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## Judge Orders All 62 Senators to Meet in One Place



Nathaniel Brooks for The New York Times

Gov. David A. Paterson arriving in Saratoga Springs for a speech. He said the ruling “confirms what we have believed all along.”

By [DANNY HAKIM](#) and [NICHOLAS CONFESSORE](#)  
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ALBANY — A state judge on Monday ordered the 62 members of the Senate to convene together Tuesday morning, backing Gov. [David A. Paterson](#)’s latest attempt to break the deadlock in the chamber.

Justice [Joseph C. Teresi](#) of State Supreme Court in Albany issued the ruling as the stalemate in the Senate showed no signs of coming to a negotiated settlement three weeks [after a leadership coup threw the chamber into chaos](#). When the meeting will actually take place remains to be seen; Senate Republicans were appealing Justice Teresi’s ruling and were expected to get a stay that will delay the session.

In any case, the ruling was a victory for the governor, even if the judge criticized the lawyers for both Mr. Paterson and the Republican senators for submitting court papers that he said were riddled with “hearsay, innuendo, speculation.”

Mr. Paterson has been trying to force the Senate back to work by ordering the lawmakers to convene extraordinary sessions each day since the regular legislative session ended June 22. With the chamber split in an unprecedented 31-31 tie, the recent sessions held by the Democratic and Republican blocs have yielded nothing, since neither side has the 32 members needed for a quorum. They have met separately, seeking to avoid a replay of the surreal dueling sessions of a week ago, when both sides were in the chamber at the same time and spent the time talking, shouting and gaveling over each other.

Justice Teresi criticized the lawmakers, saying they had failed to honor the governor’s summons.

“To come into session as separate groups is a fiction,” he said. “It’s an illusion that these elected officials are working as one elected group that is the New York State Senate, and I will not be part of that fiction.”

Justice Teresi also implored Democratic and Republican senators to “take the high road” and come to some form of agreement to bring the Senate back to normal business, or risk appearing “rude, inconsiderate and egotistical.”

Mr. Paterson, speaking afterward, hailed the ruling.

“With today’s Supreme Court decision, we confirm that at least two branches of government are working in Albany,” the governor said. “The decision rendered by Judge Teresi confirms what we have believed all along. All the excuses, all the distractions and all the arguments have been just that.”

Senate Republicans said little afterward, other than they expected to obtain a stay of the ruling on appeal. Senate Democrats said they would not appeal

and quickly attacked Republicans for planning to do so, even though the Democrats' lawyers had been insisting a short while earlier that the governor's attempts to call them into session violated the law.

The latest development came a day before a number of laws depended on by New York City and other local governments are set to expire, including legislation to authorize a half percentage point increase in New York City's sales tax. Because of the way the law is written, if the bill is not passed by Tuesday night, the city will lose at least \$60 million, a month's worth of revenue that has already been budgeted.

"There's no reason why 32 of them can't show up," Mayor [Michael R. Bloomberg](#) said Monday. "They're elected independently to do what's right for their district, and maybe it's time they just stopped all this craziness, all of their meshugas," he added, with a Yiddish flourish.

The mayor is also vexed because legislation to extend his control over city schools has fallen victim to the Senate battle; Senator [John L. Sampson](#) of Brooklyn, who was named leader of the Democratic caucus in the wake of the coup, opposes the mayor's education plan, throwing the issue into uncertainty. Senate Democrats continued to refuse Monday to include the issue on a list of bills to be taken up.

If anything, the two halves of the Senate seemed to move only further apart. Democrats said they would no longer even discuss the issue of who would lead the chamber, calling instead for public negotiations over a temporary agreement to pass a series of routine but urgent bills.

Republicans have rejected a temporary solution, saying the sides must agree now on the leadership and rules of the chamber through the end of next year, when the current Legislature's term ends.

Senate Republicans installed a dissident Democrat, [Pedro Espada Jr.](#), as president of the Senate on June 8, but a second wayward Democrat, [Hiram Monserrate](#), subsequently rejoined the Democratic caucus, leaving the chamber evenly divided.

“There has to be an operating agreement through 2010 so we do not go through this gridlock again,” said Senator [Dean G. Skelos](#) of Nassau County, the leader of the Senate Republicans. Republicans also blamed the Democrats for slowing down the talks by frequently shifting their negotiating team.

“There’s a different person in the room every day,” Mr. Skelos said.

Mr. Sampson, for his part, conceded to reporters that he was dismayed by the continuing stalemate.

“Embarrassed? That’s an understatement,” he said. “We’re ashamed.”