

The Post-Standard

P.O. BOX 4915, SYRACUSE, NEW YORK 13221-4915

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THE STANDARD: 1829, THE POST: 1894, THE POST-STANDARD: 1899

Our opinion

A Flawed Process

Judicial nominees should be subject to more public scrutiny

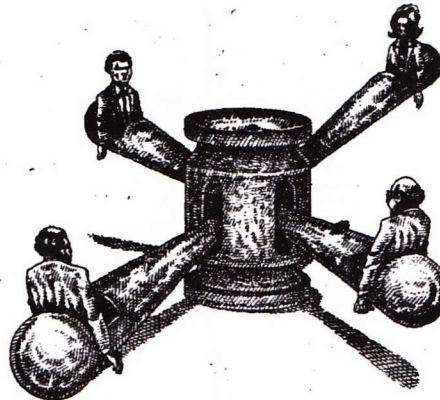
In his first appearance as chairman of the state Senate's Judiciary Committee last Tuesday, Sen. John DeFrancisco presided over a confirmation hearing on Gov. George Pataki's latest nominee to the state Court of Appeals. But the hearing revealed more about the flawed

process by which the Senate scrutinizes judicial candidates than it did about the nominee.

The hearing on Judge Susan Phillips Read lasted less than hour. Senators asked no questions. Three state judges each gushed 10 minutes of praise on behalf of the nominee. Read made just a brief statement, calling a seat on the Court of Appeals a "daunting and sobering job."

Only one witness, Elena Ruth Sassower, coordinator of the Center for Judicial Accountability, suggested anything negative about Read. But DeFrancisco cut off her testimony and ordered her out of the room when she began talking about the judicial selection process. "Pack your bags," DeFrancisco told her.

With that, the committee unanimously approved Read. The next day, the full Senate confirmed Read, 55, as associate



judge on the seven-member high court. Associate Court of Appeals judges serve 14-year terms and make \$151,200 a year.

DeFrancisco, R-Syracuse, acknowledged the Senate does not conduct independent inquiries of judicial nominees. He said the gover-

nor's office provides senators with state police reports on candidates and requires nominees to complete sworn questionnaires.

DeFrancisco and the other senators on the Judiciary Committee could have asked Read probing questions about her lack of experience in criminal law, either as a defense attorney or a criminal court judge. The Court of Appeals handles thousands of appeals, motions and other filings in criminal matters, including death penalty cases. Instead, senators did nothing.

Senators have a solemn obligation to independently and thoroughly examine judicial candidates who come before them, not just rubber-stamp names passed on by the governor. Otherwise, the confirmation process — spelled out in the state Constitution to check executive-branch power — is a sham.