

Bar Group Told to Stop Rating Judges

By NEIL A. LEWIS

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WASHINGTON, June 3 — The Justice Department has told the City Bar Association in New York that it should get out of the business of evaluating who becomes a Federal judge in New York, something it has done since at least 1920.

Underlying the dispute is a long effort by President Bush and President Reagan before him to push the Federal courts in a more conservative direction, an effort occasionally hampered by outside groups passing on candidates' qualifications.

The department said it is telling prospective Federal judges to cooperate only with the American Bar Association, which two years ago agreed to change the standards by which it evaluates judicial nominees under pressure from the Administration.

Candidates for the Federal bench have been told to avoid submitting to evaluation by the New York group, officials have acknowledged. Fifteen Federal judgeships are vacant in New York now.

'Policy Seeking to Intimidate'

The American Bar Association was heavily criticized by conservatives a few years ago for its negative reviews of some candidates, and Attorney General Dick Thornburgh threatened to exclude the association from the process.

But association officials agreed to re-vamp their evaluation procedures and standards and have been allowed to retain a role in the process.

Conrad K. Harper, the president of the New York association, said that the Justice Department under Mr. Thornburgh has "adopted a policy seeking to intimidate candidates who wish to participate in evaluations by local bar associations." Mr. Harper said that candidates have been told their nominations would not be put forward if they agreed to an evaluation by the New York group.

He cited a letter from Murray G. Dickman, who oversees judicial nominations for Mr. Thornburgh, warning the New York group that the national association "has sole responsibility for evaluating Federal judicial candidates." Mr. Dickman told the New York association: "Your interference in the constitutional process of selecting and appointing Federal judges must end."

Slightly More Liberal

Mr. Dickman today acknowledged having told candidates to avoid cooperating with the New York association. He said that the department has an agreement with the national association and does not want to complicate matters by having local bar groups provide additional formal evaluations of the Administration's choices.

He said that many bar groups long to have a say on who gets to be a Federal judge and that it would be wrong to make an exception for the Association of the Bar of the City of New York. The

New York group, among the most active local bar groups in the nation, has long taken a formal interest in evaluating prospective judges.

In evaluating Federal judges, the New York association has generally been slightly more liberal than the national association.

Mr. Harper said that in a meeting last year with Justice Department officials, his group was asked to submit data comparing its judgments on nominees with the national association's over the last 15 years. He said the two associations offered similar judgments except on some recent nominees who declined to submit to evaluation by the New York group.

Staff members on the Senate Judiciary Committee and others have said that the national association has become more amenable to the Administration's choices since being threatened with being removed from the process. Sheldon Goldman, a political science professor at the University of Massachusetts who has studied judicial nomination patterns, offered a statistical analysis in the magazine Judicature showing the national association's evaluations have been higher for President Bush's choices than for any of his recent predecessors.

Ralph I. Lancaster, who heads the national association's evaluation committee, has denied being intimidated by the Administration.

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