

24 March 2025

PRIVATE AND CONFIDENTIAL

Mr Artem Bryl
Odtojan Bryl Lawyers

Sent via email only:

Dear Mr Bryl

Application for the renewal of your practising certificate for the practice year 2024/2025

I refer to the letter from Ms Griswold dated 17 July 2024 (copy **enclosed** for ease of reference) to your email dated 2 August, and your letter dated 13 August 2024 together with the attached documents. Your letters and documents have been reviewed and considered.

As set out in the letter dated 17 July 2024, your application for renewal of your practising certificate (**Renewal Application**) has not been approved or refused by the Council of the Law Society of New South Wales (**Council**).

I reiterate that to-date no action has been taken in respect of your practising certificate. You have been provided with an opportunity to provide submissions in relation to the issues raised within Ms Griswold's letter dated 17 July 2024.

By operation of rule 17 of the *Legal Profession Uniform General Rules 2015* (**General Rules**), your practising certificate for the year ending 30 June 2024 "is taken to continue in force on and from 1 July until whichever of the following first occurs", namely Council renews or refuses to renew the certificate, the application for renewal is withdrawn unless the practising certificate is "earlier suspended, cancelled or surrendered."

Consideration of your Renewal Application dated 15 May 2024

As previously advised, Council is required in accordance with s 45 of the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) to consider whether an applicant for the grant or renewal of a practising certificate is a fit and proper person to hold a practising certificate. Rule 13 of the General Rules specifies matters relevant to such consideration by Council.

The referrals from the Court of Appeal of the Supreme Court of New South Wales (**Court of Appeal**) raise matters relevant to your ongoing fitness to hold a practising certificate. Rule 12(3) of the General Rules states that before determining any application for the grant or renewal of a practising certificate, Council may seek further relevant information from the applicant. This includes submissions from the applicant.

In considering your Renewal Application, Council will have regard to:

- the findings and orders of the Courts, including the Court of Appeal between 2016 and 2024;

- compliance with the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules* 2015 (**Conduct Rules**), including, but not limited to, the non-disclosure of the findings and orders made in the Local Court proceeding (CCS v Marie Odtojan 14/219407), the District Court proceedings (Odtojan/CCS, the Glynn District Court proceeding, the Ford District Court proceeding and the Condon District Court proceeding) and the Court of Appeal proceedings (Odtojan 1, Odtojan 2, Odtojan/Glynn No 1, Odtojan/Ford No 1, Odtojan/Glynn/Ford No 2), in your 2017/2018 application, your 2020/2021 application, your 2023/24 application and your 2024/2025 application, as well as the declarations made by you in your practising certificate renewal applications between the 2017/2018 practice year and the 2024/2025 practice year
- the Court of Appeal referrals, your prior practising certificate renewal applications, your compliance with the Conduct Rules, the further matters raised herein, the submissions you have made in response to the matters raised, along with any additional submissions you may wish to make after receiving this letter.
- Your correspondence to date including any further submissions you make.

On receipt of any additional submissions, your Renewal Application will be reviewed and considered by Council. Subsequent to Council making a decision, you will be notified of the decision in relation to your Renewal Application.

Law Society's Letter dated 17 July 2024

Thank you for bringing to the Law Society's attention, the two inadvertent errors within the letter dated 17 July 2024. Those errors were not deliberate, and the particular sentences were not intended to be statements of fact. I apologise for any misunderstanding in this regard.

Whilst the letter dated 17 July 2024 detailed alleged conduct on page 5, referring to the alleged conduct on page 8 "*as detailed above*" would have been better described as "*alleged prior conduct*" and "*alleged prior misconduct*". You will note from the totality of the letter, that that letter was providing you with the opportunity to respond to the Court of Appeal's referral to the Law Society and provide your response to whether or not your practising certificate should be renewed or not, including whether or not your practising certificate should be renewed with conditions. I thank you for your substantive response within your letter dated 13 August 2024.

I confirm that your submissions to the Court of Appeal dated 26 June 2023 have been received and will also be considered by Council.

Court of Appeal Referrals

To enable you to have sufficient opportunity to be heard and understand the alleged misconduct, I remind you that in the decision of *Odtojan v Condon (No 2)* [2023] NSWCA 149 stated at:

"[23] As to paragraph 14(b), Ms Odtojan and Mr Bryl continue to be under the impression that the Australian Solicitors' Conduct Rules do not apply to them. In the case of Ms Odtojan, that is because she is a self-represented litigant acting for herself, rather than acting for a client. In the case of Mr Bryl, that is because his is (sic) acting as a McKenzie friend. That belief is incorrect, for the reasons explained in [32]-[35] of our earlier judgment, which included the following:

The suggestion that Ms Odtojan is free from her professional obligations because she herself is a litigant misapprehends the obligations of a solicitor.

[24] Rules 5 and 32 were reproduced in the earlier reasons. The words in r5 "in the course of legal practice or otherwise" are unambiguous. The rule is not confined to cases where the solicitor is acting for a client. The prohibition in r32 likewise is not restricted to cases where a solicitor is acting for a client."

I note that you appeared and made submissions on behalf of Ms Odtojan before the Court of Appeal and were granted leave to appear as Ms Odtojan's McKenzie Friend. I note your assertion that you spoke for 60% of the time. I also note that you have made reference in your letter to the definition of a McKenzie friend as outlined in the Civil Trials Bench Book [1-0850] which states, inter alia:

'A McKenzie friend has no right to appear as an advocate, or to address the court on behalf of the unrepresented litigant. The role of such a person is confined to providing assistance and advice to the unrepresented litigant in conducting the case: R v Bow Country Court; Ex parte Pelling [1999] 4 ALL ER 751; and see Damjanovic v Maley at [63].'

Whether or not your actions remained within the confines of a McKenzie friend is open to interpretation. Nonetheless, you were a solicitor, in a court room appearing before the Court of Appeal, making submissions on behalf of Ms Odtojan.

As noted in our letter dated 17 July 2024, rule 3.1 of the Conduct Rules provides that a solicitor's duty to the Court and the administration of justice is paramount and prevails to the extent of inconsistency with any other duty.

I respectfully remind you that rule 5.1 of the Conduct Rules provides that a solicitor must not engage in conduct, in the course of legal practice or otherwise, which -

- 5.1.1 demonstrates that the solicitor is not a fit and proper person to practice law, or
- 5.1.2 is likely to a material degree to -
 - (i) be prejudicial to, or diminish the public confidence in, the administration of justice, or
 - (ii) bring the profession into disrepute.

I reiterate that rule 21.3 of the Conduct Rules provides that a solicitor must not allege any matter of fact in -

- 21.3.1 any court document settled by the solicitor,
 - 21.3.2 any submission during any hearing,
 - 21.3.3 the course of an opening address, or
 - 21.3.4 the course of closing address, or submissions on the evidence
- unless the solicitor believes on reasonable grounds that the factual material already available provides a proper basis to do so.

As previously advised, Council "must not grant or renew an Australian practising certificate if it considers that the applicant is not a fit and proper person to hold the certificate" pursuant to s45(2) of the Uniform Law. Section 45(3) of the Uniform Law states that Council may have regard to matters specified in rule 13(1) of the General Rules.

Information on the Law Practice's Website and Social Media

In addition, to the matters raised within the letter dated 17 July 2024, Council will have regard to material contained on your social media accounts and website in the name of your law practice 'Odtojan Bryl Lawyers'. In that regard, I refer to your social media being your personal LinkedIn account of 'Artem Bryl' (your LinkedIn account), and the LinkedIn account for 'Odtojan Bryl Lawyers'.

Based on the information on Odtojan Bryl Lawyers' website and your LinkedIn account, the following alleged conduct issues arise:

- i) It does not honestly describe the effect of the judgment(s) noted below;
- ii) It is likely to undermine confidence in the administration of justice;
- iii) That neither the posts on LinkedIn and/or Odtojan Bryl Lawyers' website, noted below, fall within the ambit of fair and legitimate criticism of the relevant judgments; and
- iv) It is contrary to a solicitor's duty to the administration of justice to make public statements about judicial determinations which are inaccurate and misleading and as such, likely to produce or encourage misgivings about the integrity, propriety or impartiality of the judicial officer or the relevant court.

Local Court

- a) the making of public statements in approximately February 2025 on social media (Odtojan Bryl Lawyers' webpage and Odtojan Bryl Lawyers LinkedIn account as well as your LinkedIn account) in relation to the judgment of Magistrate Sharon Freund in the decision of *Credit Corp Services Pty Ltd v Maria Odtojan 2014/21907*, Local Court proceedings.

District Court

- b) the making of public statements in approximately February 2025 on social media (Odtojan Bryl Lawyers' webpage and LinkedIn account as well as your LinkedIn account) in relation to the judgments of the District Court of NSW in the matters of
 - i) *Marie Odtojan v Credit Corp Services Pty Ltd* [2019] NSWDC 273;
 - ii) *Marie Odtojan v Thomas Glynn* 2022/00273977;
 - iii) *Marie Odtojan v Nicholas Ford* 2022/00242555; and
 - iv) *Marie Odtojan v Miles Condon* 2022/00273980.

Court of Appeal

- c) the making of public statements in approximately February 2025 on social media (Odtojan Bryl Lawyers' webpage and LinkedIn account as well as your LinkedIn account) in relation to the judgments of:
 - i) *Odtojan v Condon* [2023] NSWCA 129 (no 1)
 - ii) *Odtojan v Condon* [2023] NSWCA 149 (no 2)
 - iii) *Odtojan v Glynn t/as Glynn Lawyers* [2023] NSWCA 276
 - iv) *Odtojan v Ford* [2023] NSWCA 277; and
 - v) *Odtojan v Glynn t/a Glynn Lawyers; Odtojan v Ford (no 2)* [2024] NSWCA 25

In that regard, I refer to the following specific examples, whilst nothing that same is not an exhaustive list of relevant public statements made by you:

- i) 'Ms Odtojan gave notice in submissions, affidavit and email to the said four NSWCA Justices of their conduct of recording unfounded facts, representations and evidence for the defendants in their judgments.'
- ii) 'The Justices are alleged to have created evidence to conceal and cover up the conduct of the Defendants...'

- iii) 'The Justices used their positions, in public office (funded by Australian taxpayers), to create and record evidence for the Defendants and referred two innocent persons, a victim and witnesses (yet to give evidence at final hearing), to be subject of investigation by the legal regulatory body, Office of Legal Services Commissioner (OLSC) using their legal careers, stating there is no basis/evidence to support Ms Odtojan's claim where the Justices are aware that such recordings in their judgments are untrue. The Justices, in their judicial positions, have intimidated, threatened and referred a victim and two witnesses (ss314, 315, 315A and 319 of the Crimes Act 1900).'
 - iv) 'The Justices have omitted in their judgements the material issues, facts, representations and evidence that support Ms Odtojan's claims. Side-by-side evidence of tampering with court documents (s317 Crimes Act 1900 NSW) have been omitted and concealed by Justices Leeming and Kirk in the Mr Condon SC case, among other matters'. (Emphasis added).
 - v) 'Justices Basten and White have created a narrative of what transpired in the Local Court proceedings, which is contrary to court documents/transcripts and the judgment of Magistrate Freund. All judges including District Court judges Sharron Norton and Ann Ainslie-Wallace and Judicial Registrar Jams Howard, despite clear notice to them of the credit laws and s91 of the Evidence Act, have circumvented and contravened the said laws and are alleged to have interfered with the administration of justice (ss314, 315, 315A and 319 of the Crimes Act 1900)'. (Emphasis added).
 - vi) 'Judge Ainslie-Wallace created evidence that Mr Glynn was in conference when there was no such evidence'. (Emphasis added).
- d) the making of public statements in or about February 2025 on social media (Odtojan Bryl Lawyers' webpage and Odtojan LinkedIn account as well as your LinkedIn Account) in a document entitled '*Notice*'.

I refer to but not limited to the following examples:

- i) 'Odtojan Bryl Lawyers (OBL), Ms Marie Odtojan (Ms Odtojan) and Mr Artem Bryl (Mr Bryl) have been implicated and framed in the NSW Court of Appeal (NSWCA) leave to appeal judgements of Justices Mark Leeming and Jeremy Kirk (Mr Miles Condon SC case) and John Basten and Richard White (Mr Nicolas Ford and Mr Thomas Glynn cases).
- ii) 'The NSW Court of Appeal (NSWCA) (Justices Leeming, Kirk, Basten, and White) and District Court judges (Judge Norton and Judge Anislee-Wallace (sic)) and Judicial Registrar James Howard have all disregarded evidence/documents and applicable legislation including the Evidence Act 1995 (NSW)(EA), its section s55, s91, omitting material facts, issues and/or evidence/documents put before them.'
- iii) 'This is a public interest case where there is a denial of access to justice and where judicial officers/officers of the court are alleged to have engaged in conduct which undermines the integrity of the courts and the legal profession.'
- iv) 'Wilful omissions in the judgments of the material facts, issues, documents/representations and evidence in support of the plaintiff's

claims which was put to the DC Judges and NSWCA Justices in the procedural/leave to appeal hearing.'

- e) the making of public statements on or about 21 August 2024 on social media (Odtojan Bryl Lawyers' webpage and LinkedIn account as well as your LinkedIn Profile) in relation to NSW District Court Judicial Registrar James Howard and including his picture.

I refer to the following but limited to:

- i) 'NSW District Court Judicial Registrar James Howard attempts to dismiss Plaintiff's three claims before claims are serviced on the Defendants and prior to parties being heard in Court.'

The above material and examples raise concerns about your ongoing fitness to engage in legal practice noting:

- a. your paramount duty to the administration of justice;
- b. your duty not to engage in conduct which is likely to a material degree to be prejudicial to, or diminish confidence in, the administration of justice;
- c. your duty not to engage in conduct which is likely to a material degree to bring the profession into disrepute; and
- d. your duty to be honest and courteous in all dealings in the course of legal practice.

Next Steps

As stated, Council will consider the matters raised within the letter dated 17 July 2024, this letter and your correspondence received to date. Council will need to consider whether or not you may be considered to be a fit and proper person to hold a practising certificate. Council will have regard to the following:

- a. the non-disclosure in your 2017/2018 application, your 2020/2021 application, your 2023/24 application and your 2024/2025 application, as well as the declarations made by you in your practising certificate renewal applications between the 2017/2018 practice year and the 2024/2025 practice year;
- b. the findings and orders made in the Local Court proceeding (CCS v Marie Odtojan 14/219407), the District Court proceedings (Odtojan/CCS, the Glynn District Court proceeding, the Ford District Court proceeding and the Condon District Court proceeding) and the Court of Appeal proceedings (Odtojan 1, Odtojan 2, Odtojan/Glynn No 1, Odtojan/Ford No 1, Odtojan/Glynn/Ford No 2);
- c. information on your Firm's website and LinkedIn account and your LinkedIn account; and
- d. your correspondence to date including any further submissions you may wish to make.

Before Council considers your Renewal Application, you have the opportunity to make any submissions to demonstrate that you are a fit and proper person to hold a practising certificate in relation to the concerns raised herein regarding Odtojan Bryl Lawyers' website and LinkedIn account or your LinkedIn account, and any additional submissions you may wish to make in relation to the issues arising from the Court of Appeal referrals.

In any submissions, please not only address the alleged conduct but also whether or not you should be granted a practising certificate and whether or not any conditions should be attached to your certificate. In that regard, you may wish to outline any

steps you have taken since becoming aware of these issues or steps you are proposing to take, should you feel it is appropriate.

I reiterate that no decision has been made regarding your Renewal Application and your submissions were sought in relation to the matters raised in the letter dated 17 July 2024.

In seeking your submissions regarding the matters raised, you have been and will continue to be afforded due process, procedural fairness and natural justice and Council will conduct an impartial and independent assessment of your Renewal Application.

Council welcomes any further submissions you may wish to make following the receipt of this letter and the amended letter. Please do so by no later than **Thursday, 17 April 2025**.

Resources

The Law Society's website contains information about resources available for solicitors including:

Solicitor Outreach Services

The Solicitor Outreach Service (SOS) is the Law Society's mental health and wellbeing support service. It is a dedicated and confidential psychological support service for NSW solicitors who may be experiencing emotional difficulties and stress. Through SOS, NSW solicitors can access up to three psychological sessions per financial year and telephone crisis support if in acute distress, funded by the Law Society. SOS is available to solicitors who hold a current practising certificate from the Law Society of NSW, including those who may be the subject of a disciplinary process. The phone number for the service is 1800 592 296. For further information see <https://www.lawsociety.com.au/sos>

Professional Conduct Advisory Panel

The Professional Conduct Advisory Panel (PCAP) provides support to solicitors who are subject to complaints and disciplinary investigations. The assistance is confidential and independent of the regulatory authorities. Further information, including contact details of panellists, can be found at <https://www.lawsociety.com.au/practising-law-in-NSW/complaints-and-discipline/PCAP>.

Communicating with the Law Society

The management of your Renewal Application has been transferred to me.

To minimise delays in receiving any material you may wish to provide, please respond to psd@lawsociety.com.au, quoting reference **PSD2023_57155**.

If you are attaching any documents, please provide a list of the attached documents as size restrictions may prevent documents being received.

Yours faithfully



N Haddad

Deputy Director, Investigations
Professional Standards