

Name Neil D. Breslin

Candidate for NYS Senate [46th District]

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[All answers were submitted in an addendum. The answers have been transposed to the appropriate spaces below.]

Please return by fax to (212) 541-7301 or by mail to Advocacy, Committee for Modern Courts, 351 West 54th Street, NY, NY 10019 on or before October 12, 2006.

1. As you read in the cover letter to this survey, Legislative action is required to change the way we select Supreme Court justices, would you support a legislative effort to make such changes?

YES **NO**

Comments

I am supportive of legislative efforts to reinstate a convention system when selecting Supreme Court Justices as opposed to an open election system. Yet, this system would need be reformed in order to provide for a more open and effective selection process.

2. Do you support holding public hearings to determine how to best amend our laws governing the selection of Supreme Court judicial candidates?

YES **NO**

Comments

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3. **The method of selecting judges in New York State has a direct and significant impact on the fair and efficient administration of justice. The Committee for Modern Courts believes that an appointive system represents the best method of limiting external pressures on judicial selection and diminishes the role of money and politics on the process. Would you favor replacing the present elective system for New York State Supreme Court justices with an appointive system in which a nonpartisan judicial qualification commission in each judicial district recommends well-qualified candidates?**

YES NO

Comments

I am in agreement with the Committee for Modern Courts' belief that the role of politics and money must be diminished when selecting judges. I would support the appointive process with the stipulation with the stipulation that the nominees be reviewed by and gain approval of an independent judicial screening panel or qualified commission. This commission would also be required to consider applicants with the idea of promoting diversity on the bench.

4. **Until the Legislature enacts new laws, Supreme Court judicial candidates will be selected at open primaries. The undue influence of campaign contributions on judicial candidates would be enhanced in an open primary system. Would you support legislation that provides for public financing of judicial campaigns?**

YES NO

Comments

I believe that without campaign finance reform, elections for supreme court justices will result in a 'winner-take-all' situation. This relates back to the previous question regarding the elective and appointive processes, respectively. A primary election system rewards an individual's funding ability rather than their legal integrity and ability.

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5. The Feerick Commission recommended a series of reforms to the current elective system that might address the constitutional issues found by the Appeals Court in *Lopez Torres* (see cover letter). Included in the Feerick Commission recommendations, are reforms of the judicial nominating conventions. The reforms are designed to increase the participation and knowledge of delegates to the convention. They include:

- providing for the election of judicial delegates long before the conventions,
- decreasing the number of delegates,
- extending the term a delegate maintains his/her position,
- decreasing the petition signatures required for a delegate, and
- allowing judicial candidates to address the delegates at the convention.

Would you support legislation that would include some or all of these recommendations?

YES NO

Comments

I would support all of these recommendations.

6. Would you support another recommendation of the Feerick Commission: legislation establishing independent judicial qualifying commissions composed of appointees of local bar/civic, not for profit organizations, and law schools or local colleges or universities that would review judicial candidates and report its findings of “most qualified” directly to the delegates and the voters?

YES NO

Comments

I believe that representatives of these organizations would be valuable in the review of potential nominees and instrumental in their approval. It is also important that members of such a panel or commission be representative of an area’s broad diversity.

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7. **Other elected judges in New York State include County Court, Surrogate Court, Family Court (outside of New York City), New York City Civil Court, District Court and City Court judges. Would you support the creation of independent judicial qualification commissions to review the qualifications of those judicial candidates?**

YES NO

Comments

I would support the creation of independent judicial qualification commissions to review the qualifications of such judicial candidates.

8. **Please circle and comment on which of the following components of our court system are important to the members of your community.**

- Jury Duty
- Court Facilities
- Judges
- City Court
- Family Court
- Supreme Court
- Village or Town Courts

Comments

My constituents rely on the fact that presiding judges throughout Albany County are fair, and representative of them and their needs. I also strongly believe that the lines of communication between attorneys, clients and judges remain as open as possible to achieve justice. I will make efforts to further educate my constituents about judicial candidates during elections periods and see that they remain aware of the many issues facing such candidates.

Thank you. Please make sure you sign the first page of this survey and return it by fax to (212) 541-7301 or by mail to Advocacy, Committee for Modern Courts, 351 West 54th Street, NY, NY 10019 on or before October 12, 2006.

