

EDWARD M. KENNEDY, MASSACHUSETTS  
HOWARD M. METZENBAUM, OHIO  
DENNIS DECONCINI, ARIZONA  
PATRICK J. LEAHY, VERMONT  
HOWELL HEFLIN, ALABAMA  
PAUL SIMON, ILLINOIS  
HERBERT KOHL, WISCONSIN

STROM THURMOND, SOUTH CAROLINA  
ORRIN G. HATCH, UTAH  
ALAN K. SIMPSON, WYOMING  
CHARLES E. GRASSLEY, IOWA  
ARLEN SPECTER, PENNSYLVANIA  
HANK BROWN, COLORADO

RONALD A. KLAIN, CHIEF COUNSEL  
JEFFREY J. PECK, STAFF DIRECTOR  
TERRY L. WOOTEN, MINORITY CHIEF COUNSEL  
AND STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

212

April 20, 1992

Ms. Elena Sassower  
Ninth Judicial Committee  
Box 70, Gedney Station  
White Plains, New York 10605-0070

Dear Ms. Sassower:

This letter responds to your request for (1) information about whether the Association of the Bar of the City of New York (City Bar) has rated Mr. Andrew O'Rourke, who has been nominated to be a United States District Court Judge for the Southern District of New York; and (2) information about seminars conducted for new or prospective federal jurists.

As we previously discussed, I am unable to provide you with information concerning what action, if any, the City Bar has taken concerning Mr. O'Rourke's nomination. Instead, I encourage you to talk with the City Bar directly should you find its views on Mr. O'Rourke's nomination to be helpful in your own evaluation of this nominee.

As I explained, the City Bar has a different relationship to the nominations process than does the American Bar Association. While the Judiciary Committee encourages all interested citizens and organizations to share their views on nominees with the committee, it is only the American Bar Association that has chosen to rate each nominee that comes before the committee and to have that rating become part of the public record.

The City Bar, in contrast, sends information to the committee on select nominees only and, to my knowledge, has not directed that rating to the public, but only to the committee. The City Bar's desire to communicate with the committee alone is further evidenced by your statement to me that the City Bar -- at this point -- has declined to offer you information about what rating, if any, they have given to Mr. O'Rourke. Of course, should the City Bar choose in the future to provide the committee with information about Mr. O'Rourke's nomination and to request that its views be made part of the public record, the committee would honor that request and notify you -- and other interested individuals and groups -- of the City Bar's views.

You also have mentioned that the City Bar has told you that when it provides the committee with a rating of certain nominees, it does so without any expository statement. In response to your

Ex "YY-3"

213

Ms. Elena Sassower  
April 8, 1992  
Page 2

request for confirmation of this statement, I have checked our files on prior nominees and I can confirm that when the committee has received ratings from the City Bar, those ratings were (as the City Bar stated) communicated by letter -- without explanatory statements -- and expressed the unanimous view of the City Bar regarding a given candidate.

With respect to your request for information about seminars conducted for new or prospective federal judges, I suggest that you call the Federal Judicial Center located in Washington, D.C. The Center sponsors such seminars, and it is my understanding that many nominees for federal judgeship positions take advantage of this educational opportunity even before a hearing on their nomination has been scheduled.

Once again, thank you for your interest in Mr. O'Rourke's nomination. As we have discussed, I look forward to receiving your statement detailing the Ninth Judicial Committee's position on Mr. O'Rourke.

Sincerely,



Harriet Grant  
Chief Nominations Counsel