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Judiciary Chairman Was Staunch Court Supporter

Lack Leaves State Senate After More Than Two Decades

BY JOHN CAHER

ALBANY — When State Senator James J. Lack retires at the end of the year, the Judiciary will lose one of its staunchest supporters in the Legislature.

Not only is Mr. Lack, 57, a senior lawmaker and respected member of the Republican majority, he is also chairman of the Senate Judiciary Committee. As such, he is the upper house legislator who carries the Judiciary bills — and over the last eight years, he has carried dozens.

“Jim Lack has been a great, great friend of the Judiciary,” said Chief Administrative Judge Jonathan Lippman. “From the simplest act of making sure that bills that should go through do go through, to taking a leadership role and leading the charge on more controversial things, Jim is a stalwart on the part of the Judiciary. We couldn’t be more grateful for his role, his leadership, his friendship.”

Mr. Lack, a Republican from Suffolk County, announced Friday that he will not seek re-election to the Senate seat to which he was first elected during the tenure of Governor Hugh L.

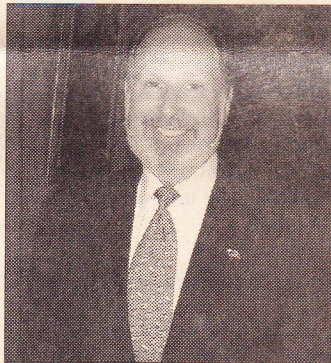


PHOTO BY ALAN SOLOMON

Senator Lack

Carey and held through the reigns of Governors Mario M. Cuomo and George E. Pataki.

“After 33 years in government, I have accomplished what I wanted to accomplish,” Mr. Lack said. “I think it is time for me to come back to the Island, practice law and join my family.”

Mr. Lack came to the Senate in 1979, when he already had a considerable record of public service, particularly in consumer affairs.

After receiving his bachelor’s degree from the University of Pennsylvania and law degree from Fordham University School of Law, Mr. Lack was an associate at Javits & Javits in Manhattan before he became the first counsel to the New York State Consumer Protection Board.

Two years later, in 1972, Mr. Lack was appointed a principal assistant district attorney in Suffolk County, where he prosecuted economic and consumer crimes. In 1974, he founded the Suffolk County Department of Consumer Affairs. In 1977, Mr. Lack became president of the Better Business Bureau of

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Metropolitan New York Inc. And along the way, he founded the National Association of Consumer Agency Administrators, served as project director for the Consumer Crime Task Force and has been active with the Citizens Advisory Council of the New York Public Service Commission, the Special Committee on Consumer Affairs of the Association of the Bar of the City of New York, the Special Committee on Consumer Affairs of the Suffolk County Bar Association and the New York Regional Consumer Protection Council.

Mr. Lack ran for the Senate in 1978, and became the first and only person of Jewish descent elected to the State Legislature from Suffolk County. He was named chairman of the Judiciary Committee in 1994, and also currently serves as deputy majority whip. Mr. Lack chaired the Senate Labor Committee from 1985 to 1994, and has served on the Joint Legislative Ethics Committee since it was formed in 1989. As Labor Committee chairman, Mr. Lack played an instrumental role in overhauling the worker's compensation system, and is credited with developing the state's Occupational Health and Safety Clinic network.

Mr. Lack has served a president

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of the National Conference of State Legislatures, president of the Foundation for State Legislatures and national chairman of the Center for Ethics in Government.

"He is the epitome of someone who cares, really cares," Judge Lippman said. "When it comes to the Judiciary, I believe Jim Lack has reverence, respect and affection, and it shows in his work. He ...is forward looking, progressive, and not afraid to go out on a limb. He is willing to take a leadership role to make the things he believes in happen."

Authored 400 Laws

During his legislative career, Mr. Lack has authored more than 400 laws, and was the principal sponsor of the Bottle Bill and the Jury Reform Act of 1996, which eliminated statutory exemptions.

"Exemptions had eroded the pool of eligible jurors to the point where only retirees and public employees were likely to be summoned," Mr. Lack said. "Jury duty is a responsibility of citizenship and requires the participation of citizens from all stations and walks of life."

One of Mr. Lack's major legislative goals, court restructuring,

remains elusive. However, the senator said that the Legislature is slowly growing to accept the proposition that New York's courts must be reconfigured to reflect modern needs.

"After 24 years in the Legislature, I have an old-shoe theory of legislation: the more members of the Legislature become aware of and know about a certain situation, the more comfortable they get with it, like a pair of old shoes that grow much more comfortable as you wear them," Mr. Lack said.

"Over the years, there has been a much greater acceptance of the fact that there has to be a built-in ability for the judicial system to be able to respond to societal changes, rather than being bound by a strait-jacket of rigid constitutional requirements. For example, we have had a reduction in crime and an increase in domestic violence, but we have constitutional courts that don't allow for the system to respond."

Assemblywoman Helene E. Weinstein, D-Brooklyn, who chairs the Judiciary Committee in the lower chamber, said she and Mr. Lack developed a productive working relationship even though they represent different parties and different houses.

"I think over the years together we have made some major improvements in our laws, particularly with the UCC [Uniform Commercial Code], where his consumer background proved very helpful," Ms. Weinstein said. "We worked well together while representing our house's positions appropriately. I'll miss him as chair. We have really been able to accomplish a lot together."

Senate Majority Leader Joseph L. Bruno, R-Rensselaer County, on Friday characterized Mr. Lack as key colleague who exhibited strong "leadership on matters related to the court system and consumer rights." Mr. Bruno said Mr. Lack's retirement will mark a "tremendous loss" for Suffolk County and the Senate.

"He has worked very closely with me in the leadership and I am going to miss him," Mr. Bruno said. "He's been a good friend and a great senator who made tremendous contributions to improving the lives of not just his constituency, but the people throughout the state."

Congressman Steve Israel, a first-term Long Island Democrat who previously served as majority leader of the Huntington Town Board, said Mr. Lack was one

politician who "understood the need for bipartisan cooperation."

"Although we didn't always agree on every issue, every time, whenever I ... called Jim for help, he never turned me away and he never let me down," Rep. Israel said.

Last year, there was speculation that Mr. Lack was in line for a Supreme Court judgeship, although he never applied. Those rumors, however, largely came to an end when the Senator was involved in a well-publicized "road rage" incident in which he angrily confronted another motorist. Mr. Lack later apologized to the woman.

The senator said last week that plans to remain in the private sector following his retirement from the Legislature, but will continue to advocate for court restructuring. His law firm, Smyth & Lack, concentrates on real property, banking and trusts and estates.

Florida Native

Mr. Lack grew up in Miami Beach, Fla., where his father was in the carpet business. The senator and his wife, psychologist Therese Lack, have two children: Jeremy, who earned a doctorate in

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biochemistry from Oxford University after graduating from Cornell University, and Katherine, who received a master's degree from the London School of Economics after graduating from Columbia University.

Republican Assemblyman John J. Flanagan, an attorney with Augello, Pezold & Hirschmann PC in Huntington, plans to run for Mr. Lack's Senate seat. It is unclear who will take over as Judiciary Committee chair, but among those reportedly in the running are Senators Stephen M. Saland, R-Poughkeepsie; Serphin R. Maltese, R-Queens; and Raymond A. Meier, R-Utica.