

# ADDABBO • GREENBERG

## LAW

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April 19, 2018

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Hon. John P. Asiello, Esq.  
Chief Clerk and Legal Counsel to the Court of Appeals  
20 Eagle Street  
Albany, NY 12207-1095

Re: In the Matter of the Hon. Terrence C. O'Connor  
Judge of the Civil Court of the City of New York, Queens County

Dear Mr. Asiello:

Kindly consider this correspondence Judge O'Connor's response to your letter of April 10, 2018, wherein notice was given to him that the Court may consider, on its own motion, suspending him from the exercise of the powers of the office of Judge of the Civil Court, and if suspended, whether same should be with or without pay.

Judge O'Connor intends to file a formal Notice of Appeal of the determination by the Commission on Judicial Conduct that he be removed.

We submit that to suspend Judge O'Connor prior to this Honorable Court's appropriate consideration of his matter would be unjust and unduly harsh punishment based upon the nature of the allegations against him.

There are no allegations whatsoever that Judge O'Connor committed any criminal acts, nor are there any allegations of fraud or monetary wrongdoing. The purported improper conduct by Judge O'Connor in the instant matter has been alleged by attorneys who have appeared before him and not by any member of the general public. To further suspend him without pay would be a most severe penalty which should be reserved for those who commit far more egregious acts than alleged in this matter.

A suspension without pay would deprive him of his livelihood and cause him and his family considerable financial hardship without him having had the benefit of a hearing before this Honorable Court.

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We submit that NYS Judiciary Law §44(8)(c) creates a presumption in favor of suspension with pay, which directly corresponds to the presumption of innocence that is most basic to our system of justice.

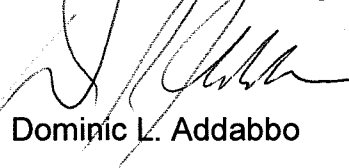
In the Matter of Raymond E. Cornelius (48 N.Y.2d 1014), a federal indictment was filed against Judge Cornelius alleging that he conspired with others to fabricate evidence and introduce knowingly false testimony at State proceedings. This Honorable Court, on its own motion, determined that the mere filing of a federal indictment did not warrant imposition of the severe sanction of suspension from judicial duties. Moreover, even the dissenting justices voted for Judge Cornelius to continue to receive his judicial salary during the period of the suspension they would have imposed.

We respectfully ask that Judge O'Connor be allowed to continue his service as a Judge of the Civil Court of the City of New York, Queens County, pending the Court's final decision, or in the event the Court should suspend him, allow him to continue to be compensated and not impose the ultimate penalty of a suspension without pay.

Thank you for your consideration in this regard.

Very truly yours,

Addabbo & Greenberg



Dominic L. Addabbo

DLA/ba

By UPS Priority Overnight Delivery

cc: Hon. Terrence C. O'Connor

Robert Tembeckjian, Esq. ✓