

## CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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*Elena Ruth Sassower, Coordinator*

By Fax: 6 pages

3:45 p.m.

February 26, 1998

TO: Senator Franz Leichter  
Att: Mark Furnish, Legislative Director  
Fax # 518-432-8842

Senator Richard Dollinger  
Att: Kathleen Muzdakakis  
Fax # 716-546-6887

RE: O'Rourke Waiver

For the past two days I have spent tremendous amounts of time, energy, and money on long-distance telephone calls, trying to get from you the copy of Senator Dollinger's follow-up letter to Chief Administrative Judge Lippman. I knew nothing about such letter until Tuesday, February 24th -- when I was told about it by Mark Furnish, who informed me that he didn't have a copy and that I would have to get it from Senator Dollinger's office. According to my notes, I telephoned Senator Dollinger's office, leaving messages for Ms. Muzdakakis and, specifically for the letter to Judge Lippman, on Tuesday morning (about 10:00 a.m. with Derrick), on Tuesday afternoon (4:45 p.m. with Derrick), yesterday (11:30 a.m. with Laura), and this morning (11:05 a.m. with Linda).

The letter was finally faxed to us by Linda at 11:07. My subsequent call to Senator Dollinger's office (11:55 a.m.), leaving a message with Laura for any responding communication from Judge Lippman and to speak with Ms. Muzdakakis has still not been returned.

At approximately noon today, I called Senator Leichter's office and left a message for Mark Furnish, asking for a copy of any response to Senator Dollinger's letter to Judge Lippman that he might have. Three hours later, with no response, I again telephoned Senator Leichter's office. This time, I spoke with Mark Furnish, who, thereafter, faxed us a copy of Judge Lippman's letter response.

So that the record is clear, over the past many weeks, despite CJA's forceful advocacy of the public's rights under Section 211 of the Retirement and Social Security Law, first evidenced by its January 30th

letters to Judge Lippman -- neither Senator Dollinger nor Leichter's office has contacted us, including following receipt of our February 6th Memorandum and our express requests to pursue this matter with you. As a consequence, we have been compelled to spend a great deal of time needlessly -- as reflected by our instant letter to Judge Lippman which was written BEFORE we saw either Senator Dollinger's letter or Judge Lippman's response.

A copy is being faxed to you herewith -- for the record -- because it reflects how EVEN WITHOUT Judge Lippman's response -- CJA successfully honed in on key issues, which Judge Lippman's letter attempts to address -- not the least reason being because Judge Lippman was forced to disgorge Mr. O'Rourke's application -- whose deficiencies were obvious on its face.

For the time being we will defer sending such letter to Judge Lippman -- until after we can study his letter more thoroughly. Needless to say, based on the deliberate deceit and disingenuousness of Judge Lippman's first letter to the Senators we are reluctant to accept anything he says on face value.

Please advise us as to the Senators' follow-up -- if any to Judge Lippman's February 9th letter. There is no reason to keep us in the dark considering the fact that we are plainly "on the same wavelength" on this important issue.

*Elena R. O'Rourke*  
*E. O'Rourke*