

Friday, 16th November 2012

The Hon Greg Smith SC MP
Attorney General of NSW
Level 31, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Attorney General

Re: *Conduct of the Law Society of NSW - Terence Goldberg, Turner Freeman Lawyers - dismissal of complaints*

I refer to the above.

I received an invitation from your office, via correspondence dated 8th October 2012, to write to the Law Society with my concerns regarding their dismissal of all my complaints about Terence Goldberg of Turner Freeman Lawyers and three other solicitors.

I subsequently wrote to Mr Justin Dowd, the President of the Law Society of NSW, on 15th October 2012, seeking an understanding of those dismissals and a copy of that correspondence to the Law Society was forwarded to your office.

As you are aware, I did not receive any response from the Law Society and corresponded with Mr Dowd once more on 29th October 2012, seeking a response to my letter of 15th October 2012 and once again requesting the Law Society's reasons for dismissing all my complaints against Terence Goldberg and three others.

I did then receive a response from the President, dated 30th October 2012. However, that response stated that no reasons for the dismissal of my complaints would be forthcoming and the Law Society would not correspond with me any further on this matter.

As Mr Dowd did not answer the questions put to both him and the Law Society regarding the dismissal of my complaints, I further wrote to Mr Dowd on 9th November 2012, and that correspondence has not had a reply, and therefore my questions remain unanswered.

This is quite surprising on two fronts. Firstly, it was due to an invitation from your office that I wrote to Mr Dowd, and it is both disturbing and concerning that Mr Dowd does not view the request from your office as having any importance and refuses to comply with such.

Secondly, due to the serious nature of Mr Goldberg's conduct, it is incredible that the Law Society dismissed all complaints against Mr Goldberg.

As you are also aware, the Law Society was provided with evidence that Mr Goldberg had, among other things:

- Made false claims in relation to the constitution of Enmore Spiritualist Church Incorporated ("the Association") and the Incorporated Associations Act;
- Knowingly produced a false Association membership list to the Supreme Court as part of proceedings 5454/2009, heard before Her Honour Justice Bergin, Chief Judge in Equity on 27th November 2009;
- Authored a false and defamatory letter for publication to several Association members stating that the Defendants in proceedings 5454/2009 had made use of Association funds for their own use and enjoyment while having absolutely no evidence as to such as such evidence does not exist;
- Misled the Supreme Court and falsely claimed to have acted for the sixth Defendant in proceedings 5454/2009 when he in fact represented the four Plaintiffs, by way of an Application of Assessment of Solicitor/Client Costs and filed with the Supreme Court on 23rd June 2010.
- Misled Mr John Bartos, costs assessor, by falsely claiming to have acted for the sixth Defendant in proceedings 5454/2009 and subsequently obtained a Certificate of Determination against that sixth Defendant;
- Misled Mr John Bartos, costs assessor, by falsely claiming that 11 Orders were made by Her Honour Justice Bergin in proceedings 5454/2009, when only one Order was made by Her Honour, and strongly inferring that the sixth Defendant was in fact a Plaintiff;
- Misled the District Court, Sydney, by falsely claiming to have acted for the sixth Defendant and obtained a Judgment Debt against that sixth Defendant in the sum of \$124,661.90;
- Claimed to Jones Partners, liquidators, that Turner Freeman was owed \$185,802.62 by Enmore Spiritualist Church Incorporated, being the sixth Defendant in proceedings 5454/2009 (despite the Judgment Debt improperly obtained in the amount of \$124,661.90), when such was false and despite, and in defiance of, the already mentioned Order made by Her Honour; and

- Provided several false statements to the Law Society in relation to its investigation;

Given the above examples, the Law Society's decision to dismiss all complaints against Terence Goldberg and three others is incomprehensible.

I can only contend, given the above examples, that the Law Society did not carry out any investigation into the conduct of Terence Goldberg and three others, or has simply shown 'wilful blindness' to such.

Either way, such is unacceptable.

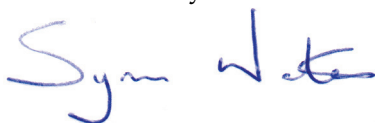
It must also be pointed out that Terence Goldberg neither had the Order made by Her Honour Justice Bergin in proceedings 5454/2009 set aside, nor were there any other or subsequent orders made which would have enabled Mr Goldberg to use funds owned by the sixth Defendant to pay the costs and legal fees of his clients, the four Plaintiffs in proceedings 5454/2009. As such, Mr Goldberg defied quite blatantly the Order made by Her Honour.

As the Law Society resists complying with the invitation issued by the office of the Attorney General, I seek from the office of the Attorney General explanations as to why the Law Society dismissed all my complaints against Terence Goldberg and three others as well as why the Law Society of NSW refuses to explain its decision regarding the dismissal of those complaints.

Also, due to the turn of events, a formal complaint was made to the Independent Commission Against Corruption (ICAC) in relation to the Law Society's handling of the above and I was informed that the ICAC's remit of investigative authority does not cover the Law Society. As part of your office's response to this correspondence, can your office please provide me with the details of the authority or body which oversees the Law Society's conduct.

I look forward to your response and assistance on the issues raised.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Symn Waters', written in a cursive style.

Symn Waters