



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

61 BROADWAY, SUITE 1200
NEW YORK, NEW YORK 10006

MARISA E. HARRISON
PUBLIC RECORDS OFFICER

646-386-4800 646-458-0037
TELEPHONE FACSIMILE
www.cjc.ny.gov

NEWS RELEASE

October 17, 2019

Contact:	<i>Marisa E. Harrison, Public Records Officer</i> <i>(518) 453-4614</i>
-----------------	---

Village Court Justice in Suffolk County Should be Removed for Profane, Vulgar and Sexist Language

The New York State Commission on Judicial Conduct has determined that Paul H. Senzer, a part-time Justice of the Northport Village Court, Suffolk County, should be removed from office for using sexist, profane and otherwise degrading language in communications with legal clients.

Between October 2014 and February 2015, while representing clients in a visitation matter in Family Court, Judge Senzer sent a total of nine emails in which he referred to:

- their daughter several times as a “bitch” and once as an “asshole”;
- their daughter’s attorney as a “cunt on wheels” and “eyelashes”
- employees at their grandson’s school as “assholes”;
- their daughter and her ex-husband as “two scumbags”; and,
- the court attorney referee in the case as an “asshole.”

In its determination the Commission stated that Judge Senzer “repeatedly denigrated the participants in the matter – not only the clients’ adversary, but officers of the court – in profane, vulgar and sexist terms.” The Commission found

that the judge's statements, though off the bench, were made in the context of legal proceedings, were "manifestly improper" and "reflect[ed] adversely on the judiciary as a whole." The Commission quoted the Court of Appeals as saying "using crude language that reflects bias or otherwise diminishes respect for our system of justice, even off the bench, is inconsistent with a judge's ethical obligations."

The Commission rejected Judge Senzer's argument that his comments were "private" and not sanctionable. The Commission found that he was communicating with clients "as an officer of the court" and that, as a judge, "he personified the legal system" and "reflected poorly" on it.

Based on the recommendation of the referee who presided over the disciplinary hearing in this matter, the Commission dismissed an allegation that, in speaking to his clients during a break in proceedings, Judge Senzer used a racial epithet to describe the administrative law judge who heard their case.

The Commission concluded that Judge Senzer's misconduct "is not simply the occasional use of vulgar or sexist language, but a pattern of statements that undermines respect for women and the legal system as a whole."

Judge Senzer has served as a Justice Northport Village Court since 1994. His current term expires on March 31, 2022.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

"It is simply unacceptable for a judge to demean women with vile and otherwise abhorrent language. Doing so reveals prejudice and undermines public confidence in the administration of justice. It should be clear that a person who cavalierly uses gender-biased slurs does not belong on the bench."

Prior Caution

In 2002, Judge Senzer was cautioned for making several sarcastic, rude and otherwise inappropriate remarks to the defendant and the defendant's mother while presiding over a case involving a marijuana charge.

The Commission Proceedings

Judge Senzer was served with a Formal Written Complaint dated October 13, 2017, containing one charge, and filed an answer dated December 12, 2017.

On December 11, 2017, the judge filed a motion for summary determination and/or dismissal of the Formal Written Complaint. The Commission opposed the motion. By Order dated March 16, 2018, the Commission denied the judge's motion in all respects.

The Commission designated Hon. John P. Collins as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on August 6 and 7, 2018, in New York City. The referee filed a report dated January 26, 2019.

The parties submitted briefs with respect to the referee's report and the issue of sanctions. Both parties recommended that the referee's findings and conclusions be confirmed in part and disaffirmed in part. Counsel to the Commission argued that the charge should be sustained in its entirety and recommended that the judge be removed from office. The judge's counsel argued that the judge's language in private communications with clients did not constitute misconduct but that if misconduct was found that a confidential caution was appropriate. On May 30, 2019, the Commission heard oral argument.

The Commission Determination

The Commission filed a determination dated October 9, 2019, in which eight members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Paul B. Harding, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Marvin Ray Raskin, Esq., and Akosua Garcia Yeboah. Mr. Belluck, Mr. Harding and Judge Mazzarelli dissented as to the dismissal of the racial epithet allegation. Mr. Belluck filed an opinion to that effect, in which Judge Mazzarelli joined.

Two members, Taa Grays, Esq., and Judge Robert J. Miller, were not present. There is currently one vacancy on the 11-member Commission.

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 Senzer received it on October 11, 2019, 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 Senzer does not request review by the Court of Appeals, the Court of Appeals will remove 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 173 determinations of removal against judges in New York State. The Commission has issued 327 determinations of censure and 271 determinations of admonition.

The Court of Appeals has reviewed 99 Commission determinations. The Court accepted the Commission's sanctions in 83 cases (74 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 Senzer was represented by David Besso and Michelle Aulivola of Long Tuminello, LLP., 120 Fourth Avenue, Bay Shore, New York 11706, (631) 666-2500.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Mark Levine, Deputy Administrator in Charge of the New York City office; and Principal Attorney Brenda Correa. Investigator Andrew Zagami assisted in the investigation.

Background Information on Judge Senzer

First took office: 1994
Current term expires: March 31, 2022
Year Admitted to NYS Bar: 1981
Hearing Officer for the Suffolk County Traffic and Parking
Other Employment: Violations Agency
Salary: \$10,000 (Source: Village of Northport Adopted Budget)

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

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2020
Paul B. Harding, Esq., Vice Chair	Assembly Minority Leader Brian M. Kolb	March 31, 2021
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Taa Grays, Esq.	Former Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Hon. Angela M. Mazzairelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021
Vacant	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023