

I. BIOGRAPHICAL INFORMATION (JELIC)

- Q1. Full Name (include any former names used.)
 A1. Andrew Patrick O'Rourke.
- Q2. Address: List current place of residence and office address(es).
 A2. Office: Michaelian County Office Building
 148 Martine Avenue
 White Plains, New York 10601
 Home: RR2, 201 Mohawk Lane
 Yorktown Heights, New York 10598
- Q3. Date and place of birth.
 A3. October 26, 1933, Plainfield, New Jersey
- Q4. Marital Status: (include maiden name of wife, or husband's name).
 List spouse's occupation, employer's name and business address(es).
 A4. Separated. Married to Alice T. (McKenna) O'Rourke, who has no outside employment.
- Q5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.
 A5. Fordham University - 9/50-6/54 - Bachelor of Science
 New York City, NY
 Baylor University - 9/57-6/58 - Graduate courses in government towards Master's Degree; not there long enough to receive degree due to military transfer.
 Fordham Law School - 9/58-6/62 - Bachelor of Laws later converted to Doctor of Jurisprudence
 New York University Graduate Law School - 1/64 to 6/65
Master's Degree in Law
- Q6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.
 A6.

<u>EMPLOYER</u>	<u>DATES</u>	<u>POSITION</u>
1. N.Y.C. Department of Welfare	8/54-1/55	Investigator
2. U.S. Air Force	1/55-8/63	Stationed throughout U.S. and overseas.

EX "A"
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	<u>EMPLOYER</u>	<u>DATES</u>	<u>POSITION</u>
3.	<u>Godfrey P. Schmidt, Esq.</u> 60 E. 42nd Street N.Y.C., NY	6/58-5/62 (part-time)	Law Clerk
4.	<u>Godfrey P. Schmidt, Esq.</u> 60 East 42nd Street N.Y.C., NY	6/62-1/64	Associate Attorney
5.	<u>Kreindler & Kreindler, Esqs.</u> 100 Park Avenue N.Y.C., NY 10017	1/64-2/68	Associate Attorney
6.	<u>City Council Member</u> City of Yonkers Yonkers City Hall Yonkers, NY 10700	1/66-12/73 (part-time)	Council Member
7.	<u>Lee & O'Rourke</u> 81 Pondfield Road Bronxville, NY 10708	2/68-1/75	Partner
8.	<u>Westchester County District Attorney's Office</u> Bronxville Village Court 200 Pondfield Road Bronxville, NY 10708	12/69-12/78 (part-time)	Special Assistant District Attorney for Westchester County
9.	<u>Andrew P. O'Rourke</u> 81 Pondfield Road Bronxville, NY 10708	1/75-5/79	Self-employed
10.	<u>County Board of Legislators</u> Westchester County 148 Martine Avenue White Plains, NY 10601	1/74-12/82 (part-time)	Legislator
11.	<u>O'Rourke & LoCascio</u> 81 Pondfield Road Bronxville, NY 10708	1/78-1/80	Partner
12.	<u>Governali, O'Rourke & LoCascio</u> Inns of Court Court Street White Plains, NY 10601	1/80-12/81	Partner
13.	<u>O'Rourke & LoCascio</u> 50 Hamilton Avenue White Plains, NY 10602	12/81-12/82	Partner
14.	<u>County of Westchester</u> Michaelian County Office Building 148 Martine Avenue White Plains, New York 10601	1/83-present	County Executive

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Q7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

A7. The following reprises my active duty and reserve service career:

<u>ORGANIZATION</u>	<u>DATES OF SERVICE</u>	<u>RANK/ ENTRY</u>	<u>RANK/ DISCHARGE</u>	<u>TYPE DISCHARGE</u>
A. <u>N.Y. National Guard; Co. A, 1st Bat. 165 (69th) Inf.</u>	6/5/50-3/27/51 SN: Unknown	Pvt. (E-1)	Pfc (E-2)	Honorable (Minority)
B. <u>U.S. Air Force Worldwide Service</u>	6/6/54-7/24/63 SN: 53813A	2LT (0-1)	CAPT (0-3)	Honorable
C. <u>U.S. Naval Reserve NRVIU-0207 Ft. Schuyler, NY</u>	4/24/64-Present SN: 081223570	ENS (0-1)	CAPT (0-6)	

Q8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

A8. I attended Fordham University on the Charles Hayden scholarship and student aid. I have received the following awards:

1. Honorary Law degrees from Mercy College, NY (1987) Manhattanville College, NY (1986); Pace University (1990)
2. Seth Low Award from Long Island University (1984)
3. Medal of Honor from Pace University (1987)
4. Tree of Life Award from Jewish National Foundation (1984)
5. Man of the Year Award from B'nai Brith of Westchester (1984)
6. Humanitarian Award from Dr. I. Foundation (1989)
7. Department of Defense Pro Patria Award (1990)
8. Honorary Fellow of Bar-Ilan University, Tel Aviv, Israel (1990)
9. Community Leadership Award presented by AIDS - Related Community Services (1990)
10. The Tucker Ashworth Award presented by the Westchester Human Rights League (1988)
11. Certificate of Appreciation from Civil Liberties Union (1990)
12. Award from The LOFT (Lesbian & Gay Community Services, Inc.) for service to their community (1991)
13. Distinguished Service Award presented by Westchester-Putnam Affirmative Action Program (1991)
14. Government Service Award from Westchester Community Opportunity Service Program, Inc. (1991)

Many other awards and citations.

Q9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

A9. New York State Bar Association, Westchester County Bar Association, Yonkers Bar Association, Lawyer-Pilot Bar Association. I served as a faculty member of the American Trial Lawyers Association, giving classes and seminars on trial tactics in New York State.

Q10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

A10. American Legion, The Society of the Friendly Sons of St. Patrick, Ancient Order of Hibernians, American Association of Retired Persons, Militia Association of New York, Naval Reserve Association, Reserve Officers Association, West Point Officers Club, Westchester Country Club, Knights of Columbus, Naval Enlisted Reserve Association. (Underlined organizations do some lobbying before public bodies.)

Q11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

A11. New York State Courts - Appellate Division, First Dept. - Dec. 1962
United States District Court, Southern District of New York - Jan. 1965
United States District Court, Eastern District of New York - Jan. 1965
2nd Circuit Court of Appeals - Feb. 1965
Supreme Court of the United States - March 1968
Military Court of Appeals - December 1978

Q12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

A12. The following is a partial listing of articles written by me on legal topics:

1. Analysis of the Contacts Test: A Numerical Evaluation of Babcock v. Jackson. Printed in the Practical Lawyer, 11:87, May '65; Reprinted as The Numerical Evaluation of Babcock, N.Y. County Bar Bulletin, 22:220, '64-'65 and N.Y.S. Bar Journal, 37:243, June '65.
2. Analysis of Arbitration, N.Y. County Bar Bulletin, 24:111, '66-'67.
3. Servicemen's Rights Against the United States in Torts, Westchester County Bar Journal, Jan. '69.
4. The Pre-Sentencing Brief, Westchester County Bar Journal, July '69.
5. Handling an Aviation Accident Lawsuit, Westchester County Bar Journal, Oct. '69.

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6. The Plaintiff's Affirmative Use of the Defendant's Doctor,
Westchester County Bar Journal, April '70.
 7. The Breathalyzer: Making It Work for the Defense Counsel,
Westchester County Bar Journal, April '82.

Copies of all the above except for #2 are attached hereto.

- Q13. Health: What is the present state of your health? List the date of your last physical examination.
- A13. Excellent. My last physical was June 6, 1991, by my personal physician, and also on June 13, 1991, for the Naval Reserve.
- Q14. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.
- A14. None.
- Q15. Citations: If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.
- A15. Does Not Apply.
- Q16. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.
- A16. I have run and been elected twelve times as follows:
- Councilman, 5th Ward, City of Yonkers, Elected, 1966-67
 - Councilman, 5th Ward, City of Yonkers, Elected, 1968-69
 - Councilman, 5th Ward, City of Yonkers, Elected, 1970-71
 - Councilman, 5th Ward, City of Yonkers, Elected, 1972-73

 - County Legislator, 17th District, Westchester County, Elected, 1974-75
 - County Legislator, 17th District, Westchester County, Elected, 1976-77
 - County Legislator, 17th District, Westchester County, Elected, 1978-79
 - County Legislator, 17th District, Westchester County, Elected, 1980-81
 - County Legislator, 17th District, Westchester County, Elected, 1982-82

 - County Executive, Westchester County, Elected, 1983-84
 - County Executive, Westchester County, Elected, 1985-89
 - County Executive, Westchester County, Elected, 1990-Present
- I have run for public office thirteen times, including once in 1986 when I ran unsuccessfully for Governor of New York State against Mario Cuomo.

Q17. Legal Career: Describe chronologically your law practice and experience after graduation from law school including:

Qa1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

Aa1. No.

Qa2. whether you practiced alone, and if so, the address and dates;

Aa2. From 1/75 until 5/79, I was engaged as a sole practitioner with law offices located at 81 Pondfield Road, Bronxville, NY. My work consisted of a general practice of law, handling all sorts of legal problems but with a concentration in the area of trial work.

Qa3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

Aa3. I was an associate with the firms of Godfrey P. Schmidt, Esq., and Kreindler & Kreindler, Esqs. In all other firms I was a partner. The Schmidt firm predominantly worked in the labor law area. The Kreindler firm did aviation accident law. All other firms were general law partnerships in which I did the court appearances and trial work. See A6 for law firms and dates of employment.

Qb1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

Ab1. While an associate with Godfrey P. Schmidt, Esq., I practiced all aspects of labor law including NLRB hearings, negotiations, arbitrations and court actions. Kreindler & Kreindler, Esqs. was an aviation law firm in which I was in charge of major aviation accident cases from preparation of pleadings, discovery, preparation for and trial of the actions. All other law associations were in the general practice of law, in which I handled the trials, civil and criminal, and all matters requiring court appearances, trials or hearings.

- Qb2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.
- Ab2. My clients were a cross section of the social and economic life in Westchester County. I did all the trial work in whatever firm I belonged to, whether civil or criminal, including hearings and arbitrations as required.
- Qc1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.
- Ac1. I have not practiced law since being appointed, and subsequently elected to the Office of County Executive in January of 1983. The Westchester County Charter prohibited any such outside activity. However, with respect to my experience prior to becoming County Executive in 1983, I submit the following comments. Relative to court appearances, I appeared regularly in the Supreme Court of Westchester and adjoining counties.
- Qc2. What percentage of these appearances was in:
 - (a) federal courts;
 - (b) state courts of record;
 - (c) other courts.
- Ac2. Prior to becoming County Executive, the majority of my court appearances were in State courts of record. Due to a present lack of case files, I cannot supply exact percentages.
- Qc3. What percentage of your litigation was:
 - (a) civil;
 - (b) criminal.
- Ac3. Approximately 75% of all matters handled by me were civil, the remaining 25% were criminal in nature.
- Qc4. State the number of cases in courts of record you tried to verdict or judgment (rather than settle), indicating whether you were sole counsel, chief counsel, or associate counsel.
- Ac4. While I was actively practicing law, I tried approximately two or three cases per year to a conclusion. Many others were settled prior to or after jury selection.
- Qc5. What percentage of these trials was:
 - (a) jury;
 - (b) non-jury.
- Ac5. Approximately 50% of all matters were jury trials, the remainder were non-jury.
- Q18. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

Q18. (cont.)

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- (a) the date of representation;
- (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
- (c) The individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

A18. As required by the Charter of Westchester County, upon becoming County Executive on January 1, 1983, I was required to withdraw from the active practice of law and devote my time solely to that position. I have held the position of Westchester County Executive from that date to the present and, therefore, have not engaged in the active practice of law for that entire nine (9) year period of time. However, I have reviewed those old files still available to me from the periods of time prior to January 1, 1983, and the following is the best information I have obtained.

1. U.S. District Court: Southern District of New York
Eduardo Pereira & Joyce Pereira, Plaintiffs

against

Homelite Division of Textron, Inc., Defendant 81 CIV 3493 E.W.
This case involved my client, plaintiff Eduardo Pereira, who as an employee of a construction firm, removed the safety tip on a Homelite chainsaw. While using this saw, plaintiff was injured when it kicked back, due to his removal of the safety tip and struck plaintiff Eduardo Pereira in the face. Joyce Pereira sued for loss of support and services. Case came on for jury trial before Hon. Edward Weinfeld in the Southern District of New York on October 18, 1982. After a week of trial, defendant settled the case. Opposing counsel was Anthony J. Caputo, P.C., 175 Main Street, White Plains, New York 10601, telephone number (914)948-5151.

2. Supreme Court: Westchester County
Tappan Motors, Inc., Plaintiff

against

Volvo of America Corporation & Volvo Distributing, Inc., Defendants
19303/1979

I represented Tappan Motors when Volvo attempted to terminate its sale representation agreement with plaintiff Tappan. Tappan brought suit for a permanent injunction preventing Volvo from terminating Tappan as its local agency to sell Volvos. Volvo counterclaimed for damages for its alleged lost customers due to Tappan's failure to properly service its automobiles. This matter was tried in Supreme Court, Westchester County before Mr. Justice George Beisheim, Jr., without a jury across fifteen (15) actual trial days in 1980. Plaintiff was granted a permanent injunction and defendants counterclaim was dismissed. Opposing counsel was William E. Bandon, P.C., 123 Main Street White Plains, NY 10601, telephone number (914)949-6262 and trial counsel was Frederick L. Whitmer, Esq. of Pitney, Hardin, Kipp & Szuch, 163 Madison Avenue, Morristown, New Jersey 07960, telephone number (201)267-3333. (There were later appeals in which I took no part since I had become County Executive.)

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3. Supreme Court: Westchester County
Ellen P. Surlak, Plaintiff

against

Joseph E. Surlak, Defendant
19238/1978

I represented plaintiff in an action to enforce a portion of a separation agreement in which defendant agreed to pay plaintiff a certain amount per month for the rest of her natural life, even if she remarried. Defendant claimed mistake in fact and in law at the time of the signing of the agreement. The case was tried before Mr. Justice John Marbach, without a jury. Defendant won this trial action and I appealed on behalf of plaintiff. The Appellate Division, Second Department reversed the trial court, holding the defendant bound by the separation agreement, regardless of his former wife's remarriage. 95AD2d371, 466NYS2d461 (2nd Dept., 1983). A side note on this case is required. Copies of the briefs could not be found, however, the Matthew Bender Publishing Company requested a copy of my complaint in this action to include in its form book. (See attached letter of November 6, 1984.) Opposing counsel on the appeal was J. Anthony Burton, Esq., of Ashley, Lewittes & Burton, 20 Vessey Street, New York, NY, telephone number (212)267-4453.

4. No other trial files could be found by me. After leaving my firm in December 1982, the files remained with the remaining partner. He later became of counsel to a larger White Plains law firm, then left for Florida. I have made a diligent search of such files as now remain.

Q19. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

- A19. As County Executive since 1983, I have dealt with some of the major issues of our time, including the legal aspects of each area.

The problem of homelessness arose in Westchester County beginning in 1983 and rose to its height over the next 8 years. Westchester's homeless problem is greater per capita than that of the City of New York. As County Executive, I have sought and arrived at bipartisan solutions. In conjunction with leaders such as Andrew Cuomo, Westchester has built transitional housing and withstood court suits and political challenges.

In the area of AIDS, I requested and received approval to establish an AIDS unit at our County Medical Center, overcoming substantial opposition.

Likewise in the areas of affirmative action, government contracts, ethics legislation and welfare reform requiring work for benefits, Westchester has been a leader even when the effort required court or administrative agencies action.

As an attorney, I taught law courses at both college and law school levels, was involved as an instructor and guest lecturer for the American Trial Lawyer Association.



**MATTHEW
BENDER**

235 EAST 45TH STREET • NEW YORK, N.Y. 10017 • PHONE 212-681-5050
CABLE ADDRESS: MATBEN UN TELEEX 860063 MATBEN NYK

November 6, 1984

Andrew O'Rourke, Esq.
County Office Building
White Plains, New York 10601


Re: Surlak v. Surlak
95 App Div 2d 371
466 NYS2d 461 (2d Dep't 1983)

Dear Mr. O'Rourke:

We have noted with interest the decision in the above matter and wish to consider the following for inclusion in one of our form books: Complaint.

Would you send us a copy of this material at your earliest convenience? In the event of publication, names of parties and other identifying personal references will be deleted. In addition, your assistance in providing this source material will be acknowledged in a footnote to the published materials. Your papers will be returned to you promptly if you wish.

Please send all materials to my attention and refer to the case citation and the above reference number in all correspondence.

Very truly yours,

Shelley Chernin
Assistant Publication Manager

SC/cmd

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II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

Q1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

A1. I have the following deferred income Keogh plans and IRAs. However, none are related to business relationships except as follows:

<u>Deferred Income Plan</u>	amount: \$60,000
<u>Westchester County</u>	<u>due after 6/93</u>

Military Retirement as member of Naval Reserve, subject to federal statutes, occurring at age 70 in the annual amount of \$18,000 per year.

I have no arrangement to be compensated in the future except that the partnership, 81 Pondfield Road Company, is expected to produce income on a yearly basis of approximately \$15,000-\$20,000 per year.

Q2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

A2. While I do not anticipate any specific areas of conflict-of-interest, I will endeavor to avoid even the appearance of conflict. I will follow the guidelines of the canons of judicial conduct relative to recusal.

Q3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

A3. None.

Q4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500 or more (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be submitted here.)

A4. See attached Financial Disclosure Report.

Q5. Please complete the attached financial net worth statement in detail (Add schedules as called for).

A5. See attached Financial Statement.

Q6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

A6. I have never held a position in a political campaign other than candidate. See response A16. above.

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III. GENERAL (PUBLIC)

- Q1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.
- A1. While I have not practiced law in the last nine (9) years, when a practicing attorney, I routinely accepted court appointed criminal defense and family court matters. If the matter was easily disposed of, I often did not charge for my services. Since most of my case files are no longer available, I am unable to list specific instances and amounts of time devoted thereto. While in the practice of law, I devoted substantial amounts of time to community services such as local civic and school PTA groups and church activities, such as parish groups.
- Q2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates — through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies?
- A2. To my knowledge, I do not, nor ever did, belong to an organization that discriminated on the basis of race, sex or religion. However, let me state that I do belong to the fraternal and charitable organization know as The Society of the Friendly Sons of St. Patrick. This is an all male organization.
- Q3. Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).
- A3. I appeared before the Judicial Screening Committee of Senator Alfonse M. D'Amato in January of this year; I was found qualified by the committee. I also appeared before the Committee on the Judiciary of the Association of the Bar of the City of New York, also in January 1991. To my knowledge, there has been no finding by said committee. I met with several members of the U.S. Attorney General's staff in May 1991, and have been filling out forms as required. Also, I have been interviewed by both the Federal Bureau of Investigation (FBI) and the American Bar Association (ABA).
- Q4. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue, or question? If so, please explain fully.
- A4. No.

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Q5. Please discuss your views on the following criticism involving "judicial activism."

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped many of the prerogatives of other branches and levels of government.

Some of the characteristics of this "judicial activism" have been said to include:

- a. A tendency by the judiciary towards problem-solution rather than grievance-resolution;
 - b. A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;
 - c. A tendency by the judiciary to impose broad, affirmative duties upon governments and society;
 - d. A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and
 - e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.
- A5. Within our federal system there is a carefully designed system of checks and balances and a division of powers which serves as the basis of our democracy. This system requires, however, that each arm of government, each agency, each servant of the public do their public duty properly and quickly. In a case where other arms or agencies of government fail to do these duties, the judge should not substitute his views for theirs but rather find a resolution that achieves justice, quickly ends judicial oversight, if necessary at all, and keeps the function of the judiciary within the balance of powers that has worked so well over the centuries for our democracy.

I believe that a judge should be guided by the previous decisions of his court and the appellate levels above. He should not look for some way to find a novel approach or attempt to overrule a precedent. The rule of law is best served by a steady set of guidelines, rules, and decisions giving the judicial system the strength and predictability necessary to insure justice.

It is possible a novel case may come along, requiring more than can be easily found in existing precedents. Here a judge must cautiously move to determine the matter based, if not on precedents, then on the settled principles of law.

A judge should have no personal agenda other than providing justice to those before him.

AO-10
Rev. 1/91

FINANCIAL DISCLOSURE REPORT

Report Required by the Ethics Reform Act of 1989, Pub. L. No. 101-194, November 30, 1989 (5 U.S.C.A. App. 6, §§101-112)

1. Person Reporting (Last name, first, middle initial) O'ROURKE, ANDREW P.		2. Court or Organization U.S. District Court Southern District of New York		3. Date of Report Jan. 10, 1992	
4. Title (Article III judges indicate active or senior status; Magistrate judges indicate full- or part-time) Nominee for Judicial Officer		5. Report Type (check appropriate type) <input checked="" type="checkbox"/> Nomination, Date _____ ____ Initial ____ Annual ____ Final		6. Reporting Period 1991-1992	
7. Chambers or Office Address 148 Martine Avenue White Plains, New York 10601					
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on last page.					

I. POSITIONS. (Reporting individual only, see pp. 7-8 of Instructions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
<input type="checkbox"/> NONE (No reportable positions)	
Partner (non-working)	81 Pondfield Road Co.

II. AGREEMENTS. (Reporting individual only, see p. 8-9 of Instructions.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
<input checked="" type="checkbox"/> NONE (No reportable agreements)	

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 9-12 of Instructions.)

<u>DATE</u> (Honoraria only)	<u>SOURCE AND TYPE</u>	<u>GROSS INCOME</u> (years, not spouse's)
<input type="checkbox"/> NONE (No reportable non-investment income)		
¹ 1991-1992	Westchester County, salary, County Executive	\$ c.125,000 ^{PER} year
² 1991-ONLY	U.S. Navy, salary, Naval Reserve Officer	\$ 2,000 ^{PER} year
³ 1991-1992	81 Pondfield Road Co, business income, Partner	\$ 15,000 ^{PER} year
⁴		\$
⁵		\$

FINANCIAL DISCLOSURE REPORT (cont'd)

Name of Person Reporting O'ROURKE, ANDREW P.	Date of Report Jan. 10, 1992
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IV. REIMBURSEMENTS and GIFTS – transportation, lodging, food, entertainment.
 (Includes those to spouse and dependent children; use the parentheticals '(S)' and '(DC)' to indicate reportable reimbursements and gifts received by spouse and dependent children, respectively. See pp.13-15 of instructions.)

SOURCE	DESCRIPTION
<input type="checkbox"/> NONE (No such reportable reimbursements or gifts)	
1	
2	
3	
4	
5	
6	
7	
8	

V. OTHER GIFTS. (Includes those to spouse and dependent children; use the parentheticals '(S)' and '(DC)' to indicate other gifts received by spouse and dependent children, respectively. See pp.15-16 of instructions.)

SOURCE	DESCRIPTION	VALUE
<input type="checkbox"/> NONE (No such reportable gifts)		
1		
2		\$
3		\$
4		\$
		\$

VI. LIABILITIES. (Includes those of spouse and dependent children; indicate where applicable, person responsible for liability by using the parenthetical '(S)' for separate liability of spouse, '(J)' for joint liability of reporting individual and spouse, and '(DC)' for liability of a dependent child. See pp.16-18 of instructions.)

CREDITOR	DESCRIPTION	VALUE CODE*
<input type="checkbox"/> NONE (No reportable liabilities)		
1		
2	Eastern Savings Bank	30% of mortgage on 81 Pondfield Rd. M
3	People's Savings Bank	Guarantor of mortgage N
4	Scarsdale National Bank	Guarantor of mortgage M
5		
6		
7		

* VALUE CODES: J = \$15,000 or less K = \$15,001 to \$50,000 L = \$50,001 to \$100,000 M = \$100,001 to \$250,000
 N = \$250,001 to \$500,000 O = \$500,001 to \$1,000,000 P = More than \$1,000,000

FINANCIAL DISCLOSURE REPORT

VII. INVESTMENTS AND TRUSTS -- income, value, transactions.

<u>A.</u>	(1) <u>B.</u>	(2)	(1)	<u>C.</u>	(2)
1. Commercial Building 81 Pondfield Road Co. Bronxville, NY	E	div.	P		Q
2. Merrill Lynch Joint Acct. #85586037 White Plains, NY (J)	B	div.	M		T
3. Merrill Lynch Keogh Acct. #85594353 White Plains, NY	C	div.	L		T
4. Bear Stearns Equity Fund (J) 245 Park Avenue, N.Y.C., NY	D	div.	M		T
5. Westchester County Deferred Income Plan White Plains, NY	C	div.	L		T
6. Dollar Savings Bank IRA #39790902688 Bronx, NY	A	div.	J		T
7. Dollar Savings Bank Keogh #3979092475 Bronx, NY	A	div.	J		T
8. Bank of New York IRA #73011965-8 Mt. Vernon, NY	B	div.	K		T
9. Bank of New York Keogh #73011963-3 Mt. Vernon, NY	D	div.	M		T
10. Dime Savings Bank IRA #81223570 Mt. Vernon, NY	A	div.	J		T
11. American Express Limited Real Estate Partner N.Y.C., NY (J)	A	div.	M		T
12. American Express Tax Exempt Fund (J) N.Y.C., NY	A	div.	K		T
13. American Express High Yield Fund (J) N.Y.C., NY	A	div.	K		T
14. Hudson Valley Savings Bank #132126-906 Yonkers, NY	A	bk. acct.	D		T

FINANCIAL DISCLOSURE REPORT (cont'd)

Name of Person Reporting O'ROURKE, ANDREW P.	Date of Report Jan. 10, 1992
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VII. INVESTMENTS and TRUSTS – income, value, transactions. (Includes those of spouse and dependent children; see pp. 18-27 of Instructions.)

A. Description of Assets (including trust assets) Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amt. Code (A-K)	(2) Type (Div., Int., or Inst.)	(1) Value Code (J-F)	(2) Value Method Code (Q-W)	(1) Type (C-F, Sell, Buy, Matur., Redemption)	If not exempt from disclosure			(4) Amount of Income/Div./Int. or Gain/Loss (If multiple transactions)
					(2) Enter Month-Day	(3) Value Code (J-F)	(3) Gain/Loss Code (A-K)		
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1 SEE ATTACHED SHEET.....									EXEMPT
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									

1 Income/Gain Codes: A-\$1,000 or less B-\$1,001 to \$2,500 C-\$2,501 to \$5,000 D-\$5,001 to \$10,000 E-\$10,001 to \$20,000 F-\$20,001 to \$50,000 G-\$50,001 to \$100,000 H-\$100,001 to \$250,000 I-\$250,001 to \$500,000 J-\$500,001 to \$1,000,000 K-\$1,000,001 to \$2,500,000 L-\$2,500,001 to \$5,000,000 M-\$5,000,001 to \$10,000,000 N-\$10,000,001 to \$25,000,000 O-\$25,000,001 to \$50,000,000 P-\$50,000,001 to \$100,000,000 Q-\$100,000,001 to \$250,000,000 R-\$250,000,001 to \$500,000,000 S-\$500,000,001 to \$1,000,000,000 T-\$1,000,000,001 to \$2,500,000,000 U-\$2,500,000,001 to \$5,000,000,000 V-\$5,000,000,001 to \$10,000,000,000 W-\$10,000,000,001 to \$25,000,000,000 X-\$25,000,000,001 to \$50,000,000,000 Y-\$50,000,000,001 to \$100,000,000,000 Z-\$100,000,000,001 to \$250,000,000,000

2 Value Codes: A-\$15,000 or less B-\$15,001 to \$50,000 C-\$50,001 to \$100,000 D-\$100,001 to \$250,000 E-\$250,001 to \$500,000 F-\$500,001 to \$1,000,000 G-\$1,000,001 to \$2,500,000 H-\$2,500,001 to \$5,000,000 I-\$5,000,001 to \$10,000,000 J-\$10,000,001 to \$25,000,000 K-\$25,000,001 to \$50,000,000 L-\$50,000,001 to \$100,000,000 M-\$100,000,001 to \$250,000,000 N-\$250,000,001 to \$500,000,000 O-\$500,000,001 to \$1,000,000,000 P-\$1,000,000,001 to \$2,500,000,000 Q-\$2,500,000,001 to \$5,000,000,000 R-\$5,000,000,001 to \$10,000,000,000 S-\$10,000,000,001 to \$25,000,000,000 T-\$25,000,000,001 to \$50,000,000,000 U-\$50,000,000,001 to \$100,000,000,000 V-\$100,000,000,001 to \$250,000,000,000 W-\$250,000,000,001 to \$500,000,000,000 X-\$500,000,000,001 to \$1,000,000,000,000 Y-\$1,000,000,000,001 to \$2,500,000,000,000 Z-\$2,500,000,000,001 to \$5,000,000,000,000

3 Value Method Codes: Q-Appraisal R-Book Value S-Cost (real estate only) T-Other U-Assessment V-Estimated W-Cash/Market

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FINANCIAL DISCLOSURE REPORT (cont'd)

Name of Person Reporting

O'ROURKE, ANDREW P.

Date of Report

Jan. 10, 1992

VIII. ADDITIONAL INFORMATION or EXPLANATIONS. (Indicate part of Report.)

Multiple horizontal lines for providing additional information or explanations.

IX. CERTIFICATION.

In compliance with the provisions of 28 U.S.C. § 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not perform any adjudicatory function in any litigation during the period covered by this report in which I, my spouse, or my minor or dependent children had a financial interest, as defined in Canon 3C(3)(c), in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C.A. app. 7, § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature

[Handwritten Signature]

Date January 10, 1992

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C.A. APP. 6, § 104, AND 18 U.S.C. § 1001.)

FILING INSTRUCTIONS:

Mail signed original and 3 additional copies to:

Judicial Ethics Committee
Administrative Office of the
United States Courts
Washington, DC 20544

O'ROURKE, ANDREW P.
January 10, 1992

FINANCIAL STATEMENT
NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS		LIABILITIES	
Cash on hand and in banks	15 000 00	Notes payable to banks—secured	
U.S. Government securities—add schedule		Notes payable to banks—unsecured	
Listed securities—add schedule *	50 000 00	Notes payable to relatives	
Unlisted securities—add schedule		Notes payable to others	9 000 00
Accounts and notes receivable:		Accounts and bills due	
Due from relatives and friends		Unpaid income tax	10 000 00
Due from others		Other unpaid tax and interest	
Doubtful		Real estate mortgages payable—add schedule ***	353 000 00
Real estate owned—add schedule **	813 600 00	Chattel mortgages and other items payable	
Real estate mortgages receivable		Other debts—itemize:	
Autos and other personal property		All debts for general living expenses, paid as due.	
Cash value—life insurance			
Other assets—itemize:			
Limited partnerships**	156 000 00		
FUNDS**	210 000 00		
Retirement Accounts**	307 000 00		
Home furnishings, etc.	300 000 00		
Total assets	1,851 600 00	Total liabilities	372 000 00
		Net worth	1,479 000 00
		Total liabilities and net worth	
CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, comaker or guarantor	630 000 00	Are any assets pledged? (Add schedule.)	No
On leases or contracts		Are you defendant in any suits or legal actions?	No
Legal Claims		Have you ever taken bankruptcy?	No
Provision for Federal Income Tax	10 000 00		
Other special debt			
Total	640 000 00		

*See Schedule A for list of stocks.
**See Schedule B for all assets information.
***See Schedule C for liabilities.

LIST B

Assets held as of date:

	<u>Value</u>
<u>Real Estate</u>	
388 Crestwood Avenue, Yonkers, NY (J)	\$490,000
100 Ocean Trail, Jupiter, FLA (J)	80,000
<u>Partnerships</u>	
81 Pondfield Road Co., 81 Pondfield Rd. Bronxville, NY	243,600
<u>Limited Partnerships</u> - thru American Express (J) (Carlyle, Norwood, Bellvue and Oxford)	156,000
<u>Funds</u>	
Tax Exempt Fund - American Express (J)	30,000
High Yield Fund - " " (J)	30,000
Merrill Lynch Joint Account (J)	65,000
Merrill Lynch (W)	25,000
Smith Barney Fund (W)	60,000
<u>Stocks and Bonds - stocks</u>	
Bear Stearns Stock Account (J)	160,000
People's Savings Bank (J)	10,000
State Bank of Westchester (J)	5,000
Monarch Life Insurance (W)	30,000
Schwab Money Fund (W)	58,000
<u>Retirement Accounts</u>	
Mrs. O'Rourke's IRAs	23,000
Mr. O'Rourke's IRAs	14,000
Mr. O'Rourke's Deferred Compensation	50,000
Mr. O'Rourke's Keogh Account	220,000
<u>Bank Accounts</u>	
Mr. O'Rourke	c. 5,000
Mrs. O'Rourke	c10,000

NOTE: Unless otherwise identified, (J) means joint ownership with my wife; (W) refers to assets in wife's sole name. All other assets are in my name.

LIST C

Liabilities

Mortgages

	<u>Amount Due</u>		<u>Nature</u>
Dollar Dry Dock Bank	c. 80,000		(J) Home mortgage
Foster Management Corp.	c. 73,000		(J) Home mortgage
Eastern Savings Bank	c.200,000		30% or partnership mortgage
People's Savings Bank	220,000	(Mr. O'Rourke)	Guarantor on mortgage
People's Savings Bank	130,000	(Mr. O'Rourke)	" " "
Scarsdale National —	230,000	(Mr. O'Rourke)	" " "
Tarrytown Savings and Loan	50,000	(J)	" " "

LIST D

A2(C).

Income for 1989

Salaries	\$113,397
Interest & Dividends	5,500
81 Pondfield Road Co.	16,167

Income for 1990

Salaries	\$120,656
Interest & Dividends	2,722
81 Pondfield Road Co.	26,008

Income for 1991 - Estimated

Salaries	\$125,000
Interest & Dividends	3,000
81 Pondfield Road Co.	25,000