



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Supreme Court Justice (Oneida County) Should Be Removed for Racially Offensive Statements, Threatening Gun Violence, and More

The New York State Commission on Judicial Conduct has determined that Erin P. Gall, a Justice of the Supreme Court, Fifth Judicial District (Oneida County) should be removed from office for engaging in a racially offensive, profane, prolonged public diatribe outside a high school graduation party, during which she repeatedly invoked her judicial office, threatened gun violence, and both criticized and pledged favored treatment for the police.

In July 2022, Judge Gall and her family attended a high school graduation party at a friend's home. Sometime after 11:30 PM, a number of apparently uninvited guests arrived at the party, and arguments ensued between invited and uninvited guests. Judge Gall's husband and 18-year-old son participated in the escalating arguments. When a group of four Black teens arrived at the party, having received a text message with the address, physical fighting broke out, in the course of which the key to the teens' car was lost.¹

Five law enforcement agencies came to the scene, which was recorded on their body cameras.

¹ Judge Gall's husband and son suffered injuries, though neither required medical attention. One of the Black teens suffered a cut under his eye and required stitches.

For the next hour and twenty minutes, while the police were on the scene, Judge Gall did the following:

- Invoked her judicial office over a dozen times, including stating:
 - “...Get off the property! And’s that’s from Judge Gall! I’m a fucking judge!”
 - “Well, you’re going to get in an Uber, buddy, or you’re going to get a cop escort home. That’s how it’s happening. That’s what I’m telling you right now. That’s how I roll. That’s how I roll. That’s how Mrs. G rolls. That’s how Judge Gall rolls.”
 - “We didn’t invite him. There was trespassing, there were assaults, there was everything. They’re saying – they were not invited. There’s social media. We didn’t invite them. He owns the property. The owner of the property. I’m a judge, he’s a lawyer. We’re telling you. I’m telling you. This is insane.”
- Told the police that if the Black teens returned to the property to look for the car key that she would “shoot them on the property.”
- Told the police that the Black teens did not look “that smart” and were “not going to business school, that’s for sure”
- Told the police that she would “take anyone down for you guys. You know that. You know that. You know I am on your side.”
- Made disparaging comments about Extreme Risk Protection Orders, which keep guns away from people who are a danger to themselves or others.
- Expressed satisfaction that her son had “kick[ed] the shit out of” and “put the smack down on” another partygoer.

In determining to remove Judge Gall from office, the Commission stated:

“Impropriety permeated respondent’s conduct on July 2, 2022. Instead of leaving the chaotic situation, for over an hour, respondent repeatedly engaged in conduct that violated the Rules [Governing Judicial Conduct]. Her wide array of misconduct severely undermined public confidence in the judiciary and in her ability to serve as a fair and impartial judge.”

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“It is utterly unacceptable for a judge to threaten gun violence, exhibit racial prejudice, promise favorable treatment for the police, or disparage a law intended to keep guns away from dangerous people. Any one of these things would undermine public confidence in the administration of justice. That all this and more was committed by one judge disqualifies her from further service on the bench.”

The Commission Proceedings

Judge Gall was served with a Formal Written Complaint dated May 23, 2023, containing one charge, and filed an Answer dated July 18, 2023.

On March 1, 2024, the Administrator, the judge and the judge’s attorney entered into an Agreed Statement of Facts, stipulating that the Commission make its determination based on the agreed facts and requesting that briefing and oral argument be scheduled on the issue of sanction.

Counsel to the Commission filed a brief arguing for the judge’s removal and the judge’s counsel argued that a sanction no greater than censure be imposed. On June 13, 2024, the Commission heard oral argument.

The Commission Determination

The Commission filed a determination dated July 17, 2024, in which nine members concurred: Taa Grays, Esq., (the Vice Chair), Hon. Fernando M. Camacho, Brian C. Doyle, Esq., Judge John A. Falk, Judge Robert J. Miller, Nina M. Moore, Ph.D., Marvin Ray Raskin, Esq., Graham B. Seiter, Esq.,² and Judge Anil C. Singh.

Professor Moore filed a concurring opinion, in which Judge Camacho joined.

Joseph W. Belluck, Esq. (the Commission Chair) did not participate and Akosua Garcia Yeboah abstained.

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 Gall

² Mr. Seiter, who was a member of the Commission at the time of the vote in this matter, resigned from the Commission on July 16, 2024, upon his appointment as part-time Fulton City Court Judge.

received it on July 22, 2024, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

After a removal determination is rendered, it is the Court's practice to suspend the judge, with pay. A judge has 30 days to request full review of the Commission's determination by the Court of Appeals. Should the judge request review of the Commission's removal determination, the Court's practice is to continue the suspension while the review is pending.

If the judge requests review, the Court sets a schedule for the parties to file briefs and appear for oral argument. On review, the Court may accept or reject the Commission's findings of fact or conclusions of law, may accept the determined sanction, impose a different sanction including admonition or censure, or impose no sanction.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Gall does not request review by the Court of Appeals, the Court of Appeals will remove her in accordance with the determination.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 184 determinations of removal against judges in New York State. The Commission has issued 352 determinations of censure and 284 determinations of admonition.

The Court of Appeals has reviewed 102 Commission determinations. The Court accepted the Commission's sanctions in 86 cases (77 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

Judge Gall was represented by Robert F. Julian, 2037 Genesee Street, Suite 2, Utica, New York 13501, (315) 797-5610.

The Commission was represented by Deputy Administrator Cathleen S. Cenci, Principal Attorney S. Peter Pedrotty, and Senior Investigator Ryan Fitzpatrick.

Background Information on Judge Gall

First Took Office:	2012
Current Term Expires:	2025
Year Admitted to NYS Bar:	1997
Salary:	\$232,600

Members of the Commission

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

The Public File

The determination and other records are available on the Commission's website:

www.cjc.ny.gov.

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Kathy Hochul	March 31, 2028
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Chief Judge Rowan Wilson	March 31, 2028
Brian C. Doyle, Esq.	Senate Minority Leader Robert G. Ort	March 31, 2028
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Nina M. Moore, Ph.D.	Governor Kathy Hochul	March 31, 2027
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Hon. Anil C. Singh	Chief Judge Rowan Wilson	March 31, 2026
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025
Vacant	Assembly Minority Leader	March 31, 2025