

Critics pan closed hearing on judge's nomination

Jay Gallagher
Albany Bureau

ALBANY — Critics yesterday rapped a state Senate panel's decision to allow only those who have been invited to testify at a confirmation hearing for a woman nominated to sit on the state's highest court.

The Senate Judiciary Committee is expected this morning to recommend the confirmation of Victoria Graffeo, 48, an appellate-division judge in Albany since 1998 and former state solicitor general, to a 14-year term on the Court of Appeals. She was also the chief lawyer for Assembly Republicans from 1984 to 1994.

"Why stifle the debate?" asked Sen. Richard Dollinger, D-Brighton, Monroe County, a member of the Judiciary Committee. "The Senate could clearly free up enough time, so I don't see why we should cut off testimony about her fitness or judicial qualities."

"It's an affront," said Robert Schulz, a frequent state-government critic who asked to testify and was turned down by the committee.

But the committee chairman, Sen. James Lack, R-Suffolk County, said anyone would be free to testify — as long as they had something to contribute to the debate.

Lack said Schulz and another person who asked to testify and was turned down, Elena Sassower, were not likely to add to the committee's knowledge about Graffeo. But Schulz and Sassower said they wanted to talk about the way Graffeo was chosen.

"The thrust of my presentation is addressed to the process," said Sassower, who is affiliated with a White-Plains-based group called the Center for Judicial Accountability.

"But that's not the point," she added. "There was no inquiry by the Judiciary Committee about this ahead of time."

Schulz, a non-lawyer who has sued the state and won several cases, said he wanted to talk about what he sees as a lack of information about Graffeo.

"We would argue that they should not approve the nomination, that they should send the report back to the (screening) commission and ask the commission to include the findings that related to each candidates' character, temperament, professional attitude and so forth," he said.