

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 212-450-5586

5 pages

TO: Daniel Kolb, Chairman, Judiciary Committee
Association of the Bar of the City of New York

FROM: Elena Ruth Sassower, Coordinator

DATE: January 29, 1998

As discussed, enclosed are:

- (1) yesterday's NYT article, "*Governor Ignores Tradition in Replacing Appellate Judge*" -- to which President Cardozo needs to respond with a Letter to the Editor or by notification to The Times of a clarification to his quoted comment. A front-page article about the appointment appears in today's Law Journal, which identifies Justice Lerner's 70th birthday as being in September.
- (2) yesterday's Gannett article, "*O'Rourke Gets OK to Collect Pension While Serving as Judge*", about the O'Rourke waiver
- (3) today's NYT article, "*Ex-County Chief's Deal on Pension is Questioned*" about the O'Rourke waiver.
- (4) CJA's 1/27/98 ltr to John Eiseman, deputy counsel at the Office of Court Administration

We do not believe that Retirement and Social Securities Law, Sec. 211/212 gives the OCA "no discretion" on the pension issue -- which is what John Eiseman, deputy counsel to Michael Colodner, told me this morning. Of course, we will see this for ourselves when you fax us those sections, which you were good enough to agree to do.

As discussed, with all those thousands of City Bar lawyers and its active committee structure, we would like a legal opinion from the City Bar to support our request to the OCA that its granting of the O'Rourke waiver be reconsidered and withdrawn.

Thanks.

