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BY FAX: 212-450-5586 (35 pages)

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

FROM: Elena Ruth Sassower, Coordinator

RE: Protecting the Integrity of the Judicial Selection Process for Appointive State Court Judgeships

DATE: December 30, 1997

As discussed, here's our December 29th letter to the members of the State Judicial Screening Committee, hand-delivered yesterday to those with Manhattan offices and mailed to the rest -- together with (1) the Critique, Compendium of Exhibits and Supplement; (2) our December 23rd letter to James McGuire; and (3) our December 27th letter to Andrew O'Rourke.

For your convenience, and as discussed, enclosed are Executive Orders #10 (Permanent Judicial Screening Committee) and #11 (Temporary Judicial Screening Committee). The fact that *each* affords the public rights to inspect the written committee reports of candidates "upon the announcement by the Governor of [the] appointment" is highlighted by CJA's June 2, 1997 letter. In the event you have not seen that ALL IMPORTANT letter, a copy is enclosed, as is the June 12, 1997 coverletter to the members of the Judicial Screening Committees, the prestigious bar associations, etc. No response from anyone to it.

Finally, as requested, enclosed is our March 7, 1997 letter to Michael Cardozo -- to which, likewise, we got not response from anyone -- a fact whose consequences was pointed out in our June 12, 1997 coverletter. Those consequences have continued on through the O'Rourke nomination.

I'll call you on Friday -- so we can sort through strategies. We need the City Bar's help and earnestly request that it come forth with a letter to the Governor and press statement about the public's rights under the Governor's Executive Orders, and for a freeze on Andrew O'Rourke's confirmation until there is some verification of compliance by the Screening Committee with the Executive Order and "Uniform Rules". The fact that the City Bar's Judiciary Committee was not even contacted for any information relative to its 1992 rating, etc. -- notwithstanding Mr. O'Rourke used it to "bootstrap" the question of his qualifications -- is further evidence that the requisite "thorough inquiry" is not being conducted for judicial candidates (at least not for nominees favored by the Governor).

(P.S. -- I've called the City Bar's office and asked that they transmit to you the "hard copies -- with exhibits of the December 23rd, December 26th, and December 29th letters that I delivered yesterday for President Cardozo.)

*Elena*