, the state Office of Court Administration will release a report based on a lengthy investigation into how judges award lucrative guardianships, receiverships and trusteeships. The findings should be brutal. For decades, judges have used these assignments as a form of payback to the political machines and the law firms they favor.

As this page noted last week, the judicial branch of our state government is in pitiful condition. The system is convoluted, operates with scant public oversight and has too many elected judges of questionable experience, competence and ethics.



These judges are products of a political spoils system. Though technically elected — and to 14-year terms, no less — they are, in reality, hand-picked by Democratic county bosses. The elections are a sham. Voters get to choose three candidates — from a field of three candidates. Some choice.

Who are the judge makers? They're people like Jeffrey Feldman, executive director of the Brooklyn Democratic organization and husband of an elected judge. Feldman once boasted, "We haven't lost a judicial seat in over 100 years." He didn't mean "we, the people." He meant "we, the clubhouse." That says it all.

While not 100% accurate — the party machine occasionally does lose — Feldman reveals the contempt in which pols hold the principle of an independent judiciary. Not surprisingly, ex-politicians, county bosses and district leaders clutter the bench. The old saw that there are only three ways to leave elective office — indictment, death or a judgeship — isn't far off the mark.

After a comprehensive review, the Daily News has concluded that of the city's roughly 180 elected Supreme Court justices and surrogates, at least 89, virtually half, are ill-chosen or unfit. The judiciary may disagree, but this finding is based on a large body of fact.

Nearly one in five missed more than two months of work, 48 failed to meet efficiency targets, one in 10 failed to begin an adequate number of trials and one in 10 did not dispose of an adequate number of cases. There are judges who were picked by party bosses despite being rejected by the bar association; others remain on the bench even though they have been censured for misconduct.

To make our evaluations, we examined performance, qualifications and conduct, not the merits of individual rulings. Data from 2000 showed whether judges met, or missed, OCA's yearly benchmarks: commencing 40 trials; disposing of 200 cases; meeting attendance requirements; devoting two-thirds of work days to trials, and achieving productivity standards and goals, or "S&G."

We also reviewed reports from the Commission on Judicial Conduct and interviewed lawyers, public officials and judges. And we looked at behavior on the bench. The following judges aren't necessarily the worst, but they represent of some of the problems:

- Richard Huttner. This Brooklyn judge prompted the state probe into fiduciary appointments after he made the law partner of Brooklyn Democratic leader Clarence Norman the receiver of a local cemetery. He was out 12 weeks last year and missed his S&G by 51%.
- Edward Rappaport. Former Brooklyn city councilman was out 16 weeks and missed his S&G by 58% in 2000. Once, according to a source, he made arrangements by phone for his grandson's bris — from the bench, in the middle of a trial, with a jury seated and a witness on the stand. Objection overruled, and we'll need more lox.
- Alexander Hunter, Bronx. Jailed a prospective juror in '98 for calling him condescending. Hunter's supervisor had to release the man, who later sued. Missed his S&G by 64% and disposed of 139 cases.
- Paul Victor. Served as the Bronx Democratic machine's counsel for decades. He is unique in being rated "not approved" in two successive years by the City Bar Association — in 1998 for a Civil Court race and in 1999 for Supreme Court. Was placed on the '98 ballot via a political maneuver designed to sidestep the primary election.
- Luther Dye, Queens. Censured for judicial misconduct in 1998 for repeatedly making offensive sexual comments to his secretary and creating a "hostile or uncomfortable work environment" by bragging about his sexual prowess. Missed his S&G target by 42%.

A competent judiciary cannot be ensured until the method of picking judges is changed. Reform requires replacing phony elections *with gubernatorial appointments subject to legislative consent.*

As long as cronyism rules over merit, New Yorkers will be denied the quality justice every American deserves.

CITY_21MC100_011833608

NYC-WTC_000415423