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TO: Gary Spencer, New York Law Journal, 518-449-4255

FROM: Center for Judicial Accountability, Inc.
Elena Ruth Sassower, Coordinator

RE: NEWS STORY FOR COVERAGE

DATE: June 7, 1996

HOW THE GOVERNOR APPOINTS AND THE SENATE CONFIRMS OUR NEW YORK STATE JUDGES

Two weeks ago, Governor Pataki announced his nomination of 26 state court judges. Those nominations are the product of a completely secret behind-closed-doors process.

Purportedly, the Governor relies on a "Temporary Judicial Screening Committee" to review the qualifications of his nominees. However, no information is publicly available as to the Temporary Judicial Screening Committee's members, other than its Chairman--or the procedures it employs. We know--since we spent an extraordinary amount of time and money over the past six months, in phone calls, faxes, and letters to the Governor's office trying to get that information--all to no avail.

Our on-going and repeated inquiries to the Governor's Office have not been simply academic. Two months ago, following report in the New York Law Journal that the Temporary Judicial Screening Committee was interviewing Judge Juanita Bing Newton for reappointment to the Court of Claims, we left several messages for the Committee with the Governor's office. Although we notified it that we had information bearing adversely upon Judge Newton's judicial qualifications, there was no follow-up response from anyone. We then wrote to the Governor's counsel, by letter dated April 29, 1996, advising him of this non-response from the Temporary Judicial Screening Committee. The predictable response, again, was no response.

Now, Judge Juanita Bing Newton--whose unfitness we sought to demonstrate for the Temporary Judicial Screening Committee--is among the Governor's 26 nominees.

However, the story doesn't end there.

This week, the State Senate confirmed some of these nominees, following "mock" hearings. Next week there will be "mock" hearings as to the majority, with their Senate confirmation immediately following. Among those who will be confirmed: Judge Juanita Bing Newton.

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What is the format for the "mock" hearings on the nominees, held by the Senate Judiciary Committee? The public is not permitted to participate. It is only allowed to observe while the members of the Committee purport to question the nominees.

And, what of our objection to confirmation of Judge Newton--of which we informed the Senate Judiciary Committee by letter to its counsel dated April 18, 1996? That opposition, resting on Judge Newton's betrayal of the public trust in her capacity as a judicial member of the New York State Commission on Judicial Conduct, is, in every respect, dispositive of the fact that Judge Newton is unfit for any judicial office.

However, the Senate Judiciary Committee's counsel has just informed us that he has not made our letter opposition known to the Senate Judiciary Committee members, that he will not distribute it to them, and that it is up to us to contact the 18 members of the Senate Judiciary Committee individually.

In such fashion, the members of the Senate Judiciary Committee are prevented from knowing about our substantial and substantiated opposition to Judge Newton's confirmation and from developing from it invaluable lines of questioning at the hearing--unless we undertake the extremely onerous, time-consuming, and costly burden of communicating individually with them. Such burden is even more onerous, costly, and unfeasible by virtue of the short-notice we have been given of such procedure--which has no purpose other than to make it impossible for the public to present opposition to judicial nominees.

Because of the secrecy and deliberately-created difficulty in opposing a nomination, we believe that our opposition to Judge Newton marks the first time a gubernatorial appointment to the bench in this state has been challenged. Certainly, it is the first time in the life of the Pataki administration.

We intend to go up to Albany on Monday and go door-to-door to the Senators, distributing letters as to our specific opposition to the confirmation of Judge Juanita Bing Newton, as well as our principled opposition to all of the Governor's other nominations because of the phantom nature of his Temporary Judicial Screening Committee and its secretive procedures.

The confirmation "hearing" on Judge Newton's nomination is this Tuesday, 9:30 a.m.--with the pro forma Senate confirmation vote later that day.

Your coverage will not only make the difference--but will open the public's eyes to the self-interested "horse-trade" in judgeships that goes on in Albany--at the People's expense.

Elena Raff
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