Miner sworn in as judge for N.Y.'s 2nd Circuit

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to them.” He closed his address with a pledge to “assure justice for all — the brightest promise of this golden land.”

Rep. Hamilton Fish Jr., R-Millbrook, a member of the House Committee on the Judiciary, said he had joined D'Amato and Solomon in urging Miner’s appointment. He said Miner “has a reputation of being able to treat each litigant as if their case was the most important pending before him. He is independent, but not insensitive.”

Judge James L. Oakes, acting chief judge of the 2nd Circuit Court of Appeals, presided during the nearly 90-minute ceremony, which included remarks by Senior Judge James T. Foley, former chief judge of the Northern District; the present chief judge, Howard G. Munson of Syracuse; Ralph I. Lancaster Jr., member of the American Bar Association Standing Committee on the Federal Judiciary; and Justin L. Vigdor, president of the New York State Bar Association.

The oath was administered by Miner’s 81-year-old father, Abraham Miner, a Hudson attorney, as the judge’s wife, Jacqueline, stood beside her husband.

Attending the ceremony were the Miner’s four sons, Ronald, Ralph, Lawrence and Mark.

The assemblage included numerous judges; Albany Mayor Thomas M. Whalen III; Gerald Crotty, secretary to Gov. Mario M. Cuomo; Assemblyman Arnold W. Proskin, R-Menands, retired New York Court of Appeals Chief Judge Lawrence H. Cooke; and Albany County District Attorney Sol Greenberg.

In his first address as a circuit court judge, Miner pledged to “bring to each case an open mind and a sense of fairness. I have long been aware of the overriding concerns of litigants for impartiality and objectivity in the decisional process,” he said. “Those concerns will continue to be of paramount importance to me as an appellate judge.

“Our Constitution establishes a separation of powers among the branches of the federal government as well as a deliberately measured allocation of authority between the states and federal government,” he added. He said he believes this constitutional mandate “requires strict adherence to the interpretive function of the courts and a healthy respect for the American political process.”

As to “pragmatic restraints,” he said, there is an “all too popular misconception that every conflict must find a remedy in a court of law. This misconception has fostered an ever-expanding federal court jurisdiction and now we face a massive judicial gridlock occasioned by the overburdening of the federal courts. It should be apparent that there are only so many things that courts can do.”

D'Amato's support of Cholakis as a successor to Miner in the district in which two authorized judgeships have yet to be filled, was voiced even as he told reporters that a screening committee named by him is reviewing the numerous applications for the position.

“Cholakis is the one whose name stands out,” he said. “He is the leading person for consideration. He is respected by his peers and has a distinguished record. I believe he would be the kind of person to take this important position.” Almost as an afterthought, he acknowledged, “We need the accord of the judge.” He gave no direct response to a query as to whether Cholakis is in accord.

A source close to Cholakis said he was offered the position sometime ago but declined it, that he was recently asked again by D’Amato and agreed to reconsider, but has not yet reached a decision.

Cholakis said Saturday he has been “approached by several people concerning the federal judgeship and I am now in the process of evaluating my options.”

Some political observers have suggested that the selection of Cholakis, who has achieved widespread popularity and respect, would be advantageous to D’Amato in his desire to avoid alienating any of the conflicting factors within the Republican party as he seeks re-election.

Saturday’s endorsement of Cholakis was viewed as an effort to encourage Cholakis’s acceptance.