

EXCLUSIVE

**Extra budget cuts
Rudy should have made**
See Pages 14 & 15

**Win \$10,000
on Wall Street**
See Page 27

EXCLUSIVE

**Dealer: O.J. bought
drugs 5 times a week**
Cindy Adams: Page 3



NEW YORK POST

SPORTS EXTRA

MONDAY, FEBRUARY 27, 1995 / Light snow changing to rain today, 38; chance of rain tonight, 32 / Details, Page 26 *

50¢

NEW YORK'S 10 WORST JUDGES



Bernard Bloom



Frank Diaz



Arlene Hahn



Martin H. Hershey



Jerome Hornblass



Yvonne Lewis



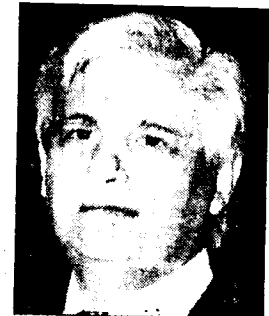
Edward Pincus



Edward Rappaport



Robert Sackett



Barry Salman

**A POST
SPECIAL
REPORT**

The men and women who bring shame to the city's court system

Weeklong series by columnist Jack Newfield and reporter William Neuman: Pages 4 & 5

EX "F"

NEW YORK'S 10 WORST JUDGES

LET'S JUST CALL IT

Meet the 10 worst



Name: Bernard Bloom
Age: 69
Position: Surrogate Judge of Brooklyn
Salary: \$113,000
Elected in a three-way primary in 1976 with support from Democratic county leader Meade Esposito. Term expires Dec. 31, 1995, because of age. He lied under oath to protect a corrupt employee.



Name: Frank Diaz
Age: 54
Position: Court of Claims judge, serving in Bronx Supreme Court
Salary: \$113,000
Appointed by Gov. Cuomo in 1986. Term ends Dec. 31, 1995. An admitted heavy drinker, he has been arrested three times for domestic disputes.



Name: Arlene Hahn
Age: 47
Position: Manhattan Housing Court
Salary: \$95,376
Appointed in April 1994 by Civil Court Administrative Judge Jacqueline Silbermann. Term expires April 1999. She hustles tenants toward eviction with such dispatch, she's been called a "one-woman homelessness epidemic."



Name: Martin H. Hershey
Age: 69
Position: Manhattan Criminal Court
Salary: \$103,800
Appointed by Mayor Dinkins in 1992. Term expires Dec. 31, 1996. Characterized as "erratic" and "irrational," he routinely gives crooks light sentences.



Name: Jerome Hornblass
Age: 53
Position: Manhattan Supreme Court
Salary: \$113,000
Appointed by Mayor Beame in 1977 and reappointed by Mayor Koch in 1986. Term expires Dec. 31, 1996. His rulings have been reversed by appellate courts more than those of most judges.



Name: Yvonne Lewis
Age: 51
Position: Brooklyn Supreme Court
Salary: \$113,000
Elected in 1992 with backing from Democratic county leader Clarence Norman. Term expires Dec. 31, 2005. She is lazy, and said to be biased against cops.



Name: Edward Pincus
Age: 64
Position: Brooklyn Supreme Court
Salary: \$113,000
Re-elected by voters of Brooklyn in 1992 with four-party endorsement. Term expires December 31, 2006. He gave a wife-killer no jail time.



Name: Edward Rappaport
Age: 62
Position: Brooklyn Supreme Court Justice
Salary: \$113,000
Elected in 1993. Former Brooklyn prosecutor and City Councilman. Term ends in 2003. He helped botch the Lemrick Nelson murder trial with his bombastic, meddling courtroom style.



Name: Robert Sackett
Age: 55
Position: Manhattan Criminal Court
Salary: \$90,450
Appointed by Mayor Dinkins. Term expires Dec. 31, 2002. He let an accused armed robber with six prior convictions go — the suspect then allegedly killed the witness against him.



Name: Barry Salman
Age: 54
Position: Bronx Supreme Court
Salary: \$113,000
Elected to Bronx Civil Court in 1977. Term ends in 2004. He was publicly censured for using \$11,479 in campaign funds to make contributions to political clubs and buy himself a video camera and a car phone.

These gavel pounders make mockery of justice

By JACK NEWFIELD and WILLIAM NEUMAN

One has a severe drinking problem and has been arrested three times.

Another lied under oath to protect a staff member who was later disbarred.

Another set low ball for an armed-robbery suspect with six prior convictions who was later accused of torturing, mutilating and murdering the only witness against him.

And yet another used campaign money to buy himself a video camera and cellular phone.

All are on The Post's list of New York City's 10 worst judges — men and women sworn to dispense justice who dispense with it instead.

The 10 have been judged guilty of either incompetence, lying, bias, poor judgment or laziness.

In preparing the list, The Post interviewed dozens of lawyers, appellate judges, police officers, Legal Aid officials, court officers, court stenographers and Bar Association leaders.

Our only ground rule was to include no recidivists — no repeat offenders from our last worst-judge survey, in April 1993.

All 10 are new miscreants. They are part of an Alice-in-Wonderland judicial system where long delays, hidden political influence and lack of common sense seem all too common.

Our antiquated system is reeling from an overwhelming caseload.

In 1994, there were 330,000 new cases in Criminal Court — 84,000 of them involving drugs. There are currently 11,000 cases awaiting trial.

The state Supreme Court, the top trial court, handled 47,500 cases last year — with 38,300 ending in pleas and 2,826 going to trial. Its backlog is 17,020.

And the Civil Term of Supreme Court is in even worse shape — It had 163,823 cases awaiting trial as of Jan. 1.

The incredible backlog of cases is a big problem — and bad judges make it even worse.

The vast majority of judges are competent; some are superior — and we'll list some of the best as part of this series.

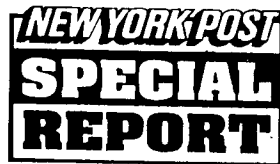
The judicial system needs reform and greater accountability. Lawyers are prohibited from criticizing judges on the record in court, and most are too fearful of reprisals to do it anyway.

The bar associations rate the qualifications of judicial candidates, but do not publicly assess their performance once they are on the bench.

Supreme Court judges have 14-year terms, and no sitting city judge has ever been removed for incompetence or intemperance.

In the coming days you will meet:

■ **Manhattan Criminal Court Judge Jerome Hornblass**, whose rulings have been reversed by appellate jurists three times more than the average of his colleagues. This veteran judge even mishan-



dled a simple thing like a note from a jury during deliberations.

■ **Court of Claims Judge Frank Diaz**, serving in the Bronx Supreme Court, a judge with a drinking problem who has been arrested three times — and has never been disciplined by judicial administrators. He was recently cleared of beating up his girlfriend.

■ **Manhattan Criminal Court Judge Martin Hershey**, who was transferred out of The Bronx after prosecutors there protested his "irrational" rulings. He was reassigned to Manhattan.

■ **Brooklyn Surrogate Judge Bernard Bloom**, who lied under oath to protect a subordinate who was eventually disbarred.

■ **Brooklyn Supreme Court Justice Edward Pincus**, who gave an admitted wife-killer no jail time, and has the second-worst record in the city for productivity and absenteeism.

■ **Manhattan Criminal Court Judge Robert Sackett**, who rejected a prosecutor's plea for \$75,000 bail for a criminal with six prior convictions. Nine months later, the man allegedly murdered the witness against him.

■ **Bronx Supreme Court Justice Barry Salman**, who collected campaign funds and used the money to buy himself a video camera and a cellular telephone.

■ **Brooklyn Supreme Court Justice Yvonne Lewis**, who has demonstrated bias against police witnesses, and is so lazy, she conducts only six trials a year — when the average judge handles 20.

■ **Manhattan Housing Court Judge Arlene Hahn**, who routinely tramples the rights of renters who appear before her without legal representation.

■ **Brooklyn Supreme Court Justice Edward Rappaport**, whose bombastic meddling helped botch one of the most sensitive trials in New York City history.

By personalizing the issue of junk judges, it is our intent to dramatize the need for better jurists, tougher policing of judicial performance, and a less politicized, more merit-based method of selection.

Accountability and higher standards are our goal.

Update on last gang of bench bums

Here's what's happened to the judges who appeared on The Post's previous "10 Worst" list, in April 1993:

■ **Manhattan Criminal Court Justice Bernadette Bayne**, who was cited for being biased against cops and prosecutors, was denied a normally routine appointment last year by Mayor Giuliani.

■ **Brooklyn Criminal Court Judge Dynda Andrews**, who made the list

for returning recidivist Washington Square Park drug dealers to the park, also was denied a routine reappointment.

■ **Bronx Civil Court Judge Lorraine Backal**, listed for associating with criminals and for judicial favoritism, resigned in November after she was told a police wiretap had caught her facilitating a cocaine deal and a money-laundering scheme.

■ **Housing Court Judge**

Dianne Gasworth, rebuked for politicking from the bench, retired last year when her term expired.

■ **Brooklyn Supreme Court Judge Lorraine Miller** is on the bench, but the state Commission on Judicial Conduct is investigating charges she sexually harassed a male colleague. She made the list for letting an armed robber go free without bail, only to have him commit a murder the next day.

■ **Manhattan Criminal Court Judge Margaret Taylor**, cited for returning a 14-year-old hooker to her pimp in the name of "feminism," is still on the bench. She recently admitted calling a black court officer a "gorilla."

■ **Brooklyn Supreme Court Justice Michael Currel**, listed for making insulting and absurd comments from the bench, is still serving.

■ **Brooklyn Supreme Court Justice Gerald Held**, cited for an abnormally high rate of reversed rulings, remains on the bench.

■ **Queens Supreme Court Justice Richard Rutledge**, who tried to return "Wild Man" Larry Hogue to West 90th Street, is still serving.

■ **Queens Supreme Court Justice Herbert Posner**, who was described as "an authoritarian eccentric who abuses lawyers," remains on the bench. He has sued The Post for libel. The case is pending. Jack Newfield

TELL THE POST YOUR EXPERIENCE

If you have a judicial horror story, please share it with us. Have you observed a judge acting improperly, in a biased or political fashion? Tell us about it. Write us at: New York Post, Ten Worst Judges, 210 South St, N.Y., N.Y. 10002

TOMORROW: Meet two more of N.Y.'s worst judges

Bad judgment call may have cost witness her life

SACKETT from Page 5

year jail term. One judge offered Ramos a plea bargain deal of 10 months; another offered him one year.

But when Sackett got the case last June, he promised Ramos probation for a plea despite Morgenthau's request for a jail term.

During his hearing before Sackett, Ramos asked if the 90 days he had served since his arrest would be credited to him if he were arrested for violating the terms of his probation.

Incredibly, Judge Sackett promised him it would.

In July, Sackett imposed the promised sentence of probation.

Five weeks later, Ramos was arrested for once again breaking into a car.

He was jailed for a week before appearing before Sackett — who did not recognize Ramos and released him because the corroborating affidavit from the car owner had not yet been filed.

Sackett did not hold Ramos for violation of parole.

When Ramos failed to appear for his next court date, a bench warrant was issued for his arrest.

Ramos finally returned to court on Jan. 10.

Sackett had all the paperwork on Ramos — including his failure to appear in court, the bench warrant

and his rearrest.

But, incredibly, Sackett offered this man with 90 arrests a plea bargain deal of only 10 months — a package deal covering the new arrest and the probation violation in the old case.

Under the state Penal Law, Sackett's offer would have required Ramos to serve only 70 days.

He refused the deal — and is due back in court on March 14.

Jeffrey Ravenell is another career criminal who has profited from Sackett's extreme leniency.

He had 41 prior arrests and 35 misdemeanor convictions when he was arrested last October while breaking into a van.

He had just finished serving time for another van break-in, for which he was sentenced to five months in jail — and was caught soon after he was released.

Ravenell entered a guilty plea at his arraignment in November, turning down an offer of a seven-month sentence for his plea.

When he came before Sackett for sentencing, the prosecutor asked for one year in jail.

Sackett gave him no jail time.

He ordered Ravenell to spend just 70 hours in a drug program — even though Daytop Village says it takes 18 months to rehabilitate an addict.

Housing jurist tramples rights of her evict-ims

HAHN from Page 5

give Hahn a reputation for being one of the city's worst Housing Court judges.

"She's like a one-woman homelessness epidemic," says Sheryl Carp, supervising lawyer for the volunteer division of the Legal Aid Society.

Hahn disagreed, saying, "I have no bias toward or against either landlords or tenants," she said.

But Legal Aid lawyers say that when a case goes before Hahn, they believe they must settle with the landlord rather than risk the judge's one-sided decisions.

Even a lawyer who represents landlords in Hahn's courtroom told The Post she hustles renters toward eviction with more dispatch than any other judge.

Both tenant and landlord attorneys say that Hahn routinely refuses to stay evictions for lawyerless renters appearing before her for the first time — a routine action for all other Housing Court judges.

In one case last October, Hahn refused to either grant or deny an order to postpone an eviction — leaving a West Harlem woman and her children in legal limbo and in danger

of losing their apartment.

Desperate Legal Aid lawyers who took the case finally brought the order to Collazo, who quickly signed the order — and transferred the case to another housing judge. The case was later settled in the tenant's favor.

"It's like she was playing a shell game with my client. If she would have denied the order we could have appealed it, but she just sat on it so there was nothing we could do," said the woman's attorney.

Around the time of this incident, Collazo called Hahn in to discuss "concerns" about her conduct.

Other examples of Hahn's caprices abound:

■ Hahn last month refused to postpone the trial of a Creole-speaking Haitian immigrant until an interpreter could be found — and then ordered the man's daughter to stand in his place because she spoke better English.

■ In the middle of a recent trial, Hahn spotted a friend in a room adjoining her courtroom and stepped down from the bench.

She could be heard for the next 15 minutes gossiping and laughing just out of sight — while the attorneys and their clients waited in annoyed disbelief.



JURIS IMPRUDENCE



JUNK JUDGE: Criminal Court Judge Robert Sackett qualifies as one of the worst judges because of his extreme leniency toward criminals.

Bad judgment call may have been death sentence for witness

By JACK NEWFIELD

Criminal Court Judge Robert Sackett isn't the first jurist to set low bail for a man later accused of killing someone.

But Sackett has made a string of foolish and wildly permissive rulings in his two years on the bench — and his extreme leniency is more than enough to qualify him as a junk judge.

His most criticized ruling involved accused armed robbers Nelson Rivera and Bobby Molina — and a tragic victim named Bonnie Mejia, whose only crime was that she was going to testify against them.

It began in April 1994, when Rivera and Molina came before Sackett for a bail hearing on armed robbery charges.

The Queens district attorney's office asked that Rivera be held on \$75,000 bail because he had "six prior, felony convictions

and a warrant history," and brandished a stun gun during the robbery.

But Sackett released Rivera on \$5,000 bail, and his co-defendant Molina on \$1,000 bail.

Last month Sackett learned how wrong he had been.

Both suspects were arrested and charged with murdering Mejia, the woman they were accused of robbing — the woman who was going to testify against them.

Mejia, a 21-year-old, mother of two from Honduras, had been strangled and mutilated beyond recognition, her fingers were severed, her teeth pulled out and acid poured over her face.

Low bail may have been justified for Molina, but not for Rivera, who had a long criminal record.

Sackett's tragic decision by itself would not qualify

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|-------------------------------------|
| N.Y.'s 10 WORST JUDGES |
| ROBERT SACKETT |
| Queens Criminal Court |
| Appointed in 1992 by Mayor Dinkins. |
| Age: 55 |
| Term expires: Dec. 31, 2002 |
| Salary: \$90,450 |

him for The Post's bestiary of junk judges.

But his decision does not stand alone; it's just one example of his extreme leniency.

Sackett may be polite and hard working, but his judgment is poor.

Consider the case of Carlos Ramos, arrested a year ago as he broke into a car and stole the radio and jewelry.

Ramos had 89 prior arrests and 72 convictions — one for felony burglary and 71 for misdemeanors, including ball-jumping.

Because of his extensive auto theft record, he was confined while his case was pending.

At a series of pretrial hearings before other judges, Manhattan District Attorney Robert Morgenthau asked for a one-

See SACKETT on Page 18



RUSH TO JUDGMENT: Housing Court Judge Arlene Hahn is so quick to dispense "justice," she has been called on the carpet by a supervising judge.

Housing jurist tramples rights of her evict-ims

By WILLIAM NEUMAN

Manhattan Housing Court Judge Arlene Hahn hustles tenants toward eviction with such dispatch, she has become known among tenant attorneys as "a one-woman homelessness epidemic."

Hahn is especially quick to give the boot to poor tenants who appear before her without attorneys.

Complaints about Hahn became so numerous last fall that Supervising Judge Salvador Collazo called her in for a special meeting to discuss "concerns" about her conduct.

Take the Harlem mother of three who was threatened with eviction last summer — and found her case sent to Hahn's courtroom.

During her first court appearance, June 21, the woman asked Hahn for an adjournment so she could consult with a Legal Aid

lawyer.

It was a standard request that most judges would have granted automatically. But not Hahn.

Steamrolling over the lawyerless young woman, Hahn filled out and signed a judgment ordering her to give up her apartment at Broadway and 134th Street within 30 days.

The Legal Aid lawyers who later rescued the woman from Hahn's arbitrary act insist Hahn acted illegally — without holding a trial or a hearing and without entering the proceedings in the court's taped record.

"No sworn testimony was taken, no documents were admitted into evidence, there was no stipulation of facts," note court papers later filed to contest Hahn's rush to judgment.

"We often feel that judges are unfair, but what this judge did was illegal."

| |
|---|
| N.Y.'s 10 WORST JUDGES |
| ARLENE HAHN |
| Manhattan Housing Court |
| Appointed in 1994 by Chief Administrative Judge Leo Milonas and Civil Court Administrative Judge Jacqueline Silbermann. |
| Age: 47 |
| Term expires: April, 1999 |
| Salary: \$95,376 |

said a Legal Aid lawyer who worked on the case.

The woman — who communicated with Hahn through a Spanish interpreter — left the courtroom not realizing she had been evicted, but believing she had a new court date in 30 days.

Legal Aid lawyers, however, soon discovered the record of Hahn's judgment and the eviction warrant — but no mention of a trial in the clerk's logbook, the judge's logbook, or on the day's tape-recorded proceedings.

Fortunately, the lawyers caught Hahn's blunder and got a stay on the eviction.

And before the case could go before Hahn again, the woman's landlord agreed to let her remain.

It's cases like these that

See HAHN on Page 18

O.J.'s Bronco was home
at time of crime: witness

See Page 3



Rosa Lopez

Big reforms urged after
Post lists 10 worst judges

See Pages 4 & 5



NEW YORK POST

SPORTS EXTRA

TUESDAY, FEBRUARY 28, 1995 / Cloudy, occasional showers today, 52; cloudy and mild tonight, 34 / Details, Page 36*

50¢

International manhunt for 28-yr.-old financier

HE

Police throughout Asia are searching for Nicholas Leeson, a British banker based in Singapore, who disappeared after losing \$1 billion and busting his bank, Barings.



LOST

\$1 BILLION

- and broke the bank

Full coverage: Pages 8 & 9

Murdoch derends Fox-TV purchase

By JOHN DURIE

Post owner Rupert Murdoch went on the attack yesterday, defending his company's role in the 1985 regulatory approval of its purchase of the Fox television network.

The purchase has become a major political row, with critics claiming Murdoch misled the Federal Communications Commission and calling for Fox's television licenses to be revoked.

In a New York press conference, Murdoch insisted that he made all the necessary declarations during the 1980s, unveiling new evidence to support his claims.

"We have been fully candid with the government and our risk-taking and hard work have affirmatively served the public interest in competition and diversity in television," Murdoch said.

The chairman of News Corp., which owns Fox and the Post, cited a range of legal experts and FCC staff lawyers to support his claims.

"Beyond any debate or argument our ownership structure complies with the law," Murdoch said.

The press conference coincided with Fox television's formal submission yesterday to the FCC review of its ownership structure.

Marvin Chirelstein, a professor of corporate law at Columbia University, supported News Corp.'s position in a new submission to the FCC.

"I cannot find a trace of concealment in the documents submitted to the

Makes cents to us

Rupert Murdoch hinted yesterday that he might reduce the price of The Post to 25 cents.

In response to a Daily News reporter's question on the effects of any delays from the FCC, Murdoch, The Post's editor-in-chief said, "We'd get our revenge by making Fox better in the market place.

"We'd make Fox number one and maybe even make enough money to pay for The Post to get its cover price down to 25 cents."

Referring to Daily News owner Mort Zuckerman, a real estate mogul, he added: "Tell that to your boss."

John Durie

Commission ... and nothing of consequence that can be regarded as uncertain or ambiguous," wrote Chirelstein.

He said "a fair reading of the 1985 application materials makes two critical circumstances clear to me and would, I believe, to any inquiring reader with a modicum of financial and corporate experience."

They were that "The capital structure was plainly designed to meet the restrictions of section 310 (b) (4) [the foreign ownership rules] and 'the vast preponderance of equity funding was expected to be supplied by the ultimate owner of the common shares, namely News Corp., a foreign entity, as paid — in capital.'"

The issues hit at two crucial complaints made by Fox rivals and others who claim Fox misled the FCC in its original application for approval of the transfer of ownership from John

Kluge to Murdoch.

In the original Fox application it said News Corp., an Australian company, would provide 99 percent of the equity but Fox would be controlled 76 percent by Murdoch, who is an American citizen.

Murdoch noted the ownership structure complied with the law and beyond that the FCC is allowed to approve applications if the new ownership is in the public interest.

"I honestly don't believe that you will find anyone who will argue against the proposition that Fox has served the public interest by increasing competition and diversity in television broadcasting," he said.

The FCC review was requested by Fox early last year after complaints were lodged by the National Association for the Advancement of Colored People

See MURDOCH on Page 28

Moment of truth today for GOP's balanced-budget amendment

By DEBORAH ORIN
Bureau Chief

WASHINGTON — Today is cliffhanger time for the balanced-budget amendment.

"I think we're going to win," insisted Senate Judiciary Committee chairman Orrin Hatch (R-Utah), chief vote-counter for the amendment, which has already passed the House.

But Republican staffers said to win, the GOP would probably have to accept Sen. Sam Nunn's demand to change the amendment's wording to explicitly bar federal courts from mandating tax increases or spending cuts.

Senate Republicans said they had 66 of the needed 67 votes on the eve of today's historic vote — and were trying to reach a deal with Nunn (D-Ga.) to put them over the top.

"I am positive on it. I would like to vote for it," Nunn told CNN's "Early Edition" yesterday, but insisted his change is needed.

Nunn rejected a GOP offer to pass separate legislation barring a court role in enforcing the amendment, and as of last night, Republicans weren't confident they could pick up any other swing votes.

"I think as of now, you'd have to look for us to take Nunn's amendment to the amendment," a GOP staffer said last night.

Senate GOP leader Bob Dole's prestige is on the line in today's vote since he'll be blamed or credited for the outcome and it could affect his 1996 GOP presidential bid.

Other senators whom the amendment's backers were wooing were Kent Conrad (D-N.D.), Harry

Reid (D-Nev.) and Wendell Ford (D-Ky.) — plus the lone Republican to oppose it, Mark Hatfield (Ore.).

Republicans are counting on the votes of two other Democrats who haven't officially announced a stance but are expected to vote yes — Byron Dorgan (N.D.) and John Breaux (La.).

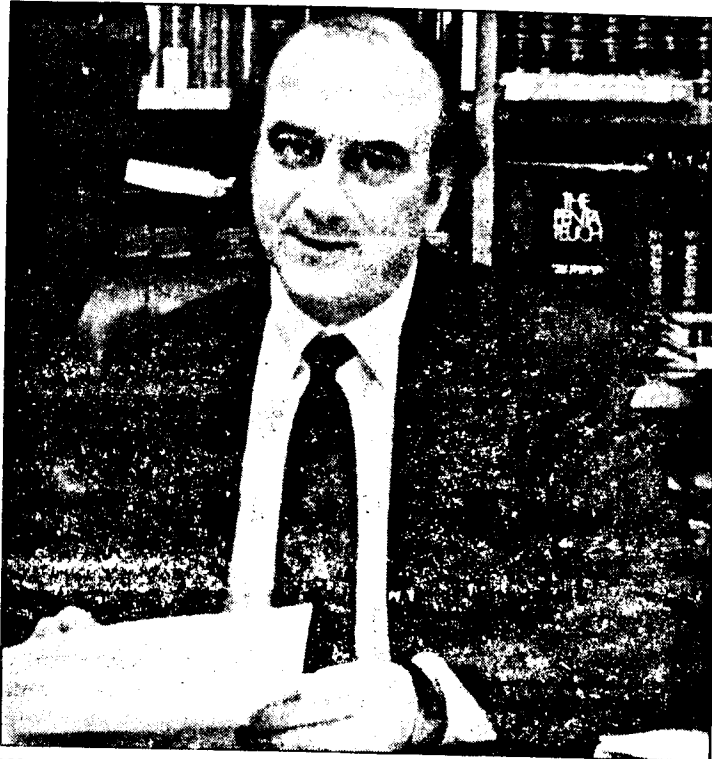
The amendment would require a balanced federal budget by the year 2002 but would allow Congress to waive that in time of war or a threat to the national security.

Advocates say it's needed to force Congress to act instead of leaving today's toddlers to pay for their parents' spending. Foes say it would cause draconian cuts that could destroy the nation's economy.

Out of hock nationally
Editorial: Page 24

TO WORST JUDGES

THE CRITICS



DISORDER IN THE COURT: More than one in five of Manhattan Supreme Court Justice Jerome Hornblass' decisions are reversed on appeal.

Blunders on bench cost city million\$ in retrials

By JACK NEWFIELD

Acting Manhattan Supreme Court Justice Jerome Hornblass is a leading city jurist — when it comes to reversals.

He has been overturned or modified by the appellate court more than 20 percent of the time.

The average reversal rate for the rest of the judiciary is only 8 percent.

Hornblass' extraordinarily high rate of reversal costs the city millions of dollars in retrials and duplicative police work.

Hornblass is not malicious or lazy. He just appears to be in over his head — and incapable of learning from his mistakes.

In the past five years alone, he has been overturned 29 times — including five times in the last 18 months.

Almost all these reversals have been unanimous — and many have been for simple errors of law, such as failing to properly instruct a jury, failing to declare a mistrial when the

N.Y.'s 10 WORST JUDGES

JEROME HORNBLASS

Manhattan Supreme Court

Appointed by Mayor Beome

in 1977; reappointed by

Mayor Koch in 1986.

Age: 53

Term expires: Dec. 31, 1996

Salary: \$113,000

circumstances mandate it, and mishandling notes from deliberating jurors.

Higher courts have found his judgment blatantly erroneous in four cases in which he overturned a jury's guilty verdict.

Because of one of his legal blunders, appeals judges were reluctantly compelled to throw out the conviction of a man who aimed a loaded Uzi machine gun at a police officer.

In that case, five state appellate judges unanimously decided that the conviction of Carl Pegelise

had to be reversed, "due to the numerous errors committed by the trial court."

There was not much doubt about the evidence that convicted this would-be cop-killer.

But Hornblass, the trial judge, made seven different errors that "deprived the defendant of a fair trial," the appellate judges found.

In the July 1993 opinion granting Pegelise a new trial, the appellate panel described how Hornblass botched several requests from the jury to re-examine exhibits during their deliberations.

It described how Hornblass improperly discharged a sworn juror when the defendant and his attorney were not in the courtroom.

The opinion also recounted how Hornblass charge to the jury "impermissibly emphasized" the defendant's decision not to testify, and "implied the exercise of this right was a

See HORNBLASS on Page 17

ARE COURTING REFORM

They would sweep hacks off the bench

By WILLIAM NEUMAN

Lawyers, public advocates — and even some judges — called yesterday for sweeping reforms in the way New York selects and monitors judges.

"There's no correlation between [the] ability to be a good judge and [the] ability to become a judge in New York state," said Andrew Greenblatt, executive director of Common Cause in New York.

"It's a frightening prospect to be in front of a judge who got his or her job [only] because they were a good fundraiser for a [political] party."

Former Mayor Ed Koch said the political system "often allows those who are not the most qualified to be selected."

"If we really want to remove politics from judicial selection, we should make all judges subject to appointment."

The calls for reform came in response to The Post's series on The 10 Worst Judges in New York, which began yesterday.

The series, which continues all week, spotlights judges deemed to be either incompetent, lazy, biased or guilty of poor judgment.

Greenblatt said too many New York judges are political party hacks who are rewarded for their service with a judgeship — and he called for a "merit selection system" that would eliminate most judicial elections.

Under the merit system, used by many states, a pool of candidates would be nominated by a committee. The mayor or governor would select from that list.

Mayor Koch installed a similar system to pick city criminal and family court judges.

Judicial selection has also come under fire from another area.

Questions of minority representation have been raised in pending court cases, which could eventually force changes in the way judges are chosen.

One top judge called for "regular public reporting of judges' work product" by the Office of Court Administration.

"We're a public agency, we should publish what we do. That would encourage productivity."

"You could call it a report card," said the judge, who spoke off the record.

But Civil Court Adminis-

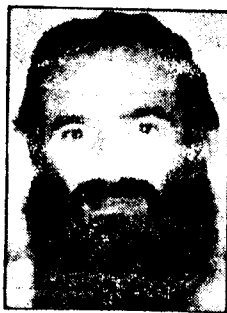
TELL THE POST YOUR EXPERIENCE

If you have a judicial horror story, please share it with us. Have you observed a judge acting improperly, in a biased or political fashion? Tell us about it.

Write us at:
New York Post, Ten Worst Judges,
210 South St., N.Y., N.Y. 10002
or fax us at: (212)-815-8103



LEMRRICK NELSON
He was acquitted.



YANKEL ROSENBAUM
Death wasn't avenged.



TAKE IT FROM A BIG MOUTH: Fond of long lunches and the sound of his own voice, Justice Edward Rappaport belongs in the judicial junkyard.

trative Judge Jacqueline Silbermann said she was leery of the idea.

"I don't know that the public could decipher what it means. We have to be very careful what we're talking about. You put information out and have to interpret it," she said.

Silbermann and Burton Roberts, the administrative judge for Bronx Supreme Court, were reluctant to endorse any kind of outside body that would assist them in monitoring the court system.

"Possibly something can be devised which, in a fair and impartial fashion, can monitor the judges' performance on the bench," Roberts said.

But he had no suggestions.

Two of The Post's 10 worst judges serve under Roberts in The Bronx.

"In evaluating judicial performance one should consider a judge's conduct both on and off the bench," Roberts admitted.

One of the judges on The Post's list, Court of Claims Judge Frank Diaz, who sits on the Bronx Supreme Court, is up for reappointment next year.

Diaz has a drinking problem and has been arrested three times in domestic disputes — although he was cleared this month of charges he beat his girlfriend.

Diaz, appointed by Gov. Cuomo in 1986.

Blowhard on the bench was wild card in Lemrick acquittal

By WILLIAM NEUMAN

Brooklyn Supreme Court Justice Edward Rappaport helped botch one of the most sensitive — and high-profile — trials in the city's history with his meddlesome, bombastic courtroom style.

The trial of Lemrick Nelson Jr. ended with the black teen-ager's acquittal in the stabbing death of Hasidic scholar Yankel Rosenbaum during the 1991 Crown Heights riots.

Rappaport's handling of the case was blasted in the official state report on the riots and their aftermath.

"The judge did not remain an impartial arbitrator and instead conveyed to the jury his personal opinions about the evidence," Richard Girgenti, former state director of criminal justice, noted in the report.

Recent interviews with defense lawyers and prosecutors suggest Rappaport — transferred from criminal to civil court earlier

N.Y.'S 10 WORST JUDGES

EDWARD RAPPAPORT

Brooklyn Supreme Court

Elected in 1990.

Age: 62

Term expires: Dec. 31, 2003

Salary: \$113,000

this month — continues to preside with the finesse of a bulldozer.

The most damaging moment in Nelson's 1992 trial came when Rappaport expressed shock over differences in the testimony of police witnesses — giving jurors the impression that he thought cops were lying.

Rappaport, demanding that the cops return to the witness box, declared in open court, "I want them back. . . This is bad."

Prosecutors considered asking for a mistrial after the outburst — but feared

Rappaport would never admit making an error.

Throughout the trial, Rappaport interrupted defense lawyers and prosecutors while they were questioning witnesses, and asked his own questions, virtually taking over the lawyers' roles.

The trial transcript shows the meddlesome Rappaport asked an astonishing 1,690 questions of witnesses during the trial.

"By continuously interrupting himself in the questioning of the witnesses, [he gave] the jury . . . concerns regarding the judge's impartiality," the Girgenti report said.

Rappaport made his final error when he gave his instructions to the jury at the end of the trial and did not clearly explain the legal concept of "acting in concert," the report said.

Under the "acting in concert" concept, Nelson could have been found guilty if the jurors believed he took part in the fatal attack on

Rosenbaum — even if they thought he didn't actually wield the knife.

"According to the jurors, if they had understood the principle of 'acting in concert,' they might have reached a different verdict," the report said.

Despite a public reprimand from the Crown Heights investigators, Rappaport continues to reign over his courtroom with the same bombast.

During a sodomy trial last November, he interrupted a prosecutor questioning a witness and fired off a barrage of more than a dozen questions, leaving the prosecutor gaping in disbelief.

One associate of the judge told The Post that Rappaport is a former prosecutor who misses trying cases and can't resist playing lawyer.

Rappaport also has a reputation for starting court late and taking long lunches, which results in

Tomorrow: More of the worst and 13 of the best judges

See RAPPAPORT on Page 17

Blunders cost city millions\$

HORNBLASS from Page 4

tactical maneuver."

Also in July 1993, Hornblass was reversed for inappropriately suppressing evidence against an accused drug dealer named Delano Alston.

Blowhard judge was Lemrick's wild card

RAPPAPORT from Page 5

trials that drag on for days longer than they should.

But Rappaport tolerates tardiness in no one but himself.

On at least two occasions, he has angrily threatened to have lawyers fined for coming late to his courtroom.

Rappaport was included in a list of New York's worst judges in *The Village Voice* in 1992 — prompting the irascible judge to sue the weekly for libel.

The case was dismissed last September.

In this case, the police searched a car and discovered a semiautomatic handgun under the seat and 76 bags of marijuana on the suspect. Hornblass deemed the search illegal.

The panel that overruled him was comprised of the appellate judges considered most sensitive to civil liberties and defendants' rights.

They found that the police were legally justified in their search and seizure because the suspect had been seen kicking the gun under the front seat to conceal it, and had been driving erratically enough to draw police attention.

Their decision overruling Hornblass noted that "a police officer can take necessary action to protect himself from harm if he has reasonable suspicion that the defendant is dangerous and may have access to a weapon in the vehicle."

Hornblass was most recently reversed Dec. 20, when five appellate judges unanimously tossed out the conviction of Darrel Stevenson, who had been convicted of drugs and weapons charges.

The higher court found multiple mistakes in Hornblass' administration of the trial.

The judges concluded: "The defendant was deprived of a fair trial by the court's adverse inference, reasonable doubt and credibility charges [to the jury], as well as its discharge of a juror in the absence of counsel and defendant."

Your guide to
the Grammys

See Pages 31 & 33



Supermodel is
proud to be gay

See Page 3



Williams

Carjack victim
back from dead

See Page 12



Laura Christ



NEW YORK POST

SPORTS EXTRA

WEDNESDAY, MARCH 1, 1995 / Partly sunny today, 45; clear and cold tonight, 32 / Details, Page 29 *

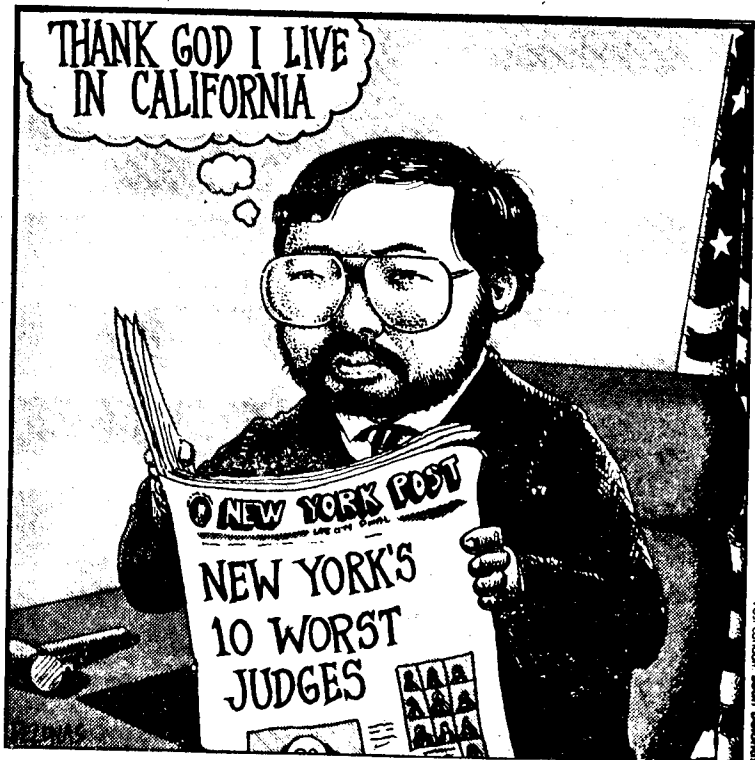
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Post columnist's memo to Judge Ito:

GET A GRIP!

'Sleaze Team
is turning
O.J. trial into
Circus of
the Century'

Andrea Peyser: Page 4



Plus: Part 3 of The Post's bombshell series on N.Y.'s worst judges Pages 8 & 9

Ex-prez's kin was 'brains' in Mexico assassination plot

By ANDY SOLTIS

The brother of former Mexican President Carlos Salinas de Gortari was arrested yesterday on charges he masterminded the murder of the No. 2 leader of that country's ruling political party.

The federal attorney general's office in Mexico City said Raul Salinas de Gortari orchestrated the September 1994 slaying of Jose Francisco Ruiz Massieu.

A single gunman pleaded guilty to the crime — the second major assassination in a year.

But investigators have claimed for weeks that Ruiz Massieu was murdered outside a Mexico City hotel because of a power struggle inside the Institutional Revolutionary Party (PRI).

In an additional twist, Raul Salinas, 48, and the former president were more than political rivals of the victim — they were his brothers-in-law.

Raul Salinas, a businessman, is allied with the shadowy hard-line elements of the PRI, which has ruled Mexico since 1929. Ruiz Massieu was a leader of the party's reformist wing.

The arrest was the latest development in a series of spectacular political murders.

Earlier this week, Carlos Salinas went on national television to deny charges that his government covered up a previous crime, the dramatic assassina-

tion last March of Luis Donaldo Colosio, his hand-picked successor, during a campaign appearance in Tijuana.

The two assassinations spurred an exodus of foreign investors, which pushed Mexico into a depression and prompted a monetary crisis.

A congressman from the PRI, Manuel Munoz Rocha, has been accused of organizing the plot to kill Ruiz Massieu, but he has vanished and investigators say they fear he, too, may have been killed.

So far, about a dozen people have been arrested in the case.

Earlier yesterday, Ruiz Massieu's brother, former deputy attorney general Mario Ruiz Massieu, demanded further action.

He resigned from the government on Nov. 23, charging that senior PRI and government officials were blocking his efforts to solve the murder of his brother, which he blamed on PRI hardliners.

"Luis Donaldo Colosio and Jose Francisco Ruiz Massieu were killed for their reformist ideas... which they had in common," Ruiz Massieu contended in a recent book.

Ernesto Zedillo, who succeeded Carlos Salinas in December, vowed Monday that he would get to the bottom of the spectacular series of crimes.

"The Mexican people do not fear the truth," Zedillo said. "We want to know it, and we have a right to it."

Gov: Indian-run casino in Catskills is a bad bet

By GREGG BIRNBAUM
Post Correspondent

ALBANY — Gov. Pataki vowed yesterday to keep an Indian tribe from building a multimillion-dollar gambling casino in the Catskills, 90



miles from New York City.

The Oneida Indians, who run the state's only casino on reservation land near Syracuse, will announce today they want to buy Monticello Raceway to operate the harness track and open a casino next year.

But an angry Pataki said: "I think it's absolutely wrong! I'm very concerned that we're going to see the proliferation of casinos and enter-

tainment complexes that pay no property taxes, pay no sales taxes, pay no income taxes.

"I don't think we should allow it to the extent we have the legal authority to stop it."

The Oneidas need approval from Pataki and the feds to open a casino on non-reservation land in Monticello, said Bob Batson, an official with the state Department of Economic Development.

"The Oneidas' leader admitted that Pataki could kill their plans, but told The Post, 'I hope the governor doesn't pre-judge this before he has all the facts.'"

Ray Halbritter, the head of the Oneida Indian nation, said the casino would be an economic boon to the depressed Catskill region and the state, creating up to 6,000 jobs while only a few acres of land would be taken off the tax rolls.

TO WORST JUDGES

HERE ARE THE GOOD ONES

Not all judges are bad. In fact, most are competent, and some are excellent. Among the best are the 13 judges listed below, who were picked on the basis of interviews with judges, lawyers and court observers. All are known as intelligent, fair-minded, politically independent and scrupulous. Here are the best on the New York bench:

STEPHEN CRANE, Manhattan Supreme Court. Presided over the volatile Bernhard Goetz trial with calm fairness, despite publicity.



ANNE FELDMAN, Brooklyn Supreme Court. Known for independent, balanced judgment. Yesterday, she held an allegedly corrupt public school principal, Stuart Possner, on \$25,000 bail.



NEIL FIRETOG, Brooklyn Supreme Court. A prudent workhorse who presided over 25 trials last year.



STEVEN FISHER, Queens Supreme Court. Widely regarded as a scholar and jurist of the highest repute.



MICHAEL JUVILER, Brooklyn Supreme Court. Known for his scholarly opinions and mastery of the law in complex cases.



ALAN MARRUS, Brooklyn Supreme Court. Skilled at running a trial and has ideal judicial temperament. Handled 22 trials last year.



JUANITA BING NEWTON, Manhattan Supreme Court. Recently appointed an administrative judge in Manhattan. As member of the state Commission on Judicial Conduct, she voted to remove Brooklyn Surrogate Bernard Bloom for misconduct while majority voted to censure him.



MICHAEL PESCE, Brooklyn Supreme Court. A street-smart former state assemblyman recently named administrator for the Criminal Court in Brooklyn.



LEONARD RIENZI, Brooklyn Supreme Court. Assigned to difficult arraignment part because he is respected as fair by Legal Aid lawyers and prosecutors alike.



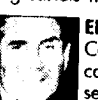
WALTER SCHACKMAN, Manhattan Supreme Court. Handed down ruling last week that saved the city's 16,300 fire alarm boxes from immediate removal.



LESUE CROCKER SNYDER, Manhattan Supreme Court. Frequently assigned to try the most sensitive narcotics cases. Has handled death threats from the drug cartels with fearless aplomb.



EDWIN TORRES, Manhattan Supreme Court. Has a long and distinguished career on the bench and has penned several novels. Presided over the trial of the eight young men who killed Utah tourist Brian Walkins.



ELLIOTT WILK, Manhattan Supreme Court. Skillfully presided over the recent civil trial of Sidney Zion vs. New York. Ruled wisely in the Woody Allen-Mia Farrow custody case, without becoming publicity crazed.



'LET'S

2 pols push voter recall, shorter terms

By WILLIAM NEUMAN

A pair of law-and-order state senators from Queens called yesterday for legislation to give the public greater control over bad judges.

"When you have hacks on the bench, people obviously unfit to have judicial temperament, who are too hard on defendants... too hard on lawyers, who make mockeries of justice in the courtroom, you should be able to get rid of them," said Sen. Serphin Maltese, a Conservative Party leader.

His comments came in response to The Post's series on the city's 10 worst judges.

Maltese, chairman of the Senate Elections Committee, said he plans to sponsor legislation to allow for voter recall of bad judges. He also said he will sponsor a bill to shorten the terms of judges.

State Supreme Court justices serve for 14 years. Civil and Criminal Court judges serve 10-year terms.

Maltese said terms of five or six years would be more appropriate.

Both reforms would require changes to the state constitution, which makes their passage much more difficult.

Republican Sen. Frank Padavan said he has introduced a more limited bill that would amend the city charter and allow voter recall of both elected and appointed judges and other officials only in New York City.

Padavan said the public deserves "an opportunity to recall a judge that is doing something outrageous."

He objected to judges with "a 14-year lease on life" when there is no mechanism to get rid of them.

Padavan also called for a measure aimed at judges who give overly lenient sentences.

He has introduced a bill



SERPHIN MALTESE
Public needs control.

TELL THE POST YOUR EXPERIENCE

If you have a judicial horror story, please share it with us. Have you observed a judge acting improperly, in a biased or political fashion? Tell us about it. Write us at:
New York Post, Ten Worst Judges, 210 South St., N.Y., N.Y. 10002 or fax us at: (212) 815-8103

that would allow prosecutors to appeal sentences they believed were too soft.

The bill has passed the Senate several times, but foundered in the Assembly.

Maltese said The Post's series on rotten apple judges may have "aroused enough public indignation" to spark action in Albany.

"I think I can use that as a board to jump from and say, 'Look, this is something we have to take a look at,'" Maltese said.

Maltese also blasted the current practice of choosing Supreme Court justices through judicial conventions — which serve as clearing houses for political patronage.

But he said state Democrats and Republicans are so locked into the system that reform of the convention model is nearly impossible.

"That is entrenched in the political system and most of the parties, the Democrats and Republicans, like the system the way it is," the senator said.

Both men called for judicial administrators to use a firmer hand in dealing with junk judges.

They said the administrative judges who run the day-to-day business of the courts and the state Commission on Judicial Conduct could be more aggressive in disciplining and investigating judges who are guilty of misconduct.

TOMORROW: MORE OF THE WORST

By Jack Newfield

GET COURT CREEPS'



N.Y.'s 10 WORST JUDGES
FRANK DIAZ
 Court of Claims, serving
 Bronx Supreme Court
 Appointed in 1986
 by Gov. Cuomo
 Age: 54
 Term expires: Dec. 31, 1995
 Salary: \$113,000



N.Y.'s 10 WORST JUDGES
EDWARD PINCUS
 Brooklyn Supreme Court
 Re-elected in 1992 to second
 14-year term with four-party
 endorsement.
 Age: 64
 Term expires: Dec. 31, 2006
 Salary: \$113,000

COURTING TROUBLE: Justice Frank Diaz has appeared on the other side of the bench.

Alcoholic jurist busted 3 times

By WILLIAM NEUMAN
 Acting Bronx Supreme Court Justice Frank Diaz has the dubious distinction of being New York's most-often-arrested judge. The once respected jurist has been busted three times since 1989 in cases involving domestic disputes — but, incredibly — remains on the bench. In a highly publicized non-jury trial last month, Diaz was acquitted of beating his girlfriend and resisting arrest. After he was found innocent, Diaz claimed his reputation had been "smirched" by the cops who had arrested him and testified against him. But Diaz's own testimony and other evidence at the trial raised serious questions about his fitness to judge other people. Diaz admitted he is an alcoholic.

And, in a tape of two 911 calls played at the trial, he was heard having a drunken dispute with his live-in girlfriend, Patricia Roberts. In one call, Roberts told the operator, "I have a maniac over here attacking me." In the other call, Roberts could be heard screaming, "You're assaulting me! Leave me alone!" But at the trial, Roberts claimed it was all just "bickering" and insisted Diaz never hit her. The cops who arrested Diaz said they saw him hit Roberts in the face, and that he later resisted arrest. They also claimed he threatened to take revenge on two officers scheduled to appear before him, saying he would "ream" them. Diaz denied the charges. But he admitted quarrel-

ing with Roberts, and said he grabbed a brassiere from her hand and tore it to pieces. Diaz's court-documented blowup was not his first run-in with the law. In August 1989, he was arrested twice in one night for allegedly harassing his then-wife and violating an order of protection. Despite his recurring troubles, he has never been disciplined. After his arrest last year, Diaz entered a one-month alcohol-rehabilitation program, and was then transferred from the court's criminal part to its civil part. Burton Roberts, the administrative judge for the Bronx Supreme Court, said Diaz will remain a trial judge. "One would think that the authorities in charge

See DIAZ on Page 14

TIME OFF: Justice Edward Pincus spends little time in court — but that may be his best attribute.

Lazy bencher jams wheels of justice

By JACK NEWFIELD
 Brooklyn Supreme Court Justice Edward Pincus may be the laziest judge in New York. He is also one of the city's most outrageous sentencers — in one case granting a convicted wife-killer probation rather than sending him to jail. On the Indolence Index, Pincus is a solid 10. "Pincus invents tricks not to work," one administrative judge told The Post. "He spends four days picking a jury, when it should take one. He often cancels his afternoon calendar from his car phone by calling in sick. "He was elected to a new 14-year term in 1992, and in his mind, he has already retired, although he still collects a salary and

keeps his exclusive parking spot." Last year, Pincus presided over only eight jury trials — regularly arriving late for court and leaving early. His colleagues on the Brooklyn bench averaged 15 jury trials during the same period — with one judge, Neil Firetog, handling 25. Manhattan's judges averaged 21 trials, with Judge Alvin Schlesinger conducting 42. Pincus' malingering slows the entire judicial system — inconveniencing court employees, lawyers, cops, witnesses and jurors. One excuse he offers for leaving early — and refusing to start hearings or jury selection after 3 p.m. — is that he teaches an evening class at New York Technical College.

But even as a teacher, his sloth is apparent. He does little to prepare for his students — he usually has a lawyer deliver a guest lecture while he watches. Also contributing to Pincus' poor productivity record is his address. Although he sits on the bench in Brooklyn, he lives in Manhattan — on Park Avenue. While this is legal, it's unusual — and not conducive to an early arrival at work. But his teaching and his living arrangements aren't the only reasons Pincus spends so little time in court. Three months ago, the tabloid TV show "Inside Edition" caught him on a hidden video camera leaving work for the day at 1:20 p.m. to go shopping in

See PINCUS on Page 14

Alcoholic judge has been busted 3 times

DIAZ from Page 9

of the judicial system would look into [Diaz's] fitness," said a former appellate court judge, who requested anonymity.

"The reason why we look for impeccable character [in judges] is that they sit in judgment of other people's rights," he noted.

But judges protect their own — which was evident from the start in Diaz's case.

After Diaz's arrest — at the request of his attorney — Supreme Court Justice John Collins kicked the Bronx district attorney off

the case and appointed an independent prosecutor.

But the DA challenged the ruling and won the right to try the case.

Later, at the trial, three Supreme Court justices testified as character witnesses for Diaz.

One of the three was Roberts.

Courtroom observers got to see the unusual spectacle of a Criminal Court judge presiding over the trial of a Supreme Court judge, with one of the state's top-ranking judges on the witness stand.

The state Commission

on Judicial Conduct is reportedly looking into Diaz's behavior, and could take disciplinary action against him.

Diaz's nine-year term expires at the end of this year — when Gov. Pataki will have the option of reappointing him or choosing a replacement.

Sources close to Pataki told The Post that Diaz, a Mario Cuomo appointee, is not likely to be named to another term.

Diaz refused to comment on his inclusion on The Post's list of the city's 10 worst judges.

LAZY BENCHER JAMS WHEELS OF JUSTICE

PINCUS from Page 9

a sporting-goods store.

The little time he devotes to his judicial duties can hardly be called time well spent — as his sentences indicate.

Pincus handed down one of the most reprehensible sentences of the last decade.

In April 1989, he gave Dong Lu Chen probation — no jail time — for bludgeoning his wife to death with a hammer.

Pincus reduced the charge from murder to second-degree manslaughter, and then sentenced Chen to five years'

probation, plus time served.

Pincus explained that he was imposing such non-punishment for "cultural reasons," based on the "expert testimony" of a Hunter College anthropologist.

The murder victim had allegedly committed adultery, and Pincus reasoned that in the Chinese culture, being cuckolded is such a uniquely painful humiliation that the defendant should not be judged by the same standards as someone raised in America.

Pincus' warped logic violated one of the founda-

tions of our legal system — the principle that people should be judged as individuals responsible for their actions.

After Pincus handed down the sentence, a woman living in Chinatown told a reporter: "You can't help but think there is nowhere to turn for help. If a wife-killer gets only probation, what if you only hit or batter? If everyone thinks like this judge, you can't get any protection."

Pincus did not return several Post phone messages seeking comment.

NEW YORK'S 10 WORST JUDGES **Part 4**

Bully threatened to kill a cop and lied under oath

By JACK NEWFIELD

Colossal arrogance and ethical indiscretion have characterized Bernard Bloom's 18 years as Brooklyn's Surrogate Court judge. He has acted like a bully who is above the law — lying under oath and interfering with police. His reprehensible behavior led to his censure earlier this year by the state Commission on Judicial Conduct.

When Bloom first ran for surrogate in 1976 — opposed by the Bar Association — he defiantly declared, "I am the product of the Democratic machine and proud of it. I will give patronage to all of my friends who are qualified. And if they are from the political parties, all the better."

Bloom has kept his amoral promise of patronage. He has given clubhouse cronies, ex-judges and powerbrokers often lucrative guardianships for the estates of widows, orphans and mental incompetents. In 1977, his first year on the bench, Bloom placed himself above the law when three of his relatives were arrested for assaulting a police officer who had stopped their car for running a red light. Bloom's nephew and his

parents were arrested and taken to the Flatbush station house.

They phoned the judge, who immediately rushed to the precinct and threatened "to get" the cop who had made the arrests and had been stung by his relatives.

The bombastic Bloom was overheard at the precinct shouting, "I'll kill him myself." As a result of Bloom's intervention, his relatives were released.

The officer, Peter Lesto, spent three weeks in the hospital with head and back injuries and blurred vision.

In 1987, seven weeks after Bronx Surrogate Bertram

Gelfand was removed from the bench for sexually harassing his law assistant, Bloom gave him the first of five patronage appointments.

Six weeks ago, Bloom was censured by the state Commission on Judicial Conduct for lying under oath to a judicial grievance panel that disciplines lawyers.

Two members of the watchdog state commission considered censure too mild a sanction and wrote a dissenting opinion calling for Bloom's removal from the bench for such a gross violation of the public trust.

The commission's probe and censure grew out of

JUDGING THE JUDGES

Today is Day Four of The Post's expose of New York's Ten Worst Judges.

The Ten Worst have been judged guilty of incompetence, bias, poor judgment, ethics violations or laziness.

In putting together this list The Post interviewed dozens of sources, including lawyers, judges, police officers, Legal Aid officials, and court officers, and compiled a damning dossier of court documents and transcripts.



PATRON SAINT: Judge Bernard Bloom has stuck to his promise to "give patronage" to his pals, awarding them with lucrative guardianships for estates.

Bloom's appointment of a longtime crony, Irwin Rosenberg, as his chief law assistant.

While working for Bloom, Rosenberg began to practice law on the side — without the necessary authorization from Chief State Judge Judith Kaye. Rosenberg even acted as lawyer in three cases before Bloom's court — although the law clearly prohibits an attorney from operating as law assistant and private lawyer at the same time in the same court.

The judicial watchdog commission found that Bloom lied repeatedly under oath in 1992, when he testified before an appellate-court grievance committee

about Rosenberg's actions.

Bloom swore he had given his pal permission to handle cases in his court, and to serve as executor of an estate in his court's jurisdiction.

The state commission also found that Bloom lied when he testified that it is common practice for his employees to practice before him without the permission of the chief judge.

Rosenberg was ultimately disbarred for a number of violations — including improperly keeping part of the proceeds from the sale of real estate while acting as both an officer of the court and a private attorney.

Bloom is being allowed to

N.Y.'s 10 WORST JUDGES

BERNARD BLOOM

Brooklyn Surrogate's Court

Elected in 1976 with support of late Democratic County leader Maadda Esposito; re-elected in 1981.

Age: 69

Term expires: Dec. 31, 1995 when he reaches mandatory retirement age

Salary: \$113,000

leave on his own time schedule when he reaches the mandatory retirement age of 70 at the end of this year.

He did not return repeated Post phone calls seeking his response.

Ethics questions dog an old Bronx campaigner

By WILLIAM NEUMAN

Bronx Supreme Court Justice Barry Salman was publicly censured last year for the "highly improper" misuse of \$11,479 in campaign funds — but he was allowed to remain on the bench.

The ethics violations cited by the state Commission on Judicial Conduct stem from Salman's 1990 Supreme Court election campaign.

The commission said the judge, a former Bronx city councilman, had dipped into his own campaign coffers to funnel \$10,000 in contributions to five different Bronx political groups. Salman doled out the

money despite ethics rules under which judges are "specifically prohibited from directly or indirectly participating in any political campaign or activity, except their own campaigns."

The commission was particularly incensed about another \$1,479.36 in campaign funds diverted to buy electronic playthings for Salman's personal use — a car phone and a video camera bought two days before the election.

Salman's wife used the video camera to tape her husband's swearing-in ceremony and party — and then took it home. The cellular phone was

N.Y.'s 10 WORST JUDGES

BARRY SALMAN

Bronx Supreme Court

Elected in 1977 to Bronx Civil Court; re-elected in 1987. Appointed to Supreme Court in 1990 by Gov. Cuomo; elected to new term later that year.

Age: 54

Term expires: Dec. 31, 2004

Salary: \$113,000



in 1989. "What do you think you would feel if you go before [a Supreme Court judge] and you find out he's so bad he's been censured and now he has to rule whether what you did was just or not?" asked Andrew Greenblatt, executive director of New York Common Cause, referring to Salman.

Salman — who was twice elected to the Civil Court before Gov. Cuomo ap-

pointed him to fill a Supreme Court vacancy in May 1990 — admitted the wrongdoing to the state commission in a signed "agreed statement of facts."

But in an extraordinary memo to the watchdog commission, he later tried to shrug off the blame by claiming his actions were typical of the way judicial candidates buy political support in The Bronx.

His claim was made in reference to \$2,400 in campaign funds he used to buy eight tickets to the annual dinner of the Bronx County Democratic Committee — a donation strictly banned by election rules.

In the memo, Salman complained that, after Cuomo appointed him to the court, he had to scramble to cement his candidacy in the November election — in part by making the rounds of local political clubs.

"The effort and money expended to insure his

nomination at the Judicial Convention... certainly required, if not demanded, that he attend a political function in support of his own candidacy," the unrepentant judge's lawyer wrote in the memo.

In an angry reply, commission counsel Gerald Stern called Salman's arguments "absurd" and further slammed Salman, "a New York judge for 15 years," for claiming he "was unaware of his obligations under New York rules of judicial conduct."

As the only punishment for his misdeeds, Salman had to hand over the video camera to the court system and pay \$250 to charity to account for the car phone.

Salman did not return calls from The Post.

TELL THE POST YOUR EXPERIENCE

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New York Post, Ten Worst Judges, 210 South St, N.Y., N.Y. 10002 or fax us at: (212) 815-8103

Tomorrow: More of N.Y.'s worst



FRIDAY, MARCH 3, 1995 /

Post stares down angry judges

Page 2

Judges take issue with Post's series on '10 worst'

By ERIC STIRGUS

A panel discussion about the roles of the press and the judiciary turned into a confrontation between Post columnist Jack Newfield and about 15 judges and their lawyers last night.

Newfield, whose current series exposes the city's 10 worst judges, said:

"I have tried to make clear in this series that the vast majority of judges are good and competent."

He told the audience at the New York County Lawyers Association that "the judiciary is too defensive

**'10 Worst Judges' /
Last part of the series:
Page 12**

and doesn't do enough to get rid of its own obvious rotten apples."

Marvin Raskin, the lawyer for Frank Diaz, one of the judges named in the series, charged The Post is "engaged in a conspiracy with prosecutors to be politically correct."

Raskin defended Diaz, who was put on the list after being arrested three times in domestic disputes and admitting he is an alcoholic.

The series names judges who do little work, are alcoholic, have lied under oath and have given light sentences to dangerous felons.

Most of the judges last night criticized libel laws, saying they're too liberal. Several implied that's why they haven't filed suit.

Newfield defended the articles, saying he and his co-author, reporter William Neuman, spent seven weeks speaking to dozens of lawyers and judges and studying numerous court documents.

NEW YORK'S 10 WORST JUDGES

Part 5

DAs kiss off Hershey's behavior as 'bizarre'

By WILLIAM NEUMAN

Prosecutors in Manhattan and The Bronx have been driven to distraction by what they call the "erratic," "bizarre," and "irrational" behavior of Criminal Court Judge Martin H. Hershey.

"You don't know what he's going to say next or what he's going to do next," said Bob Holmes, a top aide to Manhattan District Attorney Robert Morgenthau.

Things got so bad when Hershey was assigned to The Bronx that usually low-key Bronx District Attorney Robert Johnson complained directly to Hershey about his increasingly bizarre rulings.

Later, Johnson objected so strongly to Hershey's supervisors that they transferred the judge out of The Bronx.

It was a move that was not welcomed by Manhattan prosecutors.

Hershey is known for his benign, but confused meanderings on the bench.

During a hearing in a domestic-violence case last March, Hershey repeatedly insisted that prosecutors had offered the defendant a deal to avoid a trial — when no deal ever existed.

Court minutes record a rambling soliloquy in

which Hershey admits he's confusing details from two different trials.

Hershey muses over his "hopes of it having been an [adjournment], which it's not going to be . . . That was my recollection of the matter."

"I'm told that this is some other case, not this case."

"But no matter . . . That would have been the end of the matter had it taken place. Obviously it's not going to take place," he went on — much to the consternation of the perplexed prosecutors.

In another case, Hershey refused to issue a search warrant authorizing police to look for a gun in a robbery suspect's home —

and then berated prosecutors for bothering him with the request.

"You have no probable cause to enter that house . . . I could understand if it were hot pursuit and somebody ran after him; if the police, for example, saw [the suspect] with a weapon, obviously he could follow him into the building and into the apartment," Hershey told the prosecutor.

"But then we wouldn't need a warrant," the prosecutor pointed out.

After Hershey refused to issue a warrant, the prosecutors went to another judge, who quickly gave them one.

The search turned up a fake Uzi and other evi-

dence linked to the crime. And the warrant was later upheld in state Supreme Court.

Prosecutors also question Hershey's judgment in regularly giving soft sentences to repeat offenders.

They cite two typical cases:

■ Last August, Hosea Anderson pleaded guilty to a misdemeanor charge for trying to steal a duffel bag from the hallway outside a woman's apartment.

Although Anderson had 22 previous arrests and 11 convictions, Hershey sentenced him to only 10 days in jail.

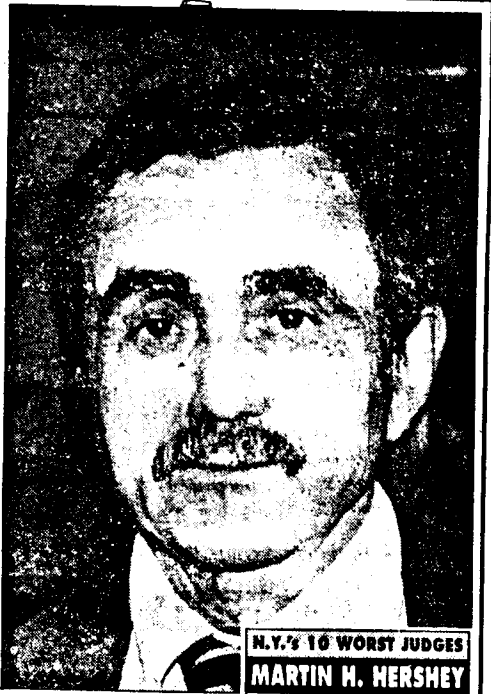
Days after Anderson got out, he was arrested again for larceny — and was sentenced by another judge to 10 months.

■ Last November, Juan Reyes pleaded guilty to charges of breaking into a car and stealing a radio.

He had 15 arrests since 1980, with 12 convictions.

Hershey sentenced him to 10 days.

Reyes has been busted three times since serving



N.Y.'s 10 WORST JUDGES
MARTIN H. HERSHEY
 Manhattan Criminal Court
 Appointed in 1992 by Mayor Dinkins.
 Age: 69
 Term expires: Dec. 31, 1996
 Salary: \$103,800

MELTDOWN: Manhattan Criminal Court Judge Martin Hershey, in 1986 photo, appears confused in court, law-enforcement sources say.

his light sentence. Hershey is a former Brooklyn prosecutor and one-time chief of police of Aspen, Colo.

Told that he made The Post's list of the city's worst judges, he blamed many of the complaints against him on vindictive

prosecutors. Hershey said he plans to retire later this year — after his pension kicks in. "I want out," he said.

She's so bad, it's a good thing she's lazy

By JACK NEWFIELD

For openers, Brooklyn Supreme Court Justice Yvonne Lewis is defiantly lazy. And when she does work, prosecutors and lawyers become nostalgic for her slothful habits.

Lewis conducted only six trials during all of 1994, which made her the least productive judge in Brooklyn.

She also has the biggest backlog of undecided cases on her calendar, including 21 she has been sitting on for more than a year.

Forty percent of the cases on Lewis' calendar are "below standards and goals," which is the basic measure of judicial indolence.

One supervising judge says Lewis ignored and insulted him when he tried to counsel her about improving her work habits.

But the real problem with Judge Lewis is the decisions she makes, not the ones she avoids making.

In October 1993, she outraged the NYPD by releasing a defendant named Christopher Holland on just \$1,000 bail.

TELL THE POST YOUR EXPERIENCE

If you have a judicial horror story, please share it with us. Have you observed a judge acting improperly, in a biased or political fashion? Tell us about it. Write us at:

New York Post, Ten Worst Judges, 210 South St, N.Y., N.Y. 10002 or fax us at: (212) 815-8103

Holland had shot Police Officer Deborah Patchen in the stomach. The Brooklyn district attorney's office requested \$50,000 bail for the would-be cop-killer.

Judge Lewis failed to return numerous phone calls from a reporter seeking comment on the incident after the Patrolmen's Benevolent Association made it public.

Holland was eventually convicted and sentenced to seven to 21 years in prison.

Judge Lewis also showed questionable judgment in the case of Tracy Strunkey, a member of the same drug gang that murdered beloved Brooklyn public

school principal Patrick Daly in the Red Hook projects.

Strunkey was arrested by police with felony-weight drugs in his stolen BMW car. But at a pretrial hearing, Judge Lewis ruled the drugs were inadmissible as evidence.

She found the search was illegal, even though the auto had been stolen and Strunkey had run from cops and dropped a package of drugs to the ground after he was stopped for a traffic violation.

Brooklyn DA Joe Hynes appealed Lewis's ruling and last March the appellate division unanimously reversed it.

The appellate judges wrote: "The evidence establishes that the defendant had no legitimate expectation of privacy with respect to a vehicle which was owned by, and stolen from, another individual."

Strunkey was eventually convicted of selling drugs and sentenced to seven to 21 years by Justice William Mastro.

In an earlier case, Judge Lewis granted robbery de-



N.Y.'s 10 WORST JUDGES
YVONNE LEWIS
 Brooklyn Supreme Court
 Elected in 1992 with backing of Brooklyn Democratic leader Clarence Norman.
 Age: 51
 Term expires: Dec. 31, 2005
 Salary: \$113,000

COURT IN RECESS: Brooklyn Judge Yvonne Lewis is the least productive judge in Brooklyn.

fendant Stephen Russell a mistrial, claiming "the prosecutor intentionally acted in bad faith."

She then reinforced her judicial bad judgment by agreeing to dismiss the indictment against Russell on the grounds of double jeopardy.

The appellate division unanimously reversed both decisions and reinstated the original indictment against Russell.

Eldo Dominguez was another beneficiary of Judge Lewis' tolerance of thugs. Dominguez, after being found guilty of a gunpoint

robbery in 1992, was released by Lewis, who ignored prosecution requests that he be jailed.

A while later, a couple of the jurors who voted to convict Dominguez were alarmed to encounter him on the subway. Concerned for their safety, they immediately expressed their fears to the DA's office.

When a prosecutor informed Judge Lewis that the frightened jurors might be calling her, the judge replied, "Get the f--- out of my chambers. Don't try to guilt-trip me."

Efforts to reach Lewis were unsuccessful.