

Levine confirmed for top court seat

Sassower's complaints of alleged 'paybacks' are dismissed.

By Jay Gallagher
Staff Writer

ALBANY — The state Senate yesterday unanimously confirmed state Supreme Court Justice Howard A. Levine to a seat on the state's highest court after dismissing arguments by a White Plains lawyer that he be rejected.

"He's the pride of this whole area," said Sen. Hugh Farley, R-Niskayuna.

Levine, 61, of Schenectady, a justice of the Appellate Division of the State Supreme Court in Albany, was nominated by Gov. Mario Cuomo last month to fill a vacancy on the seven-member Court of Appeals created when Judith Kaye was elevated from associate to chief judge. She succeeded Sol Wachtler who resigned after his arrest on charges involving harassment of a former lover and her daughter.

The Senate's vote to confirm Levine in the \$120,000-a-year post followed a Senate Judiciary

Committee hearing at which Doris L. Sassower urged the lawmakers to reject Levine.

"The evidence is that Justice Levine will ... protect the judiciary from accountability for its misconduct and will not disengage politics from the courts," said Sassower, a White Plains lawyer who is director of a group



Howard Levine

known as the Ninth Judicial Committee.

Sassower claimed that Levine's nomination by Cuomo was a payback for a 1991 decision that upheld the cross-endorsement of three judges by the Republican and Democratic committees in Westchester County.

But Sen. Emanuel Gold, D-Queens, called that charge "a cheap shot," since Cuomo opposes the election of judges. "There's no logic to it," he said.

Sassower's daughter, Elena, was asked to leave the hearing room by Sen. John Marchi, R-

Staten Island, after she objected to a time limit being imposed on her mother's testimony, and kept criticizing Levine after her mother had been excused as a witness.

Sassower said that the three judges on the panel who were cross-endorsed should have excused themselves from the case, since they had an apparent conflict of interest.

But Sen. Richard Dollinger, D-Brighton, said there's no evidence that the judges would have been directly affected by the case. At any rate, he said, since many judges run with party designations, none would be able to hear election-law cases if Sassower's logic were followed.

None of the senators at the hearing questioned Levine about the case.

Three other speakers at the hearing, Appellate Division Justice John T. Casey, state Bar Association President Archibald R. Murray and Women's Bar Association Vice President Rachel Kretzner, all praised Levine, especially for his work with families and children.