

Newsday, Dec. 12, 2002

Lack Tapped for Judgeship

Temperament no problem, panel says

By Rick Brand
STAFF WRITER

State Sen. James Lack (R-East Northport), who ruled out a re-election bid after a much-publicized "road rage" incident last year, was nominated by Gov. George Pataki yesterday as a state Court of Claims judge, after a judicial committee touted, among other things, his "temperament."

Pataki called Lack, 58, "uniquely qualified" because of his "extraordinary intellect, voluminous knowledge of the law and . . . his superb stewardship as chair of the Senate judiciary committee."

He also said a judicial screening panel had found Lack "highly qualified" based on his "intellect, judgment, temperament, character and experience." Screening panel members could not be reached for comment yesterday.

The long-rumored nomination comes after Lack last year was embroiled in a traffic dispute with an East Northport woman, Lore von Hoffen, during which the lawmaker jumped out of his car, yelled at von Hoffen, banged on her door and waved his Sen-

ate badge. He then followed her in his car for more than a mile to her home and even entered her garage to continue to harangue her. He later apologized.

Publicity about the incident led to dozens of reports about other incidents over the last 20 years in which Lack had lost control. The incident initially scotched plans Lack had about creating a new judgeship for himself and getting a bipartisan endorsement so he could run unopposed. Last May, Lack decided not to run for re-election to the Senate, after party leaders privately said the incident made him unelectable.

However, Chief Administrative Judge Jonathan Lippman discounted reports of other incidents. "I know nothing about any of that," he said. "I have seen only the highest, most appropriate level of conduct . . . I think he treats everyone absolutely appropriately."

But one local court official, who did not want to be identified, said, "I can't believe they are making the appointment . . ."

Lack declined to be interviewed, but through a spokesman said, "Senator Lack is pleased that the governor regards him so highly, thanks Gov. Pataki for the nomination and looks forward to the opportunity of serving the people of the state of New York as a judge."

State Senate officials say they expect no problems in winning confirmation when the appointment comes up next week during a special Albany session. The appointment will have to go through Lack's own judiciary committee, which he has headed for nine years. An aide could not say yesterday whether Lack would recuse himself from the vote.

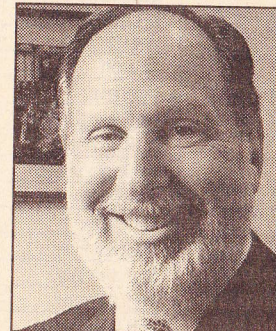
Asked if there was any concern about Lack's temperament, John McArdle, a spokesman for Senate Majority Leader Joseph Bruno (R-Brunswick), said, "None whatsoever."

For decades, Lack has been a powerful force in the State Senate and was a key supporter of the governor.

If confirmed, Lack will hear civil cases on Long Island and would fill a vacancy left by the retirement of Judge Leonard Silverman for a term that expires March 23.

The current presiding judge, Susan Phillips Read, is one of seven contenders for an opening on the state's Court of Appeals, which will be filled some time in January.

However, von Hoffen, the victim of Lack's road rage, said she would not want to appear before him. "The man has a problem with his temper . . .," she said. "I'm not saying he'd make a bad judge, but I'm not sure he'll make a good one."



Newsday Photo / Nelson Ching
State Sen. James Lack