



THE OFFICE OF THE
LEGAL SERVICES COMMISSIONER

Private and Confidential

Mr Symn Waters
20 Newman Street
NEWTOWN NSW 2042

File Ref: R53129_2

17 November 2017

Dear Mr Waters

Your Complaint about Fiona Seaton – Request for Internal Review

I write in response to your letters dated 13, 16, 18 and 27 October 2017.

You seek an internal review of the decision made by the Professional Conduct Committee of the Law Society of New South Wales (the Society) to close your complaint about Fiona Seaton on the basis it is misconceived or lacking in substance.

Your complaint was that Ms Seaton had made a large number of false and unsubstantiated allegations of criminal conduct against you in a letter to another lawyer dated 17 February 2017.

The Society concluded that the totality of the evidence available was not sufficient to prove that there is a reasonable likelihood Ms Seaton would be found by the disciplinary Tribunal to have engaged in unsatisfactory professional conduct or professional misconduct.

You say the Society at no time requested Ms Seaton to provide the basis for the claims she made about you, and had not provided any explanation as to why it considered your complaints to be misconceived or lacking in substance. In your letter of 18 October 2017 you asked this Office to provide any documents or evidence we have to hand that demonstrate you engaged in the conduct identified at points 1-13 of your letter.

I acknowledge the Law Society did not, in its reasons, refer to any material establishing a basis for Ms Seaton's statements. However, to carry out its own analysis of whether there was in fact a proper basis for the statements identified in your letter of 18 October 2017, this Office would need to revisit and review evidence in relation to events that took place as far back as 2009, and possibly before. I do not consider it to be in the public interest (as

opposed to your private interest), nor an efficient use of this Office's finite resources, to do so. Nor do I consider it appropriate for this Office to be drawn into the ongoing conflict between you, Terence Goldberg and now Fiona Seaton arising from Mr Goldberg's representation of the late Reverend Patricia Cleary and other members of the Enmore Spiritualist Church Incorporated in relation to the litigation that concluded in 2009 and subsequent dissolution of the Church.

The statements you complain about were contained in a private email from Ms Seaton to another lawyer. They were not made in open Court nor broadcast by Ms Seaton to the public at large. It remains unclear how you obtained the email, and for what purpose.

If you believe you have suffered damage to your reputation as a result of the statements being made you may wish to explore your prospects of making a claim in defamation. This Office is not permitted to provide legal advice and so cannot assist you in this regard. Should you make a claim and findings are made that Ms Seaton, Mr Goldberg or any other lawyer has made statements that were to their knowledge and in fact untrue, I would be prepared to reconsider your complaint. As things stand, however, I decline to exercise my discretion to conduct an internal review.

Your complaint about Ms Seaton remains closed.

Yours sincerely



John McKenzie
Commissioner