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Who judges the judges?

In the recently concluded — and eye-opening — series entitled "New York's 10 worst judges," Post reporters Jack Newfield and William Neuman demonstrated in distressing detail that the judiciary in this town is sadly lacking in oversight.

By its nature, compiling such a list focuses attention on the bad actors — and thus can disguise the fact that New York, by and large, has a competent corps of judges.

And while it's possible that any one individual named to the list may have been judged too harshly, it's equally possible that a lot of judges who didn't make the list deserved to be at or near the top of it.

The fact of the matter is that — apart from courthouse insiders — nobody really knows which judges measure up to the responsibilities vested in them, and which do not.

And nobody's looking — at least nobody in a position to do anything about bad judges. One of the jurists examined by Newfield and Neuman is a perjurer; another appears to have a very serious drinking problem — yet both remain on the bench and likely will stay there indefinitely. Partisan politics of the

rankest sort routinely elevates spectacular incompetents to positions where — as the series demonstrated — they can do real damage.

It would be impossible, of course, totally to divorce politics from the judicial selection process — and to do so is probably not an altogether good idea to begin with. The so-called merit selection process is no more free of politicking than is the outright election of judges — it just takes a different form.

What's needed is meaningful oversight of judges once they're on the bench, irrespective of how they got there. The judiciary itself can't — or simply won't — police itself. That leaves the state Commission on Judicial Conduct — created for precisely that purpose but at present a distressingly toothless tiger.

To be sure, the commission is hell on wheels when it comes to disciplining rural justices of the peace and other small-town magistrates, many of whom are not lawyers. The next time it comes to New York City to do serious business, however, will be the *first* time it does so.

Newfield and Neuman established that there's a real need in this realm; the next move is the commission's.

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The Duckman travesty

Gov. Pataki Monday cut right through the fog surrounding the state Commission on Judicial Conduct's review of Criminal Court Judge Lorin Duckman's tenure on the bench. The governor called on the commission to remove Duckman immediately. Indeed, Pataki suggested that the judge might do well simply to resign, thereby rendering the issue moot.

Alas, the governor's arguments have not been heeded. Not by the commission, which determined that Duckman's handling of the Galina Komar case doesn't justify his removal. And not by the judge himself, who seems inclined to hang tough.

This shouldn't surprise.

Duckman, who's on leave while the commission considers various decidedly ancillary charges, will likely get his regular paycheck for nine months to a year — maybe longer. Why *shouldn't* he stand pat?

As for the commission itself, it's well to remember that some 17,000 complaints have been filed against sitting judges since the panel was created in 1978. Yet it has ordered the removal of only 112 jurists, the overwhelming majority of whom have been part-time upstate justices of the peace. Many weren't even lawyers in the first place.

Rare, indeed, is the full-fledged New York City judge who falls afoul of the commission — so rare, in fact, that the scandal behind the scandal here may well be the panel itself.

Certainly its handling of this matter betrays a stunning insensitivity to simple justice. Ex-boyfriend Benito Oliver had been accused of beating Galina Komar; Duckman ordered Oliver freed without bail because — we kid you not — he'd

never broken any of Komar's bones.

Once released, however, Oliver did more than break a few bones; he murdered his former girlfriend. Galina Komar's plea for a court order of protection was pending before Duckman when she was killed.

Other Duckman rulings indicate that this is a judge who is, among other things, strikingly insensitive to domestic violence. The commission, however — fearful of establishing any sort of relevant precedent — held that Duckman's decisions fall well within his "wide [statutory] discretion."

The panel, to be sure, didn't want to draw upon itself further obloquy by failing in any way to act against Duckman. As a consequence, the members agreed to consider allegations that the judge is routinely hostile to prosecutors and that he once insulted a female court officer by tendering an inappropriate "compliment."

The former charge certainly merits scrutiny: Anti-prosecution judges are an insidious component of the city's criminal justice system. As for the alleged insult, even though the accusation carries the odor of Political Correctness, it seems altogether plausible.

Neither charge, however, speaks to the primary issue: Lorin Duckman came under scrutiny — and drew criticism from Pataki, Mayor Giuliani and many others — because his ruling led directly to a foreseeable crime against an innocent woman, Galina Komar. The commission may have managed to find a way to punish this misguided jurist — it's even possible that he'll be removed from the bench. But this doesn't mitigate the fact that it dodged the key issue.

Poor show.