

Judge faces removal over 'racially offensive' rant

NY justice's comments were captured on video

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New York's judicial watchdog has decided that an Oneida County judge should be removed from the bench because of a "racially offensive, profane, prolonged public diatribe outside a high school graduation party."

State Supreme Court Justice Erin Gall invoked her judgeship with police during a confrontation that arose at the July 2022 party in New Hartford, according to the Commission on Judicial Conduct, which recommended her removal.

The party, held at the home of a friend of the family, swelled as word spread across social media and erupted into a melee between some teens. The party included beer in a keg. In meetings with the commission, Gall acknowledged her ethical lapses. Neither she nor her attorney could be reached immediately for comment. She has been a state supreme court justice since 2012.

Gall multiple times told responding police, who were trying to de-escalate the situation, that she was a judge. She tried to direct them to who should be arrested, despite what police saw as a lack

of evidence, commission reports show. Her son was among those involved in fights, records say.

When one officer told Gall that she wasn't even at her own home, she answered, "It's my jurisdiction, though."

Erin Gall comments captured on video

The interactions that are the foundation of the commission's decision were captured on police body-worn camera video.

Encouraging police to arrest Black teens who were allegedly involved in some of the scuffles, she said: "They don't look like they're that smart. They're not going to business school, that's for sure." She had informed the police that her son would be attending business school.

Gall also expected some Black teens to return to look for missing car keys and told police that "when they trespass you can shoot them on the property. I'll shoot them on the property."

An officer pushed back, telling her: "You can't shoot somebody for simply going on your property. ... Do you hear what you're saying? You're all white, privileged people with high-power jobs."

When an officer told her that the police could face a civil rights lawsuit for questionable arrests, Gall said: "The

good part is I'm always on your side. You know I'd take anyone down for you guys. You know that."

The commission report also shows that Gall told teenagers to leave and catch an Uber home, saying: "That's how I roll. That's how Mrs. G rolls. That's how Judge Gall rolls. We're clearing this place out."

What NY Judge Erin Gall said about the party comments

In meetings with the commission and a referee, Gall acknowledged that:

- She appeared to be seeking preferential treatment by invoking her office.
- She once threatened to call a police officer's superior, which also gave the impression that she wanted special treatment because she is a judge.
- Her statements about the Black teens "created at least the appearance of racial bias."

Gall told the commission that she reacted emotionally because both her son and husband, who she said tried to intervene, ended up involved in the fights. She said she also was frustrated because she thought the police response was inadequate.

Gall said she was assaulted when a college student in 1990 and the graduation melee reminded her of that assault and triggered an extreme emotional response.

What the state panel found

The commission, however, found her transgressions severe enough to warrant removal. Gall "repeatedly violated the ethical rule prohibiting judges from lending the prestige of their judicial office to advance their own private interests or the interests of others," the commission determined.

"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," Commission Administrator Robert Tembeckjian said in a statement. "Any one of these things would undermine public confidence in the administration of justice."

Gall has been a Justice of the Supreme Court, Fifth Judicial District, since 2012. Her current term expires on Dec. 31, 2025.

The commission's determination that Gall be removed from her judgeship will go to the state Court of Appeals for a final determination.

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