



NY Senate approves Lippman as top judge

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ALBANY, N.Y. (AP) — The New York Senate confirmed a longtime administrative judge to head the sprawling court system and preside at the Court of Appeals in what several lawmakers called New York's second most powerful job after the governor's.

Judge Jonathan Lippman, confirmed by voice vote, replaces Chief Judge Judith Kaye, who retired Dec. 31 from the state's top court. Earlier Wednesday, the Senate Judiciary Committee voted 22-0 with one abstention to advance the nomination. The senator who abstained and others took the opportunity to criticize the selection process as too closed and failing to produce a woman or enough minority candidates for the job.

Lippman vowed to keep working seven days a week in support of "a nonpartisan independent judiciary ... that works on the problems that we face today."

"The one thing that matters is the well being of our citizenry," he told the committee.

Lippman, a midlevel appeals court presiding judge, is former chief administrative judge of the state court system. He worked for a decade with Kaye on reforms that ranged from jury selection to special courts to deal with domestic violence, drug treatment and other issues.

While noting Lippman's qualifications, several senators criticized the selection process and the Commission on Judicial Nomination for failing to include any women, and only one minority, on its short list of seven potential nominees.

Sen. Ruben Diaz, a Bronx Democrat, said he abstained from the committee vote because the nominee list made it "appear like discrimination." He said there were two well qualified minority women, both experienced judges, who were rejected. He shook Lippman's hand and said a better process would have made it a day to celebrate.

Gov. David Paterson nominated Lippman from the short list, after raising similar concerns.

"I don't consider myself a person who represents any ethnic group. I represent what I think is fairness and justice in the state of New York," said Sen. Ruth Hassell-Thompson, a Bronx Democrat. She had urged Paterson to send the list back to the commission "for a thorough and inclusive group of people," but Attorney General Andrew Cuomo concluded that wasn't possible under current law, she said.

Chairman John Sampson plans to continue Judiciary Committee hearings on the nomination process in Buffalo and New York City. He said a report will follow.

Hassell-Thompson said she expects reform legislation and wants an "open" nomination process. The commission meets behind closed doors. Neither its votes nor the names of other candidates are disclosed.

Lippman visited Sampson in Brooklyn, where they had "a frank discussion" about diversity, the absence of minorities among the acting Supreme Court justices in Brooklyn, and other issues. Sampson said that changed his mind about going forward with the nomination.

"But make no bones about it, this committee will hold your feet to the fire to the issues my colleagues have expressed for you," Sampson said. Lippman also met privately with other senators.

Lippman said getting the state's judges a raise after 11 years is his top priority, and he hopes to work with lawmakers to establish a mechanism, such as a commission, where the issue could be addressed every year or two. He declined to comment later on the pending lawsuit Kaye filed to get judges raises, saying, "It's part of the puzzle."

Lippman said there are "pluses and minuses" to opening the nomination process, including confidentiality restrictions that have to be considered.

The State Bar Association credited Lippman with increasing the number of minority supervisory and administrative judges in New York City.

"When you get north of New York City, there is no diversity in the New York court system," Sen. Martin Dilan, a Brooklyn Democrat, said.

Court of Appeals Associate Judge Theodore Jones Jr., the only African-American on the top court, said it was Lippman who first approached him about becoming an administrative judge at state Supreme Court in Brooklyn and later for the seat on Court of Appeals. Jones, who made the short list for chief judge, said he "fully" supported Lippman's confirmation

Judge Carmen Beauchamp Ciparick, acting chief judge since Kaye's departure and a candidate who didn't make the short list, said she would have made a good chief judge, but Lippman would make a great one. She noted his experience managing the \$2.5 billion budget for the court system, as well as 3,600 state and locally paid judges and 15,000 other court employees.

Pressed by Diaz, Ciparick acknowledged she was qualified and disappointed.

Three court critics, Elena Sassower, Will Gallison and Dean Loren, faulted the nomination. Sassower said there were only two public access points, publication of the commission list and the Senate hearing. Gallison said complaints he'd tried to file against a Manhattan lawyer were ignored by Lippman at the Appellate Division, and it turned out the attorney's partner was on the nomination commission. Loren, a Cherokee, said court diversity should include Native Americans.

On the Senate floor, Sen. Eric Adams, a Brooklyn Democrat, said minorities can wear handcuffs and fill upstate prisons, but not the black robes of the high court. "Our justice is supposed to be blind. I'm tired of a hole being in that blindfold when it comes to people of color. This is our opportunity to change the process," he said.

Sen. Eric Schneiderman, a Bronx Democrat, also called for reform, including working with Lippman and changing parole and jailings for technical violations.

"It is coming to the point where mass incarceration must come to an end," Schneiderman said, citing 2.4 million people in U.S. prisons and jails, including one in nine African-American men.

Assembly Speaker Sheldon Silver, Lippman's longtime friend, responding to a Village Voice report suggesting that he backed Caroline Kennedy for New York's vacant U.S. Senate seat in return for Paterson backing Lippman, said Wednesday he was proud of his friend. "And I don't think there's anything in that article I am not proud of," he said.

Associated Press Writer Michael Gormley contributed to this article.

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