

THE REPORTER DISPATCH

Monday, December 22, 1997

© Gannett Suburban Newspapers

<http://www.nynews.com>

O'Rourke could be wearing judge's robes in January

By Ed Tagliaferri
Staff Writer

If he dons the robes of a state Court of Claims judge, Andrew O'Rourke will work just around the corner from his old office in White Plains.

But if all goes as expected, the outgoing Westchester county executive will hear cases from Orange and Dutchess counties and probably none that have anything to do with his home county.

O'Rourke, who has been nominated by Gov. George Pataki for

the \$113,000-a-year job, could settle into his new world as quickly as the second week of January, if his confirmation process goes smoothly.

O'Rourke was nominated to the federal bench in 1991 by then-President Bush, but the nomination died in the Democratic-controlled Senate. The Republican's chances of confirmation are considerably better now because the GOP-controlled state Senate will evaluate him.

State Sen. James Lack, chairman of the Senate Judiciary Com-

mittee, said his staff was already at work checking O'Rourke's references and contacting people who worked with him.

Lack, R-Hauppauge, said the Senate committee would probably hold a hearing in the second week of January. If O'Rourke is approved by the committee, he will likely be confirmed the same day.

If approved, O'Rourke would be one of 22 judges who handle lawsuits against the state and state Thruway Authority, said David Klingaman, chief clerk for the Court of Claims. Another 60 judges

handle both civil and criminal cases, he said.

O'Rourke would be one of two judges stationed permanently in White Plains, Klingaman said. The other is Terry Jane Ruderman of Scarsdale.

The court hears about 2,500 new cases a year and has 5,800 cases pending. About one-third of the pending cases are lawsuits filed by inmates in the state prison system. O'Rourke would be assigned to cases filed in Orange and Dutchess counties, Klingaman said.

O'Rourke was rated "highly

qualified" by the Governor's Judicial Screening Committee after a background check and interview.

The committee was impressed with O'Rourke, who did well in the interview, said an official familiar with the screening committee's actions, who spoke on the condition of anonymity.

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 New York City Bar Association and American Bar Association when he was nominated for the federal judgeship.

The committee thought that if O'Rourke were appointed to handle criminal cases — as some Court of Claims judges are — "he'd have a lot of catching up to do on the law," the person said. But if O'Rourke were one of the judges kept solely on civil cases — as he has been nominated by Pataki — he would be able to handle the work.