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## Senators confirm one of their own

Albany— James Lack easily approved despite publicized road rage incident

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Without a single question about his highly publicized road rage incident last year, state Sen. James Lack was confirmed by his fellow senators Tuesday to a Court of Claims judgeship.

The action marked the Senate's latest stamp of approval of a nominee from Gov. George Pataki, who has enjoyed an unbroken string of quick and easy confirmations of his judicial candidates by the Republican-dominated chamber.

The Senate Judiciary Committee earlier in the day unanimously recommended Lack, R-Northport, for the \$136,700-a-year post. The Court of Claims handles lawsuits against the state.

Lack, 58, the committee's chairman, said it was a "little bit of an out of body experience" sitting for confirmation hearing before the panel he has headed for nine years. The vote came after a round of kind words from his colleagues and no inquiries into the road rage episode.

Lack opted not to seek another term after a traffic dispute with a Long Island woman last year. The woman honked her horn at Lack when he stopped for a school bus that was not flashing its lights. He motioned for her to pass, then followed her home, flashed his Senate badge and berated her. He apologized after she went public about the episode.

"Jim had a problem, but something like that is only a problem if it goes to the heart of being a judge," said committee member Dale Volker, R-Depew, who ran the hearing after Lack recused himself.

The committee has endorsed every nominee by Pataki since his election in 1994, a contrast to the selection of judges at the federal level, where political wrangling and public airing of past indiscretions is common.

"It's rare that there has been any opposition whatsoever," Albany Law School professor Michael Hutter said of New York's confirmation hearings. He also noted that the U.S. Senate allows public testimony, but, "I don't think here in the Senate there has ever been the opportunity for someone who is really opposed to a nomination the opportunity to be heard."

The Senate has no guidelines for public comment at confirmation hearings, said Mark Hansen,

a spokesman for the GOP majority.

Confirming state judges is smoother in part because the governor's nominees come from a list submitted by a judicial selection committee, which conducts its own screening process, Lack said.

"It's not a question of us being a rubber stamp," Lack said. "We vet and look at the record of each appointee and this governor has been extraordinary in the caliber of nominees that he has sent to the Senate."

The Senate has pared the time for confirming judicial nominees from one to two months in 1993 and 1994 under Democratic Gov. Mario Cuomo to a matter of days under Pataki, according to a 1997 report by the Association of the Bar of New York City. Lack's approval came seven days after his nomination.

The city bar association suggested mandating a 30-day hiatus between a nomination and confirmation. "That would allow more time for the public to provide input to the committee in its consideration of a candidate," Alan Rothstein, the association's attorney, said Tuesday.

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