

John E. Middleton Q.C.

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Friday, March 3, 2006

Mr. Glenn Thompson
68 Summer Street
ORANGE NSW 2800

Dear Mr. Thompson,

I refer to your email dated 24 February 2006.

I am sorry that you still feel the need to persist in your allegations. You are, of course, entitled to make any complaint pursuant to the provisions of the *Legal Profession Act* 2004 if you so desire.

I do not think it would be prudent or appropriate to continue to act for you in this matter.

However, I note that you desire that I immediately advise as to the avenues open to you should the matter come down against you.

I think it appropriate to make the following preliminary observations, without canvassing all the detail involved in your current litigation. The case put on your behalf was thoroughly and competently prepared with the assistance of yourself, junior counsel and instructing solicitors. This does not seem to be in dispute. In my view and in the view of others, the case before the Master was presented in a diligent, competent and professional manner. The material before the Master (which he indicated he would read and take into consideration) included your own affidavit material and written submissions (which you

had approved and were on my instructions content to put before the Master). The oral submissions supplemented that material, and also attempted to deal with issues raised by our opponents. At the end of the day my function was to seek to persuade the Master to reject the allegations made against you on all the material before the Court.

As far as I am aware no decision has yet been made by the Court. Whilst you should obtain your own independent advice, you should be aware of the fact that if the decision of the Master is adverse to you you can appeal to a judge of the Supreme Court. The appeal is by re-hearing *de novo*. In this sense, the appeal is determined on the evidence placed before the judge, and the judge determines the appeal without in this case being in anyway fettered by the decision of the Master or by what was said by me.

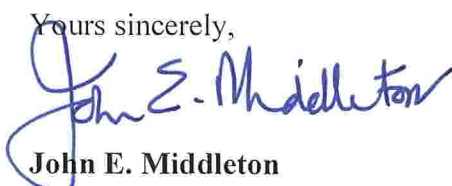
As you do not dispute that all the written material was accurately and comprehensibly put before the Master in your case, your new advocate can commence afresh to put the case on your behalf. In this regard, the avenue open to you if you lose before the Master (if you are so advised on the merits) is to appeal to a judge who will come to the matter afresh. The circumstances you allege against me will not influence the judge, who will determine the matter on the evidence before him (which was the evidence put before the Master) and according to law.

Whilst it is not appropriate that I continue to act for you, if you decide to appeal and retain different legal representation, I would be prepared to assist in the handover to such legal representative so as to minimise costs and to assist that new legal representative. I would do this on a fee declined basis.

Please understand I do offer this not because I feel that I have done anything improper or that there is any damage that needs rectifying, but I make this offer in order to assist you as I would where there is a change of counsel in a case such as yours.

I hope that this explanation of the appeal process and my offer will allay your concerns, and you will feel that any further disputation will be unproductive.

Yours sincerely,



John E. Middleton