



9 October 2017

PRIVATE AND CONFIDENTIAL

Mr S Waters
20 Newman Street
NEWTOWN NSW 2042

Dear Mr Waters

Complaint by you against Fiona Seaton

The Society's Professional Conduct Committee has completed its consideration of your complaint and has resolved to close the complaint on the basis that the complaint is misconceived or lacking in substance (Section 277(1)(a) *Legal Profession Uniform Law (NSW)*).

The Committee's reasons

The Committee's reasons were:

"The complainant alleges that the solicitor has made serious false accusations and allegations of criminal conduct against him without providing any documentary evidence, in correspondence sent by the solicitor to Ms Rosati, lawyer, on 17 February 2017. The complainant states there was no basis for the solicitor to refer to him in the correspondence, as he was not a party to the proceedings, the subject of the correspondence.

The complainant further alleges that the unsubstantiated allegations and accusations have been made by the solicitor to denigrate and impeach his character. The solicitor's claims are false and designed to cause harm.

The complainant alleges that the solicitor's conduct is unethical and amounts to professional misconduct.

The solicitor states that she has not behaved unethically. The solicitor further states that she has not made false or unsubstantiated allegations in relation to the complainant's past conduct. The solicitor states that the complainant's conduct as referred to in her correspondence was the subject of two legal matters - one before the Sydney Supreme Court - where the complainant was removed from an association due to violent behaviour and one before the Sydney Local Court - where the complainant was the subject of Apprehended Violence Order application due to his harassing and stalking of Mr Goldberg, a lawyer at Turner Freeman.

In the circumstances, the Committee is of the view that the totality of the evidence available is not sufficient to prove that there is a reasonable likelihood the solicitor would be found by the Tribunal to have engaged in unsatisfactory professional conduct or professional misconduct.

The complainant is at liberty to seek independent legal advice as to his rights at law, if any.”

Finalisation

As a result of the Committee’s determination, the Society’s file is now closed.

The determination of the complaint is final. However, please note that the Legal Services Commissioner may, at his absolute discretion, conduct an internal review if he considers it appropriate to do so. Please refer to the Complaints Process Information brochure for more information about internal reviews.

Yours faithfully



NATALIE O’HALLORAN
Solicitor
Professional Standards