by {ga=mberkeygerard}
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Rival candidates ShawnDya Simpson and Dawn Jimenez spent their summer collecting signatures on the streets of Brooklyn, raising money, passing out flyers at subway stops and getting endorsements from political clubs and elected officials.

The one thing they did not do is let voters know where they stand on any issues -- not on housing, not on crime, not on taxes.

That is because the two women are facing off for Civil Court judge, a job which is supposed to be non-political. "Judicial candidates are not allowed to take positions on issues," said Jacob Walthour, Simpson's campaign manager and her husband. "They must remain independent, objective and fair."

While the office itself is supposed to be removed from politics, getting into such an office in New York City could not be more political.

Simpson and her opponent, Jimenez, who is already a Housing Court judge, have hired political consultants, accused one another of "carpet bagging" since both recently moved to Brooklyn, and attacked each other in the press. (Electing Simpson would give Brooklyn Democratic boss

Clarence Norman "a new lease on life," says one side; Jimenez has surrounded herself with "shady characters," charges the other.) In other words, they have acted like politicians.

But tough campaigning is the least of the problems in New York's judicial system.

In the last year, three Brooklyn State Supreme Court Judges have been removed from their seats for bribery and other illegal activity. Brooklyn District Attorney Charles Hynes is currently investigating Brooklyn Democratic Party Chairman Clarence Norman, looking into whether the party is selling judgeships.

Even if there were no scandals, the city's court system is so confusing and complex that it takes a New York State Supreme Court Justice to explain them (see "Guide to the Courts" by Justice Emily Jane Goodman).

Some say the system needs a complete overhaul. Others say that this will never happen, thanks to politics. Indeed, a plan created by the top judges of the state to reform and restructure the court system has been stuck in the state legislature for five years.

Meanwhile, the battles rage on.

BROOKLYN'S JUDICIAL MESS

"If you want to study how not to pick a judge," a recent editorial in the New York Times began, "the borough of Brooklyn is available."

Last year, former Supreme Court Justice Victor Barron pleaded guilty to taking bribes to fix divorce and child custody cases and is currently serving a sentence of three to nine years in prison. This summer, Supreme Court Justice Gerald Garson was indicted on charges that he fixed a divorce case in return for money and gifts. And Justice Reynold Mason was removed from the State Supreme Court for illegally taking money from an escrow account on a

rent-controlled apartment in Flatbush, and using the money to make child support payments and political contributions.

The Brooklyn D.A.'s investigation of Clarence Norman includes a look at allegations that Norman demanded money from candidates for office in return for his endorsement. Candidates have told prosecutors that the party bosses demanded cash payments and required them to hire specific consultants. Anyone who does not go through the process, the candidates allege, is almost assured of defeat.

Beyond the specific charges of illegal activity, many say the entire system of electing and selecting judges is a game of political patronage.

For example, in order to become a State Supreme Court Judge in Brooklyn, a candidate must be selected by Chairman Norman. Those candidates are then referred to a screening panel that is also appointed by Chairman Norman. The 42 Democratic District leaders, who often have strong ties to the party, then screen the candidates. Finally, the judges are selected by a judicial convention, made up of various friends, relatives, business partners and employees of the party overseen by Chairman Norman.

Only after this process, does the voter, who often has no idea who the candidates are or how they were chosen, select a State Supreme Court Judge, who will serve on the bench for 14 years.

"There's a general feeling out there that the party has become a laughingstock of the state," Alan Fleishman, a Brooklyn Democratic district leader, told Newsday.

Brooklyn is not unique. Every borough runs in a similar fashion, which means that the city's judges are often selected more for their loyalty to the party than for their qualifications.

THE LONG RUNNING DEBATE -- APPOINTED VS. ELECTED

The "Tweed" County Courthouse that sits behind City Hall is a reminder of the historical links between corrupt politics and the courts in the city.

Built between 1862 and 1870, the old county courthouse with its arched windows and sunlit rotunda was supposed to cost $250,000. It ended up $13 million over budget, much of which was stolen by Tammany boss William M. Tweed and used for his Democratic political machine. (The building underwent another $100 million renovation beginning in 1999 and today houses offices for the Department of Education.)

The scandal surrounding the Tweed Courthouse helped spark two efforts for judicial reform in New York.

At the same time, citizens began to think that the system of elected judges, set out in the state's 1846 Constitution, wasn't such a good idea. The introduction of appointed judges became an attempt to keep the political parties out of the judicial system and streamline the system. In 1870, the Association of the Bar of New York City was founded to provide standards for lawyers and judges.

Today in New York City, judges are selected through a mix of elections and appointments. The mayor appoints local judges in Criminal and Family Courts. Elected judges serve on Civil, Surrogate's, and Supreme Courts.

But the fundamental argument is still unresolved. Should judges be appointed or elected by the people?

Advocates of appointment argue that judges cannot be independent if they are worried about raising campaign funds, presenting a public image, and are involved in a political process that is often corrupt. Most voters, they say, have little interest in or knowledge about judges running for seats.

Advocates of elections argue that judges should answer to the law and the people it sets out to protect, not the policymakers who appoint them. They criticize the mayor and the governor for

using their political will in selections and say that appointed judges do not reflect the ethnic composition of the city.

And court positions still have plenty of connections to elected politicians, powerful lawyers, and local political parties vying for bragging rights. Although the starting salary of $125,600 a year for a Civil Court judge doesn't compare to what a lawyer can make in private practice, a local judgeship carries the prestige that can launch a career in politics or lead to promotions to higher courts.

With so much at stake, true reform is difficult.

NAVIGATING THE CITY SYSTEM

Jonathan Lippman, the Chief Administrator of State Courts, has called the New York City courts "the most complex, arcane court system in the country."

The city's court system, which produces about half of all the cases in the state, is a maze of trial divisions.

One example of how unwieldy the system can be is in how family issues are handled.

Child custody and visitation are handled in Family Court, but divorces can only be addressed in Supreme Court. So a family in a divorce can find itself bouncing back and forth between both courts, spending twice as much time and money than if it went through the same case living in the suburbs. Adoptions can be handled in either Family Court or Surrogate's Court depending on the conditions. If criminal charges such as abuse are involved in a domestic case, then it can spill over into Criminal Court.

THE LONG, HARD ROAD TO REFORM

In response to the Brooklyn judicial scandals, some changes have been made.

In July, the Brooklyn Democratic Party released the names of the 27 candidates running for State Supreme Court for the first time in the city's history; in the past these names were kept secret. And the party was also looking at new ways to appoint independent lawyers to the judicial screening panel.

But many legal reform groups say the whole system must be overhauled and favor a kind of third way known as merit or nomination systems.

A merit system uses nonpartisan commissions of lawyers and non-lawyers to find applicants for judgeships. The commission then submits the applicants to an appointing authority. For re-appointments, the judges are evaluated by commissions or voted on in an uncontested election.

In New York, judges in the Court of Appeals are selected through what its backers call a merit system, what its critics call a system of political appointment. But even proponents of a merit system concede that they won't be a widespread part of the New York courts anytime soon.

As far as the overall court structure, Chief Administrator of the State Courts, Jonathan Lippman and Chief Judge Judith Kaye first introduced a plan to reform the New York trial courts system in 1997. Numerous good government and judicial reform groups have supported the proposal.

Five years later, the proposal is still sitting in Albany.

"Judgeships are the last bastions of political patronage," said Barbara Reed of the Fund for Modern Courts. "They allow local party leaders to maintain control."

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