



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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District Court Judge Censured For Participating in Illegal Poker Games

The New York State Commission on Judicial Conduct has determined that Paul M. Hensley, a Judge of the District Court, Suffolk County, should be censured for attending and participating in unlawful, for-profit poker games on several occasions in 2008. Judge Hensley and the Commission's Administrator jointly recommended the censure.

The games were held at a Fraternal Order of Eagles facility in Northport, New York. The facility was leased one night a week to an individual who organized and hosted games on the premises. The games were unlawful under New York law because, among other things, the organizer kept a portion of the ante ("raking the pot"). While it is unlawful in New York to run such a game, it is not unlawful to attend or to participate as a player.

In November 2008, the day after he was re-elected to District Court, Judge Hensley was at the facility when the police executed a search warrant of the

premises. No players were arrested, but the host of the poker game was charged with gambling related offenses.

The Commission noted that since his judicial status was well-known at the facility, Judge Hensley's presence at the games "gave his judicial imprimatur to [the] unlawful activity." The judge compounded his misconduct by identifying himself as a judge during the police search, which "convey[ed] an appearance that he was asserting his judicial position to obtain special treatment." In its totality, the judge's "reckless behavior showed extremely poor judgment" and "insensitivity to the high ethical standards incumbent on judges."

The Commission noted that the judge was remorseful and acknowledged that his conduct was improper.

Judge Hensley has been a Justice of the District Court since 2002. His current term expires in 2014.

The determination can be found on the Commission's website: www.cjc.ny.gov.

The Commission Proceedings

Judge Hensley was served with a Formal Written Complaint dated October 26, 2010, containing one charge, and filed an amended answer dated May 16, 2011.

On June 5, 2012, the Administrator of the Commission, Judge Hensley and his 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 March 15, 2012.

The Commission Determination

The Commission filed a determination dated June 22, 2012. Judge Thomas A. Klönick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Judge Rolando T. Acosta, Joseph W. Belluck, Esq., Joel Cohen, Esq., Richard D. Emery, Esq., Paul B. Harding, Esq., Nina M. Moore and Richard A. Stoloff, Esq., concurred. Commission member Judge Karen K. Peters was not present.

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.

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 Hensley does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If the Commission's 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 299 determinations of censure against judges in New York State. The Commission has issued 165 determinations of removal and 245 determinations of admonition.

The Court of Appeals has reviewed 92 Commission determinations. The Court accepted the Commission's sanctions in 76 cases (67 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: 9 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 Hensley was represented by David H. Besso of Long, Tuminello, Besso, Seligman, Werner & Sullivan, LLP, 120 Fourth Avenue, Bay Shore, New York 11706-0420, (631) 666-2500.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Principal Attorney Pamela Tishman. Commission Investigator Ethan Beckett assisted in the investigation.

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, 2013
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
Richard D. Emery, Esq.	Senate Minority Leader John L. Sampson	March 31, 2016
Paul B. Harding, Esq.	Former Assembly Minority Leader James Tedisco	March 31, 2013
Nina M. Moore	Former Governor David A. Paterson	March 31, 2013
Hon. Karen K. Peters	Former Governor David A. Paterson	March 31, 2014
Richard A. Stoloff, Esq.	Senate President Pro Tem Dean Skelos	March 31, 2015
Vacant	Governor	March 31, 2015