



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

March 23, 2022

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Town Justice in Cattaraugus County Resigns While Investigated for Financial Reporting Failures and “Snide” Remarks

Mark A. Schindler, a Justice of the Persia Town Court, Cattaraugus County, resigned while under investigation by the New York State Commission on Judicial Conduct.

The Commission apprised Judge Schindler in August 2020 that it was investigating a complaint alleging that (1) he failed to make mandatory reports and remittances to the State Comptroller in a timely manner, (2) imposed fines and surcharges outside the legal limits set in statute, and (3) at the arraignment of a defendant who identifies as Native American, he made snide comments about the defendant’s annuity from the Seneca Nation. In May 2021, the Comptroller issued a notice to stop payment of Judge Schindler’s salary because he failed to make mandatory monthly certifications of cases disposed and timely remittances of court funds collected.

Judge Schindler resigned from judicial office effective March 16, 2022, and 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 Schindler 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.

Judge Schindler, who is not an attorney, had been a Justice of the Persia Town Court since 2013. His current term would have expired on December 31, 2024.

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

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Public confidence in the courts requires a judge to account for official funds in a timely manner, to impose fines within the limits set by statute, and to treat all participants with dignity, courtesy and respect. The Commission regards it as a red flag requiring further action whenever the State Comptroller suspends a town justice's salary over financial and reporting delinquencies.”

Statistics Relating to Prior Commission Decisions

The Commission has accepted 113 such permanent resignation stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has also issued 280 determinations of admonition against judges in New York State, 340 determinations of censure and 176 determinations of removal.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 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

¹ The Stipulation was signed on February 22, 2022. The Commission accepted it and issued an order closing the matter on March 17, 2022.

rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

In the proceedings before the Commission, Judge Schindler 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 Betsy Sampson was assigned to the case.

Background Information on Judge Schindler

First Took Office: 2013
Current Term Expires: December 31, 2024

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

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

| Member | Appointing Authority | Term End |
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| Hon. Robert J. Miller | Former Governor Andrew M. Cuomo | March 31, 2022 |
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