

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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## FAX COVER SHEET

This fax transmission consists of a total of 12 pages including this cover page. If you have not received all the pages, please call (914) 421-1200.

DATE: 6/5/97 TIME: 2<sup>20</sup> pm

TO: Bruce Golding, Jannett

FAX: 694-~~9~~5018

RE: Judicial Appointments Process

FROM: Elena Sadoski, Coordinator

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MESSAGE:

All exhibits + documentary material  
referred to herein are, ywvs  
for the asking.  
Please ask!!

As discussed: ① NYT article re Finnepan  
② 3/7/97 ltr to Cardozo ③ 6/11/97 ltr to Senators  
④ Also FYI, an initial ltr - reportedly sent - re-opening

CENTER for JUDICIAL ACCOUNTABILITY, INC., is a national, non-partisan, not-for-profit citizens' organization documenting how judges break the law and get away with it.

*possible*  
*not*  
*appted J of*  
Andrew S. R. W. Ke

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Box 69, Gedney Station  
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2/12/96 fax: 486-9652

To: Kathleen Sanvidge  
Per DW request by phone,  
please direct this to  
Mr. Finnegan  
By Fax: 518-474-8099  
5 pages  
January 10, 1996  
response  
thanks  
ERS

1/29/96  
To: Priscilla Aboudreau  
As discussed -  
our repeated requests  
for this information -  
beginning in December  
in phone conversations  
with Brian Maloney -  
have gotten us nowhere.  
Direct oversight by  
Mr Finnegan w/in order.  
Thanks!

Susan Meier, Legislative Assistant  
Office of the Governor  
Executive Chamber, State Capitol  
Albany, New York 12224

Dear Ms. Meier:

- ① As discussed a short while ago by phone, please confirm for us whether Andrew O'Rourke is being considered for appointment to a judgeship. If "confidentiality" prevents you from doing so, we would appreciate a letter to that effect.
- ② Also, we request a list of the names of the members of the Temporary Judicial Screening Committee, established by Governor Pataki's Executive Order #11.

Finally, I enclose a copy of the Center's brochure--as well as our New York Times Op-Ed ad, "Where Do You Go When Judges Break the Law" and our New York Law Journal letter to the editor, "Commission Abandons Investigative Mandate". As may be seen from those newspaper items, our judicial process has been corrupted by self-interested judges who have jettisoned fundamental legal standards. We will be sending a letter to the Governor on that subject, enclosing petitions signed by over 1,000 citizens of this State for appointment of an investigatory commission.

Yours for a quality judiciary,  
*Elena Ruth Sassower*  
ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc.

Enclosures  
1/16/96  
To: Linda DiBernardo  
\* see paragraphs 1+2  
per DW telephone conversation  
the enclosed is faxed request to  
assist Mr. Finnegan in obtaining for  
us the basic information we have  
been endeavoring unsuccessfully to procure.

## NEW YORK STATE

## Governor-Elect's Loyal Aide Likes the Sidelines, Away From the Crowd

By JAMES DAO

When Governor-elect George E. Pataki met reporters one day after the election, he brought only one member of his campaign staff on stage: his loyal aide and campaign chairman, Michael C. Finnegan.

But if the move said much about Mr. Pataki's feelings for his old friend, the place Mr. Finnegan took on stage also said much about their relationship: He stood in the wings, barely noticed by the crowd.

It is a place in Mr. Pataki's universe that Mr. Finnegan has dependably occupied for most of a decade. As a law partner, legislative counsel and campaign manager to Mr. Pataki, Mr. Finnegan has been the quiet lieutenant who shunned the limelight even as Mr. Pataki rose rapidly toward the pinnacle of state power.

Now, the limelight has come to him. This week Mr. Pataki is expected to name Mr. Finnegan, a 39-year-old lawyer from Garrison, as a director of the transition team that will build the state's first Republican administration in 20 years.

Mr. Finnegan will be expected to represent Mr. Pataki's views while playing arbiter among the factions that helped elect the Republican and are now competing furiously to influence his policies and personnel decisions.

"If the Governor-elect needs somebody to politely say no, it will be Mike," said State Senator Nicholas Spano, a Republican from Yonkers. "He's fair, but you should not cross him."

Like Mr. Pataki, Mr. Finnegan is viewed as a political pragmatist more than a conservative ideologue, a supporter of environmental causes who supports cutting taxes and controlling welfare spending.

Five feet 7 and built like a bullet, with a neatly trimmed beard turning from red to gray, he is soft spoken and amiable in person. But the former rugby player can be hotly competitive and capable of tenacious in-fighting behind the scenes, friends said.

"Mike always quotes Newton's laws of physics: For every action there's an equal and opposite reac-



Sara Krulwich/The New York Times

Michael C. Finnegan, right, is Governor-elect George E. Pataki's most loyal aide, and is expected to play a vital role in the new administration.

tion, meaning you push me and I'll push you back," said Richard Jackson, one of Mr. Pataki's oldest friends and a transition adviser.

More important, Mr. Finnegan has the ear of Mr. Pataki and is widely considered the Governor-elect's closest adviser, after his wife, Libby. "You get a sense when you're talking to Mike you're talking to George," said John Powell, the Brookhaven Republican chairman.

Mr. Finnegan demurred uncomfortably when asked about his close relationship with Mr. Pataki in a recent interview. Just then, a five-police-car motorcade carrying the Lieutenant Governor-elect, Elizabeth P. McCaughey, raced past the Manhattan diner where he was having coffee. Mr. Finnegan's eyes widened with amazement. "Talk about how the world is changing," he said, half to himself.

Michael Charles Finnegan was born in Peekskill on June 19, 1955, the scion of an Irish Catholic family

with roots in the Hudson Valley city, dating to 1752. His father was an international manager for the Shell Coal Company. His mother stayed home to raise their seven children, of whom Michael was the eldest.

A fan of John and Robert Kennedy and a grandson of local Democratic leaders, Mr. Finnegan said he became a Republican after reading Henry Kissinger in high school.

At Siena College near Albany, he studied history, participated in the Reserve Officer Training Corps, was active in the student senate and played scrum half on the rugby team.

James E. Girvin, a classmate who has remained his friend, remembers Mr. Finnegan as having a Horatio Alger streak, writing down definitions of new words and taping them to his mirror to study while shaving. "Mike was always trying to improve himself," Mr. Girvin said.

After graduating from Siena in 1978, Mr. Finnegan spent one year at

The chief of staff job is his for the asking, but he likes small-town life.

Ohio University Law School. But that year, his 46-year-old father died of a heart attack while jogging and Mr. Finnegan, then 22, quit his studies to return home and help raise his siblings.

He took a job writing newsletters for James Emory, the leader of the State Assembly's Republican minority, and eventually became Mr. Emory's scheduler. In 1983, he became liaison to Albany for the Westchester County Executive, Andrew P. O'Rourke. The following year, he returned to law school, attending Pace University at night while working full time. He received his law degree in 1988.

Mr. Finnegan was reacquainted with Mr. Pataki, whom he had known distantly since their school years in Peekskill, at a Republican Party picnic in 1983 at which Mr. Pataki, then the Peekskill Mayor, was flipping hamburgers. They became fast friends, and Mr. Finnegan worked as Mr. Pataki's campaign manager in successful campaigns for mayor and State Assembly.

William Ryan, the Democratic Assemblyman whom Mr. Pataki unseated in 1984, recalls Mr. Finnegan as a harsh competitor who once tried to taunt him into a fight in a Peekskill park. "He was baiting me, getting into my face and saying insulting things," Mr. Ryan said. Mr. Finnegan said he does not remember any such encounter.

With each passing year, Mr. Finnegan's life became increasingly intertwined with Mr. Pataki's. He worked as a paralegal, and then a partner, in Mr. Pataki's Peekskill law office. His wife became godmother to Mr. Pataki's youngest son, Owen. He purchased a house from Mr. Pataki on the family's farm.

## PROFILE

## Michael Charles Finnegan

Born: June 19, 1955, Peekskill, N.Y.

Hometown: Garrison, N.Y.

Education: Walter Panas High School, Cortlandt, N.Y., 1973; B.A. in history, Siena College, 1978; J.D., Pace University Law School, 1988.

Career: Aide, Republican Assembly minority, 1979-83; aide to Westchester County Executive Andrew P. O'Rourke, 1983-86; paralegal with Plunkett & Jaffe, 1992; counsel to State Senator George E. Pataki, 1993-1994; partner in Finnegan & Mignano, 1992-present.

Family: Wife, Candace, 40; three children, Kathleen, 8, Robert, 5, and Michael, 2.

Interests: Hiking, jogging, skiing, listening to Irish music and reading action novels.

Then, after Mr. Pataki moved to nearby Garrison, in Putnam County, Mr. Finnegan moved there as well with his wife, Candace, and their three children. In 1993, he became Mr. Pataki's counsel and chief policy adviser in the State Senate.

During the race, their relationship became an issue, as Cuomo campaign officials questioned whether Mr. Finnegan violated state law by receiving \$10,000 of a \$40,000 broker's fee paid to Mr. Pataki for a 1989 real-estate transaction. Mr. Finnegan was not a licensed broker or lawyer at the time and therefore not entitled to such a fee under state law. Mr. Finnegan contends Mr. Pataki gave him the \$10,000 as a gift for his

help in the deal, and that he paid income taxes on it.

From the beginning of Mr. Pataki's run for the statehouse, Mr. Finnegan was at his side. Before Mr. Pataki had the backing of Senator Alfonse M. D'Amato, Mr. Finnegan traveled the state with him drumming up support from Republican county leaders. At the Republican convention in May, Mr. Finnegan was responsible for counting votes and insuring that delegates remained loyal.

In fact, Mr. Finnegan was the only person in the campaign's inner circle who was not a former aide or associate to Mr. D'Amato. His relations with that group were wary at first, Mr. Finnegan said, and he fought several lonely battles over strategy, often without success.

He argued, for instance, that Mr. Pataki should do more street campaigning and release more details about his policy proposals, but was generally overruled in favor of a strategy heavy on television commercials. In one case, he succeeded: the campaign released a somewhat detailed plan to cut income-tax rates by 25 percent over four years.

But Mr. Pataki's strategists refused to issue details about how he would pay for those cuts, a tactic Mr. Finnegan said he argued against. "They said that every time you identify a spending cut, you're going somebody's ox," he said of Mr. Pataki's chief strategists. Does he still think they were wrong? "We won," he answered.

It is widely thought that the job of secretary, the Governor's chief of staff, is Mr. Finnegan's for the asking. But he said he did not know if he was prepared to give up a law practice that pays \$150,000 a year and a small-town way of life that affords him much time with his family.

"When my son comes into town for a haircut, he goes to the barber next door to my office," he said. "It's a great way to live."

He paused, then added: "On the other hand, I desperately want to be part of changing New York. It's something I've dreamed about for a good part of my life."