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Judge says former clerk can pursue suit

Bobette J. Morin filed the lawsuit in May, claiming she was harassed out of office.

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By Jim O'Hara
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The former chief clerk of Onondaga County Family Court can pursue part of her lawsuit against the district's administrative judge and three other local court officials, a federal judge ruled Thursday.

Bobette J. Morin filed the lawsuit in May, claiming she was harassed out of office because of her refusal to participate in a conspiracy to discredit Family Court Judge David Klim in his 2002 race for state Supreme Court.

She claims Fifth District Administrative Justice James Tormey III tried to get her to spy on Klim and, when she refused, orchestrated a campaign to undermine her in her job as chief clerk. She claims the retaliation was carried out by Tormey's former executive assistant, John Voninski, Family Court Judge Bryan Hedges and Hedges' law clerk, William Dowling.

The state's lawyers had moved to have the lawsuit dismissed.

After listening to legal arguments in court in Utica Thursday, U.S. District Judge David Hurd declined to dismiss that part of the lawsuit in which Morin accuses the four officials of acting in their individual capacities to undermine her First Amendment free speech rights to criticize their actions.

Hurd dismissed the following parts of the lawsuit:

Ö Morin's suit against Tormey and the others in their official capacities as court officials.

Ö Morin's free speech claims against the state of New York, the Office of Court Administration and the Unified Court System.

Ö Morin's claim that her Family Medical Leave Act rights had been violated.

Hurd gave the four individual defendants until Oct. 19 to file and serve their answers to the Morin lawsuit.

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