

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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April 24, 2025

TO: Appellate Division, Fourth Department Attorney Grievance Committee
Eighth Judicial District (AD4-AGC8) Chair Pamela Thibodeau, Esq.

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: (1) Full Committee Reconsideration – CJA’s February 27, 2025 complaint against Commission on Legislative, Judicial and Executive Compensation Chair Eugene Fahey, Esq.;

(2) Complaint against Investigator Carolyn Stachura, Chief Counsel Cydney Kelly, and other AD4-AGC8 staff collusive in their fraud and conflicts of interest;

(3) Oversight & Corrective Action by AD4-AGC8 Members, including pursuant to Rule 8.3(a) of New York’s Rules of Professional Conduct.

Pursuant to §1240.7(e)(3) of the [Rules for Attorney Disciplinary Matters](#), I file this written request for full Committee reconsideration of my [February 27, 2025 complaint against Commission on Legislative, Judicial and Executive Compensation Chair Eugene Fahey, Esq.](#), disposed of by a [March 25, 2025 letter](#), signed by Investigator Carolyn M. Stachura.

Investigator Stachura’s letter states:

“Please be advised that we have completed our investigation into your complaint against attorney Eugene M. Fahey, and, upon careful consideration, we have determined that the evidence does not substantiate conduct to the degree necessary for further review, much less to seek formal discipline.

Should you desire, you may consult with private counsel to determine what civil remedies, if any, may be available to you.

By copy of this letter to Mr. Fahey, we inform him of this disposition.

This disposition notwithstanding, we thank you for bringing this matter to our attention for consideration.” (underlining added).

This is multitudinously indefensible, procedurally and substantively – and, tellingly, Investigator Stachura’s letter does not cite any legal authority to substantiate her flagrant factual falsehoods.

The unstated legal authority for investigation of a complaint is [22 NYCRR §1020.5](#) and [22 NYCRR §1240.7](#) – the former succinctly stating:

“Investigation of all complaints shall be initiated and conducted by the chief attorney, with such assistance from the staff attorneys as deemed necessary by the chief attorney. Such investigations shall be conducted in accordance with the provisions of section 1240.7 of part 1240...”. (underlining added).

ANY “investigation” that Chief Counsel Cydney Kelly would have “initiated and conducted” – starting with just reading [CJA’s February 3, 2025 Opposition Report to the Commission’s November 14, 2024 Report](#) on which the February 27, 2025 complaint is based – would have revealed that Chair Fahey had NO defense to its showing that he had willfully and deliberately violated a succession of penal laws, starting with [Penal Law §175.35](#), “Offering a false instrument for filing in the first degree”.

Last year, after Ms. Stachura sent me a [March 27, 2024 letter](#) dismissing, without investigation, a comparable [January 29, 2024 complaint against Chair Fahey](#) based on [CJA’s January 18, 2024 Opposition Report to the Commission’s December 4, 2023 Report](#),¹ I wrote you an [April 10, 2024 letter](#) for full Committee reconsideration, stating:

“Penal Law §175.35, ‘Offering a false instrument for filing in the first degree’, is a long-recognized ground for disbarment, [Matter of Chu](#), 42 NY2d 490, utilized by the grievance committees to procure automatic disbarment for analogous federal charges. Among the Appellate Division, Fourth Department decisions disbaring attorneys based on ‘false instrument’ convictions are [Matter of Knoll](#), 181 A.D.2d 136 (1992), [Matter of Tracy](#), 218 A.D.2d 48 (1995), and [Matter of Trammel](#), 240 A.D.2d 90 (1998). Attorney Fahey, as a former Appellate Division, Fourth Department justice, participated in disbarments based on felony convictions, [Matter of Widenor](#) (May 27, 2014); [Matter of Powers](#), (December 11, 2013); [Matter of Rothschild](#), November 22, 2013 [cf. [Matter of Grillo](#) (March 15, 2013)].” (at p. 5).

I incorporate by reference that April 10, 2024 letter² in support of the relief I here seek – here, as there, including a complaint against Investigator Stachura, Chief Counsel Kelly, and complicit staff, and a request for oversight and corrective action.

I note that pursuant to [§1240.7\(d\)\(2\)](#), it is the Committee which disposes of complaints “After investigation” – making my request herein for full Committee reconsideration additionally appropriate.

¹ CJA’s webpage for the January 29, 2024 complaint is <https://www.judgewatch.org/web-pages/searching-nys/attorney-discipline/jan-29-2024-complaint-fahey-etc/menu-ad-4.htm>.

² [Your April 29, 2024 letter](#) denied reconsideration “for the reasons expressed in Ms. Stachura’s closing letter” – and denied my request for full Committee reconsideration.

ALL Committee members are responsible for the frauds perpetrated in its name. Therefore, and separate from the requested full Committee reconsideration, please promptly forward this letter to ALL members so that they can discharge their duties, including pursuant to [Rule 8.3\(a\) of New York's Rules of Professional Conduct](#),³ which you and they are charged with enforcing.

I am available to answer questions under oath. Meantime, please deem the foregoing as sworn by me as true under penalties of perjury.

By copy of this letter to [UCS Inspector General Kay-Ann Porter Campbell](#), whose office has jurisdiction over the Appellate Division Attorney Grievance Committees, I call on her to take belated investigative and corrective action, as is her duty.

Thank you.

s/Elena Ruth Sassower

cc: UCS Inspector General Kay-Ann Porter Campbell

³ Rule 8.3, entitled "Reporting Professional Misconduct", reads, in its paragraph (a):

"A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation."