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Everything Jersey

## The Star-Ledger

# Critics sue to keep ex-judge off bench

**Try to block reappointment on technicality**

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BY RICK HEPP

**Star-Ledger Staff**

A coalition of critics of former state Judge Marianne Espinosa filed a lawsuit yesterday seeking to block her reappointment to the bench because the state Senate did not give sufficient public notice of its hearing on her nomination.

Forced off the bench in Morris County 12 years ago, Espinosa was confirmed by the Senate last month to return as a Superior Court judge in Union County. Opponents of her appointment contend the vote was invalid because the Senate Judiciary Committee failed to give five working days' notice of its June 27 hearing.

"Even if you think she was a good judge, nobody could say this was fair the way they went about this," said Princeton attorney David Perry Davis, who filed the suit in state Superior Court in Mercer County on behalf of the group. "It's just not fair to put somebody in power over the citizens without giving the citizens a voice."

The coalition, including advocates for the rights of fathers in divorce and custody cases, wants the court to postpone Espinosa's swearing-in ceremony and order the Senate to reconsider the nomination so that her critics may participate in a hearing.

An attorney for the Legislature, however, said the Senate was well within the law to suspend its usual rules and take up Espinosa's nomination on an emergency basis.

"The constitution of New Jersey says that the Legislature has the right to make rules concerning its own procedures," said Al Porroni, legislative counsel in the Office of Legislative Services. "So, if the Senate would decide that they wanted to suspend their rules they could do so."