



satisfactory to both sides.

The Christie-Rice conflict, though, is different. The issue obviously isn't very quiet, and negotiations appear pointless. Moreover, the senator isn't at much risk of political retribution. He's outside the sphere of influence of Essex County Executive Joe DiVincenzo and Newark leader Steve Aduvato Sr., two Democrats who are close to the governor and who — under other circumstances — could bring considerable pressure to bear on Rice.

Christie seems willing to absorb the criticism that his refusal to submit judicial nominees has had a crippling effect on the court system and unnecessarily denies access to people who require judicial intervention. Like his predecessors, Christie is frustrated by a custom that allows one person to thwart not only the prerogative of the executive branch to select administrators to carry out its agenda, but doesn't require any reason for doing so or impose any time limit on its use.

Senatorial courtesy does not appear in the constitution, any statute or in Senate rules. It can't be repealed or amended, because it doesn't legally exist. Attempts to eliminate courtesy have been few. Most senators — even if they invoke it infrequently or not at all — are loath to surrender their only significant political leverage in dealing with the state's executive.

They are equally as opposed to stripping it from any of their colleagues since they, too, could one day lose it. "There but for the grace of God goes any one of us" is the rule when the suggestion is raised to override a senator's use of courtesy.

The usually recommended solution involves an amendment to the constitution, to provide that the Senate's "advice and consent" responsibility be exercised within 60 days of submission of a nomination. A failure to act would result in confirmation. It's the kind of reform reformers love and the reformed despise.

The Christie-Rice confrontation may stir renewed interest in addressing the issue, particularly if the impasse drags on for months while Cerf's letterhead continues to refer to him as "acting" and the judicial vacancies create a crisis in the Essex court system. History suggests, however, that new proposals will wind up in the same place as prior ones — the basement of the Senate chamber.

As a practical political matter, Christie has the upper hand. It's long been accepted that a governor, upon assuming office, should be accorded the courtesy of selecting Cabinet officers and having them judged on qualifications, experience and expertise.

Moreover, should the backlog in the Essex court system reach intolerable levels and justice is, indeed, denied, Christie is in a position to lay the blame at the senator's feet. Many of Rice's own constituents could be harmed if they are unable to see their legal matters through to resolution. It is the senator, the governor can argue, who is responsible because of a petty personal vendetta against a Cabinet nominee.

