

Parties may share judicial candidates



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The Westchester Democratic and Republican parties are on the verge of completing a momentous arrangement to cross-endorse each other's judge candidates starting this year with Democrat Samuel G. Fredman, now a Supreme Court justice, and others.

Both Democratic Chairman Richard Weingarten and Republican Chairman Anthony Colavita confirmed that they had been holding talks. While the agreement would be short term, covering most judicial elections this year and next, it could be the start of a permanent arrangement.

Both said they were committed to retaining experienced judges as well as adding new and talented lawyers to the bench.

The major beneficiaries would be judges whose terms are expiring. Under ordinary circumstances, they have to raise money and campaign actively. Many court reform advocates have denounced that system, in which judges have to raise campaign funds, usually from the very lawyers who appear before them. Campaigns costing \$150,000 or more are uncommon.

The arrangement could insure the creation of a bipartisan judiciary in the state Supreme Court. Now, the five-county 9th Judicial District is almost all Republican, reflecting a large Republican enrollment in the district. In Westchester, however, the Democrats seem about to become the majority, which could affect the county-level courts. Democrats now hold a 60-voter enrollment edge, explaining in their victory in four of five county-level judge posts last year.

Currently, Republicans hold 22 elected judge posts in the 9th Judicial District, covering Westchester, Putnam, Rockland, Dutchess and Orange counties. Democrats hold only two seats, Sondra Miller of Larchmont, who was elected in 1988, and Fredman, who was appointed by Gov. Cuomo and confirmed by the Republican-controlled Senate this year to fill a vacancy. Another advantage to a bipartisan system is that the leaders could pick lawyers who have the potential to become outstanding

judges but don't have the ability to run a gruelling and expensive campaign.

Previous attempts by both leaders to agree on judgeships have not been fruitful because Democrats had little to offer. When such agreements were attempted, Democrats could not get full support of their committee. Fredman could be the catalyst this time. He is highly respected in the legal field as a leading matrimonial lawyer in the state, and he has made friends in both parties because of his deep involvement in the county's civic life.

Under the proposed arrangement, Republicans would endorse Fredman and Democrats would endorse Republican Supreme Court Justice Joseph Giudice of Dutchess, who is completing a 14-year term on the bench this year. Democrats would also endorse another Republican, not yet selected, to succeed Republican Justice Harold Wood of Westchester, who is reaching the mandatory retirement age.

Next year, under the proposal, Republican Supreme Court Justice Nicholas Colabella of Westchester would get both party endorsements to run for surrogate, succeeding Republican Evans Brewster, who is retiring because of the 70-year age limit. Democratic County Judge Francis Nicolai would be given the endorsement of both parties to run for Colabella's vacated Supreme Court seat. Peter Rosato, Republican Supreme Court justice, had been mentioned for surrogate, but reportedly he sent word he wasn't interested.

It may be argued that the agreement by the leaders places strong power in their hands, particularly in choosing Supreme Court candi-

dates. The voter would be left without a choice. Realistically, voters have no choice now because leaders control the selections through the antiquated convention system. Anyone who disapproves of the parties' choices for the county-level courts has the option of entering a primary for the nominations.

Some attempts had been made in recent years for cooperation among the parties. In 1975, Fredman, then Democratic chairman of Westchester, persuaded his party to endorse the Republican administrative judge, Joseph Gagliardi. In 1983, Democrats endorsed Republican Surrogate Brewster for re-election, and in exchange the Republicans endorsed Democratic County Judge Lawrence Martin for state Supreme Court. Martin since has resigned.

In many counties and, in fact, in the city of Yonkers, the political parties repeatedly endorse judges of both parties when they run for re-election. They recognized that judges, who are forbidden to be politically active while they serve their 10- or 14-year terms, suddenly must re-enter the political system and go hat in hand to political leaders at election time. The state Office of Court Administration, unable to persuade state legislators to eliminate elections for judges, has tried for several years to institute a retention system, in which judges who have served would have to be approved for a new term by voters but would have no opponents. Voters simply would either pull the "yes" or "no" lever. Nothing indicates that proposal will pass soon.

The proposed agreement between Colavita and Weingarten would, as in the case of Fredman, include lawyers who have not necessarily been elected to judicial office and served full terms. Both chairmen would have to clear any agreements with their executive committees and with leaders of the other counties where applicable.

At first glance, the proposed arrangement appears to have a lot more pluses than minuses.

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