



**PROFESSIONAL
STANDARDS**
THE LAW SOCIETY
OF NEW SOUTH WALES

Contact Person: **Natalie O'Halloran**
Our Ref: **NOH 43238**

13 July 2017

PRIVATE AND CONFIDENTIAL

Mr S Waters
20 Newman Street
NEWTOWN NSW 2042

Dear Mr Waters

Complaint by you against Fiona Seaton

I refer to previous correspondence in relation to the above complaint.

I enclose a copy of correspondence from the solicitor dated 26 June 2017.

Please provide me with any further comments you wish to make in writing **by no later than 17 August 2017**. Please limit any comments to the complaint about Ms Seaton.

Yours faithfully


NATALIE O'HALLORAN
Solicitor
Professional Standards

Encl

Our ref: FS/162067-304
Your ref: NOH:43238
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Turner
Freeman

Lawyers

26 June 2017

Professional Standards
The Law Society of NSW
DX 362 SYDNEY



Attention: Ms Natalie O'Halloran

Dear Ms O'Halloran

RE: COMPLAINT BY SYMN WATERS

I refer to your letter of 5 June 2017.

I believe the complaint made by Mr Symn Waters does not disclose unethical conduct on my part. I note the following;

1. The letter Mr Waters annexed to his complaint to the Office of the Legal Services Commissioner of 6 March 2017 is a letter from this firm addressed to DGT Costs Lawyers dated 17 February 2017. That letter was created in the context of litigation and is clearly privileged. It is unclear how he came into possession of a copy of this letter. Mr Waters is not a party to that litigation.
2. I have not made false or unsubstantiated allegations in relation to Mr Water's past conduct. This conduct was considered both in proceedings in the Supreme Court of NSW Case number 5454 of 2009, in which Mr Waters was named Fourth Defendant, and in relation to the Apprehended Personal Violence Order granted to Terence Goldberg of this firm against Mr Waters on 4 September 2015. In respect of the 2009 proceedings it is quite clear that Mr Waters was removed from the incorporated association as the result of his conduct which included violent conduct. Further, there is no dispute that he did not file any evidence in that proceeding gainsaying those allegations, and that he subsequently agreed to a Judgment/Order resolving the proceeding in which he agreed that he had been properly removed.
3. The Application for an Apprehended Violence Order and Statement of Terence Goldberg in Local Court Case number 2015/259781 was served on Mr Waters by the NSW Police. It sets out a consistent and persistent history of stalking and harassment of Mr Goldberg by Mr Waters, including the allegations that are set out in my letter of 17 February 2017. Mr Waters made no statement opposing this application, and consented to the making of the apprehended violence order.
4. In relation to my dealings with Mr Waters, on 23 November 2016 when Judgment was handed down by his Honour Justice Harrison

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in the Supreme Court of NSW proceedings in which the letter of 17 February 2017 was sent, Mr Waters was waiting outside the Court room and entered the lift with myself and counsel. He passed closely by me in the lobby of the building and said words to the effect of "*you work for Turner Freeman, you should be ashamed*". He obviously knew who I was.

5. I received the letter from Mr Waters dated 3 March 2017 enclosed with this complaint, which was left in the lift of the building where I work and delivered to our receptionist by someone working in the building who had found it there.
6. I received emails from Mr Waters from an email address described as the Enmore Spiritualist Church dated 6 and 7 March 2017 which attached letters addressed to me and the Legal Services Commissioner, and an email he had received from the Office of the Commissioner of Police.
7. Mr Waters has sent correspondence to myself and other partners of the firm over the years. Correspondence that I have received from him has been addressed personally to me.
8. In view of Mr Waters' past conduct I am in no doubt that this complaint against me has been generated as part of an ongoing campaign against this firm.
9. This firm has encountered Mr Waters in litigation on two occasions. On the first occasion the litigation involved conduct by Mr Waters against elderly women of an incorporated association who controlled substantial assets. In the litigation between Turner Freeman and Roseanne Beckett, Mr Waters has intervened in circumstances where Ms Beckett is again an elderly woman who controls or has substantial assets.
10. Apart from all of the other conduct against this firm, there is a concerning pattern to Mr Waters' conduct.
11. I do not believe it appropriate that Mr Waters continues to be employed by a law firm when he has had a successful application made against him by a solicitor for an Apprehended Violence Order, and in the context of the Supreme Court proceedings referred to above. I ask the Law Society to take steps to investigate the appropriateness of his continued employment by a legal practitioner in the circumstances.

Yours faithfully
TURNER FREEMAN



Per: Fiona Seaton
Partner
Accredited Specialist - Personal Injury Law