

THE WESTCHESTER GUARDIAN



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Westchester's Most Influential Weekly

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Westchester Courts

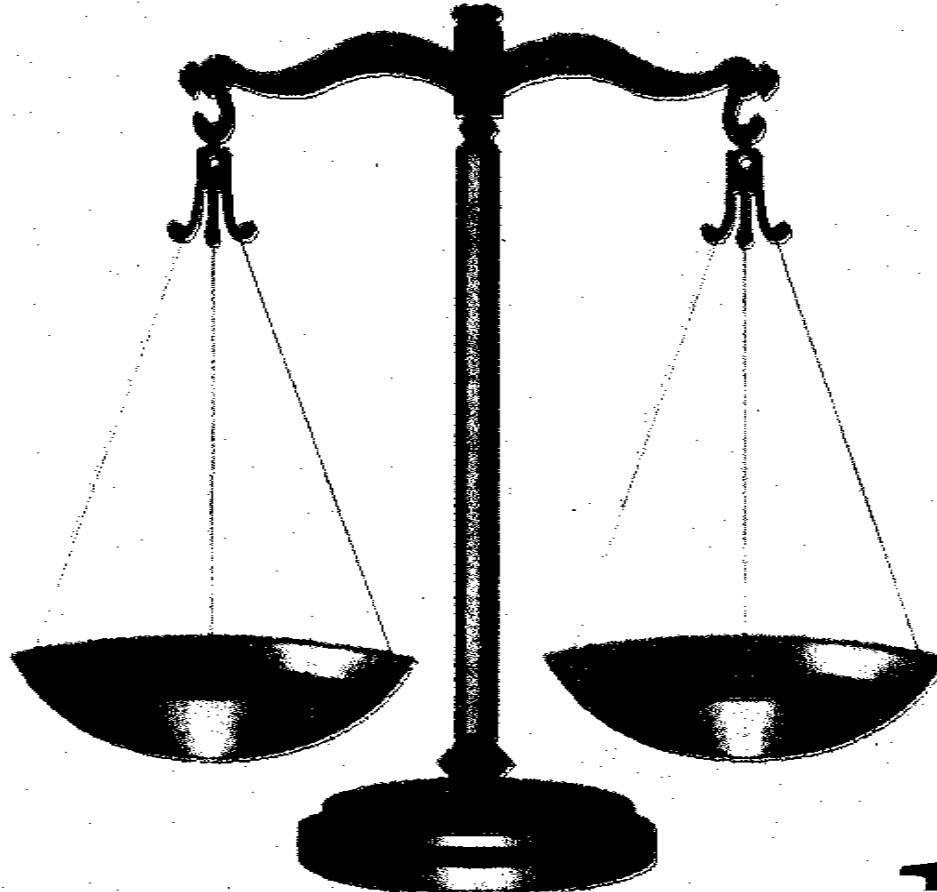
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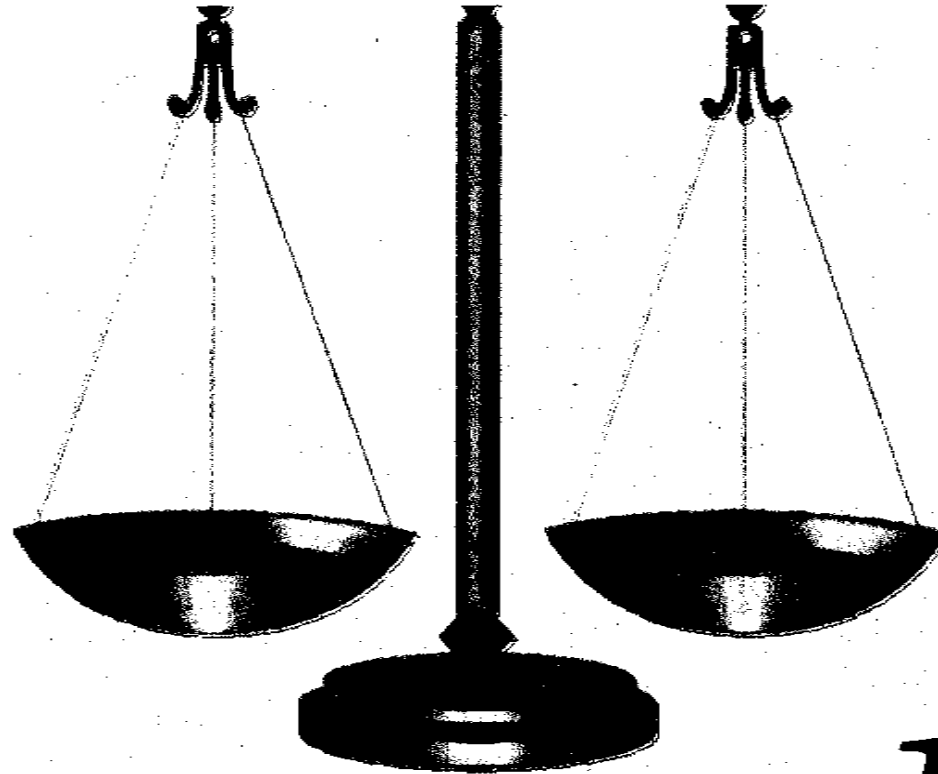
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The Court Report

By Richard Blassberg

Judge Candidate's Startling Allegations About Westchester Courthouse

Editor's Note: The following 'White Paper' statement by Court Attorney/Referee James Montagnino, candidate for Saratoga City Court Judge, originally forwarded to The Saratogian newspaper and published as a Reader's View feature, is produced here with the author's consent for the relevance of its claims with regard to the Westchester Courthouse.

By James Montagnino

I worked my way through law school as a mechanic and a truck driver. My legal career began 22 years ago in the Bronx D.A.'s Office, after which I served as an assistant D.A. in Westchester County. I prosecuted cases that ranged from DWI to the murder of a Yonkers police officer. Later, doing public defense work, I had the opportunity to see the other side of the justice system.

In 1995, I began my judicial career as principal law clerk to a county judge. Then, in 1999, I was asked to serve as a court attorney and referee in the matrimonial part in Westchester County. I presided over contested divorce cases for seven years from commencement to final judgment. I learned how difficult and challenging it is to make decisions that impact upon people's lives. I also learned that with every ruling, a judge makes one temporary friend and one permanent enemy.

I saw the dark side of the downstate court system. Litigants with the right connections were able to get cases transferred away from judges who didn't see things their way. On more than one occasion, a judge was even directed to change rulings that he had made because one of the parties had secretly contacted that judge's superior to ask for a favor. With great reluctance, I did what I saw as my duty and reported this misconduct to the authorities in the court system.

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Within days of my complaint, some of the people involved in this "steering" and "fixing" of cases dug up a handful of litigants who were unhappy with rulings I had made. In retaliation for my having reported their wrongdoing, they tried to discredit me with claims of bias. After a full investigation, however, I was exonerated. As to my complaints of misconduct, they led to sweeping changes made in the way in which matrimonial cases were to be assigned and handled in the future.

I now work as a Court Attorney/Referee in the Supreme Court in the Capital District. My wife Nancy, whom I met and married in law school 22 years ago, is also an attorney. She now works with the mentally ill in the Adirondack Region. Our daughter Alexandra, 14, and our son Max, 11, are enjoying school here. Alex just completed a series of performances in a play at Caffe Lena, while Max is a patrol leader and first class scout in Troop 24.

My campaign committee will not seek or accept contributions from lawyers who practice in Saratoga. Instead, I am grateful for the support of people like former Mayor Valerie Keehn and the Skidmore Democrats, who have given this campaign their heartfelt endorsement.

I want to bring my years of judicial experience into service for our community. I believe that there's no "small claim" when it's your claim, there's no "simple assault" when it's your nose, and there's no "petit larceny" when it's your property.