



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

June 26, 2017

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Wayne County Town Court Justice To Resign, Ending Inquiry into Misconduct Allegations

The New York State Commission on Judicial Conduct announced that Gary M. Poole, a Justice of the Rose Town Court, Wayne County, will resign from office effective July 1, 2017, and has agreed never to seek or accept judicial office at any time in the future. The Commission accepted a stipulation to that effect signed by the judge and the Commission's Administrator and closed its investigation.¹

Judge Poole was apprised by the Commission in January 2017 that it was investigating complaints alleging that he engaged in repeated, undignified and discourteous conduct toward a woman with whom he had been involved romantically. Among other things, the judge was alleged to have yelled demeaning and derogatory things about her and her new boyfriend in public, spuriously threatened her with prosecution, demanded the return of certain personal property and threatened to encourage her ex-husband to commence a custody battle over her children.

¹ The Stipulation was signed on June 6, 2017. The Commission accepted it on June 14, 2017, and thereafter issued an Order closing the investigation.

Judge Poole, who is not an attorney, has served as a Justice of the Rose Town Court since 1993. His current term would have expired on December 31, 2017.

Judge Poole waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's order accepting it and closing the case would be public.

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

Statistics Relating to Prior Commission Decisions

The Commission has accepted 68 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 267 determinations of admonition against judges in New York State, 319 determinations of censure and 170 determinations of removal.

The Court of Appeals has reviewed 96 Commission determinations. The Court accepted the Commission's sanctions in 80 cases (71 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. One request for review is pending.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement:

“The allegations that Judge Poole repeatedly made loud and demeaning public comments about an ex-girlfriend, and baselessly threatened her with prosecution, are serious. On or off the bench, a judge must behave with dignity and integrity, avoiding boorish public behavior that would undermine public confidence in the judiciary. In agreeing to resign, he closes an unfortunate chapter without further detriment to those involved or the court system itself.”

Counsel

In the proceedings before the Commission, Judge Poole represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney David M. Duguay. Senior Investigator Rebecca Roberts assisted in the investigation.

Background Information on Judge Poole

First took office: 1993
Current Term Expires: December 31, 2017

Members of the Commission

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

The Public File

The stipulation and order are attached. They are also available for inspection 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

*June 26, 2017**Page 4***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
Hon. Rolando T. Acosta	Former Chief Judge Jonathan Lippman	March 31, 2018
Joel Cohen, Esq.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Taa Grays, Esq.	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
Richard A. Stoloff, Esq.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2018
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021