

Monday, 22<sup>nd</sup> October 2018

Mr David Clarke MLC  
Parliamentary Secretary for Justice  
Level 31, Governor Macquarie Tower  
1 Farrer Place  
Sydney NSW 2000

Dear Parliamentary Secretary for Justice

***Re: The covering up of solicitor misconduct***

I write to you further in relation to issues of solicitor misconduct and the covering up of such by Mr John McKenzie, the NSW Legal Services Commissioner.

In 2015, Ms Roseanne Beckett was in receipt of settlement monies in relation to a claim of defamation against Fairfax Media Publications Pty Limited. I say that Ms Beckett received settlement monies, however, Ms Beckett did not actually receive the said settlement monies as her solicitor, Mr Terence Goldberg of Turner Freeman Lawyers, withheld the entire amount of that settlement award for payment of past legal costs while also withholding the sum of \$30,000.00 to pay for future legal costs for other matters she had with that firm.

Terence Goldberg provided Roseanne Beckett with a trust receipt for that sum as dated 1<sup>st</sup> December 2015. Roseanne Beckett informs me that she did not receive any further correspondence from Turner Freeman in relation to that sum of \$30,000.00.

On 6<sup>th</sup> April 2018, during live proceedings in the Supreme Court of NSW, Ms Beckett asked of Terence Goldberg as to the whereabouts of the said sum of \$30,000.00. Mr Goldberg, in the witness box and on oath, stated that the said sum remained in his firm's trust account.

Roseanne Beckett, in relation to those proceedings, was ordered on 4<sup>th</sup> May 2018 to pay Turner Freeman's costs of the proceedings in the fixed amount of \$300,000.00. Ms Beckett paid Turner Freeman by bank cheque on 9<sup>th</sup> May 2018.

However, as Terence Goldberg maintained that his firm had in its accounts monies belonging to Ms Beckett, Ms Beckett paid Turner Freeman the sum of \$270,000.00 and sought that the remainder of the monies owing to Turner Freeman be paid from the monies

belonging to her which resided in Turner Freeman's trust account. Find **attached** copy of correspondence from Roseanne Beckett to Terence Goldberg of 9<sup>th</sup> May 2018. You will see that Ms Beckett seeks from Mr Goldberg a receipt for all monies paid, as well as a trust receipt for the said monies, and also a trust ledger relating to such.

As you would well know, a trust account is so named as the monies in a firm's trust account belong to the client at all times and are held on trust for the client by the law firm.

Terence Goldberg responded to Ms Beckett on 10<sup>th</sup> May 2018, stating that he was in receipt of her funds and that he had transferred the sum of \$30,000.00 from his firm's trust account to his firm's office account, and confirming that Ms Beckett had paid the entire amount as per the Order of the Honourable Justice Harrison.

Despite Ms Beckett's clear request for the said receipts and ledger, Terence Goldberg provided to Ms Beckett an office account receipt for the sum of \$270,000.00. This would obviously and therefore lead one to believe that no monies were in fact transferred from the firm's trust account to the firm's general office account, as Mr Goldberg had stated he had done so. I **attach** a copy of Mr Goldberg's letter to Ms Beckett of 10<sup>th</sup> May 2018.

Ms Beckett wrote once again to Terence Goldberg on 21<sup>st</sup> May 2018 stating that Turner Freeman had omitted to provide her with the requested receipts for the sum of \$30,000.00, which had supposedly been transferred from the firm's trust account to the firm's general office account. Mr Goldberg responded to Ms Beckett stating that he had no further documentation to provide to her.

On 23<sup>rd</sup> May 2018, Roseanne Beckett made a complaint to the Office of the Legal Services Commissioner, in that she stated that Mr Goldberg was not complying with statute and was refusing to provide to her receipts for monies transferred to Turner Freeman's office account from trust and moreover was refusing to provide a trust receipt and trust ledger relating to the said sum of \$30,000.00, which Mr Goldberg had expressly stated, on oath, that such resided in his firm's trust account.

Ms Samantha Gulliver, Senior Legal Officer at the OLSC, was assigned to oversee this complaint. Ms Gulliver, wrote to Mr Goldberg in relation to his refusal to provide Ms Beckett with a trust receipt and trust ledger, as he must do. Mr Goldberg took the most unusual step of responding to the OLSC, stating that he believed that I had made the complaint while pretending to be Roseanne Beckett and he would not comply with the OLSC's request for documentation.

On 6<sup>th</sup> June 2018, Roseanne Beckett posted a paper copy of her complaint, accompanied with a letter from her, stating that the complaint was indeed hers and the investigation of such complaint should proceed without any further delay. What happens next is simply extraordinary.

On 25<sup>th</sup> June 2018, John McKenzie wrote to Roseanne Beckett, advising Ms Beckett that her complaint had been dismissed, while at the same time advising Ms Beckett that "*As a client,*

*you are not entitled to a copy of the practice's trust account ledger or other internal financial and account records".* As you would be aware, Rules 52(4)(a) and 52(4)(b) of the Legal Profession Uniform General Rules 2015 state quite the opposite. Quite obviously, the Rules as set down by Parliament had been breached.

A letter was written to Samantha Gulliver of the OLSC on 29<sup>th</sup> June 2018, stating that Rules 52(4)(a) and 52(4)(b) of the Legal Profession Uniform General Rules 2015 had not been complied with by either Turner Freeman or the OLSC. That letter remains without response and Roseanne Beckett remains without any form of trust receipt or trust ledger in relation to the said sum of \$30,000.00.

Roseanne Beckett has made the assumption that Terence Goldberg of Turner Freeman Lawyers had moved her funds from trust at some point in the past without her knowledge or permission. If so, and as you would know, such would be an act of theft.

Also, and as can be plainly seen, John McKenzie has himself deviated from and derogated from statute in order to dismiss a complaint about Terence Goldberg of Turner Freeman Lawyers. As you well know, and which is undeniable, Mr McKenzie has a long history of so doing.

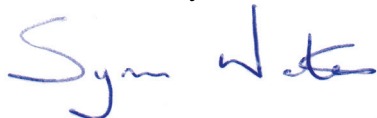
As has been made known to you on many previous occasions, John McKenzie has gone out of his way to cover up a matter of fraud as perpetrated by Terence Goldberg, and it appears he is doing so once more.

Again, the question must be asked as to why John McKenzie is going to such extraordinary lengths to protect Terence Goldberg. Is Mr McKenzie benefiting in some way from improperly dismissing complaints about one particular solicitor, or does Mr McKenzie do so on a regular basis in relation to complaints made to his office?

Given my concerns regarding Mr McKenzie's conduct, as well as your own, may I add, this letter shall be copied to the Minister for Police, the External Liaison Unit of the Professional Standards Command of the NSW Police, and to the Law Enforcement Conduct Commission.

I look forward to your prompt response.

Yours faithfully



Symn Waters