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## Chief Judge Judith Kaye nominated for another term

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ALBANY - As expected, Gov. Eliot Spitzer yesterday nominated Chief Judge Judith Kaye for another term on New York's highest court, although she will be able to serve just 21 more months before reaching mandatory retirement age.

Kaye, 69, has been on the state Court of Appeals since 1983 and the chief judge since 1993. Though considered one of the more liberal members of the seven-member court, Kaye has not pushed the court toward the left during her tenure, analysts say. In fact, the court has been known for its moderation and its tendency to not overreach in handing down decisions.

Kaye has used her role to push for a wide array of legal reforms, including changes in jury selection, expansion of drug courts, consolidation of family courts and better pay for court-appointed lawyers. Recently, she launched a campaign to force state legislators and the governor to improve the training for and oversight of town and village justices as well as upgrade courtroom facilities.

She's also pushed for a judicial pay raise, something that lawmakers haven't provided in eight years. Spitzer has included a pay raise for judges in his 2007-8 budget proposal.

"I have a very long list," Kaye said of her ideas she wants to accomplish. "I am thrilled to have the opportunity to bring these to fruition."

Kaye called the chief judge's office "the best position on earth."

In a brief ceremony, Spitzer said he admired the fellow Democrat's "dedication, integrity and respect for the ... people of this state." Further, he voiced support for many of Kaye's proposals for the court system.

Afterward, the normally reserved Kaye said she was "juiced" about Spitzer's remarks.

"I think the words of the governor are inspiring to me," Kaye said.

Kaye's current 14-year term technically ends in March. If confirmed by the state Senate, she would be able to serve until Dec. 31, 2008. Spitzer, who would still be in office, would get to name her replacement.

In selecting Kaye, Spitzer took the opposite approach of former Gov. George Pataki in the fall. The Republican governor could have reappointed George Bundy Smith to the court and Smith, similar to Kaye, would have been able to serve just 16 months before reaching mandatory retirement. However, the political calculations for Pataki were different.

Pataki was set to leave office too and appointing Smith for such a short term would have meant the new governor could

have replaced Smith in 2008. Smith, a Democrat, was at the time the lone African-American on the bench. But with Spitzer, a Democrat far ahead in the gubernatorial polls, Pataki chose not to leave the selection to his successor. He turned down Smith and appointed Eugene Pigott Jr., a Republican from Erie County, to the bench.

Of the seven-member court, four are Pataki appointees, two are appointees of former Gov. Mario Cuomo - including Kaye - and one is a Spitzer appointee.

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