

Thursday, 27th October 2016

Mr John McKenzie
Legal Services Commissioner
Office of the Legal Services Commissioner
Level 9, 75 Castlereagh Street
Sydney NSW 2000

Dear Commissioner

Re: Terence Goldberg

The Law Society and your office have repeatedly claimed that Terence Goldberg acted for **both** the four Plaintiffs and the sixth Defendant in proceedings 2009/00291458-001.

I **attach** copy of sworn affidavits of Terence Goldberg in relation to those proceedings, dated 24th November 2009 and 25th November 2009. Such attachments are marked as "A" and "B". You, your office and the Law Society, have been provided with copies of such on a number of occasions.

You will note Terence Goldberg's identical statement in both affidavits and on oath:

"I am a partner in the firm Turner Freeman and in that capacity have care, conduct and control of the matter on behalf of the plaintiffs."

You will also see that such affidavits particularise that Terence Goldberg acted for the four Plaintiffs only.

In correspondence to the President of the Law Society, dated 17th September 2009, Terence Goldberg states:

"We act for four members of an eight member committee of the above incorporated association."

A copy of such correspondence was provided to the OLSC on 18th April 2011, however, I **attach** copy of such once again. Such is marked as "C".

In correspondence to me of 24th September 2009, Terence Goldberg states:

"We act for Reverend Patricia Cleary, Caroline Allen, Matilda Vila and Miranda McCarthy (also known as Mandy Miami)."

A copy of such correspondence was provided to the OLSC on 18th April 2011, however, I **attach** copy of such once again. Such is marked as "D".

In correspondence to me of 12th October 2009, Terence Goldberg states:

"We continue to act for Reverend Patricia Cleary, Caroline Allen, Miranda McCarthy and Matilda Vila."

A copy of such correspondence was provided to the OLSC on 18th April 2011, however, I **attach** copy of such once again. Such is marked as "E".

You will note that the four above named persons were the four Plaintiffs in proceedings 2009/00291458-001.

Rule 7.25 of the Uniform Civil Procedure Rules 2005 provides that a solicitor is unable to act for opposing or adverse parties in the same proceedings, unless leave to do so is granted by the Court.

You are aware that leave was not granted, nor even sought, in relation to Mr Goldberg acting for the four Plaintiffs and the opposing party, being the sixth Defendant, in proceedings 2009/00291458-001.

As you will see from the **attached** Notice of Motion in relation to the same proceedings, the sixth Defendant is noted as a party who is affected by the orders sought and is therefore and obviously an opposing party. Find attached copy of such Notice of Motion. Such is marked as "F".

Find **attached** copy of correspondence addressed to Terence Goldberg and copied to all partners at Turner Freeman, dated 9th July 2012 raising the issue of Rule 7.25 of the UCPR.

Your office has already been provided with a copy of this letter, however, I once again **attach** such for your reference. Such is marked as "G".

Also find **attached** the Summons in relation to the abovementioned proceedings. You will note that such Summons particularises that Turner Freeman acts for the plaintiffs only. Such is marked "H".

Also, as made known to your predecessor, Mr Steve Mark, in correspondence of 17th January 2013, a Notice of Appearance was **not** filed with the Supreme Court of NSW in relation to the sixth Defendant, and that party was therefore unrepresented.

I ask you the question, and I place an emphasis upon such question: On what basis do you, your office and the Law Society repeatedly and continuously maintain your position that Terence Goldberg acted for the sixth Defendant in proceedings 2009/00291458-001?

A copy of this letter and its attachments shall be provided to the Independent Commission Against Corruption.

I look forward to your immediate response.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Symn Waters". The signature is written in a cursive, somewhat stylized font.

Symn Waters