

Kupferman Will Fill Vacancy in Court

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ALBANY, Feb. 17—Theodore R. Kupferman, a former Representative, was appointed to the State Supreme Court today by Governor Rockefeller. Confirmation of the appointment by the State Senate is considered but a formality.

Mr. Kupferman, a Republican, will fill the court vacancy created by the retirement of Justice Bernard Botein, who was Presiding Justice of the Appellate Division, First Department—the appeals arm of the State Supreme Court.

Mr. Kupferman, whose salary as Supreme Court justice will be \$39,500 a year, will serve out the remainder of Mr. Botein's 14-year term, which expires on Dec. 31. This means that to gain a full 14-year term, Mr. Kupferman must be

elected to the bench next fall. There was speculation last year, when the Legislature created many new Supreme Court judgeships for New York City, that Mr. Kupferman would be elected to one of them through the traditional Republican-Democratic agreement on a bipartisan nomination. But the 48-year-old Republican was bypassed.

There is no assurance now that his candidacy for a full 14-year term next fall will receive bipartisan backing. If he runs solely on the Republican line, it is unlikely that he will win in the heavily Democratic First Judicial District, which embraces Manhattan and the Bronx.

Mr. Kupferman was a member of the New York City Council from 1962 until Feb. 8, 1966, when he was elected to the

House of Representatives in a special election. He filled the seat left vacant by John V. Lindsay when he was elected Mayor in November, 1965.

Mr. Kupferman represented the 17th, or Silk Stocking, District, and was re-elected in 1966, but decided not to run again last year.

Mr. Kupferman is a former law partner of Robert Price, who was Deputy Mayor in the first year of the Lindsay administration.

Mr. Kupferman, who was named after President Theodore Roosevelt, devoted a good deal of his legal practice to matters involving writers and copyrights. A graduate of City College and Columbia Law School, he served from 1959 to 1964 as assistant and adjunct professor of law at the New York Law School.



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NAMED BY ROCKEFELLER:
Theodore R. Kupferman is to be a justice of Supreme Court, the Governor said.

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