

**The New York Times**PRINTER FRIENDLY FORMAT  
SPONSORED BY

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers [here](#) or use the "Reprints" tool that appears next to any article. Visit [www.nytreprints.com](http://www.nytreprints.com) for samples and additional information. Order a reprint of this article now.

**February 12, 2009**

## Senate Confirms Top Judge on State Court of Appeals

**By JEREMY W. PETERS**

ALBANY — The State Senate confirmed [Jonathan Lippman](#) as the new chief judge of New York State's highest court on Wednesday after a brief but occasionally noisy session during which several senators expressed dismay that the judicial-selection process did not produce a more diverse set of candidates.

No one voted against Mr. Lippman, formerly the presiding justice of the Appellate Division of State Supreme Court in Manhattan, although three senators abstained from voting. The nomination did not require the Assembly's approval.

In comments to the Senate Judiciary Committee on Wednesday morning, Mr. Lippman cited his decades of experience in the state's courts and his passion for the law, saying he would bring a new sense of motivation to the Court of Appeals.

"I come to you today and submit again a track record of leadership and experience of almost 40 years in working for this court system," he said as his wife, son and daughter looked on. "It's what moves me. It's what is my passion. It's what I care about.

And I am just delighted."

Although his competency as a jurist was never in question, Mr. Lippman's nomination was clouded by questions about how fair the nomination process was to minority candidates and women. All seven of the nominees that the State Commission on Judicial Nomination selected were men, and most were white.

Gov. [David A. Paterson](#), who according to the State Constitution had to select the chief judge from the commission's list, expressed disappointment that no women were included, spurring calls for a review of how the commission picks nominees.

It was clear at Mr. Lippman's confirmation hearing on Wednesday that many of those concerns had not gone away.

"My frustration, my concern is the system," said Senator [Rubén Díaz Sr.](#), a Democrat who represents the Bronx and was one of the three senators who abstained.

"It has nothing to do with you," he added, addressing his comments directly to Mr. Lippman during the Judiciary Committee hearing. "If I vote 'yes' that makes me part of the problem. And I don't want to be part of the problem."

The other two senators who abstained were Eric Adams of Brooklyn and [Pedro Espada Jr.](#) of the Bronx, for similar reasons.

But most senators effusively praised Mr. Lippman. [Eric T. Schneiderman](#), a Democrat who represents parts of the Upper West Side and the Bronx, called the judge “indisputably qualified.”

“We are going to examine the flawed process of judicial nomination,” Mr. Schneiderman said. “We are not going to put up with the same old business as usual, and are going to work to diversify and be more inclusive in the courts.”

Copyright 2009 The New York Times Company

---

[Privacy Policy](#) | [Search](#) | [Corrections](#) | [RSS](#) | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)