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Judge Kaye for Chief Judge

For the vacant post of Chief Judge of New York's highest court, the state's nominating commission has offered Gov. Mario Cuomo seven names. With all respect to the six men on the list, they are no match for Judge Judith Kaye, the slate's only woman.

Judge Kaye has led the field since last fall, when Sol Wachtler, the former Chief Judge, resigned after his shocking arrest on Federal extortion charges. All seven candidates have strengths that could help the court recover from the stunning setback of the Wachtler prosecution. Some of them may be worthy candidates for future high court vacancies.

Among the judges on the list, Judge Kaye, who was seriously considered for U.S. attorney general, has special appeal: She's a product of the merit selection system New York's voters adopted 15 years ago. She has never run for a lower court election in the politically bossed system that masquerades as an instrument of popular will.

Fed up with expensive, degrading statewide elections for the Court of Appeals, New York created the State Commission on Judicial Nomination. The 12 commissioners, appointed by the governor,

legislative leaders and the chief judge, are not innocents who have forsworn the politics of the bench and bar. But they have produced a broadly competent, more representative Court of Appeals than the old elective system.

The commission has now asked Governor Cuomo to choose from two incumbents on the Court of Appeals: Judge Kaye, 54 years old, and Judge Richard Simons, 66. The five remaining nominees include lower court judges, a law professor and a private practitioner.

The Governor clearly wishes he didn't have to share the judge-picking power, but this arrangement was the price of scrapping the elective system. All told, the commission system works well enough to earn extension to the rest of the state judiciary, but a cabal of legislators and entrenched, elected judges has confined the reform to the Court of Appeals.

Judge Kaye, a former litigator, is a conscientious judge with an active interest in court administration as well as wisdom in deciding cases. Her presence on the Court of Appeals has already vindicated the merit selection system. She tops the list of able contestants for the Governor's choice.