City News: Cuomo Nominates New Top Judge
Author: De Avila, Joseph

Abstract: Mr. Cuomo, a Democrat, nominated Ms. DiFiore as chief judge of the state court of appeals from a list of seven candidates recommended by the state's Commission on Judicial Nominations.

Full text: Westchester County District Attorney Janet DiFiore, whose career includes several years on the bench as well as almost a decade in elective office, was nominated Tuesday by Gov. Andrew Cuomo to be the state's next top judge.

Ms. DiFiore, if confirmed for the 14-year term by the state Senate, would succeed Jonathan Lippman as chief judge of the State Court of Appeals. Mr. Lippman will retire Dec. 31, having reached the constitutionally mandated retirement age of 70.

Ms. DiFiore drew national attention as Westchester district attorney when she agreed in 2006 to test the DNA of Jeffrey Deskovic, who was convicted in 1990 for rape and murder. Her predecessor, former Westchester County District Attorney Jeanine Pirro, refused to review the case. Mr. Deskovic was exonerated and freed from prison after his DNA proved he didn't commit the crimes. Her office also successfully convicted the actual murderer for the crime.

The Deskovic case was "indicative of Janet's ability to do what's right even when it might not be expedient or popular or seem to be right at first blush to the general population," said P. Daniel Hollis III, president of the Westchester County Bar Association.

Court observers said her broad background made her a good candidate for chief judge. "She has as good if not more of a diversified, well-rounded background than any other chief judge that I can recall being appointed since the mid-70s," said Jay Carlisle II, professor of law, at Pace Law School in White Plains, N.Y.

Ms. DiFiore, 60 years old, has served as district attorney since 2006. Before that, she was a Westchester County Court judge from 1999 to 2002. She also served as a Supreme Court Justice for the New York state Criminal Courts from 2003 to 2005.

Mr. Cuomo previously appointed her as chairwoman to the New York state Joint Commission on Public Ethics, where she served from 2011 to 2013. Judge Lippman also appointed her as co-chairwoman the New York state Justice Task Force, which leads investigations of cases involving wrongful convictions. Judge Lippman called Ms. DiFiore an "outstanding choice" in a news release. Mr. Hollis said Ms. DiFiore has a reputation among attorneys for "fairness and evenhandedness and approachability."

Mr. Cuomo, a Democrat, nominated Ms. DiFiore as chief judge of the state court of appeals from a list of seven candidates recommended by the state's Commission on Judicial Nominations.
Ms. DiFiore changed political affiliations in 2007 from Republican to Democrat. The state Senate, controlled by Republicans, is expected to confirm her as chief judge as it historically hasn't denied the governor's judicial nominations.

In a news release, Ms. DiFiore said she was "humbled" by the nomination.

Ms. DiFiore's experience managing the Westchester County District Attorney's Office, where she oversees more than 230 employees, will help prepare her for her new role, said Vincent Bonventre, professor of law at Albany Law School. He described her job as "chief executive of our mammoth judicial branch."

"You really need somebody who knows how to run an organization, who knows how to deal with people, knows how to issue orders or requests and not offend people too much," he said.

Ms. DiFiore would join Judge Lippman as one of the few chief judges appointed to the position while not already on the Court of Appeals. That isn't necessarily a drawback, Mr. Bonventre said, noting her other experiences. But joining the Court of Appeals will require adjustment, he said.

"There is always the challenge that they haven't been in the club. They don't know the dynamics of that organism yet," Mr. Bonventre said. "That's a challenge. She's going to have to learn that."