

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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December 15, 1997

Paul Shechtman, Esq.
Stillman, Friedman & Shaw, P.C.
425 Park Avenue
New York, New York 10022

RE: Public's Right to Information about your Appointment by Governor Pataki as Chairman of his State Judicial Screening Committee and as a Commissioner of the New York State Ethics Commission

Dear Mr. Shechtman:

On December 3rd, in my historic *first* conversation ever with Nan Weiner, Executive Director of the Governor's Judicial Screening Committees, I inquired as to who had replaced Michael Finnegan as Chairman of the State Judicial Screening Committee, following his departure as the Governor's counsel. Ms. Weiner responded by informing me that you were now the Chairman of the Governor's State Judicial Screening Committee.

We were unaware of any announcement having been published relative to your appointment. Indeed, in a December 12th telephone conversation with Gary Spencer of the *New York Law Journal*, he was, likewise, unaware of your appointment. We, therefore, ask you to tell us when the Governor appointed you. We also request copies of the letter of appointment and press release relative thereto.

As you know, we have been waiting six months for your response as to the date on which the Governor appointed you to the New York State Ethics Commission. As detailed in CJA's June 9, 1997 letter to the Commissioners of the State Ethics Commission (Exhibit "A"), we believe that the press release about your appointment to the Ethics Commission was **back-dated** to make it appear that your appointment preceded our April 15, 1997 letter to the Governor (Exhibit "B"). That letter complained of a long-standing vacancy on the Ethics Commission, unfilled despite the *express* requirements of Executive Law, §94.5, as well as the Governor's failure to designate a Chairman from among the Commission members, pursuant to Executive Law §94.4. Likewise, it is six months that we are waiting for Thomas Dougherty, the Governor's Appointments Secretary, to supply us with a copy of the letter appointing you to the

Ethics Commission.

We would note that in all this time the Governor has *still* not designated a Chairman of the Ethics Commission -- although our April 15th letter put him -- and the Commissioners -- on notice of the importance of a Chairman to the Commission, particularly in view of the unethical conduct of the Commission's Executive Directors, including its current one, Richard Rifkin. It is now more than a year and a half that the Ethics Commission has been without a Chairman.

By this letter, we reiterate that modest informational request as to when you were notified of your appointment to the State Ethics Commission -- and draw your attention to the fact that we have received no response from the Ethics Commission to the serious matters set forth in our June 9, 1997 letter -- and, likewise, to our April 11, 1997 letter addressed to then-Commissioner Reverend Eggenschiller (Exhibit "C") as to the Ethics Commission's improper dismissal, *without* investigation and *without* presentment to the Commissioners, of our fully-documented ethics complaints against the New York State Board of Elections, the New York State Commission on Judicial Conduct, and the New York State Attorney General. The result of your collective non-action has been the continued destruction of the rule of law, as described by CJA's \$3,000 public interest ad in the August 27, 1997 New York Law Journal, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (Exhibit "D").

Enclosed herewith is a copy of CJA's December 12th letter to Nan Weiner. Such letter followed my second historic conversation with her earlier in the day, wherein I notified her of CJA's opposition to the potential candidacies of Justice Albert Rosenblatt and of Andrew O'Rourke for state court judgeships. After my conversation with Mr. Spencer -- to whom I faxed a copy of that letter -- I revised it for clarity and also included you as an indicated recipient.

While writing this letter, I have been faxed a copy of Saturday's front-page, banner-headline article in Gannett about the Governor's appointment of Andrew O'Rourke to the Court of Claims (Exhibit "E"). As reflected by our December 12th letter, Ms. Weiner would not even confirm that Mr. O'Rourke was being considered for a judgeship -- let alone that he had been approved for one. Yet, according to the Gannett story,

"O'Rourke...was rated 'highly qualified', by the state Judicial Screening Committee. The committee interviewed and approved O'Rourke on Tuesday." (Reporter Dispatch, 12/13/97, p. 1).

So that the record is absolutely clear, such rating is not the product of any "thorough inquiry" into Mr. O'Rourke's qualifications -- which would have READILY revealed that the true reason Mr. O'Rourke failed in his bid to become a federal judge back in 1992 was because CJA -- by its predecessor local group -- had documented his absolute unfitness for *any* judicial office. Indeed, by a comprehensive written critique of Mr. O'Rourke responses to the questionnaire he was required to fill out for the U.S. Senate Judiciary Committee, we demonstrated that Mr. O'Rourke had been "an incompetent and unethical practitioner" in the *three* cases he *himself* identified as his "most significant litigated matters".

The substantive and significant nature of that critique is described on CJA's website: www.judgewatch.org -- which you and other members of the Judicial Screening Committees could be expected to have "visited" following receipt of our June 2, 1997 letter to the Governor, with its June 12, 1997 coverletter making reference to the website in its very first paragraph (Exhibit "F"). Certainly our June 2, 1997 letter put you -- and the Judicial Screening Committees -- on notice that CJA was an invaluable source of credible information about prospective judicial candidates -- particularly those in Westchester County, where CJA is based.

That Mr. O'Rourke could have been rated "highly qualified" by the State Judicial Screening Committee under your chairmanship suggests that the reason the Governor appointed you to that position is because he knew he could count on you to disregard your ethical and professional duties as its Chairman, much as you have disregarded those duties as a member of the State Ethics Commission. Your failure to take *any* discernable action following our substantive telephone conversation on June 10th and my letter of that date (Exhibit "G") which implored you "Please, please, for the sake of the public and the rule of law, do what is right -- not what is politic" -- and which transmitted documents necessary for your review -- shows that you were a man upon whom the Governor could rely to allow him to corrupt the proper functioning of the State Judicial Screening Committee in addition to the Ethics Commission.

For completeness of the record herein as to your derelictions, annexed hereto are our June 16, 1997 and June 20, 1997 letters to you (Exhibits "H-1" and "H-2", respectively) seeking your assistance in our contacting members of the Temporary and Permanent Judicial Screening Committees. Even these requests for assistance, minimal as they were, were simply ignored by you.

Yours for a quality judiciary,



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

Enclosures

cc: Nan Weiner, Executive Director, New York State Judicial Screening Committees
Governor George Pataki, ATT: Thomas Dougherty, Appointments Secretary
New York State Ethics Commissioners
New York Law Journal, ATT: Gary Spencer
Reporter Dispatch, ATT: Ed Tagliaferri

P 543 172 751

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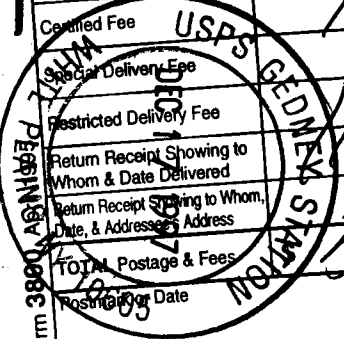
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Stillman, Fredman & Shaw
425 Park Ave
NY NY 10022

4a. Article Number
P 543 172 751

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