

Thursday, 18th November 2021

Ms Juliana Warner
President
Law Society of NSW
170 Phillip Street
Sydney NSW 2000

Dear Ms Warner

Re: Criminality and corruption within the legal profession

I refer to the above and to previous correspondences to you in relation to same, my most recent being on 12th November 2021.

As you are acutely aware, Terence Goldberg made numerous false statements in an Application for Assessment of Solicitor/Client Costs in order to make improper and fraudulent financial gain. You are also aware of Mr Goldberg's ongoing criminal endeavours, and the ongoing cover up of such by both the Law Society of NSW and John McKenzie, the Legal Services Commissioner.

Forgive me if I repeat myself, however, I do so for the sake of clarity. Terence Goldberg acted for all four plaintiffs in Supreme Court proceedings 2009/00291458-001 ("**the 2009 proceedings**"). Pigott Stinson Lawyers acted for the first to fifth defendants, and the sixth defendant, an incorporated association, was an unrepresented party.

In his application to the Court for assessment of his firm's supposed professional costs, Terence Goldberg claims that he acted for the four plaintiffs and the incorporated association, while also claiming there were five plaintiffs and five defendants. As you can see, the lie is simple and plain for all to see.

Further, and not content with falsely claiming his costs against the sixth defendant, Mr Goldberg then conspired with the liquidator to take all other funds as owned by the above said sixth defendant, with Mr Goldberg and the liquidator placing the remaining funds, as well as other funds of an unknown origin, into a Trust of their making. Again, the criminality is plain and entirely obvious.

Despite the obviousness of the wrongdoing involved, both the Law Society and the Office of the Legal Services Commissioner state that no wrongdoing has taken place. Quite evidently, both of those overseers are turning a very deliberate blind eye. Such is undeniable.

My letter to you of 12th November 2021 dealt with the Law Society's covering up of the matter. However, We need to look a little more closely too at John McKenzie's direct input into the affair.

Find **attached** copies of correspondence from John McKenzie to me of 2nd June 2015 and 7th August 2017, and copy of correspondence from Mr McKenzie to Ms Roseanne Beckett of 25th June 2018. As can be seen, John McKenzie provides false statements to both myself and Ms Beckett in order to improperly dismiss complaints as made to his office, and not so coincidentally, regarding the same solicitor.

As we know, and as previously stated, Terence Goldberg acted for the four plaintiffs only in the 2009 proceedings, however in separate Local Court proceedings, as heard on 26th February 2016 ("**the 2016 proceedings**"), and in open Court, Terence Goldberg repeats his lie that he acted for the sixth defendant in the 2009 proceedings, while also claiming that the plaintiffs in the 2009 proceedings brought their action on behalf of the sixth defendant in same. Both of those statements as made by Mr Goldberg in the 2016 proceedings are perjurious.

A complaint was made to the Office of the Legal Services Commissioner regarding Mr Goldberg's perjurious statements, which, predictably, was instantly dismissed by John McKenzie. As can be seen from Mr McKenzie's letter of 7th August 2017, Mr McKenzie lies once more and claims that Terence Goldberg acted for the sixth defendant in the 2009 proceedings. As everyone knows, the sixth defendant was unrepresented in same.

Preceding the above, and as can be seen in Mr McKenzie's letter to me of 2nd June 2015, Mr McKenzie admits that Terence Goldberg made false statements in his application to the Court for his costs, however, Mr McKenzie provides the caveat that Mr Goldberg perhaps acted on instructions in doing so. Again, Mr McKenzie's improper protection is on full display, as a solicitor, when in dispute with his clients and making an application to the Court for the assessment of the firm's proposed costs, does not seek instructions from his (presumably now former) clients. Mr McKenzie's statement is clearly false, and clearly deliberately so.

Again, and in open Court on 6th April 2018, Terence Goldberg stated that the sum of \$30,000.00 as belonging to Roseanne Beckett was in his firm's trust account. This statement by Mr Goldberg was knowingly false, with that sum already having been improperly removed from Turner Freeman's trust account. Ms Beckett thereafter sought a trust ledger in relation to that sum, and, unsurprisingly, given that the monies were no longer there, Mr Goldberg refused to provide such.

Quite understandably, and given Terence Goldberg's refusal to provide a trust ledger in relation to her monies, Ms Beckett made a complaint to the Office of the Legal Services

Commissioner. Ms Beckett's request for a trust ledger fell within the provisions of the Legal Profession Uniform Law.

However, and as can be seen in John McKenzie's letter to Ms Beckett of 25th June 2018, and while at the same time improperly dismissing Ms Beckett's complaint, Mr McKenzie defies statute and states to Ms Beckett that *"as a client, you are not entitled to a copy of the law practice's trust account ledger..."*

As you would know, Mr McKenzie's statement is not only untrue, but also breaches sections 52(4)(a) and 52(4)(b) of the *Legal Profession Uniform General Rules 2015*. Mr McKenzie's statement is extraordinary, if not utterly outrageous.

In essence, we have a solicitor who can do, and indeed does, whatever he pleases, with the Law Society of NSW and the Office of the Legal Services Commissioner lying to the public in order to cover up Terence Goldberg's decidedly criminal transgressions. It cannot be made much clearer than that.

Further, all the above does not include John McKenzie's dismissal of another complaint made against Terence Goldberg in relation to a forged court stamp on unfiled court documents (in relation to the 2016 proceedings), with such seemingly carried out either by Terence Goldberg himself or under his direct instruction.

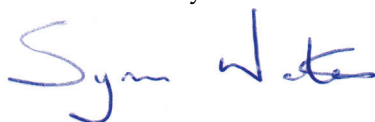
It is a simple statement of fact that the Law Society and the Office of the Legal Services Commissioner have not only protected Terence Goldberg despite his egregious and disgraceful conduct, but have in fact provided direct assistance to his criminal endeavours by turning a very distinct blind eye.

Probably the most astonishing aspect of all of this is that both the Law Society and the Office of the Legal Services Commissioner are willing to put untrue statements in writing, passing such off as fact to the unsuspecting and trustful eye. It is a clear indicator not only of prolific corrupt activity, but also of a lack of oversight and nil accountability.

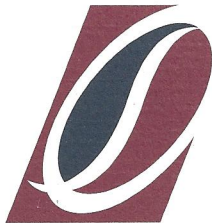
It should not take numerous letters over a prolonged period to solve the problem of a solicitor carrying out acts of a criminal nature. It should take only one.

It is my well earned experience that there is little or no honour to be found in the honourable profession.

Yours faithfully



Symn Waters



THE OFFICE OF THE
LEGAL SERVICES COMMISSIONER

Private and Confidential

Mr Symn Waters
20 Newman Street
NEWTOWN NSW 2042

Our ref: 31300,
33870, 35468, 37622 & 39497
Contact: Jim Milne

2 June 2015

Dear Mr Waters

Solicitor Misconduct

I acknowledge receipt of your letters dated 11, 14, 19, 28 and 29 May 2015.

Your suggestion my predecessors, my staff and/or I have engaged in corrupt conduct is insulting, offensive and without any factual basis. We will, nevertheless, of course respond to any inquiries the Independent Commission Against Corruption may choose to make.

This Office has been patiently responding to correspondence from you in relation to the decision on review for over 2 years, much of it covering the same ground. For example, the then Commissioner first dealt with your allegation that Mr Goldberg made false statements in the Application for Assessment of Solicitor/Client Costs, and in dealing with the Costs Assessor, in his letters of 10 and 21 January 2013. As noted in the Commissioner's letter of 21 January 2013, the making of an untrue statement would only be a disciplinary matter if it could be shown either that Mr Goldberg knew the statement was untrue, or that he had no proper basis for making it. Yet you continue to use the words "untrue", "false" and "dishonest" interchangeably when referring to the statements. A false statement is not necessarily made dishonestly. The Commissioner was not, and I am not, satisfied there is sufficient evidence to persuade the Tribunal that Mr Goldberg acted other than on instructions in making the statements, or that he knew such statements were false, untrue or baseless at the time he made them.

It is clear you do not, and will never, accept this Office's analysis of the relevant facts and circumstances, nor the decision on review. As such, it seems futile to continue to correspond with you in relation to that decision. Correspondence received after the date of this letter will, accordingly, be filed without acknowledgement to you.

Yours sincerely



John McKenzie
Commissioner



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

A handwritten signature in black ink, appearing to read 'John McKenzie', is written over the printed name and title.

John McKenzie
Commissioner



THE OFFICE OF THE
LEGAL SERVICES COMMISSIONER

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Ms Roseanne Beckett
86 Stanthorpe Drive
KANAHOOKA NSW 2530

Our ref: 54864_4
Contact: Samantha Gulliver

25 June 2018

Dear Ms Beckett

Your complaint about Terence Goldberg (Turner Freeman Lawyers)

Thank you for your letter dated 6 June 2018. I am now in a position to conclude this complaint.

Background

On 4 May 2018, the Supreme Court of NSW ordered you to pay Turner Freeman's costs of and incidental to proceedings concluded in that Court, to be paid as a specified gross sum in the amount of \$300,000.00.

You paid \$270,000.00 by bank cheque, and say you authorised Turner Freeman to withdraw an amount of \$30,000.00 that you understood the law practice retained in trust to make up the balance of the \$300,000.00 payable.

Complaint

You say:

1. You have not been provided with any documentation or trust account ledger evidencing the payments you made;
2. You are inclined to believe that the \$30,000.00 has previously been withdrawn or transferred from Turner Freeman's trust account, without authorisation.

Lawyer's response

Turner Freeman acknowledged receipt of the \$270,000.00, which was banked into its office account.

Mr Goldberg has now produced internal financial and accounting records from Turner Freeman which confirm that the settlement money from your defamation claim against Fairfax Media was received into trust in November 2015. The \$30,000 remaining after withdrawal of Turner Freeman's costs and disbursements was retained in trust until 9 May 2018, when it was withdrawn

in accordance with the direction contained in your letter dated 7 May 2018. As the \$30,000 was transferred to Turner Freeman's office account, there is no trust account receipt. As a client, you are not entitled to a copy of the law practice's trust account ledger or other internal financial and accounting records. Accordingly, I am not at liberty to provide you with copies of the documents Mr Goldberg has produced.

Mr Goldberg further notes that Turner Freeman's trust account is independently audited every year, as required by legislation regulating the legal profession, and submits an audit would have identified if anything was amiss.

Resolution

You say all you want is a receipt for the full amount of \$300,000. I have no power to require Turner Freeman to issue a receipt for funds received into their office account. In any event, Mr Goldberg's letter of 10 May 2018 confirms Turner Freeman has received:

1. \$270,000 – office account receipt enclosed
2. \$30,000 – by transfer from trust to office.

As I do not believe this Office can assist you in obtaining the further documentation you seek, I will now close our file.

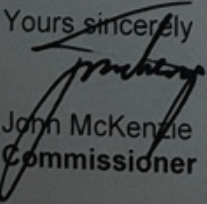
My decision is to close your complaint is final. However, I have absolute discretion to conduct an internal review of a decision made if I consider it appropriate to do so. If you seek that I review this decision, you must:

- make a written request to this Office within 30 days from the date of this letter;
- clearly identify the part of my decision that you dispute;
- give detailed reasons why you say my decision should be reviewed.

Please be aware that my consideration of a request for internal review does not involve reinvestigation of a complaint. Broadly, I may consider whether the:

- process of handling a complaint was fair;
- conclusions reached were reasonable on the information available;
- decision was adequately explained.

Yours sincerely


John McKenzie
Commissioner

c.c Terence Goldberg, Turner Freeman Lawyers, DX 152 SYDNEY