



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

August 21, 2013

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New York City Civil Court Judge Should Be Censured for Serving as a Fiduciary Without Authorization and Omitting Material Information on His Fiduciary Application Forms

The New York State Commission on Judicial Conduct has determined that Terrence C. O'Connor, a Judge of the New York City Civil Court, Queens County, should be censured for continuing to serve as a fiduciary after becoming a full-time judge and for misrepresenting his financial liabilities on four separate applications to become and remain eligible for fiduciary appointments.

From 2009, when Judge O'Connor became a full-time judge, to 2012, he continued to serve as a court-appointed fiduciary in several matters, for which he received compensation. A full-time judge is prohibited from acting as a fiduciary except for an estate, trust or person of a family member or, with authorization from the Chief Administrator of the Courts, for a person "with whom the judge has maintained a longstanding personal relationship of trust and confidence." None of these exceptions applied to the cases Judge O'Connor handled.

In addition, on his fiduciary application and three re-application forms, which he submitted prior to assuming judicial office, Judge O'Connor failed to disclose a pending foreclosure action against him regarding his residence, despite a specific question requiring applicants to reveal foreclosure judgments or pending foreclosure proceedings.

In its determination, the Commission wrote that Judge O'Connor should have made "a diligent effort to be replaced as fiduciary or to conclude the matters expeditiously," and that "ignorance" of the ethical rules is no excuse.

Judge O'Connor has served as a Judge of the New York City Civil Court since 2009. His current term expires on December 31, 2018.

The Commission Proceedings

Judge O'Connor was served with a Formal Written Complaint dated December 5, 2012 containing two charges.

On June 17, 2013, the Administrator of the Commission, Judge O'Connor and Judge O'Connor's attorney entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on August 1, 2013.

The Commission Determination

The Commission filed a determination dated August 12, 2013, in which nine members concurred: Judge Thomas A. Klonick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Joseph W. Belluck, Esq., Joel Cohen, Esq., Jodie Corngold, Richard D. Emery, Esq., Paul B. Harding, Esq., Richard A. Stoloff, Esq., and Judge David A. Weinstein.

One member, Judge Rolando T. Acosta, was not present.

Press Availability

Mr. Tembeckjian will be available throughout the day by telephone: (646) 386-4884.

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. Judge O'Connor

received it on August 15, 2013, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge O'Connor does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 306 determinations of censure against judges in New York State. The Commission has issued 250 determinations of admonition and 167 determinations of removal.

The Court of Appeals has reviewed 93 Commission determinations. The Court accepted the Commission's sanctions in 77 cases (68 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

In the proceedings before the Commission, Judge O'Connor was represented by Joseph V. DiBlasi, Esq, 575 Madison Avenue, Suite 1006, New York, New York 10022, (212) 605-0470.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Special Counsel, Alan W. Friedberg. Senior Investigator Ethan Beckett assisted in the investigation.

Background Information on Judge O'Connor

First took office:	2009
Current Term Expires:	December 31, 2018
Year Admitted to the New York State Bar:	1977
Judicial Salary:	\$153,500
Prior Judicial Office:	None

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Hon. Thomas A. Klonick, Chair	Chief Judge Jonathan Lippman	March 31, 2017
Hon. Terry Jane Ruderman, Vice Chair	Chief Judge Jonathan Lippman	March 31, 2016
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2014
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2014
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2015
Richard D. Emery, Esq.	Former Senate Minority Leader John L. Sampson	March 31, 2016
Paul B. Harding, Esq.	Former Assembly Minority Leader James Tedisco	March 31, 2017
Richard A. Stoloff, Esq.	Senate President Pro Tem Dean Skelos	March 31, 2015
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2014
Vacant	Governor	March 31, 2017