



THE OFFICE OF THE
LEGAL SERVICES COMMISSIONER

Private and Confidential

Mr Symn Waters
20 Newman Street
NEWTOWN NSW 2042

File Ref: 52273_7

7 August 2017

Dear Mr Waters

Complaint about Mr Terence Goldberg – Request for internal review

I acknowledge receipt of your letters dated 31 July and 2 August 2017.

You refer, in both letters, to a letter from this Office dated 2 June 2015 in which, you say, I admitted that statements made by Terence Goldberg in an Application for Assessment of Solicitor/Costs [sic] as filed with the Supreme Court of New South Wales costs assessment scheme on 23 June 2010 were false.

You have quoted my letter selectively and out of context.

For the avoidance of doubt:

- My letter contains no such admission
- I do not accept the statements you have identified as being false, misleading and untrue, namely statements that:
 - i. Mr Goldberg acted for the Sixth Defendant in Supreme Court proceedings 2009/00291458-001 (the 2009 Proceedings)
 - ii. The Plaintiffs in the 2009 Proceedings brought their action on behalf of the Sixth Defendant.

were in fact false, misleading and untrue. I refer to the detailed analysis contained in my predecessor's letter dated 10 January 2013, which discussed the retainer arrangements, how Enmore Spiritualist Church Incorporated fitted into those arrangements and its role in the Supreme Court proceedings. It follows there was no reason to inquire

why Mr Goldberg made false statements, as you suggest should have been done.

The point of my letter of 2 June 2015 was that even if the statements were in fact false, misleading and untrue, as you contend, that would not necessarily result in disciplinary action being taken against Mr Goldberg.

Yours sincerely



John McKenzie
Commissioner