

IN BRIEF

Confirmation Hearing Set For DiFiore as Chief Judge

The state Senate Judiciary Committee has scheduled a public hearing on Jan. 20 in Albany to consider Gov. Andrew Cuomo's nomination of Janet DiFiore, the Westchester County district attorney, as the state's next chief judge.

The hearing will begin at 1 p.m. in Room 124 of the state Capitol, Judiciary Committee counsel Jessica Cherry said Wednesday. Typically under Committee Chairman John Bonacic, R-Mount Hope, the committee has heard from a representative of the New York State Bar Association and the New York State Trial Lawyers Association on the merits of Court of Appeals' nominees before the nominee addresses the panel.

Neither Bonacic nor other members of the committee have indicated opposition to DiFiore succeeding Jonathan Lippman as chief judge, though Bonacic, on the day the Commission on Judicial Nomination sent the list of seven nominees to Cuomo, said he also liked another candidate for the position, former chief administrative judge A. Gail Prudenti (NYLJ, Oct. 15).

The timing of the Senate's hearing ensures that a new chief judge will not be in place to participate in the January session of the Court of Appeals.

The Senate was criticized by the Fund for Modern Courts and others for not acting to confirm the nomination in time for DiFiore to hear oral arguments in January cases as required under the confirmation procedures laid out in state Judiciary Law (NYLJ, Dec. 17).

The Court of Appeals, currently meeting with five judges, hears its last arguments of the month on Jan. 14.

—Joel Stashenko

Court of Appeals Candidates Are Deemed Qualified

Bar associations in New York agree that all seven candidates for the seat on the Court of Appeals are qualified to serve, though some of the groups feel some are slightly better qualified than others.

Gov. Andrew Cuomo has until Jan. 21 to nominate a candidate to the state Senate for confirma-

tion to a seat vacated by Susan Phillips Read (NYLJ, Dec. 23).

The state Commission on Judicial Nomination list nominated Kirkland & Ellis partner Michael Garcia; Appellate Division Justices Judith Gische and Erin Peradotto; Gibson, Dunn & Crutcher partner Caitlin Halligan; Manhattan District Attorney's Office General Counsel Benjamin Rosenberg; Cravath, Swaine & Moore partner Rowan Wilson; and Patterson Belknap Webb & Tyler partner Stephen Younger.

The two largest bar groups, the New York State Bar Association and the New York City Bar Association, gave all seven nominees their highest rating of "well qualified."

The Tri-County Bars Judicial Screening Committee, comprised of members of the Erie, Monroe and Onondaga County Bar Associations, were also unanimous in giving all seven "highly qualified" ratings.

Other groups had slight variations. The Trial Lawyers Association, for example, rated Gische, Peradotto, Wilson and Younger "highly qualified and highly recommended" while finding Garcia, Halligan and Rosenberg "qualified and recommended."

Other evaluations released this week were from the state Academy of Trial Lawyers, the Albany County Bar Association, the state Women's Bar Association and the Women Trial Lawyers Caucus.

The groups said they evaluated the candidates based on recent interviews and a review of their professional records, and on such factors as their judicial temperament, character and fitness.

—Joel Stashenko