

Monday, 5th March 2018

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

Dear Mr McKenzie

Re: Activities of Terence Goldberg of Turner Freeman Lawyers

On 23rd November 2016, as part of Supreme Court proceedings in the matter of *Goldberg v Beckett* (2015/00354540), the Honourable Justice Harrison made the Order that a sum in the amount of \$1,656,089.93 be placed into a controlled moneys account, in order that such sum earn interest at a “*notionally available commercial rate*”.

As a short prelude to the above, Terence Goldberg of Turner Freeman Lawyers, having previously acted for Roseanne Beckett in proceedings against the State of NSW, commenced proceedings against Ms Beckett in an attempt to enforce a claimed lien over the entire compensatory award of \$4,091,717.00 that Ms Beckett received for wrongful imprisonment. You would be aware that Ms Beckett spent 10 years in prison between the years of 1991 and 2001 for crimes she did not commit.

It must be mentioned that in Roseanne Beckett’s action against the State of NSW, that as well as being awarded the sum of almost \$4.1m, his Honour also ordered Ms Beckett’s legal costs be paid by the State, with a part of those costs being paid on the indemnity basis, therefore Mr Goldberg’s costs were for the most part assured.

Terence Goldberg later claimed, via his legal representatives, that the entire amount, or the majority thereof of the aforementioned \$1.6m, would be paid to him for his legal costs, as incurred and owing to his firm in Ms Beckett’s proceedings against the State of NSW.

In June 2016, Roseanne Beckett paid \$2.5m to Turner Freeman Lawyers, which left the remaining sum of \$1.6m in contention. As stated above, that sum of \$1.6m was ordered by his Honour to be placed into a controlled moneys account in order that it earn the highest

rate of interest to benefit its eventual deemed owner or owners. The sum of \$2.5m as paid to Turner Freeman Lawyers by Roseanne Beckett was later reimbursed to Ms Beckett by the State of NSW.

After completion of the costs assessment process, Terence Goldberg's bill of costs was ultimately reduced by the sum of \$490,588.30, with the majority of the said sum of \$1.6m being returned to Roseanne Beckett, which she in turn received by cheque on 19th December 2017.

Despite the Order as made by the Court that the sum of \$1.6m be placed into an account that earned interest, the law firms involved, ie Turner Freeman Lawyers and DG Thompson Lawyers, placed the said sum into a Westpac Business One Low Account. This Westpac business account does not have the facility of earning interest, and in fact was an account that attracted a monthly maintenance fee.

However, the facility offered, as qualified in a meeting between Roseanne Beckett and the Westpac Bank of 1st March 2018, in relation to that account, is the facility to offset an overdraft. In fact, one of the bank representatives in the aforesaid meeting termed such account as an '*offset account*'.

Roseanne Beckett attended such meeting at the Westpac Bank following an Order made by the Court on the same day.

On 1st March 2018, Roseanne Beckett attended the Supreme Court of NSW pursuant to her filing and serving a Subpoena to Produce on the Westpac Banking Corporation. The matter was listed for a return of subpoena at 9.00am that morning. At such listing, Roseanne Beckett discovered that the Westpac Banking Corporation had not complied with the terms of her Subpoena to Produce and had neither produced any documents, nor had the bank sent any representative, legal or otherwise, to the Court.

Senior Deputy Registrar Brown thence made two Orders, with those Orders being that Roseanne Beckett contact the Westpac Bank in order to understand the bank's non-compliance (which placed the bank in contempt), and the second Order being that Turner Freeman Lawyers write to his Honour's Associate providing reasons for their seeking to set aside Ms Beckett's Subpoena to Produce. Registrar Brown set the matter over until the following day.

As stated previously, Roseanne Beckett attended a meeting at the Westpac Bank on 1st March 2018, whereupon she was informed by the bank that Terence Goldberg of Turner Freeman Lawyers had both contacted and advised the bank that compliance with Ms Beckett's Subpoena to Produce was no longer necessary, having given the reason that the matter was listed for hearing on 6th April 2018, and that he had filed a Notice of Motion with the Court seeking the setting aside of Ms Beckett's subpoena, with that Notice of Motion also being heard on 6th April 2018.

Quite bizarrely, and despite the hearing yet to be heard on 6th April 2018, Terence Goldberg in his Notice of Motion as filed on 16th February 2018, seeks a lump sum costs order against Roseanne Beckett in the amount of \$350,000.00 to be paid within seven days of the order having been made. His Honour saw fit to list that Notice of Motion on the same day as the already listed hearing in the matter.

Roseanne Beckett returned to Court on 2nd March 2018, whereupon Registrar Brown requested of both parties if her Orders of the previous day had been complied with. Mr Kit Baigent for and of Turner Freeman Lawyers responded in the negative.

When pressed by the Registrar as to why her Order had not been complied with, Mr Baigent provided the reason that the principal of Turner Freeman Lawyers, being Terence Goldberg, had requested that he not comply with such. I am told that Registrar Brown voiced her displeasure and made the comment that Turner Freeman was disrespecting the Court and its Orders. Turner Freeman have not made it known if they have now written to his Honour's Associate in compliance of Registrar Brown's Order of 1st March 2018.

Further, on 1st March 2018, without Mr Goldberg being aware of what the Westpac Bank had disclosed to Ms Beckett earlier that day, Mr Goldberg wrote to Ms Beckett and stated, quite incorrectly, that she did not have the legal right to file and serve a Subpoena to Produce on the Westpac Banking Corporation, wrongfully claiming that Ms Beckett had to file a Notice of Motion with the Court in order to be granted leave to file and serve such subpoena.

The Associate to his Honour had sent an E-mail to Roseanne Beckett at 12.55pm on 14th February 2018, with such E-mail also being copied to Terence Goldberg, advising "*I advised the Registry that in this matter his Honour has granted leave [to Ms Beckett] for the issuing of a Subpoena to Produce to Westpac Banking Corporation*".

Also, in his letter to Roseanne Beckett of 1st March 2018, Terence Goldberg states to Ms Beckett that if she is to file and serve a Subpoena to Produce on the Westpac Banking Corporation, she is to do so with five points of his choosing.

As you are well aware, these behaviours as exhibited by Terence Goldberg are nothing new. In fact, I would go on to categorically state that Mr Goldberg has been enabled to do so by the deliberate turning of a blind eye by both your office and of the Law Society of NSW to Mr Goldberg's previous issues of not only misconduct, but also of Mr Goldberg's defiance of previous Orders as made by the Court, as well Mr Goldberg's seemingly fraudulent conduct.

Lest there be any doubt in relation to the claims made in the above paragraph, I **attach** to this letter copies of correspondence to you of 20th December 2017 and 19th February 2018; with both of those correspondences remaining without a response, and with both of those correspondences being a small portion of letters written to you on the said same subject.

I would go on to say that given Mr Goldberg's behaviour in his defiance of the Orders as made by the Court last week, and also his extraordinary conduct in persuading the Westpac

Bank to not comply with a filed and served Subpoena to Produce, that the first domino has now fallen, and not before time. Where this leads to from hereon in is anybody's guess, and I would strongly advise you to consider your position.

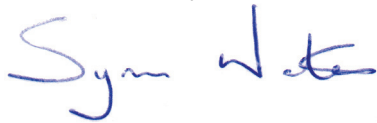
Your own conduct in relation to your turning of a blind eye to Terence Goldberg's transgressions has been nothing short of a disgrace, and I believe that such, in part, has led to all the above, with a raft of good people being damaged along the way, both financially and otherwise.

Also, the above is what is known to us. What is not yet known remains to be seen. If you had carried out the proper functions of your office, rather than abuse your position as Commissioner by improperly dismissing complaints, Mr Goldberg would have ceased practising some years ago.

No doubt, as is your wont, and which has become customary, no response will be received to this letter.

As has also become customary, a copy of this correspondence and its attachments shall be provided to the Independent Commission Against Corruption.

Yours faithfully



Symn Waters