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BY FAX: Daniel Kolb, Chairman  
Judiciary Committee, Association of the Bar of the City of New York

FROM: Elena Ruth Sassower, Coordinator

RE: Taking Action to Protect the Public from Unfit Judicial Nominees

DATE: December 22, 1997

Enclosed is a copy of today's front-page, banner-headlined newstory in the Westchester Gannett Suburban Newspapers (White Plains, Reporter Disptach). It confirms precisely what CJA suspected -- and what I spoke to Alan Rothstein about on Wednesday and with you on Friday: that Mr. O'Rourke parlayed his City Bar and ABA rating as evidence of his qualifications for a state court judgeship:

"The Committee asked O'Rourke about his not having practiced law since he became county executive 15 years ago. But O'Rourke noted that as county executive he had been involved in resolving litigation and discussing legal issues with the county attorney. He reminded the committee that he was rated qualified by the Association of the Bar of the City of New York and American Bar Association when he was nominated for the federal judgeship."

The City Bar's obligation under EC 8-6 of both the ABA Model Code of Professional Responsibility and New York's Code of Professional Responsibility is clear. Based on our documented critique showing that Mr. O'Rourke's City Bar rating was procured by his fraudulent representations and by the failure of the City Bar's Judiciary Committee to properly investigate his questionnaire responses -- indeed by its "screening out" of information bearing adversely upon his qualifications -- the City Bar must publicly retract that rating and take steps to prevent Mr. O'Rourke from being confirmed for the Court of Claims.

As discussed, we are in the process of similiarly apprising the ABA of the seriousness of this situation -- and of its ethical and professional responsibilities to retract its rating and take prompt corrective steps.

Please let me hear from you so that we can develop an effective strategy on the O'Rourke nomination and beyond. Thank you.

*Elena Ruth Sassower*

cc: Alan Rothstein, City Bar Counsel, with 12/19/97 fax