

SENATE CONFIRMS NEW JUDGE TO STATE'S HIGHEST COURT

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ALBANY — The state Senate Wednesday unanimously confirmed Albany Appellate Division Justice Victoria Graffeo to a spot on the state's highest court giving the seven-member Court of Appeals three women members for the first time in history.

"She's a role model for women throughout New York State," Gloria Arthur, an Albany lawyer, testified during a hearing on the 48-year-old judge's nomination before the Senate vote. "She'll make sure that women will be treated fairly and justly."

When she is sworn in around the first of the year, Graffeo will join on the high court Chief Judge Judith Kaye, who was the first woman ever picked for the panel when she was nominated in 1983, and Carmine Ciparik, who has been on the court for six years.

She will replace Judge Joseph Bellacosa in the post, which pays \$105,200 a year. He resigned earlier this year.

When she was nominated for the 14-year term on the high court earlier this month, analysts said she's likely to have a moderating effect on the bench, since Bellacosa was one of the court's more conservative members.

"I don't see myself on any particular portion of the political spectrum," she said then, when asked about her political philosophy. She has declined to say whether she supports the death penalty or abortion rights.

Graffeo served as the lawyer for Assembly Republicans for 10 years before a stint with the state attorney general and then the last four years as a judge — first a Supreme Court judge and then on the Appellate Division. Praise for her was bipartisan Wednesday.

"She's one of the most highly respected judges we've ever had in this area," said Sen. Neil Breslin, D-Delmar, Albany County, a lawyer who has practiced before Graffeo.

The only moment of contention in Wednesday's hearing occurred when Elena Sassower, an activist from a group based in White-Plains, tried to address the senators after four other witnesses who had sung Graffeo's praises were finished.

"The people have an objection," she said from the back of the room, as the Judiciary Committee chairman, Sen. James Lack, R-Suffolk County, ignored her and gavelled the hearing to a close.

He had said earlier that Sassower had nothing to contribute to the hearing, where testimony was allowed by invitation only.

Another critic of the way the judges are picked who was not allowed to testify, Robert Schulz of Queensbury, Warren County, filed suit in Supreme Court Wednesday to try to block Graffeo from joining the high court. He claims that the panel that picked her didn't produce a written report on her qualifications, which he said the law requires.

There was no word Wednesday when that case might be heard.