

Symn Waters

From: Symn Waters
Sent: Monday, 14 December 2020 8:00 AM
To: 'cjbevan@wentworthchambers.com.au'
Cc: 'acheshire@wentworthchambers.com.au'
Subject: Misconduct of instructing solicitor - barrister's overriding duty to the Court
Attachments: 2009 11 27 - Transcript of proceedings 5454-2009 - BER09T1127JEF.pdf; 2010 06 23 - Application for assessment of costs presented to Supreme Court of NSW.pdf; 2019 11 04 - Letter to Terence Goldberg - excess funds.pdf; 2020 02 12 - Letter to Terence Goldberg - improper conduct.pdf; 2020 06 12 - Letter to Michael Jones, Managing Principal, Jones Partners - fraud and money laundering.pdf

Dear Mr Bevan

On 27 November 2009 you appeared on behalf of all four plaintiffs in Supreme Court proceedings 2009/00291458-001, being Cleary and Ors v Kypri and Ors*. As you know, there were four plaintiffs and six defendants in this matter.

Your instructing solicitor in such was Terence Goldberg of Turner Freeman Lawyers, with, quite obviously, the four plaintiffs being Turner Freeman's four clients. The first to fifth defendants were represented by Pigott Stinson Lawyers. The sixth defendant, an incorporated association, was unrepresented. As you would know, the said incorporated association was named as the sixth defendant as doing so would bind the association into any decision made by the Court. One Order only was made in those proceedings, being that each party was to pay their own costs. Importantly, the sixth defendant had accrued no costs.

On 23 June 2010, and in relation to the above, Terence Goldberg filed with the Court an Application for Assessment of Solicitor/Client Costs, and in such Application makes the false claim that there were five plaintiffs and five defendants, while also making the further false claim that Turner Freeman acted for the incorporated association. These claims on the part of Terence Goldberg are fraudulent. Mr Goldberg in that same document also claimed that her Honour made 11 Orders. That claim is also false. Pursuant to same, Terence Goldberg obtained a judgment debt against the sixth defendant in the amount of \$124,661.90.

You have been made aware of the above on a large number of occasions and, for reasons known only to yourself, you have declined to bring that same information to the attention of the Court or any other regulatory body or authority.

You are also aware that in the intervening period of the above fraudulent acts, that Terence Goldberg conspired with Michael Jones of Jones Partners and a Mr Jon Lindsay to take by further deceptive and improper means all remaining monies as owned by the above said incorporated association, with Terence Goldberg and Michael Jones clandestinely creating a Trust and separate incorporated association (and registering both as charities) to receive all funds as owned by the original association, being the aforesaid sixth defendant.

While there is no suggestion or evidence you had any part to play in any of the fraudulent activities as laid out above, it is safe to say that you have not fulfilled your overriding duty to the Court to act with independence in the interests of the administration of justice. I am left wondering if your reluctance to bring the said matter to the attention of any authority is because you have a longstanding history with those concerned, being Messrs Goldberg, Jones and Lindsay (as in *McCarthy v Murphy* (Supreme Court of NSW, SC 1913/1999**), and *Ren Nominees Pty Ltd v MS Cognosis Pty Limited (No 1)*, (Federal Court of Australia, NSD 330 of 2013), among others).

I **attach** the transcript of Supreme Court proceedings 2009/00291458-001 (then known as 5454/2009 before change in Court system), which clearly illustrates not only the parties involved, but also who acted for whom and also the Order made and agreements reached. I further **attach** copy of the Application for Assessment of Solicitor/Client Costs as filed by Terence Goldberg on 23 June 2010 carrying the said fraudulent statements.

I also **attach** letters to Terence Goldberg of Turner Freeman Lawyers of 4 November 2019 and 12 February 2020, and letter to Michael Jones of Jones Partners of 12 June 2020, which together describe in succinct detail the abovementioned unlawful behaviours, as well as additional criminal activities on the part of Messrs Goldberg and Jones. None of those letters have received any form of acknowledgment or response.

It too is of note that no response has ever been received from yourself in relation to the above information having been brought to your attention; as has been done so on multiple occasions. Given your position, your silence and inaction are difficult if not impossible to comprehend.

Due to your continued silence on the matter, I copy this E-mail to Mr Anthony Cheshire SC, your Head of Chambers.

I await your comment.

Yours faithfully

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*&** Miranda McCarthy was also both a plaintiff and represented by yourself in the two Supreme Court proceedings Cleary and Ors v Kypri and Ors and McCarthy v Murphy. Miranda McCarthy is also the ex-wife of Jon Lindsay.