CENTER for JUDICIAL ACCOUNTABILITY, INC.

BY FAX: 212-450-5586
6 pages   10:10 a.m.

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

DATE: February 16, 1998

RE: O'Rourke waiver

Following up my phone call to you, please READ my February 6th memorandum to Senators Dollinger and Leichter. As therein particularized, Judge Lippman's January 29th letter to the Senators is an outright deceit. Since the City Bar is an indicated recipient of that memoranduum, Judge Lippman should expect that you -- as Chairman of the City Bar's Judiciary Committee -- would be knowledgeable of its contents.

Enclosed is a copy of the OCA's similarly deceitful February 5th letter to my January 30th letters addressed to Judge Lippman. It was written by Deputy Chief Administrator Ann Pfau -- who Judge Lippman identified in his January 29th letter to the Senators as having been responsible for the O'Rourke waiver approval. Due to time constraints, I have not yet responded to Judge Lippman or Ms. Pfau regarding that letter. However, my February 6th memorandum makes a further response superfluous.

Also enclosed is Chief Administrator Lippman's new Part 130-1.1 relating to costs and sanctions. There can be no doubt but that if the claims of Judge Lippman and Ms. Pfau at to Section 211 of the Retirement and Social Security Law were made by them in a litigation, they would be liable for sanctions.

Finally, I draw your attention to the fact that President Cardozo's column in this month's 44th Street Notes is entitled "*The City Bar's Relationship with Other Bar Associations*" and refers to "the common interests bar associations share and our need to work together to try to achieve our common goals." Since New York State Bar President Pruzansky has all the materials on the O'Rourke appointment and waiver, the State Bar should be the first that you turn to on this issue.

Elena