

## Attorneys' participation in Emanuelli ad shocking

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Those of your readers who believe in American democracy are shocked by the Oct. 22 paid ad for Albert J. Emanuelli, urging them to "re-elect" him as Westchester surrogate. It was signed by three prominent attorneys who failed to disclose their own enormous financial interest in the election at issue.

Let's look at the financial reasons for these lawyers' support of such an advertisement. Former Westchester County Bar Association President Frank Headley Jr. alone received nearly \$100,000 in fees just for guardian ad litem assignments from Judge Emanuelli; former New York State Bar Association President Henry G. Miller, more than \$70,000. And that's not looking at fees to others in their law firms or from other fiduciary appointments as general guardians, court evaluators, attorneys for incapacitated persons, receivers, referees, court attorneys, or designees to perform services for such persons.

This is just "the tip of the iceberg." Virtually all the lawyers who signed the mass-mailed flyer published previously as paid ads in this newspaper or on your Opinion pages were also undisclosed recipients of Surrogate Emanuelli's fee largess. The public is entitled to this information, readily obtainable from the New York State Office of Court Administration.

On April 5, 1995, this newspaper reported that in his first four years as surrogate alone, Emanuelli awarded nearly \$2 million in fees to lawyers he appointed, with 15 lawyers getting half that total. The four highest earners were all Republican, including Headley, who scored second-place as the surrogate's top fee earner, the first being Thomas Amlicke of the Hall, Dickler law firm, who got \$257,100. Samuel Yasgur, another member of that law firm, got \$21,000.

Why didn't The Journal News make this known to its readers when it endorsed Emanuelli in its Oct. 23 editorial? Why no current update on Emanuelli's fee awards since its 1995 report? Does anyone really doubt that such appointments and fee awards were purely political? That firm, and Yasgur specifically, defended Emanuelli in the Election Law proceeding brought by me in 1990 as pro bono counsel to the petitioners in *Castracan v. Colavita* to challenge the corrupt, three-year, seven-judge cross-endorsement deal that put him in office without major-party opposition.

The Hall, Dickler law firm not only defended the 1989 deal, they facilitated it. In August 1990, Judge Emanuelli was having "second thoughts" about resigning

from his Supreme Court judgeship, as the deal, contrary to judicial ethics, required. That law firm made him an offer he couldn't refuse: a job in its prestigious law offices for the next four months. His Supreme Court position could then remain vacant, per the deal, until his guaranteed induction as surrogate in January 1990.

Why "re-elect" a judge who never was truly "elected" in the first place, but only arrived at his position via a written political deal guaranteeing him two successive major party cross-endorsements on boss-dictated terms, a deal that required then-practitioner Emanuelli, as a condition of bipartisan nomination, to pledge, if elected, an equal split of patronage per "the recommendations" of the Republican and Democratic party bosses of the Ninth Judicial District. Under Surrogate Emanuelli, the patronage pie has continued to be blatantly used for "business-as-usual" political "paybacks," and to enrich the surrogate's and party campaign coffers with donations from grateful appointees.

Cross-endorsements have been condemned by the White Plains-based Center for Judicial Accountability, an independent, non-partisan citizens' organization, and The New York Times Editorial Board. In this election, Westchester voters must take hold of what *Castracan v. Colavita* fought hard for 10 years ago: their right to vote in a real contested election between our two major political parties. Voters should use their electoral rights now to reject, decisively, judges who are the products of machine politics; in particular, the incumbent surrogate. The public need also to join in our effort to put a definitive end, by clear and unequivocal legislative action, to judicial cross-endorsements, which are anathema to the democratic process. The only purpose such cross-endorsements serve is to perpetuate party control over the courthouse so that politically connected lawyers can be assured judicial patronage.

For the first time in Westchester's electoral history, voters are offered meaningful major-party choice on the ballot for surrogate, with true possibility for change. Thanks to Justice Anthony A. Scarpino Jr., who started out his race for Westchester surrogate with 17 years of judicial experience, unlike the incumbent, who started out with absolutely none, this Election Day voters have a rare opportunity to make a difference by voting against the corrupt cross-endorsement deal that put the incumbent into office.

The writer, a White Plains resident, is director and co-founder of the Center for Judicial Accountability Inc.