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Attack on rule to pick judges not over

Group vows to fight cross-endorsements after state court refuses case

By Steven J. Stark

Staff Writer

The state Court of Appeals yesterday refused to hear an argument that the nomination of Westchester County judges by "cross endorsement" was unconstitutional.

The lawyer for the group fighting the nominations, however, vowed to press on.

The decision by the state's highest court — in which it said there was no "substantial constitutional question" involved — upheld cross-endorsement nominations by which local political party leaders often decide who will become judges. Un-

der cross-endorsement agreements, each party's judicial convention endorses the other's candidates, and voters see just one name on the ballot for each opening.

The appeal was brought by the 9th Judicial Committee, which claims the nominations are illegal because they disfranchise voters by giving them no choice. The group challenged the endorsement of Westchester County Court judge candidate Emmett Murphy by the Democratic, Republican and Conservative parties. Murphy is now Yonkers chief administrative judge.

The group's lawyer, Doris L. Sassower, said she was hurt by the ruling but warned her opponents that the war was not yet lost.

"I will recommend that we appeal this to the (federal courts)," the White Plains resident said yesterday.



Doris Sassower



Emmett Murphy

"This decision represents a defeat for the people in that it prohibits their constitutional right to select their own judges."

Sassower said the Court of Appeals has given party bosses the green light to make the kind of deals that compromise the integrity of the system and are in callous disregard

of the public interest. The Court of Appeals made the ruling because "they're concerned about their own positions," she said.

"This is a cover-up because it is a judicial Watergate," Sassower said.

Sassower was suspended from practicing law June 19 by the Appellate Division of state Supreme Court after refusing to submit to a medical examination to determine whether she was incapacitated. The complaint rose against Sassower after she claimed a medical disability was responsible for a three-month delay in turning over a former client's file to another lawyer.

Sassower said the court temporarily lifted her suspension to practice law today to allow her to argue the case before the appeals panel.

Staff writer Mike Gallagher contributed to this report.