

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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BY FAX: 212-681-4821
AND CERTIFIED MAIL: P-543-172-750

December 12, 1997

Nan Weiner, Executive Director
New York State Judicial Screening Committees
633 Third Avenue, 38th Floor
New York, New York 10017

**RE: Informational Requests and Notice of Opposition to the Potential
Judicial Candidacies of Albert M. Rosenblatt and Andrew O'Rourke**

Dear Ms. Weiner:

Following up our telephone conversation a short time ago -- and your request that our informational inquiries be in writing -- kindly fax us, ASAP, the amendment to the Governor's Executive Order #10, reported in front-page articles in the *New York Law Journal* yesterday (12/11/97) and last Friday (12/5/97) (Exhibits "A-1" and "A-2").

As discussed, last Friday's *Law Journal* reports that Albert M. Rosenblatt is one of two "most frequently mentioned potential candidates for presiding justice" of the Appellate Division, First Department. As I emphasized to you, if Justice Rosenblatt is being so considered, CJA has documentary proof of his unfitness for judicial office -- which must be brought to the attention of whichever Department Judicial Screening Committee -- if any -- is reviewing his qualifications.

Additionally, press reports in the *New York Times* and *Gannett* have indicated that Andrew O'Rourke may be seeking a state court judgeship. If this is so, we reiterate that CJA also has documentary proof of Andrew O'Rourke's unfitness for judicial office. In the event that any of the Governor's Judicial Screening Committees are reviewing Mr. O'Rourke's "qualifications", we, likewise, expect that such Committee would contact us.

I would note that the Chairmen and members of the Governor's State and Department Judicial Screening Committee were sent copies of CJA's June 2, 1997 letter (Exhibit "B"), which put them on notice that if those Committees had a genuine interest in conducting a "thorough inquiry" of the qualifications of the judicial candidates they purport to review, CJA was an invaluable source of documentary information.

December 12, 1997

You stated to me that you were unaware of the fact that we had long ago inquired as to whether Andrew O'Rourke was being considered for a judicial appointment by the Governor. Enclosed is CJA's January 10, 1996 letter (Exhibit "C") -- which I described to you by phone as having been sent not only to Susan Meier, who you indicated was not involved in judicial screening, but, thereafter to various employees in the Governor's office for the *express* attention of Michael Finnegan, the Governor's then counsel *and* a member of his so-called "Temporary" Judicial Screening Committee. Just as Ms. Meier would not confirm whether Mr. O'Rourke was then being considered for appointment, so you would not confirm whether he or Justice Rosenblatt are now being considered. We, therefore, reiterate to you the second sentence of that letter, which reads: "If 'confidentiality' prevents you from [giving such confirmation], we would appreciate a letter to that effect."

Finally, I am re-faxing the written request for information which I faxed to you on December 3rd (Exhibit "D"). We would appreciate a prompt response to that fax, which also transmitted to you a copy of CJA's June 2, 1997 letter to the Governor because you told me you had never seen it. Indeed, we *immediately* require the three Appendices to the Uniform Rules of Governor Pataki's Screening Committees, requested in the fax. Those Appendices seemingly consist of the blank questionnaire forms which judicial candidates are required to fill out¹. It is our belief that Justice Rosenblatt and Mr. O'Rourke may have omitted and falsified answers in response to critical questions therein.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures

- cc: First Department Judicial Screening Committee
ATT: Chairman James F. Gill (By Fax: 212-541-4630)
Second Department Judicial Screening Committee
ATT: Chairman Kevin J. Plunkett (By Fax: 212-922-1819
914-948-7603)
State Judicial Screening Committee
ATT: Chairman Paul Shechtman (By Fax: 212-223-1942)
New York Law Journal
ATT: Gary Spencer/Daniel Wise

¹ As I told you in our phone conversation last week, the American Bar Association, the Association of the Bar of the City of New York, and the Mayor's Advisory Committee on the Judiciary have each provided us with copies of their blank questionnaire forms for judicial applicants.

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NYS Society*

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*38th floor
NY NY 10017*

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*Nan Weiner, Exec Dir
NYS Judicial Screening
Committee
633 Third Ave, 38th floor
NY NY 10017*

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