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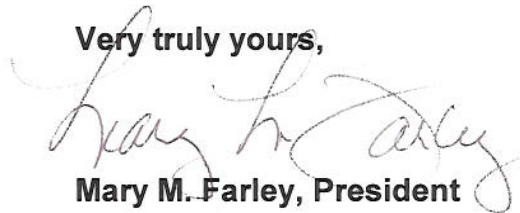
Ms. Roseann MacKechnie, Clerk
U.S. Court of Appeals, Second Circuit
U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: Lopez-Torres, et al. v. New York State Board of Elections, et al.
Doc #06-635-CV (United States Court of Appeals, 2d Circuit)

Dear Ms. MacKechnie:

Based on the consent of the parties to permit all amicus briefs to be filed without limitation, the St. Lawrence County Bar Association offers this amicus letter brief for filing in the above-referenced appeal.

Very truly yours,



Mary M. Farley, President

MMF/cg

Enclosure

ST. LAWRENCE COUNTY BAR ASSOCIATION

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April 14, 2006

**Amicus Letter Brief: Lopez Torres, et al. v. New York State Board of Elections, et al.
Doc #06-635-CV (United States Court of Appeals, Second Circuit)**

We, the undersigned members of the St. Lawrence County Bar Association Executive Committee, on behalf of its membership, file the following Letter Brief in opposition to the District Court's decision by Judge Gleeson striking down, as federally unconstitutional, the selection process of New York State Supreme Court Justices:

A. As a non-party, the St. Lawrence County Bar Association takes no position on the District Court's finding of facts.

B. The District Court acted improperly in issuing as a preliminary remedy, a mandatory injunction creating a primary. This was an abuse of discretion because:

1. Judge Gleeson permitted the parties to introduce hearsay testimony since it was only a preliminary injunction hearing. However, this results in a decision of Constitutional magnitude which is based on a record replete with hearsay.

2. If the convention system, as currently constructed, had Constitutional defects, the District Court should have permitted those affected to propose alternate cures for those defects, rather than throwing out a system which had been in place since 1912. The parties and political officials could, for example, have proposed the adoption of some of the proposals of the Feerick Commission which addressed many of the defects in the convention process identified by Judge Gleeson.

3. A primary system is the worst possible solution. It is likely to be extremely difficult for minorities, women, and rural candidates to raise sufficient funds to run successfully in district-wide elections. The parties will be unable to create balanced slates including a group of candidates balanced by gender, race, and geography.

C. The Fourth Judicial District encompasses the largest, most rural counties in New York State and thus, candidates would have to circulate petitions covering a substantial geographic area.

D. The expense of participating in such primaries would be exorbitant.


E. The northern-most Counties in this State would most likely not have resident Justices, instead being served by Justices elected from the far-flung counties of Schenectady and Saratoga, requiring counsel and litigants, alike, to drive substantial distances, thus increasing the cost of litigation to those of the most rural population who, presently, can least afford legal representation.

F. The end result of imposing the primary process on candidates for the Supreme Court in the Fourth Judicial District will be that only individuals with significant financial resources will be in a position to seek the office. Those with limited personal finances would be precluded from seeking the office since they would not have the funds.

G. The Court should direct the District Court to seek an expedited trial, at which these complicated issues could be explored more thoroughly and at which alternative remedies could be considered.

Respectfully submitted.

Very truly yours,



Mary M. Farley, President



Cathleen E. O'Horo, Secretary



Efstathia Kyriakopoulos, Treasurer



Marcia L. LeMay, Executive Committee Member



with permission

John F. Richey, Executive Committee Member



Thomas B. Wheeler, Executive Committee Member