

Panel hunting Duckman targeted

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ALBANY — The future of embattled Brooklyn Judge Lorin Duckman is being weighed by a state panel that is itself under attack.

The state Commission on Judicial Conduct has been repeatedly criticized for being too secretive, too slow to act and too quick to dismiss cases — often after cursory reviews.

Elena Sassower, coordinator of the Center for Judicial Accountability, said the 11-member panel "throws out complaints which are documented and detailed in all respects."

"The secrecy makes it impossible to know if the commission is doing a good job and . . . if judges who misbehave are appropriately sanctioned — except for the very small number

whose sanctions become public," said Stephen Gillers, a New York University Law School specialist in legal ethics.

The cloak of secrecy that shields the commission's proceedings is lifted only if the panel formally accuses a judge of misconduct and recommends action by the state's highest court.

But that rarely happens.

Since the commission's creation in 1978, the panel investigated just 3,203 of the 17,221 complaints it received.

The proceedings — which can take up to two years — resulted in ouster recommendations against 112 judges and lesser sanctions against 294 others.

Last year, the panel investigated only 176 of the 1,361 complaints, or just 13% of the total.

The rest were dismissed.

New York is one of 17 states that do not allow public review of complaints against judges.

The Duckman case is unusual for the commission because state officials filed a highly public complaint against the Brooklyn Criminal Court judge.

They called on the commission to investigate whether Duckman improperly lowered the bail for a convicted rapist accused of stalking a former girlfriend.

After making bail, suspect Benito Oliver killed ex-girlfriend Galina Komar, then killed himself.

Gov. Pataki said last month that he would ask the state Senate to impeach Duckman unless the commission recommended removal of the judge within 60 days.

But it's unlikely that the panel will recommend removal — or any other sanction — because bail rulings and other legal decisions rarely constitute grounds for action by the commission.

Indeed, Gerald Stern, the commission's administrator, said most of the complaints the panel receives are dismissed because they are either unbelievable or involve allegations over which the commission has no authority.

Stern also said the commission has been handcuffed by state budget cuts that reduced the panel's funding from \$2.3 million in 1991 to \$1.6 million now.

Although Pataki has recommended a \$100,000 increase, the new funding would do little to expand a staff that's been halved since 1991.