



NINTH JUDICIAL COMMITTEE

Box 70, Gedney Station
White Plains, New York 10605-0070
Tele: (914) 997-8105 / Fax: (914) 684-6554

By Fax and Mail
212-806-6006

January 22, 1993

Alvin K. Hellerstein, Esq.
Chairman, Judiciary Committee
Association of the Bar
of the City of New York
42 West 44th Street
New York, New York 10036-6690

RE: May 1992 Critique of the Ninth Judicial Committee

Dear Mr. Hellerstein:

On December 17, 1992, we inquired as to the status of the Judiciary Committee's review of our critique. Your faxed response of the same date indicated that you were reviewing the critique and would be in touch with us.

We have heard nothing further from you since and are concerned that this matter has still not been presented to the Committee.

In view of the serious issues presented by our critique, we would have expected it to have received priority attention. Those issues include the demonstrated indifference of the Judiciary Committee and the City Bar to our repeated efforts to alert them of Mr. O'Rourke's fraudulent conduct and unfitness before approval of Mr. O'Rourke's qualifications was announced.

Notwithstanding the lapse of eight months--during which the City Bar has been in full possession of the true facts concerning Mr. O'Rourke--and despite our on-going communications with the City Bar on the subject, no corrective action has been forthcoming.

Such inaction is inconsistent with a lawyer's continuing ethical duty under DR 8-102(a):

"A lawyer shall not knowingly make false statements of fact concerning the qualifications of a candidate for... appointment to a judicial office."

EX "0"

We also draw your attention to Rule 8.2(a) of the ABA's Model Rules of Professional Conduct, which is to the same effect.

To assist the Judiciary Committee in understanding the significance of the findings of our investigative research and to expedite retraction of its "approved" rating of Mr. O'Rourke, we offer to make an oral presentation to the Committee encompassing our specific recommendations concerning its evaluation process--which is plainly flawed.

As you are aware from the Profile appearing at the end of our critique, our Director, Doris L. Sassower, has an extensive background in the field of judicial selection--going back to the start of her legal career when she worked for the leading advocate of court reform, the late New Jersey Chief Justice Arthur T. Vanderbilt. In addition to having written on the subject and having served on the one of the first judicial selection committees set up in New York County in 1971, she was the first woman ever appointed to serve on the New York State Bar Association counterpart of the City Bar's Judiciary Committee and served in that capacity for eight years from 1972 to 1980.

We thus believe we are in a unique position to aid the Judiciary Committee in our common cause of a quality judiciary.

Yours for a quality judiciary,



ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

cc: John Feerick, City Bar President
Chairman Joseph Biden, Senate Judiciary Committee