

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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8 pages

July 25, 1997

James F. Gill, Esq.
Chairman, First Department Judicial Screening Committee
Robinson, Silverman, Pearce, Aronsohn & Berman
1290 Avenue of the Americas
New York, New York 10104

RE: "Judicial Screening"

Dear Mr. Gill:

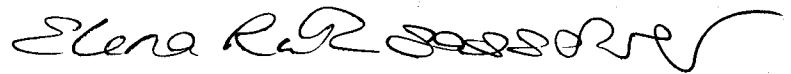
The July 16, 1997 Law Journal (Exhibit "A") reports that from an applicant pool of 23, you have unilaterally selected five candidates to be interviewed to fill two Appellate Division, First Department vacancies. According to the Law Journal, you declined to be interviewed, but designated Austin Campriello of your firm -- who serves as counsel to the First Department Judicial Screening Committee -- to "field questions". Apparently, Mr. Campriello represented that your selection was based upon your "personal knowledge of the individuals and their reputations, and on inquiries to other lawyers about the candidates".

The Law Journal furnished no information as to the "other lawyers" to whom you made inquiry -- if you made such inquiry, in fact. However, from the copy of our June 2, 1997 letter to the Governor which we sent you, it should have been obvious to you that the Center for Judicial Accountability, Inc. (CJA) is an *invaluable* source of *verifiable* information about the on-the-job performance of judges seeking reappointment or elevation to higher judicial office. Indeed, had you inquired of CJA, we would have immediately provided you with documentary proof of the unfitness of at least two of the five candidates which you have selected to be interviewed.

We suggest that you promptly contact us so that arrangements can be made for presentment of such dispositive negative proof. At the same time, you can take the opportunity to provide us with a copy of the First Department Judicial Screening Committee rules, as well as the addresses of the 11 members of the four Department Judicial Screening Committees, which we long ago requested of

you, in writing. For your convenience, copies of our June 16th and June 20th letters to you are annexed (Exhibit "B"). We would note that over the past several weeks we have left recorded phone messages for Mr. Campriello, who has not seen fit to return our calls.

Yours for a quality judiciary,

A handwritten signature in black ink, reading "Elena Ruth Sassower". The signature is fluid and cursive, with a long, sweeping flourish at the end.

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures

7/16/97

5 to Face Interviews for Appellate Seats

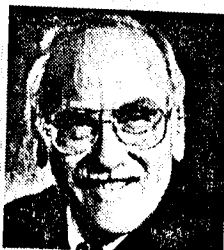
Candidates for Appellate Division, First Department Vacancies



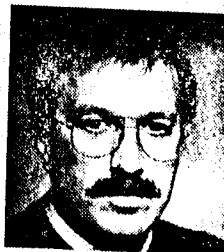
Justice
Herman Cahn



Justice
Stephen Crane



Justice
Bertram Katz



Justice
Charles Ramos



Justice Jacqueline
Silbermann

BY DANIEL WISE
AND MATTHEW GOLDSTEIN

THE FIELD of candidates for two judicial vacancies in the Appellate Division, First Department, has been narrowed to five judges under a new policy that allows the chair of a state judicial screening panel to determine alone which judges will be interviewed by the full 13-member committee.

The new rules, adopted in May by

New Rules for Procedures Of Four Screening Panels

Governor Pataki's statewide judicial screening committee, govern the operation of the screening panels for all four Appellate Divisions. The rules mark a change from the Cuomo Administration when the judicial screening panels routinely interviewed every applicant for an appellate post.

The First Department's judicial screening panel, which is closest to

developing a list of candidates to offer the Governor, will interview five State Supreme Court justices selected by Committee Chairman James Gill. Mr. Gill, a partner at Robinson Silverman Pearce Aronsohn & Berman and a member of Governor Pataki's transition team, selected the judges from a list of 23 applicants, according to sources.

In a recent letter to each committee member, Mr. Gill said that under the

Continued on page 7, column 1

EX "A"

5 Appellate Division Candidates

Continued from page 1, column 5

new rules, he had selected five justices whom he had found "the most highly qualified" from Manhattan and the Bronx. Appellate Division justices must be elected State Supreme Court justices.

Four — Herman Cahn, Stephen G. Crane, Charles E. Ramos and Jacqueline W. Silberman — are from Manhattan; the fifth, Bertram Katz, is from the Bronx. All five are Democrats.

Their interviews have tentatively been set for July 31 and Aug. 5, sources said.

Under the new rules, an individual committee member can request that the committee interview an applicant not selected by the chair, but only if a majority of the panel agrees.

Thomas J. Schwarz, who was counsel to the First Department screening panel for the Cuomo Administration, said during his tenure the full committee interviewed every State Supreme Court justice who applied. Prior to each interview, a written background report was prepared on the candidate, Mr. Schwarz said.

Concerns Raised

The new procedures, which were adopted without notice, even to members of the departmental committees, have prompted concern that they afford the committee chairs too much discretion.

One member of the First Department panel said that Mr. Gill's control of the selection process could result in the committee's vision being too narrowly constricted.

The role of the screening committees is to identify "highly qualified" candidates for the Appellate Division. The Governor is required to choose new Appellate Division justices from the list offered by the screening panels. The panels include appointees by the Governor, Chief Judge Judith S. Kaye, Attorney General Dennis C. Vacco, the presiding justices of the respective Appellate Divisions and the New York State Bar Association.

Chairman's Role

Mr. Gill, who headed Governor Pataki's statewide lawyers committee during his 1994 campaign, declined to

be interviewed, instead designating the committee's counsel, Austin V. Campriello, to field questions.

Mr. Campriello, a partner at Robinson Silverman as well, said Mr. Gill selected the interviewees based upon his personal knowledge of the individuals and their reputations, and on inquiries to other lawyers about the candidates.

Once a potential candidate was identified as one to be brought before the full committee, Mr. Campriello was responsible for investigating the judge's background, including reviewing decisions and interviewing lawyers who had appeared before them.

Mr. Campriello said a written report has been prepared on each candidate, but since the rules do not permit the reports to leave his law firm, committee members must come to Robinson Silverman to read the reports before the interviews.

A Different Approach

Meanwhile, Kevin J. Plunkett, the head of the screening panel in the Second Department, has used a different approach.

He said he is soliciting the views of committee members on which judges should be interviewed for two vacancies in the Second Department. He has sent the committee members the names of some 20 judges who have applied.

Mr. Plunkett, a name partner in Plunkett & Jaffe, which is Governor Pataki's former law firm, said he is also deciding whether to set up a subcommittee to help identify candidates who should be interviewed.

The new rules were adopted by the State Judicial Screening Committee, which is headed by Governor Pataki's counsel, Michael Finnegan. The four appellate department committee chairmen are also members.

In April 1995, Governor Pataki signed an executive order creating the statewide commission and the four Appellate Division screening panels, but panel members were not appointed until two years later (*NYLJ*, March 6). During the two intervening years, bar associations and judges criticized the procedures used by an interim statewide screening panel headed by former New York Court of Appeals Chief Judge Lawrence H. Cooke.

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