

Garrett Dec. 3, 1997

## LETTERS TO THE EDITOR

### **O'Rourke not qualified to serve as judge**

Westchester County Executive Andrew O'Rourke has shown bad judgment on privatization, with resultant lawsuits against the county, which will cost taxpayers millions of extra dollars. One error of judgment is excusable, perhaps two, but four?

Having flouted the law in pursuit of an illegitimate end, this attorney is now asking Gov. George Pataki to cash in his political "chip" by giving him a judgeship. Reportedly, the governor is ready to appoint him.

In a well-documented 1992 study of O'Rourke's credentials for a federal judgeship, the Center for Judicial Accountability Inc. found him unqualified. Asked to list 10 cases he had handled to show the requisite trial experience, incredibly, he came up with only three. The center concluded that practitioner O'Rourke committed unethical conduct in connection with those cases and that he was less than honest in his Senate judiciary questionnaire responses. The full report is available to the public. No, he lacks the legal competence to qualify as a trial lawyer, much less a judge.

But the most significant current disqualifier for judicial office is his blatantly political, partisan attempt to shackle his successor by a "no-layoff" clause in the union contract intended as "the matrix" of ongoing collective bargaining negotiations.

Do we really need another politician on the bench, state or federal? Unless Gov. Pataki immediately gets a thundering wake-up call from the public, that's what it's going to get — and deserve.

— ELI VIGLIANO  
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(The writer is chairman and founder of the Ninth Judicial Committee.)