

# STATE

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## Pataki panel seeks applicants for Kahn seat on state bench

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ALBANY — Former state Supreme Court Justice Lawrence P. Kahn was officially in his new federal court chambers Monday as Gov. George Pataki's judicial screening committee began searching for a candidate to fill the state court vacancy.

An advertisement appeared Sunday in the *Times Union* classified section notifying applicants to the state bench that the committee was receiving resumes.

However, the new judge — more than likely Republican because the appointment will be Pataki's — can sit only until Dec. 31. The appointee would have to run for a full 14-year term in November in the seven counties comprising the Supreme Court's 3rd Judicial

### District.

The committee is accepting resumes until Wednesday, and they should be directed to Thomas Doherty, the governor's appointments secretary, according to the ad. Applicants must be lawyers in good standing, be admitted to practice in the state and live in the 3rd Judicial District, which includes the counties of Albany, Rensselaer, Columbia, Greene, Ulster, Sullivan and Schoharie. The state post pays about \$110,000.

It is "normal practice" to advertise for judgeships or other elected offices where a vacancy exists, such as for county clerks, "to solicit people's resumes to get the best candidate," Pataki spokesman Michael McKeon said.

He said he has no idea how many resumes are in, nor how soon after the deadline the

governor will act. The committee reviews the resumes and interviews candidates of interest, McKeon said.

Kahn, a Republican who had more than 20 years' experience in state courts, was sworn in privately to the federal bench on Aug. 2, his law clerk, Ray Santora, said Monday. Plans are underway for a ceremonial swearing-in that could occur in September, he said. The federal judgeship pays \$133,600.

For several weeks, after Kahn's confirmation to the federal bench seemed imminent, numerous names emerged as likely successors: both Democrats who want to run for the office and Republicans eyeing a Pataki appointment.

Frequently mentioned by insiders as the front-runner for the appointment is the state's solicitor general, Victoria Graffeo of Altamont.

Kahn's vacancy is one of three Supreme Court judgeships up in November. Justice John Connor, a Democrat from Columbia County, is seeking re-election. Republican Justice George L. Cobb of Greene County is not.

Besides Graffeo, Republicans mentioned as possible candidates include Rensselaer County District Attorney Mary O. Donohue, Ulster County Family Court Judge Marianna D. Mizel, and Republican lawyer William Soronen, longtime clerk to Supreme Court Justice Harold J. Hughes of Albany, and Albany Law School professor Michael J. Hutter.

Democrats said to be interested include Albany County judges Larry J. Rosen and Thomas A. Breslin, Family Court judges Gerard Maney and Dennis Duggan, and City Court Judge Stephen W. Herrick.