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## Colabella to Appellate Division

### Westchester Justice Selected by Governor

BY DANIEL WISE

GOVERNOR PATAKI has named State Supreme Court Justice Nicholas Colabella, who sits in Westchester County, to the Appellate Division, First Department.

The Governor's choice was highly praised yesterday by civil and criminal lawyers with practices in Westchester County, which lies within the Second Department, as an independent-minded jurist.

To many judges in the First Department, the selection came as a surprise because they were not aware of any judges from the two heavily Democratic counties within the First Department, the Bronx and Manhattan, having been interviewed for the post by the Governor's screening panel.

Justice Colabella said that he had been interviewed by the Governor's interim screening panel which was headed by former State Chief Judge Lawrence H. Cooke.

In March, the Governor established

### Nicholas Colabella

New York State Supreme Court Justice, Since 1987

#### PERSONAL:

Age 60  
Divorced, 2 Children

#### EDUCATION:

NYU (B.S., 1959)  
Albany Law School  
(LL.B., 1962, J.D., 1968)



#### PROFESSIONAL:

1963-82: General law practice, Westchester Co.  
1981: Elected Eastchester Town justice  
1982: Elected Westchester Co. Court judge

a permanent screening panel for the First Department, where two vacancies remain.

Though the Governor tapped a Republican for the vacancy, lawyers familiar with Justice Colabella's record said that over the years he has exhibited political independence. In that regard they cited his decision, after a bench trial, to convict Michael Calvi, a former Republican City Planning Commissioner in Yonkers, of collecting \$25,000 in bribes.

Justice Colabella also recently rebuffed an effort by Westchester County Executive Andrew O'Rourke to privatize two contracts over the objections of the county legislature (NYLJ, Jan 31). "Andy O'Rourke is a good

friend, but when a case comes before you, there are no political labels," Justice Colabella said in an interview yesterday.

Defense lawyers, including former prosecutors, described Justice Colabella as a no-nonsense jurist who resisted any type of pressure whether political, prosecutorial or from the media.

"He's an absolutely independent thinker," said Richard Ross, a criminal defense attorney in Mount Vernon. "When he was under attack by politicians and the newspapers, he didn't care about the public pressure, he did what was right."

Vincent Lanna, a defense lawyer in

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LEGAL  
NYLJ LINKS

For the full text of recent decisions by Justice Colabella and stories about his cases, link to:  
<http://www.nylj.com>

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## Westchester Justice Named to Appellate Division

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Yonkers, said that because of Justice Colabella's willingness to buck public pressures, defense attorneys frequently elected to waive juries and have bench trials before him. Mr. Lanna said that he had elected that course in about 15 cases.

In contrast to the defense view, one former prosecutor said Justice Colabella's refusal to take as harsh a view of some cases as the prosecution, has irked officials in the Westchester County District Attorney's Office.

In one case, Justice Colabella drew sharp criticism in newspapers when he went along with a refusal by court personnel to handle a prisoner with AIDS. Instead of taking a guilty plea in court from the suspect, who later tested HIV-negative, Justice Colabella

conducted the plea hearing in a parking lot outside the county jail.

From 1983 to 1993, Justice Colabella handled felony-level criminal cases, and since 1993, he has handled civil cases, mostly divorces and personal injury matters.

### Tough Assignments

Justice Angelo J. Ingrassia, administrative judge of the Ninth Judicial District, said that he reserves some of his toughest assignments for Justice Colabella and has frequently called upon him to handle criminal cases when backlogs have developed.

Justice Colabella, 60, was raised in the Westchester town of Eastchester, the son of immigrants from Italy. His father was a gardener.

He was the first member of his fam-

ily to graduate from college. He put himself through New York University by working at a variety of jobs including collecting tolls for the New York Thruway Authority and driving a Good Humor ice cream truck. While at Albany Law School, he worked summers and took out student loans.

For the 20 years before he was elected to the County Court in 1982, he had a general practice in Eastchester. During that time he was active in politics and became a member of the executive committee of the Westchester Republican Party. For two years he was partners with Anthony J. Colavita, who later became state chairman of the Republican Party. He was elected to State Supreme Court in Westchester in 1987.

He is an avid golfer, playing with an enviable single-digit handicap.