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Metro Matters; A Judiciary In Disrepair (And Denial) By JOYCE PURNICK

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WHAT a friendly morning. Everything was going along just fine last Tuesday as the corporation counsel, the city's top lawyer, talked about the complexities of torts, consent decrees and public safety during a breakfast gathering in Queens.

Then, he segued to the judiciary, a delicate subject in the latest borough to be shaken by charges of misconduct on the bench, and the smiles faded. If there is any question about why judicial reform is elusive, consider the reaction in that roomful of Queens judges and lawyers to blunt criticisms from the corporation counsel, Michael A. Cardozo.

He called the city's judicial elections a "farce," controlled by political leaders who dictate the nominations. "Everyone in this room knows there are no real elections for the bench in this borough," he continued, contending that while most Queens judges are upstanding, they are nonetheless "decided upon in a smoke-filled back room."

A murmur of disapproval rumbled through the hall of the Queens County Bar Association in Jamaica. "There was no smoke," one judge said sotto voce. Most of Mr. Cardozo's combatants did not whisper.

"No committee can guarantee morality," complained Justice Thomas V. Polizzi of Queens Supreme Court. "I refuse to concede to a white-shoe firm from a city bar. The public's right to elect its judges is supreme." Even if the elections are politically manipulated?

The effects of judicial politics are more than theoretical. Last week, the State Commission on Judicial Conduct recommended that a Queens Supreme Court justice, Laura D. Blackburne, be removed from the bench for thwarting a detective's efforts to arrest a robbery suspect in her courtroom. In Queens, the current surrogate judge, Robert L. Nahman, got his seat without running for the nomination because in a political maneuver, his predecessor resigned just after the deadline for entering the primary, so the party could handpick him.

Another Supreme Court justice in Queens, Luther V. Dye, was censured twice for intemperate conduct, including sexual harassment and asking a lawyer whom he'd called aggressive if he was Jewish.

Queens is hardly the only borough with judicial problems: witness the continuing scandals in Brooklyn. But Queens is the only borough that does no screening of judicial candidates for their qualifications.

The Democratic Party is in firm control throughout the city, but other

boroughs -- most notably Manhattan -- screen candidates to some degree. In Queens, nominations are controlled by the borough's Democratic chairman, Thomas J. Manton.

In a curious exercise, the Queens County Bar Association evaluates judicial candidates -- after they are designated Democratic nominees in a borough where the Democratic nomination is tantamount to election. 'It's very frustrating, because it's really meaningless as far as whether or not a person becomes a judge,' said George J. Nashak Jr., president of the association.

For instance, the Queens bar's judiciary panel rated Ms. Blackburne 'not approved' after she was a Democratic designee for civil court in 1995. The nomination stood, and Ms. Blackburne -- pressured into resigning as head of the city's housing authority three years earlier for misusing public funds -- went on to the bench.

In 1999, when Mr. Manton nominated Ms. Blackburne for the Supreme Court, the panel rated her 'not approved' again. The judge, whose husband, Elmer H. Blackburne, is a Democratic district leader in Queens, appealed to the bar's board of managers, which reversed the finding.

Mr. Manton did not return calls. Michael H. Reich, the Queens Democratic organization's executive secretary, said: 'I don't care what system you pick, there will always be politics in it. If the mayor or governor names judges, that's just a different kind of politics.' Prescreening wouldn't bother him if the recommendations were only advisory, because the party needs to ensure judicial diversity. Others would say the party's concern is patronage.

THE approach favored by many reformers -- having the executive appoint judges based on the recommendations of independent screeners -- would take a constitutional amendment. But the parties could change judicial elections themselves by accepting the recommendations of independent panels. Parties would retain plenty of influence over the choice of Supreme Court justices at judicial conventions, but the system would be more open.

Albany could ultimately mandate a change. The parties could act now, Mr. Cardozo told his audience. He did not seem to reach the crowd.

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