

Group to oppose Cuomo's Court of Appeals nominee

By Jay Gallagher
Staff Writer

ALBANY — A group of critics from Westchester County plan Tuesday to oppose state Supreme Court Justice Howard Levine's nomination to the state's highest court by Gov. Mario Cuomo.

A decision Levine participated in "gives compelling evidence that Justice Levine's elevation to the state's highest court not only disserves the public interest, but jeopardizes it," said Doris L. Sassower, a White Plains lawyer who is director of a group known as the Ninth Judicial Committee.

Levine, 61, of Schenectady, a justice of the Appellate Division of the State Supreme Court in Albany, was nominated by Cuomo last month to fill a vacancy on the Court of Appeals. The Senate Judiciary Committee is to hold a hearing on whether to confirm him Tuesday. A vote by the full Senate is expected later that day.

Sassower's criticism of Levine stems from an Appellate Division decision in 1991 to throw out a case involving Sassower's group. The court refused to overturn a lower court ruling that rejected the group's challenge to the system of cross-endorsing candi-

dates for judge in the 9th Judicial District. The district covers Westchester, Rockland, Putnam, Dutchess and Orange counties. Sassower said three judges among the five that decided the case, not including Levine, had been cross-endorsed themselves, and therefore should have removed themselves from the case. And she said Levine should have insisted they remove themselves.

She also said the procedural reason the court gave for throwing out the appeal — that not everyone potentially affected by the case was named in the lawsuit — also was not proper.

Levine would not comment on

Sassower's remarks yesterday. But he said he would answer them at the hearing on Tuesday if the Senate Judiciary Committee asks him.

Sassower's group tried unsuccessfully to get a court to remove three judges who were cross-endorsed by Westchester County political leaders in 1990, claiming that it did not allow voters to have a choice.

But the state Supreme Court ruled that cross-endorsements are not prohibited by law, and threw out the challenge, and that the courts had no power to interfere in the workings of political parties.