

January 27, 1998

Hon. Jonathan Lippmann
Chief Administrative Judge
Office of Court Administration
Empire State Plaza
Agency Building 4
Albany, New York 12223

Re: Judge Andrew P. O'Rourke/Application for Pension Waiver

Dear Judge Lippmann:

We read with interest the recent press account that newly-appointed Court of Claims Judge Andrew P. O'Rourke had requested a waiver to enable him to receive his state pension and his salary as a member of the state judiciary.

During the recent deliberations of the Senate Judiciary Committee regarding Judge O'Rourke, there was no mention of this waiver or that Judge O'Rourke intended to apply for this waiver.

We understand that this waiver is created under Section 211 of the New York Retirement and Social Security Law and that an applicant must meet the criteria set forth in that statute. Pursuant to that law, we request that you forward both of us a copy of Judge O'Rourke's application which we understand is a public document subject to disclosure under New York law. In addition, we request that you furnish us with the names of any other judges who have qualified for the waiver in the last five years.

We would appreciate a prompt response to this request. Thank you for your cooperation in this matter.

Very truly yours,

Franz S. Leichter

Richard A. Dollinger

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