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Full story, Page 3

N.Y.'s 10 WORST JUDGES



We spotlight the jurists who don't deliver justice: Pages 4 & 5

Ex "D"

NEW YORK'S 10



JUDGE MILLER
Freed a suspect to kill.

These misfits dispense little or no justice

By POST COLUMNIST JACK NEWFIELD and JIM NOLAN

Justice is an accident, and dignity is a stranger for many who come into contact with New York's overloaded court system.

The average citizen, drawn into the maze of the system, usually comes away numbed by its indifference and infuriated by its results.

Pure volume helps turn the system into a meat grinder on overdrive.

Last year, in Criminal Court alone, there were 879,000 scheduled court appearances.

In Supreme Court, there were 45,000 sentences, 42,800 plea bargains, and a backlog of 18,000 cases.

But volume is no excuse for incompetence. Or sloth. Or arrogance. Or bias. Or self-indulgent eccentricity. This is the fault of individual judges who act like they are above the law. This expose seeks to hold them accountable.

THIS is the first of a three-part series by Jack Newfield and Jim Nolan naming the 10 worst judges in New York. It's the day of judgment for the lazy and the crazy, the arrogant and the ignorant. The Post goes behind the bench to expose the dead wood that obstructs justice in the city court system.

For the past two months The Post has interviewed dozens of people — lawyers, appellate and administrative judges, cops, prosecutors, litigants, judicial monitors, court officers and stenographers.

From these interviews — and reviews of Appellate Court decisions and court transcripts — we have compiled a list of the 10 worst judges in the city.

Currently, it is almost impossible to remove a judge for incompetence or prejudice. We're stuck with the dead wood on the bench.

The system is structured to confer power and respect on judges. They sit above the courtroom. All in court must rise when they enter. They must be addressed as "Your Honor."

But their behavior is often less than honorable.

Our bestiary of jurists will illustrate a variety of vices. The 10 worst are:

■ Margaret Taylor, who once returned a 14-year-old hooker to the streets and to her pimp, all in the name of feminism.

■ Herbert Posner, who is an authoritarian eccentric who abuses lawyers and wanders off the bench in the middle of proceedings.

■ Dynda Andrews, who is one of the judges who keeps returning recidivist Washington Square Park drug dealers to the park without a stiff jail sentence.

■ Bernadette Bayne, who once put a young female Legal Aid lawyer in handcuffs . . . just because she smiled.

■ Michael Curci, whose open court ravings and absurd malapropisms fill a whole wall in the Brooklyn District Attorney's office.

■ Richard Rutledge, the judge who tried to return the violent, mentally disturbed "Wild Man" Larry Hogue to 96th Street — until appellate judges overruled him.

■ Lorraine Miller, who once let an armed robber go without ball — and the armed robber committed a murder the next day.

■ Diane Gasworth, the daughter of a legendary judge, who once begged lawyers appearing before her to circulate her campaign petitions.

■ Gerald Heid, who has one of the highest rates of reversals and modifications of his rulings.

■ And Lorraine Backal, the ultimate clubhouse creature, who dispenses patronage instead of justice.

The failure of our court system is more profound than these 10 benchwarmers.

But by personalizing the problem, it is our intent to dramatize the urgent need for better judges, tougher policing of their conduct and a more merit-based method of selection.

The public deserves this much.



PAL ON THE BENCH: Judge Andrews let convicted Washington Square Park drug dealers escape jail time, prosecutors say.

SHE TIPS SCALES OF JUSTICE AGAINST COPS

The problem with Dynda Andrews is that she seems biased against police officers and law enforcement. A close reading of her opinions and reversals shows she lacks balance and sees malice and prosecutorial misconduct in the smallest honest mistake.

Judge Andrews, 47, sat in The Bronx for several years until furious protests by Bronx District Attorney Robert Johnson forced court administrators to quietly transfer Andrews to Manhattan.

In the last few weeks, new complaints by Manhattan prosecutors and police have caused Andrews to be eased out of the all-purpose arraignment courtroom to an assignment where she can do less harm.

Andrews has let several of

Jurist sees malice in the smallest honest mistake.

the regular drug dealers in Washington Square Park go without jail time. She dismissed drug-selling charges against one park dealer on the grounds he wasn't given a speedy trial.

Prosecutors say the law requires the DA to submit papers before such a case can be dismissed. But, they say, she didn't allow them time to respond because the assistant DA who had the case was out of the office at that particular moment.

Last year, while Andrews was still sitting in The Bronx, she had the case of a tavern serving liquor to an underage undercover police officer. She didn't believe the

cop's affidavit describing being served a Budweiser by the bartender.

Andrews demanded a scientific lab report proving it was beer in the bottle of Bud opened by the bartender.

Three of her decisions in The Bronx were reversed last year. In one case Andrews vacated a guilty plea for drunk driving against a defendant named Jose Rivera. The judge refused to give the Bronx DA one adjournment to present the case to a grand jury. The DA wanted to do this because the defendant had a prior conviction for drunk driving.

The Appellate Court

unanimously overruled Andrews, concluding: "The Criminal Court should have exercised its discretion and granted the additional one-day adjournment requested by the People."

This appellate panel included Judges Bentley Kasal and Sidney Aach, who are both known for their scholarly sensitivity to the rights of defendants.

In another reversal (People vs. Miguel Vale), the higher court found that Andrews had made a baseless finding of deliberate prosecutorial misconduct in declaring a mistrial — and that she totally misunderstood the law on double jeopardy.

ardly. This appellate opinion concluded:

"There is simply nothing in the record to support an inference that the prosecutor purposely scuttled this inchoate trial. Accordingly, a retrial of defendant is not barred by the principle of double jeopardy."

In the third case (People vs. Abrahante), the appellate term reinstated a criminal infraction dismissed by Andrews. The appellate judges pointed out: "Significantly, dismissal of the proceeding is not listed as an alternative sanction in the criminal procedure law."

Dynda Andrews was originally appointed to the Civil Court by Mayor Koch in 1987. Since then, she has received annual re-appointments from Mayor Dinkins.

WORST JUDGES



A WEE BIT WEIRD: Lawyers say many rulings handed down by Queens Supreme Court Justice Herbert Posner are arbitrary.



MARGARET TAYLOR
Controversial rulings.

Conduct on bench drew an official censure

Manhattan Civil Court Judge Margaret Taylor is a well-intentioned, scatter-brained misfit who apparently lacks common sense and a knowledge of the law.

In January of 1982, she was formally admonished by the Commission on Judicial Conduct for her wildly inappropriate behavior on the bench.

The 64-year-old Taylor was scolded for telling one lawyer that her case would not be called until her client waived a jury trial. When the lawyer asked for a court reporter to record this bullying episode, Taylor refused to comply.

The Judicial Conduct Commission found Taylor guilty of "an abuse of judicial authority, which impaired the rights of the parties, the dignity of the proceedings, and the public's confidence in the integrity of the judiciary."

Other inexplicable actions by Taylor include:

- Releasing a murder defendant without bail in 1978, despite the fact the police had a videotaped confession of an especially barbaric homicide of a retarded man. The killer had beaten the victim to death with a billy club, and thrown him through a plate-glass window.

Another judge then imposed \$50,000 bail on the suspect, at the request of then-Bronx District Attorney Mario Merola.

- Dismissing charges against a 14-year-old girl who had offered to perform sexual acts for \$10. Taylor ruled that laws banning prostitution and consensual sodomy were

See **TAYLOR** on Page 15

HE HOLDS COURT IN A BIZARRE FASHION

Queens Supreme Court Justice Herbert Posner is a former assemblyman who takes an assembly-line approach to the rule of law — when he's not wandering off the bench.

In what lawyers call "The World of Poz," rulings are arbitrary and capricious — and sometimes rendered from the robing room without regard to what's happening in his courtroom.

"It's a totally Kafkaesque experience," said one lawyer who has appeared before the former accountant-turned-assemblyman-turned judge.

In a May 1988 criminal trial, Posner first attempted to prevent Assistant District Attorney Steve Jackson from finishing his summation after the two had argued over testimony regarding an injury.

Posner: Now that Mr. Jackson has completed his summation...

TOMORROW: More profiles of the worst judges

Jackson: I am not finished with my summation.

Posner: Yes, you have.

Jackson: No, I am not.

Posner: That's your punishment for arguing with the judge.

Later, Posner decided he had heard enough.

Defense lawyer Steven Greenfield: Mr. Jackson, wait until the judge comes back.

Jackson: Well, I will proceed. I don't know if the judge is coming back.

Posner returned a minute later.

Posner: I don't hear you talking.

Jackson: There was an objection that was made.

Posner: Objection sustained.

Jackson: Judge, you didn't

even hear the question that was objected to.

Posner: I don't have to. There are so many things that you have been saying that I object to, that another one doesn't make a difference.

The story is just one example of Posner's legendary lack of judicial temperament on the bench.

Transcripts of a March 16, 1988, criminal hearing shows how Posner threatened to raise bail on a defendant because his Legal Aid Society lawyer, Kenneth DeLuca, wanted to file written motions.

DeLuca: Well, we're asking for time to file written motions, Judge.

Posner: Fine. Take as much time as you want. Ball

is set at \$10,000.

DeLuca: I'm sorry, Judge? Posner: Take as much time as you want. Ball is set for \$10,000.

DeLuca: My client is out. He's made bail, Judge.

Posner: I'm raising the ball.

DeLuca: On what grounds, Judge?

Posner: If you'd like to know the grounds, file a motion.

DeLuca: I'd like to know the grounds now, Judge, so I can take it to the Appellate Division correctly.

Posner: Go right to the Appellate Division.

DeLuca: I want the record to note that my client was here at 9:30 on time and it appears that the reason bail is being set on my client is

because his attorney is asking for time to file written motions.

Posner does not reserve his vitriol for lawyers.

Several years ago — when a jury acquitted a defendant on a serious burglary charge, the judge "absolutely roasted the jury for not convicting my client," said a defense lawyer who was at the post-verdict interviews with the panel. "I've never seen anything like it."

Lawyers said the judge often munches peanut butter and crackers and attends to matters of personal hygiene while on the bench.

"During one of my cases he had two tissues stuffed up his nose, with the ends sticking out," a lawyer said. "The whole thing was just nutty."

Posner was elected to Civil Court in 1977, and elevated to state Supreme Court post in 1981 by the Queens County Democratic organization.

Judge got an official reprimand

TAYLOR from Page 5

unfairly enforced against women

In her opinion, Taylor wrote, "However offensive it may be, recreational commercial sex threatens no harm to the public health, safety or welfare, and, therefore, may not be proscribed."

This was in 1978, two years before the AIDS epidemic hit New York. Her opinion never mentioned the economic role of the pimp in prostitution, nor the role of the pimp in oppressing women.

The Appellate Division reversed Taylor, 5-0.

Taylor was elected in 1977 as a reformer. Recently, she has channeled her cartoon version of political correctness into a crusade against the metal detector in the lobby of Small Claims Court.

Court officer Capt. Glen Lowe had written a memo to several administrative judges. It described Taylor complaining in open court, "Why in a free society should we have this fascist police state security?"

Taylor has twice gone into the lobby and caused a commotion by attacking the presence of the magnetometer.

"This is Civil Court," she raged. "Why do you have to look through a woman's handbag?"

This was 18 months before the World Trade Center bombing.

N.Y.'s 10 WORST JUDGES

SHE GETS NO RESPECT FOR GOOD REASON

By JACK NEWFIELD and JIM NOLAN

Lawyers usually petition judges in court. Meet Queens Housing Court Judge Diane Gasworth — the only judge we know who petitions lawyers to get signatures in her campaign for another judgeship.

Rated "not approved" by the city Bar Association, and found guilty of official misconduct by the Office of Court Administration, Gasworth, 64, has been on the Housing Court bench for 14 years and has been reappointed twice.

But the daughter of the late Appellate Division Justice J. Irwin Shapiro is probably the Housing Court judge least respected by lawyers in the city.

Gasworth was reprimanded for soliciting lawyers — with cases before her court — to gather petitions for her 1990 Demo-

cratic primary race for the Manhattan Civil Court post in the 9th Judicial District. "I didn't pressure anybody; they offered their help," she said at the time.

But Mathew Chachere, then a lawyer for Brooklyn Legal Services, a non-profit legal provider for the poor, tells a different story.

In his June 8, 1990, letter to the State Commission on Judicial Conduct, Chachere describes how a meeting with Gasworth over a rent-strike case turned into a campaign-petition drive.

"Could you do me a favor?" Gasworth asked, according to Chachere. "I really need help getting sig-

■ Today we continue our exclusive series on the city's 10 worst judges.

Post columnist JACK NEWFIELD and reporter JIM NOLAN spent two months in city courthouses, reviewing transcripts and interviewing cops, court officers, judges, prosecutors, defense lawyers and stenographers to come up with a consensus of courthouse calamities.

Today the verdict is in on Judges Bernadette Bayne, Michael Curci, Diane Gasworth, and Gerald Held.

TOMORROW: The judge who wanted to free the "Wild Man of 96th Street," the woman judge accused of harassing a male judge, and the acting Supreme Court justice who received \$200,000 in court patronage and then hired an ex-con as her driver.

natures for my petitions. Are you free this afternoon?"

"I'll drive you wherever you want to go," the judge pleaded with Chachere. "I really need your help."

Gasworth evidently needed more help than Chachere could offer.

In a second letter to the State Commission on Judicial Conduct, on June 21,

1990, Chachere said his legal adversary in the rent-strike case, Gerald Wisla, was also approached.

"He went on to tell me that I shouldn't feel singled out, that he had witnessed Judge Gasworth ask every attorney who appeared before her that day to help with her petitioning for political office," Chachere wrote.

"Such conduct ought to disqualify her from any judicial post." The New York Times said in a Nov. 1, 1990, editorial.

But Gasworth only received a letter of reprimand. The Housing Court Disciplinary Committee said her punishment was mitigated

by "her candor in admitting the charges."

After winning the primary but losing the 9th District election, Gasworth got a transfer to Queens Housing Court.

Lawyers say Gasworth arrives late and leaves early, but still complains constantly about Housing Court volume.

Letters to the Civil Court Advisory Council reviewing her reappointment in 1989 said Gasworth "rarely tries a case or holds a hearing, and little if any court business is conducted in the afternoon."

"She doesn't want to do trials," said one housing advocate familiar with her history in Brooklyn and her recent posting in Queens. "She'd rather force the weaker party to make a deal."

Her five-year term at \$78,000 per year is up in 1994.

Off-the-wall antics are now folk law

Brooklyn Court of Claims Judge Michael Curci knows the law. Unfortunately, it's not always the main topic of conversation in his Supreme Court courtroom.

On any visit, you're likely to hear the 67-year old former Green Beret colonel discussing military history, cooking or Italy.

"Sit back and enjoy the show," a court officer quipped when a Post reporter went to observe Curci in action. He was treated to a monologue on Frederick II and Italy.

Lawyers and court personnel say Curci's eccentric and usually irrelevant ramblings cause tremendous delays in court, prolonging trials for weeks and motions for hours.

"It could take up to six weeks to do a two-day trial," said one veteran Brooklyn lawyer who has appeared before Curci. "Everything is a production, so nothing gets done."

Consider these "Curcisms" (as they're called by prosecutors who have devoted an entire wall to the judge's off-the-wall comments).

■ April 2, 1993: "I'm not yelling at you! I'm hollering at you!"

■ Jan. 15, 1993, yelling during a bench conference after Assistant District Attorney Emilio Grillo lowered a plea offer in a case: "Go ahead, Grillo . . . slap

me in the face, go ahead! Change the offer so I can defecate in my pants!"

■ Dec. 10, 1992, addressing a defendant: "Mr. Escorlaza, you're a good man. I still think you're a handsome man. But I must remind you."

Earlier this year, when discussing verdicts, Curci sounded more like the zany one-time owner of The Post, Abe Hirschfeld, than a seasoned jurist:

"Today is not Monday, today is Tuesday. Tomorrow will be Wednesday. The next day will be Thursday. The next day will be Friday. The next day will be Saturday."

"I know this sounds like an idiotic recitation of the calendar, but statistics show that most verdicts come in at 4 o'clock. Or 5. Or 6. Or 7. Or 8."

Last year, the judge told lawyers at a bench conference he did not want to seat Jews on a jury trial scheduled to begin the week before Rosh Hashana, the Jewish New Year.

"I won't have any Jews on my jury," he declared.

"Your honor," the Legal Aid defense attorney piped in. "My client wants Jews on the jury."

Curci is not without his strong points. He is well-liked and well-meaning.

"The guy at least tries to do the right thing," said one prosecutor. "He's heard of

See CURCI on Page 14



CAMERA-SHY JURIST: Judge Diane Gasworth appears to want to hide from the cameras in this photo taken in 1989. Lawyers say she's probably the least-respected Housing Court judge in the city.

THE 'MORON FROM MARS'

Brooklyn Supreme Court Justice Gerald Held has been reversed more often than a campaign promise.

He has one of the highest rates of reversal of any Supreme Court justice. Between 1988 and 1992, an extraordinary 21 of his decisions were reversed and another 13 were modified.

In 1976, Justice Held told a Legal Aid attorney, "I will be gunning for you."

Six weeks later, he called the same lawyer a liar, rejected his apologies, and then revoked his client's bail.

In 1978, the 2nd Circuit U.S. Court of Appeals, in a unanimous opinion, noted that Held's "poor taste was exceeded only by his astonishingly poor judgment."



JUSTICE HELD
High reversal rate.

What prompted this unusually harsh observation was a prank Held played on a Legal Aid lawyer named Frank Marcus during a trial.

The federal opinion de-

scribed how Held, at the close of a robbery trial, coaxed the prosecutor into announcing — falsely — that he had five rebuttal witnesses ready to testify.

Marcus was flustered, and accused the prosecutor of acting in bad faith. Held then started laughing and informed the lawyer it was all a "put-on."

The shaken defense lawyer then launched into an incoherent summation, that ended with him pleading for a mistrial because he was so emotionally upset. Held granted the mistrial.

The federal opinion blasted Held's "outlandish conduct" and concluded his "put-on" was "not worthy of a New York state Supreme Court justice."

In 1988, Held ruled that convicted nursing-home swindler Eugene Hollander did not have to sell his Cobble Hill nursing home to the non-profit community group that had been operating it and providing excellent patient care for a decade.

The transcript of the 1988 hearing makes it clear that Held was aware of the owner's criminal background, although Held would later claim he had no clue who Hollander was.

City Council President Andrew Stein, who helped expose Hollander in the 1970s, came to the defense of the home's residents, calling Held, "a moron from Mars."

N.Y.'s 10 WORST JUDGES

CALL IT 'THE EX-BEAU INCIDENT'

So, that's what friends are for

Brooklyn Supreme Court Justice Lorraine Miller made headlines three weeks ago when an upstate judge accused her of harassing him.

Putnam County Justice Barret Hickman has complained to several law-enforcement agencies that the 64-year-old Miller has stalked him, written poison-pen letters, canceled his credit cards, and even chased him to South Africa after their four-year love affair ended and he married another woman.

"She has an obsessive-compulsive personality," Hickman told us.

The Putnam County sheriff's office is investigating Miller's conduct.

The allegations may or may not be proven true. But they come as no surprise to those who have studied Miller's career on the bench.

She has a reputation as a tough judge. But in June 1982, Miller released without bail a teen-ager charged with armed robbery — and the next day, the boy murdered a subway passenger during a stickup.

Today we conclude our three-part series on New York City's 10 worst judges. But it's also just the beginning. The series is the culmination of a two-month Post investigation by columnist JACK NEWFIELD and reporter JIM NOLAN into the most powerful — and unaccountable — employees of our crippled court system: the judges. The "Worst Ten" is the starting-off point for the Post's push for reform in the state judiciary. There will be more stories and, regrettably, more benchmarks to "disrobe" in the coming weeks.

Then-Brooklyn District Attorney Elizabeth Holtzman accused Miller of "acting in an unconscionable and irresponsible manner" in releasing Eric McCray, 16.

Holtzman said her office was preparing to file an indictment against McCray when Miller released him, mistakenly thinking the 72-hour deadline for indictment had expired. In fact, it had three hours to go.

The indictment had been delayed only because McCray's co-defendant had exercised his right to testify before a grand jury.

Less than 24 hours after Miller let McCray walk, he was arrested for the murder of Joseph Kester at a subway station in East New York. McCray was convicted of murder in

September 1983, and sentenced to life in prison.

Justice Miller is now at war with Brooklyn DA Joe Hynes. In June 1992, she held Assistant DA Neil Doherty in summary contempt and fined him \$250. Miller went ballistic because the prosecutor wanted to call a rebuttal witness near the close of an attempted-murder trial.

On Jan. 14 of this year, Miller had another tantrum in front of ADA Allison Lubell and special deputy DA Harvey Greenberg.

At one point, Miller snarled at Greenberg: "Another word out of you, and I'm going to have you physically removed."

"Can I be heard, judge?" Greenberg meekly asked.

"No, you cannot," Miller responded.



WOUND TOO TIGHT? Lorraine Miller has been accused of harassing her ex-boyfriend, a fellow judge.

At the close of this wild scene, Miller began to let her judicial philosophy show.

"My only interest is moving cases along," she admitted. "As far as I'm concerned, this hearing is over . . . I have one interest, and that is moving my calendar, and that is because I don't want calendars or printouts coming to me with red lines. Explain this. And explain that. And why these cases

haven't moved. . . . "People want the benefit of statistics. They're going to get them in some other part, not in my part." Contrary to judicial ethics, Miller is frequently seen at Democratic dinners and fund-raising events, even though she is not a candidate. Her 14-year term expires in 2004.

The 10 worst judges / Editorial Page 22

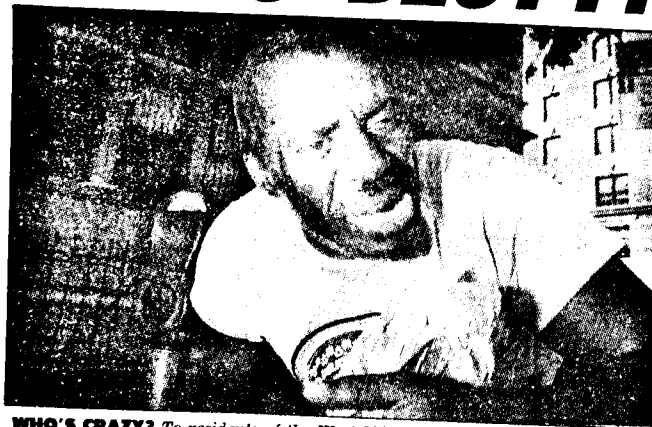
'WILD MAN'S' BEST FRIEND

Three psychiatrists, the state attorney general, the Manhattan district attorney's office, the cops of the 24th Precinct and most of the Upper West Side thought Larry Hogue was the infamous "Wild Man of 96th Street" — was crazy.

Not Richard Rutledge. The Queens Supreme Court Justice ruled last February that Hogue — who has incessantly terrorized residents of the Upper West Side for years — suffered from nothing more than "an attitude" problem and should be released from the Creedmoor psychiatric facility.

This came after the testimony of Hogue's psychiatrist at Creedmoor during two months of involuntary confinement. It also followed seven years of documented incidents during which Hogue hit pedestrians, tried to set fire to cars, threw stone benches through plate-glass windows and repeatedly exposed himself and masturbated in public.

"In my opinion, he's not mentally ill," Rutledge ruled at the 49-year-old homeless man's hearing to



WHO'S CRAZY? To residents of the West Side, Larry Hogue is. But a Queens judge told him: "Because they call you crazy, it doesn't make you crazy."

seek release from the psychiatric hospital.

Addressing Hogue, he added: "You have a defensiveness and you have an attitude.

"I won't try to explain why you have it. Myself of all people, being of the same race.

"I don't think you're a danger to yourself or to society, as far as I'm concerned."

That lack of concern was not lost on a four-judge panel of the State Appellate Division. They reversed Rutledge's decision several weeks later, blocking an at-

tempt by Hogue to remain on the streets.

The panel's ruling highlighted what Rutledge ignored: the testimony of two Bellevue doctors, who examined Hogue during prior stays.

They said Hogue suffers from an organic brain dis-

order. Their assessment is that Hogue is schizophrenic and a chronic substance abuser with a history of arrests and prior psychiatric hospitalizations dating back to 1963.

"Because they call you crazy, it doesn't make you crazy," Rutledge told Hogue at his hearing. "And you never were crazy." "No sir," Hogue said.

The appellate judges ruled, however, that "there is simply no fair interpretation of the evidence that can support the Supreme Court's determination that Hogue is not mentally ill and does not present a danger to himself or others."

Rutledge paved his way to the bench as an Albany staff member for the late Queens assemblyman Guy Brewer. Councilman Archie Spigner facilitated his ascension to the highest trial court in the state through his influence in the Queens Democratic party.

More than 70 years old, Rutledge is considered a senior judge and was re-certified last year to serve two more years in the \$93,000-a-year post.

Where there's a will, there's a way. Just ask Civil Court Judge Lorraine Backal, a judicial nomad who gets by with a little help from her friends.

It's not often that a Republican from Brookville, L.L. gets the backing of Bronx Democratic boss George Friedman and influential district leaders for a Bronx judgeship for which she was deemed unqualified by the Bar Association.

But Backal, 66, now an acting state Supreme Court justice, started out with a political godmother — Manhattan Surrogate Marie Lambert. Then she rented an apartment in The Bronx.

Between 1985 and 1988, the now-retired Lambert reported awarding Backal 22 guardianships totaling \$210,000.

One of those cases involved Bernard Gottlieb, an emotionally disturbed Brooklyn man at odds with his only daughter.

Gottlieb, who died in 1987, disinherited his daughter and awarded half his estate — roughly \$375,000 — to Backal's two children.

The daughter, Susan Duberchin, claimed the will was "obtained and procured by fraud and undue influence practiced . . . by the beneficiaries and others."

Backal in interviews has denied any wrongdoing.

But she came under scrutiny in another court-appointed conservatorship from another friend, Judge Jacqueline Silbermann.

Silbermann made Backal co-conservator to the estate of Ethel Brownstone, an 87-year-old woman with Alzheimer's disease — and \$10 million.

When Backal became a Civil Court judge in 1988, Silbermann replaced her as conservator with Melvin Altman, who ran Backal's unsuccessful campaigns for surrogate in 1986-87.

Backal and Altman tried to remove Brownstone's niece as co-conservator of the estate.

Selwan Wilson, Backal's chauffeur and personal assistant — and a convicted felon — filed a false affidavit against the niece, claiming she stole from her aunt.

After her election, Backal's backers — Friedman, Gerald Esposito and Jerry Crispino — received more than \$82,000 in court patronage from Lambert.

Backal ascended to acting Supreme Court justice, thanks to another personal friend — powerful Bronx Administrative Judge Burton Roberts.

Twenty years ago, Backal threw a lavish 50th birthday party for Roberts at her Long Island estate.

NEW YORK POST

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New York's 10 Worst Judges

Every calling has its louts and losers, and the city's bench is no exception — as Post staffers Jack Newfield and Jim Nolan demonstrate in a remarkable series of articles that concludes today: New York's 10 Worst Judges.

Service on the bench in crime-racked New York is, to be sure, no piece of cake. There were, as Newfield and Nolan point out, 879,000 appearances in Criminal Court alone in 1992. In state Supreme Court, where only felonies are heard, 45,000 sentences were handed down — and 18,000 cases remained in backlog at year's end.

These numbers alone suggest that most of the city's jurists are dedicated and hard-working; indeed, the system would collapse entirely were that not the case.

But it remains that there are judges who fall far short of doing their duty. Some are incompetents who shouldn't be sitting on the bench at all. Others, animated by ideology, have qualms about the system they're sworn to uphold. Such judges make life in New York even more difficult and dangerous than it would otherwise be. The city would be a safer place if they weren't actors in the criminal-justice system.

Take, for example, Supreme Court Justice Richard Rutledge — who was prepared to return Larry Hogue, the "Wild Man of 98th Street," to his old haunts on grounds that Hogue considered himself sane.

Rutledge, a 70-year-old clubhouse pol who was recently recertified so he could serve for two more years, ruled that Hogue merely had "an attitude;" the judge opined that the "Wild Man" wasn't a danger to himself "or to society" — notwithstanding evidence of seven years during which Hogue tried to set fire to cars, masturbated in pub-

lic and threw stone benches at plate glass windows. Rutledge's motives are hard to gauge; the implications of his ruling — had it not been overturned — are not.

Consider Acting Criminal Court Judge Dynda Andrews, who's given to freeing drug dealers on technicalities. A bias against cops and law-enforcement authorities informs Andrews' opinions. After protests by Bronx District Attorney Robert Johnson, Andrews was transferred to Manhattan. Recently, prosecutors there asked that she be moved from the all-purpose arraignment courtroom to an assignment in which she can do less harm.

And the list went on.

Moreover, it is by no means all-inclusive. Newfield and Nolan acknowledge that unnamed judges might easily have replaced the specific jurists picked for this year's "10 Worst."

"By personalizing the problem," write Newfield and Nolan, "it is our intent to dramatize the urgent need for better judges, tougher policing of their conduct and a more merit-based method of selection."

Let's hope Albany, where judicial reform must originate, is paying attention. Selection — which is key — is an immensely complicated proposition. Some judges are appointed by the mayor — who's advised by a judicial screening panel. Others, technically, are "elected"; actually, party leaders — counseled, again, by screening panels — decide on nominees and tend to cross-endorse. The bar associations provide ratings. But the process is highly political and the terms of office are long.

All in all, the system's in dire need of top-to-bottom reform. Now's as good a time as any to begin.