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Governor Pataki Fires Staff Of Law Revision Commission

BY GARY SPENCER

ALBANY — The Pataki Administration fired the staff of the New York State Law Revision Commission last week — without waiting for legislators to act on the Governor's proposal to abolish it in the 1995-96 budget.

Mario Cuomo tried three times to eliminate the commission, which was created in 1934 in response to Benjamin Cardozo's call for an "expert" and "disinterested" body to root out "anachronism and injustice" in state law. But the Legislature restored the commission's funding each time and its staff, though worried, was never quite sent packing.

Governor Pataki also saw the commission as expendable and sought to save \$310,000 in his 1995-96 budget by abolishing it. And he used precisely the same language Governor Cuomo had used in prior budgets, saying the work of modernizing the law can be left to "legislative studies, recommendations of state agency counsels, and reports of various lobby groups."

But the Pataki Administration went further. Without legislative approval of his plan and with three weeks remaining in the current fiscal year, the Governor's Budget Division told the commission to vacate its offices and notify the staff their telephones would

be shut off and they would not be paid past the close of business on Friday.

Officials of the commission and its allies in the Legislature are cautious about the prospects of saving it again this year, with new leadership in the Legislature and with the Governor calling for massive cuts throughout

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the budget — from welfare to education to environmental protection.

"We'll do what we can, but it's not going to be easy," said Senate Codes Committee Chairman Dale M. Volker, a senior Republican.

Another supporter, Assembly Judiciary Committee Chairwoman Helene Weinstein, said that neither legislative

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staff nor agency counsels could adequately replace the long-term research and painstaking statutory revisions performed by the commission. "And I would be concerned about relying on lobbying groups" to fill the unbiased and independent advisory role of the commission, she said.

The commission's chairman, Brooklyn Law School Professor Robert M. Pitler, is trying to rally support from bar associations and is seeking a meeting with the Governor's counsel, Michael Finnegan. And he has asked the commission staff — two full-time attorneys, a part-time attorney and two secretaries — to continue reporting to work despite the Budget Divi-

sion's order. "If we are re-funded, they will be paid," he said.

The staff was caught in the middle on Friday. "I don't think any decision has been made by any staff member even now, with just five hours to go," said one. "Most of us are thinking about what's best for ourselves and what's best for the institution."

Mr. Pitler vowed the commission will not die easily, saying "This is the oldest law reform commission in the world, probably, and I don't want to be the last chairperson."

The four commissioners, who serve without salary, will continue to meet despite the firing of the staff, he said.

Recommendations

Budget officials said the timing of the layoff was due to the state's three-

week lag payroll. For commission paychecks to end at the end of the fiscal year, the staff would have to be laid off now.

The Legislature has enacted more than 300 statutes developed by the commission since it was created in the depths of the Depression. Some of its major projects have included revising the Uniform Commercial Code in the 1950s, development of the State Administrative Procedure Act in the 1970s, and codification of the Insurance Law and reform of the insanity defense in the 1980s.

Last year, the commission contributed the new Article 2A of the UCC, governing leases of personal property, and in 1992 the Legislature enacted its reform of the laws governing conservatorships.