



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

Web: nyc.gov/html/law/home.html

For Immediate Release

**CITING A “JUDICIAL SELECTION CRISIS” IN OUR CITY,
CORPORATION COUNSEL MICHAEL A. CARDOZO LAYS OUT TWO KEY
REFORMS TO IMPROVE HOW STATE JUDGES ARE SELECTED**

PROPOSED LEGISLATION COMES AS CARDOZO ADDRESSES THE CITY LAW BREAKFAST AT NEW YORK LAW SCHOOL

Contact: Kate O’Brien Ahlers, Communications Director, (212) 788-0400, kahlers@law.nyc.gov

New York, Mar. 24, 2006 – Speaking today at the City Law Breakfast at New York Law School, New York City Law Department Corporation Counsel Michael A. Cardozo cited a “judicial selection crisis” in New York City and set forth two key legislative reforms that he and Mayor Bloomberg deemed essential to reforming the current system of selecting state supreme court justices.

Stating that “the success my office has in dealing with the challenges we face depends, in large measure, on judges and the quality of their decision making,” Cardozo expressed concern that the “frightening consequence” of “voter ignorance and nonparticipation in the determination of the people who will become our judges” is that the “decision on who will become a judge has been left solely in the hands of a small group of politicians.”

To address the crisis, Cardozo advocated two critical legislative reforms.

- First, to ensure that merit, not political connections, forms the basis for judicial selection, Cardozo urged enactment of a law creating an independent judicial qualification committee for each judicial district, each of which would produce a report listing, for each judicial nominating convention, the three most qualified candidates for every vacancy;
- Second, to address the recent determination by a federal court that the judicial convention nominating system, as currently run, is unconstitutional because it is now difficult in the extreme for candidates opposing party favorites to field their own slates of convention delegates, Cardozo proposed legislation reducing both the number of delegates sent to the conventions as well as the number of signatures required to run for the position of delegate.

Cardozo also discussed two alternative approaches to reform not encompassed by his proposal. Although Cardozo stated that while he and the Mayor favor the first such alternative, a merit appointment system, he said that the crisis was too immediate to await potential legislative and voter enactment of a constitutional amendment that would be necessary to impose merit selection. With respect to the second alternative, open primaries for judges, Cardozo emphasized that primaries for supreme court candidates would be unwise. “Will you vote for Candidate A because she says she will be fairer than her opponent?” Cardozo asked. “Certainly I hope that in his efforts to garner lots of votes the candidate’s advertisements won’t say he will always decide for tenants, or promise that he will be a ‘lock them up’ judge,” Cardozo

added. "The independence and fairness of our judiciary depends on judges approaching each case with an open mind; campaign promises to the contrary undermine that fundamental principle. And I wonder who will contribute to these judicial campaigns? I suspect it will be the very lawyers who will ultimately appear before the ultimately victorious judicial candidate. That certainly won't engender confidence that the judge will be fair or decide the case on the actual merits."

Cardozo emphasized that most of the State's judges were hard working and highly competent. But his comments emphasized the need for reform at this decisive moment following a series of controversial judicial nominations in Brooklyn, the findings that certain judges had engaged in improper and sometimes criminal conduct, and a ruling by a federal judge last month that the judicial nominating convention system, as currently run, is unconstitutional.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 90,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at www.nyc.gov or via direct link at www.nyc.gov/html/law/home.html.

###