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Spitzer moves to have top state judge stay on

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ALBANY - State Chief Judge Judith Kaye was nominated yesterday to continue serving in her post by Gov. Eliot Spitzer, her ally on legal initiatives in his two terms as attorney general.

Kaye, 68, will serve on the state's highest court, the Court of Appeals, until the end of next year, when she would reach the mandatory retirement age.

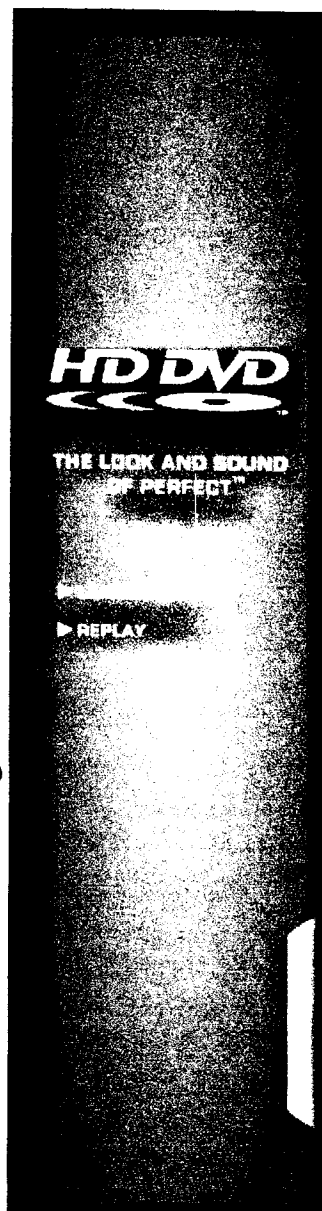
"This was, I have to say, an easy decision," Spitzer said. "Even those who disagree with particular opinions recognize that Chief Judge Kaye has been all one would hope for and ask for as a voice for the judiciary."

Kaye, whose nomination is subject to State Senate approval, was appointed chief judge by Gov. Mario Cuomo in 1993. She is the state's first female chief and was the first woman to serve on the Court of Appeals. Cuomo first appointed her as an associate judge of the court in September 1983.

Kaye said her top priorities for the next two years include giving state judges their first pay raises since 1999, streamlining the court system and improving legal services for the poor.

In 2003, Kaye wrote the majority opinion in the landmark Campaign for Fiscal Equity case that found the state's education funding system was unconstitutional because it did not provide New York City schoolchildren with a "sound, basic education."

Among numerous other cases, Kaye wrote the 1995 decision allowing adoption in New York by unmarried couples, both heterosexual and homosexual.



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