

Weekend opinions & letters

editorial Saturday Sept. 28, 1996

Why is Lorraine Miller still a judge?

BECAUSE WHEN IT COMES to bad judges, New York justice is not only blind, it's deaf, dumb and stupid.

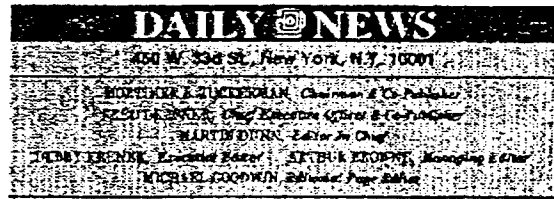
This week's episode involves the Case of the Jealous Judge, where Lorraine Miller was censured by the state Commission on Judicial Conduct for effectively stalking her ex-lover, Judge S. Barrett Hickman, and for using confidential court documents to harass his wife. Miller also admitted to keeping information from a defense attorney during a trial.

Miller should have been prosecuted and bounced from the bench, not given what amounts to a public scolding. But the state commission, which had the power to throw Miller overboard, refused even to rock the boat.

That's typical. Last year, 1,361 formal grievances were filed against judges. Only six were censured and just one full-time judge was removed. But then 87% of the grievances weren't even investigated. No telling what the judges were accused of. Unless they're found guilty, the details are kept secret.

Miller signed a confession admitting to sending 60 "anonymous and harassing, annoying and offensive mailings to various newspapers, businesses and individuals" about Judge Hickman and his wife. But to the commission, this "does not constitute conduct that destroys effectiveness on the bench." Guess they never heard of Sol Wachtler.

Then there is that sticky little business about Miller's withholding vital information during a trial. Seems the jury sent her a note that it had reached a verdict, but Miller did not tell the defense about it. Instead, the defendant copped a last minute plea bargain. Even the commission called the action "improper" and said it "compromised her impartiality and impaired confidence in her integrity and inde-



pendence." But that's okay. Miller says she'll be good from now on. Cross her little heart.

This wasn't the first time Miller's judgment has been out of bounds. In 1982, she released a 16-year-old armed robbery suspect without bail. The very next day, the teen murdered a man on the subway. In a 1994 ruling, Miller suggested that an off-duty cop, who was gunned down would have been alive if he had only ignored a stickup at a cash machine.

Judges like this should be forced to turn in their robes. But it just doesn't happen. And even if they break the law, judges rarely go to jail.

Take Parking Violations Bureau Judge Stephen Holz. He was convicted this week of fixing hundreds of tickets. His punishment? Four months of house arrest. That's it, judge — go to your room. Bad boy.

Faith in the judiciary is at an all-time low, and with examples like Miller and Holz, it's no wonder.

The Commission on Judicial Conduct has the power to bounce bad judges, and it should start using it. A good place to begin: Judge Lorin Duckman whose disregard for the fears of an abused woman led to her murder. That case must not be allowed to drag on for 3½ years, as it did with Miller. Nor should it be carried out in secret.

Complaints and hearings before the commission must also be made public. A bill now before the Senate would do just that. The Legislature and Gov. Pataki should enact it and show New Yorkers they're serious about ending Junk Justice. In the open.