

# GLENN THOMPSON

11<sup>th</sup> June 2009

Ms Victoria Marles.  
Legal Services Commissioner  
Victoria.

By Facsimile 03 9679 8101

Dear Ms. Marles

## Complaint Handling.

On 5<sup>th</sup> May 2009 I made complaint against a number of practitioners. The specific allegations were contained in a consolidated part B of your complaint form and the evidence supporting these allegations is set out on my website <http://courtsontrial.com>

I have not yet been advised of your file numbers in relation to some of these complaints however three of the complaints related to firms and these were allocated your file numbers LSC/09/2947, 2948 and 2935. In relation to these files I am in receipt of your letters dated 25<sup>th</sup> May 2009 and in reliance on your advice that you cannot deal with disciplinary complaints against firms per se I hereby withdraw my complaint in relation to these firms.

In relation to the practitioners I am advised that your file numbers LSC/09/2946 and 2937 relate to Steven Mark Edward and Ms. Michelle Elizabeth Dixon. I have not yet been advised of file numbers for the remaining practitioners, namely, Greg Garde QC, J. Delany SC, John Middleton SC (Now Justice Middelton), Neil Adams, Greg Ahern and Sharon Burchell.

At the present time I am most disturbed by what I understand to be your position in relation to my complaint against these individuals. On speaking to Gabrielle Hersch of your office I am led to understand that your office has concluded these matters and that letters to that effect have been drafted and that these letters are awaiting your personal approval.

From my discussion with Gabrielle my understanding is that your office is not taking any action or making any inquiry in relation to my allegations against the practitioners and that the reason is as set out in the penultimate paragraph of your **form letters** dated 25<sup>th</sup> May in relation to the firms. This reason, in summary is that where the complaint relates to matters put before the Court then you cannot deal with the complaint unless:

- The concerns were raised by me during the proceeding; AND:
- The Court made findings adverse to the practitioners in this regard.

A specific allegation contained in my consolidated part B of your complaint form is that the practitioners **concealed** the conduct now alleged by me. Accordingly I did not and could not raise my concerns, as now alleged, during the various proceedings and as a consequence the Court did not and could not make a finding, adverse or otherwise.

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On the face of it this escape route for dishonest lawyers as defined in the penultimate paragraph of your letter of 25<sup>th</sup> May is nonsense and a confusing gobbledegook which appears to depend upon the question as to whether or not the practitioners behaviour "relates to" matters put before the Court when the "matters put before the Court" were the matters in question and not the behaviour of the practitioners as now alleged.

On the face of it, on my understanding of your letter, practitioners may deceive the Courts and so long as they are not discovered on the day then they are home free. If this is the case then I trust that you have made appropriate recommendations to ensure that the law is changed to enable you to properly deal with practitioners currently protected by this absurd anomaly.

On the face of it a dishonest lawyer is home free so long as the Court makes no pronouncement at all.

If the position is as it appears to me from your letter then It appears to me that this makes your office completely ineffectual against **the most serious** aspect of malpractice. Deception before the Courts.

In relation to my particular allegations I say:

- In the assumption that your office has considered the material made available to it your office is fixed with knowledge of the fact that the practitioners did behave as alleged by me.
- Your office will also be aware that the matters raised by me were ascertained, and could only be ascertained, from forensic analysis after the completion of the various proceedings and could not have been raised by me during the proceedings.
- Insofar as the matters raised by me were known to me and relate to the misrepresentations before Master Eftim then to the extent that they were known they were put to Justice Osborn and Justice Osborn **did** make adverse finding in that at paragraph 87 to 89 of his Reasons for Judgment Justice Osborne accepts my submission that the matter was not correctly articulated by senior and junior counsel before Master Eftim. (a copy of Justice Osborn's Reasons are on the website).
- The conduct of the practitioners for the Council and Water Authority as now alleged was specifically and overtly concealed by them and remained unknown to the Court and myself until I had conducted forensic analysis and therefore was not and could not be put to the Court on the day and as a consequence the Court did not and could not make any finding at all, adverse or not.

I trust that your office will take appropriate action and if it does not or cannot then I would be most grateful if you will explain clearly why you are prevented from doing so. Your present penultimate paragraph of your form letter is not clear at all.

Yours faithfully



Glenn Thompson.