

Received for J. M. Curran
12/29/97
By Joe. Pinski

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TO: The Members of Governor Pataki's State Judicial Screening Committee
FROM: Elena Ruth Sassower, Coordinator
RE: Reconsideration and Retraction of Andrew O'Rourke's "Highly Qualified" Rating
DATE: December 29, 1997

Rec'd for Charles DeLoe
S. J. Pinski
12/29/97

RECEIVED
DATE 12/29/97
TIME 4:38 AM/PM
F. RAMOS
for CLAIRE Gutekunst

This letter calls upon you, as members of Governor Pataki's State Judicial Screening Committee, to take *immediate* steps to have the Committee reconsider and retract its "highly qualified" rating of Andrew O'Rourke for the Court of Claims. This extraordinary action is fully warranted as we believe Mr. O'Rourke obtained that rating by fraud, to wit, by failing to disclose and/or by misrepresenting material facts pertinent to his qualifications for that position. It is certainly warranted by the Committee's failure to conduct the "thorough inquiry" that Executive Order #10, ¶2c expressly requires *before* the Committee determines a candidate to be "highly qualified"¹. Such mandated "thorough inquiry" would have readily enabled the Committee to independently discover those disqualifying facts -- and Mr. O'Rourke's fraud.

In truth, the public has no substantiation that the Committee, by the requisite "majority vote of all members", actually conferred such "highly qualified" rating upon Mr. O'Rourke -- or the basis therefor. This is because the Governor's office has refused to respect the public's "inspection" rights, *expressly* provided for under Executive Order #10, ¶2d. Pursuant thereto, the committee reports on candidates rated "highly qualified" are to be available for "public inspection" "upon the announcement by the Governor of [the] appointment". Although the Governor announced Mr. O'Rourke's appointment to the Court of Claims on December 12th, the Center for Judicial Accountability, Inc. (CJA) has been unable to obtain the committee report on Mr. O'Rourke's qualifications, which should have been available from that date. The Governor's office simply ignores our written requests.

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for Paul Sherman Hudson

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DEC 29 1997

for James Gill

STILLMAN & FRIEDMAN Executive Order #10, ¶2c: "Each Judicial Screening Committee shall -- recommend for appointment or designation only those candidates who, as determined by a majority vote of all members of the committee, are highly qualified for the judicial office for which they are being considered. *No committee shall pass on the qualifications of any candidate until after a thorough inquiry has been made by the committee and the staff.*" (emphasis added).

RSPAB