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By Fax: 6 pages

1:10 p.m.

February 10, 1998

TO: Michael Cardozo, President
Association of the Bar of the City of New York
c/o Daniel Kolb, Chairman, Judiciary Committee
Fax # 212-450-5586

Joshua Pruzansky, President
New York State Bar Association
Fax # 516-265-2832

RE: O'Rourke Waiver

Enclosed are CJA's February 9, 1998 letter to Administrative Judge Lippman and our February 1, 1998 letter to Chief Judge Judith Kaye, to which it refers.

Also enclosed is yesterday's front-page Gannett article, "*O'Rourke, 245 Others Double Dip into N.Y.'s Government Coffers*". The Bar associations should be setting the record straight about how Mr. O'Rourke got his waiver. There is NO "quirk" or "loophole" in Section 211 of the Retirement and Social Security Law. Rather Administrative Judge Lippman violated the clear requirements of the law in granting the waiver.

Please let us know what the Bar associations are going to do about this situation -- starting with joining in our request that Judge Lippman reconsider and rescind the waiver.

Elena Ruth Sassower