

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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BY FAX: 215-977-2346 4 pages
AND BY MAIL

January 12, 1998

Jerome J. Shestack, President
American Bar Association
c/o Wolf, Block, Schorr & Solis-Cohen
12th Floor Packard Building
S.E. Corner 15th & Chestnut Streets
Philadelphia, Pennsylvania 19102-2678

Dear President Shestack:

THE SITUATION IS EXIGENT. The State Senate Judiciary Committee is going to be going forward with its sham confirmation of Andrew O'Rourke's state court judgeship tomorrow at 10 a.m. It has still NOT interviewed us, NOT confirmed that it has a copy of our 1992 critique documenting Mr. O'Rourke's unfitness for *any* judicial office and the failure of ABA and City Bar screening, and NOT responded to any of our informational requests.

The ABA must take action in the face of the December 22nd Gannett newstory that Mr. O'Rourke bootstrapped the issue of his qualifications -- and secured a "highly qualified" rating of the State Judicial Screening Committee -- by using the ABA's unfounded rating approving him for the federal judgeship. As set forth in my January 8th and 9th faxes, the ABA must telephone the Senate Judiciary Committee (518-455-2071) that it is, at least, reviewing this matter and evaluating its ethical and professional obligations to rescind Mr. O'Rourke's ABA approval rating. If the ABA refuses to take corrective steps when it knows that a particular rating has not been the product of appropriate investigation -- and allows the public to be injured thereby -- then it is too irresponsible and unworthy to be screening candidates for federal judgeships and must be removed from that process.

As discussed -- and as reflected by the massive correspondence that you have by now received by express mail -- it appears that the State Judicial Screening Committee failed to prepare a written report on Mr. O'Rourke's qualifications, as it was required to do, by law. By law, that report is supposed to be "publicly available" upon announcement of the judicial nomination. It has been a month since Mr. O'Rourke's nomination was announced -- and our requests for the committee report are simply ignored. Such report, if it existed, might reflect the extent to which the State Judicial Screening Committee relied on the ABA rating.

January 12, 1998

Likewise ignored has been our request for the blank questionnaire form that Mr. O'Rourke was required to fill out -- from which we could more precisely verify his obligations to have disclosed our 1992 critique to the State Judicial Screening Committee -- which the Committee would have independently uncovered had it done anything resembling a "thorough inquiry" as the law expressly requires it to do.

FYI, I enclose Doris Sassower's published Reply, which appears in today's Gannett newspaper, highlighting our 1992 critique, the media suppression that has deprived the public of any information about what it shows, and the complete lack of any substantiation for Mr. O'Rourke's "highly qualified" rating and compliance with screening procedures. Also enclosed is the December 27th Gannett article to which it responds -- an article whose sole virtue is the admission by the Governor's spokesman that "I don't think there is a [committee] report".

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures

NTABILITY, INC.

E-Mail: judgewatch@aol.com
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