



THE LAW SOCIETY  
OF NEW SOUTH WALES

ACN 000 000 699

## NOTICE UNDER SECTIONS 45 AND 464 OF THE *LEGAL PROFESSION UNIFORM LAW (NSW)*

**DATE OF ISSUE:** 30 MAY 2025

**ISSUED BY:** THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH WALES

**ISSUED TO:** ARTEM BRYL

[REDACTED]

**DELIVERY BY:** EXPRESS POST AND EMAIL

**DECISION:** REFUSAL TO RENEW 2024/25 PRACTISING CERTIFICATE

On **29 May 2025**, the Council of the Law Society of New South Wales (**Council**):

- A. RESOLVED** that Council is of the opinion that you, Artem Bryl (I [REDACTED]), are not a fit and proper person to hold a practising certificate.
- B. FURTHER RESOLVED** that, pursuant to s 45 of the *Legal Profession Uniform Law (NSW)* (**Uniform Law**), Council, being of the opinion that you are not a fit and proper person to hold a practising certificate, refuses to renew your practising certificate for the period 1 July 2024 to 30 June 2025.

### REASONS FOR DECISION

Council's reasons for decision are set out in **Attachment A** to this Notice.

### EFFECT OF DECISION

The refusal to renew your practising certificate for the period 1 July 2024 to 30 June 2025 takes effect from the day on which you are notified of Council's decision. If this Notice is posted to you, you are taken to have been notified of this decision at the end of the second business day after the Notice was posted: see s 445 of the Uniform Law.

## RIGHT OF APPEAL OR REVIEW OF DECISION

Section 100(1) of the Uniform Law provides that you may apply to the Supreme Court for a review of the Council's decision.

Rule 50.3 of the *Uniform Civil Procedure Rules 2005* provides that an application for review of Council's decision must be made within 28 days after the date on which notice of Council's decision was given. If this Notice is posted to you, notification is taken to have occurred at the end of the second business day after the Notice was posted.

Section 100(4) of the Uniform Law provides that an application for review does not stay Council's decision, subject to any order of the Court.



SIGNED:

.....

**Valerie Griswold**

Director, Legal Regulation

Professional Standards

On behalf of the Council of Law Society of New South Wales

# ATTACHMENT A

## REASONS FOR DECISION

### Introduction

1. Artem Bryl (LSID: 106168) (**Solicitor**) was admitted to the Roll of Lawyers maintained by the Supreme Court of New South Wales on 25 March 2022.
2. The Solicitor holds an employee of a law practice (supervised) practising certificate.
3. The records of the Law Society of New South Wales (**Law Society**) show that:
  - a. since 12 April 2022, the Solicitor has worked as an employed solicitor at the law practice known as Odtojan Bryl Lawyers (ID: 24917) (**Law Practice**);
  - b. the Solicitor's wife, Ms Marie Jossane Odtojan, is the sole principal of the Law Practice; and
  - c. apart from the Solicitor and Ms Odtjoan, there are no other solicitors currently working at the Law Practice.
4. On 15 May 2024, the Solicitor submitted an Application for the Renewal of his Practising Certificate for the period 1 July 2024 to 30 June 2025 (**2024/25 Renewal Application**).

### Background

#### *Court of Appeal Referrals*

5. At the time the 2024/25 Renewal Application was submitted, Professional Standards, Legal Regulation Department of the Law Society (**Professional Standards**) was in receipt of two (2) referrals which the Court of Appeal, Supreme Court of New South Wales (**Court of Appeal**) had directed its Registrars to make to the NSW Legal Services Commissioner (**NSW Commissioner**) regarding the conduct of Ms Odtojan and the Solicitor, as follows:
  - a. On 3 July 2023, Registrar Riznyczok of the Court of Appeal referred to the NSW Commissioner the following judgments delivered by their Honours Leeming and Kirk JJA, in the matter of Marie Odtojan v Miles Condon (No. 2023/103644) (**Condon Appeal Proceeding**):
    - i. *Odtojan v Condon* [2023] NSWCA 129, delivered 9 June 2023 (**Condon Appeal Judgment No 1**); and
    - ii. *Odtojan v Condon (No 2)* [2023] NSWCA 149, delivered 3 July 2023 (**Condon Appeal Judgment No 2**),together with the papers to the Condon Appeal Proceeding.
  - b. On 29 February 2024, Registrar Jones referred to the NSW Commissioner the following judgments delivered by their Honours White and Basten JJA, in the matters of Marie Odtojan v Nicolas George Ford (No. 2023/131242) (**Ford Appeal Proceeding**) and Marie Odtojan v Thomas Patrick Glynn t/as Glynn's Lawyers (No. 2023/131229) (**Glynn Appeal Proceeding**):

- i. *Odtojan v Ford* [2023] NSWCA 277, delivered 21 November 2023 (**Ford Appeal Judgment No 1**);
- ii. *Odtojan v Glynn t/as Glynn's Lawyers* [2023] NSWCA 276, delivered 21 November 2023 (**Glynn Appeal Judgment No 1**); and
- iii. *Odtojan v Glynn t/as Glynn's Lawyers; Odtojan v Ford (No 2)* [2024] NSWCA 25, 14 February 2024 (**Glynn & Ford Appeal Judgment No 2**),

together with the papers to the Glynn Appeal Proceeding and the Ford Appeal Proceeding, (collectively, the **Referrals**).

6. The concerns raised in the Referrals are relevant to the consideration by the Council of the Law Society (**Council**) of whether to refuse or renew the Solicitor's Practising Certificate for the period 1 July 2024 to 30 June 2025. For this reason, it is appropriate that some background information be provided to explain the context in which the Referrals were made. Without reiterating all the details, set out below is a summary of the relevant facts and circumstances.

*Facts and circumstances leading to the Referrals*

7. Briefly stated, in 2022, Ms Odtojan commenced separate, albeit related proceedings in the District Court of New South Wales against the following three (3) legal practitioners:
  - a. Mr Thomas Glynn, solicitor (No. 2022/273977);
  - b. Mr Nicolas Ford, junior counsel (No. 2022/273977); and
  - c. Mr Miles Condon, senior counsel (No. 2022/00273980)(collectively, the **District Court Proceedings**).
8. Mr Glynn, Mr Ford and Mr Condon SC had either acted for Ms Odtojan, or provided legal advice to her, in relation to a debt recovery matter that Credit Corp Services Pty Ltd (**CCS**) had brought against her in the Local Court of New South Wales in 2014 (No. 2014/21940) (**Local Court Proceeding**). Ms Odtojan was unsuccessful in her defence of the Local Court Proceeding, with judgment debt entered against her in the sum of \$45,299.75, and a costs order made against her. (In 2018, following a costs assessment process, costs were assessed in the order of \$216,000. It is understood that Ms Odtojan sought to challenge the costs determination, via an application to the review panel (in 2018) and then, via an appeal to the District Court of New South Wales (in 2019) but was unsuccessful).
9. In the District Court Proceedings, Ms Odtojan alleged that Mr Glynn and Mr Ford, who she retained to represent her in the Local Court Proceeding, conspired with each other, and the lawyers for CCS, to obtain judgments against her, with such judgments being obtained by fraud and collusion. She also alleged that Mr Condon SC became a party to the conspiracy in giving advice to her, in 2016, in relation to her prospects of appealing the judgment made against her in Local Court Proceeding.
10. On 16 February 2023 and 28 March 2023, Norton SC DCJ, delivered her decisions in the District Court Proceedings, striking out each of the Amended Statements of Claim filed by Ms Odtojan

against Mr Glynn, Mr Ford and Mr Condon SC, in full, but giving Ms Odtojan limited liberty to replead.

11. Dissatisfied with that outcome, Ms Odtojan commenced the Condon Appeal Proceeding, the Glynn Appeal Proceeding and the Ford Appeal Proceeding on 30 March 2023 (collectively, the **Appeal Proceedings**), seeking leave to appeal the orders made by Norton SC DCJ in the District Court Proceedings.
12. It is at this point - the Appeal Proceedings - that the Solicitor's involvement in the civil litigation Ms Odtojan was pursuing became clear. The Court of Appeal explained the roles that the Solicitor played in the Appeal Proceedings in the following terms (Condon Appeal Judgment No 1 at [2]):
  - "2. Although Ms Odtojan appeared for herself in the District Court [Proceedings], and the written submissions in this Court were signed by her, her husband [the Solicitor] (who is also a solicitor) appeared for her when the application was heard, in effect as a McKenzie friend. The Court [of Appeal] sought and obtained confirmation with Ms Odtojan that she was content for her husband to so act. For his part, [the Solicitor] confirmed that he had a substantial role in the written submissions and he expressly took professional responsibility for them. Ms Odtojan and [the Solicitor] practise together as [the Law Practice]."
13. Broadly speaking, in the Appeal Proceedings, Ms Odtojan contended that she was not afforded procedural fairness in the Local Court Proceeding and the District Court Proceedings, and alleged that the "primary judge" in the District Court Proceedings, Norton SC DCJ, had, among other things, breached the "bias rule".
14. It is understood that during the hearings of the Appeal Proceedings, the Solicitor was, as noted above, "given leave to speak for Ms Odtojan as her McKenzie friend". As to the extent of his appearances and addresses before the Court of Appeal, the Court of Appeal commented (Condon Appeal Judgment No 1 at [4]):
  - "4. Given the nature of the issues raised, along with our concerns about the manner in which the proceedings were being conducted, we permitted [the Solicitor] to be heard for around triple the time which is normally allocated to matters for the determination of leave. He addressed for around an hour in chief, then Mr McInerney SC addressed for some 15 minutes on behalf of the respondent, after which [the Solicitor] had some 20 minutes in reply. Both sides were given leave to supply references to authorities on one discrete point by 5pm on the day of the hearing. This judgment is of greater than usual length for an application for leave to appeal given the nature of the issues raised."
15. Following the hearings in each of the Appeal Proceedings, the Court of Appeal dismissed each of Ms Odtojan's Summonses for leave to appeal, with costs. From the Condon Appeal Judgment No 1, the Ford Appeal Judgment No 1 and the Glynn Appeal Judgment No 1 (collectively, the **Appeal Judgments No 1**), it was clear that the Court of Appeal had wholly rejected the contentions and allegations made directly by Ms Odtojan, and through the Solicitor, finding that: "none ha[d] merit" (Condon Appeal Judgment No 1 at [6]); "not a skerrick of evidence" had been provided, (Glynn

Appeal Judgment No 1 at [96]); and were “self-evidently baseless and improper” (Ford Appeal Judgment No 1 at [17]).

16. In the Appeal Judgments No 1, the Court of Appeal flagged a number of concerns it had about the professional conduct of Ms Odtojan and the Solicitor, particularly their conduct in repeatedly and persistently making accusations in the Appeal Proceedings without any reasonable foundation or proper basis. As was captured by the Court of Appeal in the Condon Appeal Judgment No 1 at [77] and [80]:

“77 ... it seems that if conduct occurs which is not to the liking of Ms Odtojan and [the Solicitor] then they readily leap to making unfounded allegations of serious wrongdoing.

...

80. What emerges from the above is that either or both of Ms Odtojan and [the Solicitor] have:

1. accused the solicitor and junior counsel who acted for [Ms Odtojan] at the Local Court trial of a conspiracy with the opposing party and legal team to pervert the course of justice;
2. accused senior counsel who advised on appeal prospects of participation in a further conspiracy and of acting fraudulently;
3. submitted that a District Court judge who made a procedural order for a small amount of security for costs was biased and had acted in bad faith, which allegations were found to be unsubstantiated;
4. accused the District Court judge who struck out a pleading whilst granting leave to replead, of actual and apprehended bias, even though the pleading was concededly defective;
5. accused those involved in the preparation of the application books of tampering with evidence and attempting to pervert the course of justice, without reasonable foundation; and
6. more broadly, repeatedly accused the legal representatives of the respondent of serious breaches of professional ethical rules, without any apparent reasonable basis.”

17. After noting its concerns about the professional conduct of Ms Odtojan and the Solicitor, the Court of Appeal, in each of the Appeal Proceedings, ordered Ms Odtojan and the Solicitor to “show cause” why the Appeal Judgments No 1 and the papers in the Appeal Proceedings should not be referred to the NSW Commissioner. As to the basis for inviting both Ms Odtojan and the Solicitor to “show cause”, the Court of Appeal explained (Condon Appeal Judgment No 1 at [83]:

“83. Although during the course of the hearing [the Solicitor] was squarely confronted with the possibility that this Court might find that there had been a breach of rule 32, it may

be that he was under a misapprehension of the applicability of the rules of professional conduct to cases where a solicitor brings proceedings as plaintiff and acts for herself, or of the potential application to himself when acting as a McKenzie friend. It is also possible that the interests of [the Solicitor] and Ms Odtojan are not wholly aligned on this issue. On balance, we have concluded that each of [the Solicitor] and Ms Odtojan should be given a further opportunity to show cause...”

18. In response to the “show cause” orders made:

- a. In the Condon Appeal Proceeding: Ms Odtojan and the Solicitor filed, and relied upon, a 15-page affidavit of Ms Odtojan and 12-pages of submissions, single spaced, which were signed by both Ms Odtojan and the Solicitor.
- b. In the Ford Appeal Proceeding and the Glynn Appeal Proceedings: No submissions were filed by Ms Odtojan or the Solicitor, but a lengthy email was sent to the Court of Appeal.

19. The “show cause” responses submitted by Ms Odtojan and the Solicitor did not change the Court of Appeal’s mind about making its Referrals.

20. In the Condon Appeal Judgment No 2, and the Ford & Glynn Appeal Judgment No 2 (collectively, the **Appeal Judgments No 2**), the Court of Appeal highlighted its continuing concerns about the propriety of the endeavours made by Ms Odtojan and the Solicitor to, again, agitate the serious allegations and accusations which were held by the Court of Appeal to be “without factual or evidentiary foundation” (Condon Appeal Judgment No 2 at [17]). The Court also detailed further concerns it had about Ms Odtojan’s and the Solicitor’s lack of understanding of, and compliance with, basic ethical requirements and professional obligations. Notably:

- a. In relation to the affidavit and written submissions filed in the Condon Appeal Proceeding, the Court of Appeal surmised (in the Condon Appeal Judgment No 2 at [7], [23], [28], [29] and [38]):

“7. Much of the contents of the affidavit are repeated in the submissions. In large measure both documents are directed to points about what did and did not occur at the hearing in the District Court and in this Court, and the merits of this Court’s determination of the leave application. Nothing useful is served by summarising those aspects of the submissions, which travel well beyond the direction to show cause why the judgment and papers should not be referred to the Legal Services Commissioner. Many of the allegations discussed in the earlier reasons of this Court are repeated. That repetition is irrelevant to the only issue remaining before the Court, being the referral issue, save to the extent that the fact of repetition militates in favour of the referral now occurring.

..

23. ... Ms Odtojan and [the Solicitor] 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 [the Solicitor], that is because his

(sic) is 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 [the Solicitor] is free from her professional obligations because she herself is a litigant misapprehends the obligations of a solicitor.

...

28. No legal practitioner ought to be under any misapprehension about the application of these rules. However, even after what was said in this Court's earlier reasons for judgment, Ms Odtojan and [the Solicitor] continue to maintain that the rules were inapplicable to them.

29. We reiterate that a solicitor who appears for herself is bound by rules 5 and 32. A solicitor who appears as a McKenzie friend is bound by rules 5 and 32. Those rules apply to all of the conduct of solicitors, irrespective of whether they are acting for a client or acting for themselves or acting as a McKenzie friend. The submissions which continue to be advanced by Ms Odtojan and [the Solicitor] that they are not so bound, and that their being held to those professional rules is somehow wrong or unjust, is a matter of serious concern.

...

38. More generally, the materials provided by Ms Odtojan and [the Solicitor] do not show cause why this Court's judgment and the papers in this Court should not be referred to the Legal Services Commissioner. If anything, they reinforce that such a referral is appropriate given their reiteration of serious allegations without any apparent proper foundation and the apparent ongoing misunderstanding by Ms Odtojan and [the Solicitor] of their obligations as legal practitioners."

b. And, in relation to the email Ms Odtojan and the Solicitor submitted in the Ford Appeal Proceeding and the Glynn Appeal Proceeding, the Court of Appeal surmised (in the Ford & Glynn Appeal Judgment No 2 at [4]):

"4. They provided a lengthy and inappropriate email questioning the reasons of 21 November 2023 but no submissions as to why the judgments and the papers in this Court should not be referred to the Legal Services Commissioner."

21. In the Ford & Glynn Appeal Judgment No 2, it would appear that the Court of Appeal's concerns about the email it received from Ms Odtojan and the Solicitor were heightened by the fact that the "show cause" orders it made in the Ford Appeal Proceeding and the Glynn Appeal Proceeding were made *after* the Condon Appeal Judgment No 2 had been delivered and *after* the Court decided to refer that matter to the NSW Commissioner.

22. The Referrals were then referred by the NSW Commissioner to Council for its consideration.

23. From the material provided in in the Solicitor's 2024/25 Renewal Application, it became apparent that the Solicitor had not disclosed the findings and orders made in the Appeal Proceedings.

## Correspondence exchanged with the Solicitor concerning his 2024/25 Renewal Application

24. On 17 July 2024, Ms Valerie Griswold, Director, Legal Regulation, Professional Standards (**Director**) wrote to the Solicitor to invite him to provide submissions as to why, based on matters detailed in that letter, Council should not refuse his 2024/25 Renewal Application (**Director's July 2024 Letter**).
25. The Director's July 2024 letter, totalling 20 pages, articulated 7 specific issues about the Solicitor's conduct which arose from the Referrals. It also included an Attachment, which particularised the matters that Council intended to have regard to in its consideration of his 2024/25 Renewal Application, including details of the information the Solicitor had not disclosed and the declaration he made in his 2024/25 Renewal Application.
26. On 14 August 2024, the Solicitor emailed Professional Standards a 12-page letter dated 13 August 2024 in response to the July 2024 Letter (**Solicitor's August 2024 Response**). In the Solicitor's August 2024 Response, he stated that a letter which Ms Odtojan submitted to Professional Standards dated 14 August 2024 which also "forms part of [his] reply to [Professional Standards] where [he] substantially rel[ies] on the same responses and/or raise[s] the same concerns/issues".
27. In summary, the Solicitor's August 2024 Response appears to focus only on *why* he and Ms Odtojan acted as they did, rather than *how* they acted. Despite the Court of Appeal's comments about the applicability of rr 5 and 32 of the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015* (**Conduct Rules**), the Solicitor made the following assertions:
  - a. His appearance in the Appeal Proceedings was as Ms Odtojan's "McKenzie friend", providing a link to the definition of a "McKenzie friend" as outlined in the *Civil Trials Bench Book* [1-0850] ([https://www.judcom.nsw.gov.au/publications/benchbks/civil/unrepresented\\_litigants.html](https://www.judcom.nsw.gov.au/publications/benchbks/civil/unrepresented_litigants.html)) which states, inter alia:

**"[1-0850] McKenzie friend**

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]..."
  - b. His involvement was limited to the Appeal Proceedings which he described as "a limited procedural hearing seeking permission to have a leave hearing in the NSWCA. The parties are allocated 20 minutes and are limited to present their leave to appeal arguments/issues...Effectively, it is usually a 1-2 hour hearing which cannot address substantive issues of fact/law/credit which require a final hearing."
  - c. During the hearings of the Appeal Proceedings, he "spoke approximately 60% of the time, the Justices approximately 30% of the time, and the respondent's Counsels approximately 10% of the time" and "referred to court documents, representations, correspondences... and laws..."

- d. He “cannot be held responsible for Ms Odtojan’s court documents, correspondences and communications in her civil tort damages cases. [He] had only jointly signed with Ms Odtojan, the Applicant’s Submissions dated 26 June 2023 in relation to the show cause for referral of papers (Condon’s case)”.
  - e. He was “a material witness to the alleged fraud/improprieties recorded in Ms Odtojan’s three statements of claim against her former legal representatives”.
  - f. The Justices of the Court of Appeal had, among other things, “created a narrative” and “created “evidence” and “recorded in their judgment, by ambush and without any evidence in support”.
  - g. That “[the Law Practice], Ms Odtojan and [himself] have been defamed in [the Appeal Judgments] where there are representations and criticisms, casting aspersions on [them] which were not put to [them] at the [hearings of the Appeal Proceedings] to answer. Ms Odtojan is a victim and [they] are both witnesses, however, the Justices have impermissibly disregarded witnesses and have engaged in conduct that threatens, intimidates and discredits witnesses and a victim who is to give evidence at a final hearing”.
28. In addition, the Solicitor sought to cast blame and criticise Professional Standards for making “unfounded statements of misconduct against another legal practitioner which questions their fitness to practise”. Relevantly, he asserted:
- “Based on [the Director’s July 2024 Letter] to me, it seems that the status of my practising certificate whether it will be renewed or refused and my ability to continue to practise law, where I have been practising for 2 years after undertaking years of extensive legal education and training, including my extensive legal education/ training overseas, all comes down to your sole arbitrary decision in your next private meeting with [Council].
29. It is apt to note that, two days later, on 15 August 2024, the Solicitor and Ms Odtojan jointly wrote a letter addressed to various persons within the Law Society – specifically, the President of the Law Society, individually named members of Council, and the Director of the Registry Department of the Law Society - to bring to their “urgent attention” a number of concerns they wanted to raise about the Director’s July 2024 Letter.
30. From the Solicitor’s and Mr Odtojan’s perspectives, the Director’s July 2024 Letter was evidence of “an agenda [on the part of the Director] to target [their] practising certificates based on false premises of misconduct and non-disclosure of misconduct, with the intent to affect [their] ability to practise law. To this end, they “call[ed] for” Council to, among other actions, “immediately notify/direct the Registry office to issue the renewal of [their] practising certificates” for the 2024/25 Practice Year “as [Professional Standards/[Council] has provided no basis to withhold and/or prevent our practising certificates from being issued”. Enclosed with their letter were various documents including, relevantly, copies of the Director’s July 2024 Letter and the Solicitor’s August 2024 Response.
31. On 24 March 2025, Ms Nadya Haddad, Deputy Director, Investigations, Professional Standards (**Deputy Director**) wrote to the Solicitor to acknowledge receipt of his previous correspondence, including the Solicitor’s August 2024 Response and to provide him with a further opportunity to

provide any additional submissions that he wanted Council to have regard to when considering his 2024/25 Renewal Application (**Deputy Director's March 2025 Letter**).

32. The purpose of the Deputy Director's March 2025 Letter was threefold:

- a. Firstly, to reiterate that, with respect to the 2024/25 Renewal Application, "to-date no action has been taken [by Council] in respect of [the Solicitor's] practising certificate", but rather, that the Solicitor had "been provided with an opportunity to provide submissions in relation to the issues raised within [the Director's July 2024 Letter];
- b. Secondly, to remind the Solicitor of the matters that had been raised in the July 2024 Letter, including the Referrals and, in doing so, to note and correct two inadvertent errors that failed to include the word "alleged" in the Director's July 2024 Letter; and;
- c. Thirdly, to invite the Solicitor to address new concerns which Professional Standards had about social media statements and comments that had been reposted and/or uploaded to the Solicitor's "LinkedIn" account, as well as the LinkedIn account and website of the Law Practice. The Solicitor's LinkedIn Account provides a link to the Law Practice's website. The statements and comments in question appeared to make publicly disparaging statements about the judicial determinations made in the various proceedings Ms Odtojan had been involved in, and which appeared to be inaccurate and misleading and as such, likely to produce or encourage misgivings about the integrity, propriety or impartiality of the judiciary or the relevant courts.

33. The Deputy Director highlighted specific examples of the social media publications in question in the Deputy Director's March 2025 Letter, including those contained on a webpage on the Law Practice's website titled "Public Notice". A copy of the "Public Notice" webpage (accessed 17 December 2024), together with some additional posts and reposts made by the Solicitor on X (previously Twitter) and his LinkedIn account (accessed 19 May 2025), which are of concern, is at **Annexure A1**. The "Public Notice" includes the following statements:

[Admin@OdtojanBrylLawyers.com.au](mailto:Admin@OdtojanBrylLawyers.com.au) [HOME](#) [PUBLIC NOTICE](#) [SERVICES](#) [CONTACT](#)

## Public Notice

**Disclaimer:** The information provided below is supported by what transpired in the Sydney District Court and NSW Court of Appeal court proceedings based on court transcripts, affidavits, representations, documents and legal resources (legislation, rules etc). The notice is subject to change and amendments as more information and documents may be made available. Documents can be accessed in the hyperlinks provided.

Odtojan Bryl Lawyers, Ms Odtojan and Mr Bryl have been defamed and framed in the NSW Court of Appeal judgments of Justices Leeming and Kirk (Mr Miles Condon SC case), and Justices Basten and White (Mr Nicolas Ford and Mr Thomas Glynn's cases) where OBL was never mentioned in the limited procedural leave to appeal hearings (approx. 1.5 hour) and where Ms Odtojan's and Mr Bryl's careers have been threatened. The substantial facts, representations recorded in the judgments were not ventilated at the hearing. The justices recorded evidence they created for the defendants (who were not at the court hearings nor did they give any evidence to support the recordings made by the justices in their judgments). The justices have threatened and intimidated a victim and witnesses, who are yet to give evidence and have recorded in their judgments that there is no evidence, disregarding witnesses, the documents put to them and the law including the Evidence Act 1995 (NSW) (EA), in particular, s 91 EA. The Justices were given notice by Ms Odtojan in her Affidavit, in her written submissions and in her emails to the Justices of their conduct of recording facts, representations and evidence which were either not ventilated at the court and/or created by the Judges. Justices Basten and White went as far as applying the Credit Code to a non-existing contract. No contract was before them at the court hearing, yet they refer to the contract in the judgment. This is a public interest case of great importance. Notices, correspondences, and reports from 2016 onwards will be made public.

34. With reference to these examples, the Deputy Director then commented as follows:

“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.”

35. The Solicitor was invited to make submissions to demonstrate that he is a fit and proper person to hold a practising certificate by 17 April 2025, having regard to the matters set out in the Deputy Director’s March 2025 Letter. The Deputy Director also stated:

“In any submissions, please not only address the alleged misconduct but also whether you should be granted any practising certificate and whether 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.”

36. No response was received from the Solicitor to the Deputy Director’s March 2025 Letter by 17 April 2025.

37. However, on 15 May 2025, the Solicitor and Ms Odtojan sent an email to Professional Standards and other persons within the Law Society which, among other things, referred to the Deputy Director’s March 2025 Letter (**May 2025 Response**).

38. In summary, the Solicitor provided no substantive submissions to address the matters detailed in the Deputy Director’s March 2025 Letter. Instead, he and Ms Odtojan continued to accuse Professional Standards of being “nonsensical”, and making “unclear”, “unfounded” and “unsubstantiated” “statements of fact / allegations of misconduct” against them. They submitted a list of material and information that they demanded be “urgently provided” to them, with respect to the Deputy Director’s March 2025 Letter including: particulars and evidence of the “findings of misconduct” alleged against each of them; “copies of the alleged posts... posted online on... [the Law Practice’s] website and/or [their] LinkedIn”, with details of “the time of access”; “particulars of... the exact acts... [they] did not disclose in [their]... renewal [applications]”; and the “specific rules and legislation” relied upon by “PSD/[Council] to... have the right to prevent the legitimate renewal of [their] practising certificates and [their] solicitor memberships and in preventing [them] from accessing the application for renewal for FY 2025/26”. They then stated that they “will reserve [their] right to respond to the balance of [the Deputy Director’s March 2025 Letter]” once they received responses to the material and information they wanted.

39. Relevantly, the May 2025 Response concluded in the following terms:

“The unlawful acts done to us by you/ LSNSW have put us, as lawyers, our livelihood, our firm and all our clients and their matters at risk and we will hold you and all those involved responsible for these unlawful fraudulent acts done to us in your positions in office.

As legal practitioners, you all have a positive obligation to self-report and declare the unlawful acts committed against us in all your respective declarations in the renewal of your practising certificates FY 2025/26.

It is a serious matter for you/PSD/ Law Council to threaten, intimidate and persecute innocent persons, who are also victims and witnesses of fraud and criminality, where multiple reports have been made by Ms Odotjan to the LSNSW PSD and OLSC since 2016.

We will rely on this correspondence and to all our previous correspondences to LSNSW in making reports to the appropriate authorities and issuing notices.

Kind regards,  
Ms Odotjan and [the Solicitor]”

40. On 21 May 2025, the Deputy Director sent an email to the Solicitor and Ms Odotjan to acknowledge receipt of the May 2025 Response and to correct a reference to a document that was referred to in the Deputy Director’s March 2025 Letter.
41. As at the date of Council’s consideration of this matter, the “Public Notice” webpage remains on the Law Practice’s website (<https://www.odtojanbryllawyers.com.au/public-notice-credit-corp-white-collar-crime>).

### Relevant Legislation and Caselaw

42. Part 3.3 (ss 42 to 57) of Chapter 3 of the Uniform Law deals specifically with the grant and renewal of Australian practising certificates.
43. The objects of Part 3.3 are contained in s 42 of the Uniform Law and include “to provide a system for the grant and renewal of Australian practising certificates in this jurisdiction to eligible and suitable persons who are already admitted to the Australian legal profession in any jurisdiction”. This object aligns with the overarching objects set out in s 3 of the Uniform Law which include “ensuring lawyers are competent and maintain high ethical and professional standards in the provision of legal services” (s 3(b)).
44. Section 43 of the Uniform Law confers a conditional “entitlement to practice” to an Australian legal practitioner. It expressly provides that while an Australian legal practitioner is entitled to engage in legal practice in this jurisdiction (s 43(1)): “[t]hat entitlement **is subject to** any requirements of this Law, the Uniform Rules and the conditions of the practitioner’s Australian practising certificate” (s 43(2)) (**emphasis added**).
45. Section 45 of the Uniform Law sets out the prerequisites for the grant or renewal of an Australian practising certificate. Section 45(2) states that Council, subject to s 45(4), “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". Further, s 45(3) states that "in considering whether a person is or is not a fit and proper person to hold an Australian practising certificate, the designated local regulatory authority may have regard to the matters specified in the Uniform Rules for the purposes of this section".

46. Of particular relevance is r 13 of the *Legal Profession Uniform General Rules 2015* (**Rule 13**) which provides, in part:

"(1) For the purposes of section 45 of the Uniform Law, in considering whether an applicant is or is not a fit and proper person to hold an Australian practising certificate, the designated local regulatory authority may have regard to any of the following matters—

(a) whether the applicant is currently of good fame and character,

...

(m) whether the applicant is currently unable to carry out satisfactorily the inherent requirements of practice as an Australian legal practitioner,

(n) whether the applicant has provided incorrect or misleading information in relation to any application for an Australian practising certificate under an Australian law relating to the legal profession..."

*"Fit and proper"*

47. Whilst the expression "fit and proper" is not readily defined, the Courts have made clear that a "fit and proper" person is someone who possesses characteristics which include, but are not limited to, honesty, integrity, courtesy, trustworthiness, candour, compliance with the law and reliability. Solicitors are afforded exceptional privileges and, as such, exceptional obligations, ethical standards and responsibilities are imposed on members of the legal profession to ensure the proper administration of justice, the protection of the public and to ensure the legal profession is not brought into disrepute.

48. As Spigelman CJ observed in *New South Wales Bar Association v Cummins* [2001] NSWCA 284; 52 NSWLR 279 (**Cummins**) at [19] and [20]:

"19. Honesty and integrity are important in many spheres of conduct. However, in some spheres significant public interests are involved in the conduct of particular persons and the state regulates and restricts those who are entitled to engage in those activities and acquire the privileges associated with a particular status. The legal profession has long required the highest standards of integrity.

20. There are four interrelated interests involved. Clients must feel secure in confiding their secrets and entrusting their most personal affairs to lawyers. Fellow practitioners must be able to depend implicitly on the word and the behaviour of their colleagues. The judiciary must have confidence in those who appear before the courts. The public must have confidence in the legal profession by reason of the central role the

profession plays in the administration of justice. Many aspects of the administration of justice depends on the trust by the judiciary and/or the public in the performance of professional obligations by professional people...”

49. In *de Robillard v Council of the New South Wales Bar Association: Council of the New South Wales Bar Association v de Robillard (No 2)* [2024] NSWCA 299, Gleeson JA (with whom Griffiths AJA agreed) said at [236] to [238]:

“236 ... Given that legal practitioners have heavy responsibilities and particular privileges which must be properly exercised in the interests of justice and of maintaining public confidence in the legal profession, the Court is concerned to ensure that only fit and proper persons, once admitted, continue in practice as officers of the Court.

237. In *Ziems v The Prothonotary of the Supreme Court of New South Wales* (1957) 97 CLR 279 at 297 to 298; [1957] HCA 46, Kitto J said of the expression “a fit and proper person”:

“The issue is whether the appellant is shown not to be a fit and proper person to be a member of the Bar of New South Wales. It is not capable of more precise statement. The answer must depend upon one’s conception of the minimum standards demanded by a due recognition of the peculiar position and functions of a barrister in a system which treats the Bar as in fact, whether or not it is also in law, a separate and distinct branch of the legal profession.

238. In the determination of that question this Court acts on established principles reflecting the purpose of disciplinary proceedings against a legal practitioner, which is the protection of the public, rather than the punishment of the practitioner: [Cummins] at [26]. The object of protection of the public includes deterring others who might be tempted to fall short of the high standards required of them. As Giles AJA said in *Foreman* at 471:

... the public, and professional colleagues whose practice in the public interest, must be able to repose confidence in legal practitioners, so an element in deterrence is an assurance to the public that serious lapses in the conduct of legal practitioners will not be passed over or lightly put aside, but will be appropriately dealt with.”

### Rue 13: Matters for consideration

“Good fame and character”

50. Like the composite “fit and proper”, what constitutes “good fame and character” has no specific definition: It is a concept that has been widely considered and developed by the Courts. As is explained in *Riley’s New South Wales Solicitors’ Manual* (Butterworths) at [29,040.5] (footnotes included):

“The concept of “good fame and character”... is not one that bears some special or technical meaning: rather, the words are used in their ordinary meaning identified as a question of fact, not law (*Health Care Complaints Commission v Karalasingham* [2007] NSWCA 267; BC200708405 at [45] per Basten JA, with whom Giles JA and Bergin J concurred). “Good fame” focuses on the reputation of the applicant, but reputation is not

the exclusive test. “Good character”, in addition, relates to the quality of the person, to be judged by his or her former acts and motives, namely “behaviour and the mental and emotional situations accompanying that behaviour” (*Ex parte Tziniolis* (1966) 67 SR (NSW) 448 at 475 per Holmes JA. See also *Jackson (previously known as Subramaniam) v Legal Practitioners Admission Board* [2006] NSWSC 1338; BC200610037 at [56] per Johnson J (noting that “[w]hilst there is a certain overlapping of the two terms ‘fame’ and ‘character’, there is a distinction. Fame involves being known, favourably, by a large section of the public, whilst character is directed to a more objective evaluation which might conflict with what the general public thinks”) [affd *Jackson (previously known as Subramaniam) v Legal Practitioners Admission Board* [2007] NSWCA 289; BC200708832]).

51. In *Hilton v Legal Profession Admission Board* [2016] NSWSC 1617, Beech J said of the “good fame and character” inquiry at [106]:

“106. ... In *Re Davis* (1947) 75 CLR 409 at 420, Dixon J referred to this as the “test of ethical fitness for admission to the legal profession”. At times the authorities have drawn a distinction between “fame” and “character”. Thus, in *Prothonotary of the Supreme Court of NSW v P* [2003] NSWCA 320 (“P”) at [17], Young CJ in Eq (with whom Meagher and Tobias JJA agreed) described “good fame and character” as having “a twofold aspect” in that “[f]ame refers to a person’s reputation in the relevant community, [whereas] character refers to the person’s actual nature” (citing *McBride v Walton* [1994] NSWCA 199 at [6] per Kirby P and *Clearihan v Registrar of Motor Vehicle Dealers* (1994) 117 FLR 455... at 459 per Miles CJ.).”

52. Whilst previous criminal convictions and professional disciplinary findings and sanctions made against an applicant are, often, the most common matters that arise in assessing an “good fame and character”, it is important to emphasise that an applicant’s behaviour in the context of “the curial process” is equally relevant. As is most usefully outlined in *Riley’s New South Wales Solicitors’ Manual* (Butterworths) at [29,050.5] (footnotes included):

“Previous behaviour in the context of litigation by an applicant, even though it has not sounded in any criminal conviction, can nonetheless be seen as inconsistent with the good fame and character (or fitness and propriety) expected of members of the practising profession. In particular, an applicant’s conduct in relation to litigation or the court that would be inappropriate for a practising lawyer is likely to prejudice the application.

....

Previous behaviour as a litigant in person, particularly where it directly undermines what would be expected of a lawyer, is likewise a difficult hurdle for an applicant to overcome, as appears from the judgment of the [Court of Appeal] in *Wentworth v New South Wales Bar Association* (CA(NSW), McLelland, Carruthers and Studdert JJA, 14 February 1994, unreported, BC9402256 [*Wentworth*]). The court refused the appellant admission on the following grounds [*Wentworth* at 23–4]:

“The making, in the course of litigation, of baseless or insupportable allegations of serious misconduct on the part of others, whoever those others may be, is conduct which, in a barrister, would be inconsistent with a fundamental aspect of the professional standards required of barristers. Where the objects of such allegations are judges of the Courts before which the barrister practices, such conduct also has a strong tendency to be destructive of the relationship of mutual confidence and trust between the Court and the Bar which is essential to the prior and efficient administration of justice. If, as a barrister, the appellant were to conduct herself as she has as a litigant in person in the respects referred to above, she would be unfit to remain at the Bar. If it is proper to conclude that, were she to be admitted as a barrister, she would be likely to conduct herself in a similar way, then she is not a suitable person to be so admitted.”

The court was convinced that the appellant’s likely future conduct could be properly measured by her past conduct as a litigant in person, in part because the appellant, in her affidavit in reply to the Bar Association case, maintained that she was entitled to make the allegations in question.”

“Inherent requirements” of legal practice

53. Like the concept of “good fame and character”, what constitutes the “inherent requirements” of legal practice is not neatly specified. However, in *MN Legal and Management Consultants Pty Ltd v The Council of the Law Society of New South Wales; Michail v The Council of the Law Society of New South Wales* [2018] NSWSC 1410, Davies J at [47] and [48] stated:

“47. ... the inherent requirements for a legal practitioner must include...

- (a) the ability to perform the day-to-day tasks associated with providing legal services, including the ability to communicate in a professional manner with the courts, law-enforcement agencies and other legal practitioners;
- (b) the ability to discharge the legal practitioner's tortious and fiduciary duties to his or her clients, whether arising under their retainer, in tort or in equity;
- (c) the ability to discharge the legal practitioner's duties to the Court, including:
  - i. the duty to be honest and courteous in all dealings in the course of legal practice: r. 4.1.2, [Conduct Rules]... ;
  - ii. the duty not to engage in conduct, in the course of practice or otherwise, which is likely to a material degree to be prejudicial to, or diminish the public confidence in, the administration of justice, or bring the profession into disrepute: r. 5.1, Conduct Rules;
  - iii. the duty not to knowingly or recklessly mislead the court: r. 19.1, Conduct Rules;
  - iv. the duty not to allege any matter of fact in any court document settled by the Lawyer, or any submission during any hearing, unless the Lawyer believes

on reasonable grounds that the factual material already available provides a proper basis to do so: r. 21.3, Conduct Rules; and

- v. the duty not to communicate in the opponent's absence with the court concerning any matter of substance in connection with the current proceedings: r. 22.5, Conduct Rules.

48. To those matters there would need to be added, an obligation to obey the law and to comply with court orders.”

“Duty of candour”

54. On the importance that the duty of candour plays when considering a lawyer's fitness and propriety to hold a practising certificate, White JA made the following points in *Tangsilat v Council of the Law Society of New South Wales* [2019] NSWCA 144, stated at [81] and [82]:

“81. An applicant for admission, or in this case for the renewal of a practising certificate, has a duty of candour. The content of that duty extends to a requirement that an applicant disclose material facts in their application for renewal. Deliberate or wilful concealment is professional misconduct (*A Lawyer v Council of the Law Society of New South Wales* (2004) 216 CLR 252; [2004] HCA 1 at [30]; *Prothonotary v Comeskey* [2018] NSWCA 18 at [57]-[63]).

82. The same conduct, even if not deliberate, may still support a conclusion that an applicant is not a fit and proper person to engage in legal practice if the conduct reveals a lack of appreciation of the content and importance of the applicant's duty of candour (*Prothonotary of the Supreme Court of New South Wales v Montenegro* [2015] NSWCA 409 at [74]-[76]).”

55. And, in *Council of the Law Society of New South Wales v Kinchington* [2017] NSWCA 278, the Court of Appeal observed (at [30]):

“30. ...The principle of candour in relation to dealings with professional bodies has been treated as an essential precondition to entry to and maintenance of membership of the legal profession - *New South Wales Bar Association v Davis* (1963) 109 CLR 428; [1963] HCA 31.”

56. So too, in *Re Del Castillo* (1998) 136 ACTR 1 where Miles CJ, Gallop and Madgwick JJ of the Supreme Court of the Australian Capital Territory stated at [31] and [32]:

“31. ... applicants have a duty of frankness. An attitude that begrudges information which may raise eyebrows, whether logically it ought to raise them, is not consistent with such an attitude.

32. It is common throughout Australia for applicants for admission to legal practice to disclose quite minor charges. Those standards are to be encouraged. Applicants need not fear that the court will seek to substitute a demand for perfection for the requirement that fitness to practise be demonstrated by showing good fame and character.”

“Public interest”

57. In addition to the above, in considering a lawyer’s fitness and propriety to hold a practising certificate, Council must consider whether its decision is in the “public interest” and reflective of ensuring that members of the public are protected; that the reputation of the profession is upheld; and that the highest professional standards are maintained within the legal profession. In doing so, Council will take into account any findings or orders made by any courts (and the fact and circumstance from which the orders arise), coupled with the need for public confidence in the profession and its individual members.

58. As Beazley JA, as Her Excellency then was, observed in *Law Society of New South Wales v Walsh* [1997] NSWCA 185 at [40]:

“The Court’s duty to protect the public is not confined to the protection of the public against further misconduct by the particular practitioner who is the subject of the disciplinary proceedings. It extends to protecting the public from similar defaults by other practitioners. Thus it is relevant to take into account the effect the order will have upon the understanding in the profession and among the public of the standard of behaviour required of Lawyers... This wider notion of protection of the public involves the Court ensuring that the high standards which are demanded of members of the profession are maintained.”

59. Relevantly, in the case of *Buckley v Council of the Law Society of New South Wales* [2022] NSWSC 328, Mr Buckley sought judicial review of Council’s decision to suspend his practising certificate for comments he posted on the Facebook and X (formerly known as Twitter) accounts of the law firm at which he then was a partner. The comments followed the judgment of *Kassam v Hazzard* [2021] NSWSC 1320 in which he was the solicitor on the record. In dismissing Mr Buckley’s claim, the Supreme Court of New South Wales made the following observations about the “need to give weight” to “public interest” considerations (at [35] and [108]):

“35. The Council also noted... that issues involving professional rights to practise concerned the protection of the public, which meant that the public interest was always entitled to significant weight (see at [9], citing *New South Wales Bar Association v Stevens* (2003) 52 ATR 602; [2003] NSWCA 95 at [104]).

...

108. In my opinion, there has been no jurisdictional error established as contended ... The Council expressly noted its opinion that the imposition of any available condition would not appropriately address the deficiencies exhibited by the plaintiff’s conduct... That opinion was not so inherently unreasonable as to suggest any jurisdictional error. It is certainly not a decision that no reasonable person in the position of [Council] could have reached. Nor can it be described as having been imposed as a punitive measure. The Council clearly had regard to the paramountcy of public interest in the administration of justice (see its reasons) and the fact that the comments were made by a legal practitioner on a law firm’s social media accounts and carrying with them the imprimatur of the legal practitioner’s status as a legal

practitioner and officer of the Court, coupled with the fact that the solicitor was the solicitor on the record in the very proceedings the subject of the impugned comments, makes clear the need to give weight to the upholding of public confidence in the administration of justice (a fundamental tenet of the rule of law).”

## Consideration

60. In this case, the substantive question for Council is whether or not it considers the Solicitor to be a fit and proper person to hold an Australian practising certificate.

61. Having regard to:

- a. the provisions of the Uniform Law including matters specified in Rule 13 and relevant caselaw,
- b. the facts and circumstances leading to the Referrals,
- c. the findings and orders made in the Appeal Judgments No. 1 and the Appeal Judgments No 2;
- d. the matters detailed in the Director’s July 2024 Letter;
- e. the matters detailed in the Deputy Director’s March 2025 Letter, and
- f. the Solicitor’s August 2024 Response and the May 2025 Response (collectively, the **Solicitor’s Responses**),

Council is of the view that the Solicitor is currently unable to satisfactorily carry out the inherent requirements of practice as an Australian legal practitioner. Therefore, in Council’s view the Solicitor is not fit and proper to hold a practising certificate.

62. Whether or not the Solicitor’s actions remained within the strict confines of a “McKenzie friend” is, in Council’s view, a moot point. The fact of the matter is that the Court of Appeal was of the view that the Solicitor, howsoever described, was a solicitor, in a courtroom appearing before the Court of Appeal, and advocating and making submissions on behalf of Ms Odtojan. To that end, the Solicitor’s conduct, in repeatedly and persistently advocating what the Court of Appeal directly flagged, during its exchanges with the Solicitor, to be “serious allegations”, and then found to be baseless allegations and unjustified accusations of misconduct against various persons, including members of the legal profession and judiciary, is extremely serious. Such conduct reflects poorly on the legal profession and evinces a disregard for the Courts and the administration of justice. As the Court of Appeal commented in the Condon Appeal Judgment No 2 at [15]:

“15. Ms Odtojan and [the Solicitor], as legal practitioners, were under heightened obligations when invoking legal process”.

Further, to adopt the words of the Court in *Wentworth* (reproduced in paragraph 52 above): “such conduct also has a strong tendency to be destructive of the relationship of mutual confidence and trust between the Court” and, in this case, the Solicitor, “which is essential to the prior and efficient administration of justice”.

63. Council is concerned by the Solicitor’s Responses when Professional Standards has sought to bring to his attention the concerns about his conduct, including the issues raised in the Referrals

and what the Court of Appeal described as “apparent ongoing misunderstanding[s] of [his] obligations as a legal practitioner”.

64. In the Solicitor’s Responses, the Solicitor has persisted with a belief that Ms Odtojan is being victimised and they are both witnesses who have been “threaten[ed], intimidate[d] and discredit[ed] by the Justices of the Court of Appeal. He has expressed no remorse or contrition for his actions. Rather than apologising or squarely addressing the concerns and issues raised in the Referrals and by Professional Standards, he has maintained his position and consistently denied any error in his ways. He has continued to reiterate and champion, on both his and Ms Odtojan’s behalf, serious allegations of misconduct not only against those who were involved in the various proceedings she commenced, but also those within the Law Society as well as the judiciary. He has submitted that his conduct has, at all times, been as a “McKenzie Friend, appropriate and justified” and has publicised his views on social media.
65. In Council’s view, the Solicitor’s Responses have demonstrated an explicit and continuing:
- a. lack of insight into the gravity and seriousness of matters raised by the Court of Appeal;
  - b. lack of understanding of the fundamental professional and ethical obligations to which he is subject; and
  - c. lack of awareness about his duties and role in the practising certificate renewal process, including the misguided assumptions he continues to make.
66. In Council’s view, the Solicitor’s Responses appear to be threatening and exhibit a complete disregard for the role of Council in assessing his fitness to practice. The Solicitor’s current attitude and behaviour damages the standing and reputation of the legal profession.
67. In relation to the information and declaration the Solicitor submitted in his 2024/25 Renewal Application, Council notes:
- a. The Solicitor answered “No” to the question on the 2024/25 Renewal Application (under the heading “Fit and Proper Person”):  
  
“Is there any matter referred to in [Rule 13] which is applicable to you and which you have not previously disclosed to The Law Society?”.
68. The Solicitor then gave the following declaration:
- “I declare that the contents of this application are true and correct. I wish to apply for an Australian practising certificate and have my name entered in the register of local practising certificates in New South Wales. I declare that I am not aware of any finding, conduct or event which would disentitle me, without disclosure to be admitted to a Supreme Court Roll or effect my fitness to hold a practising certificate (other than that which is disclosed herewith or previously disclosed).” (**Declaration**)
69. There is no dispute that, at the time of submitting the 2024/25 Renewal Application, there were no disciplinary findings of professional misconduct, or disciplinary action commenced against the Solicitor under the Uniform Law, which the Solicitor was required to disclose under any of the

provisions of Rule 13. Nor, despite the Solicitor's protestations, were any "findings of professional misconduct" being fabricated and used against him. The Deputy Director's March 2025 Letter clarified that.

70. However, at the time of submitting the 2024/25 Renewal Application, the Solicitor was aware that his behaviour had been brought into direct question in the Appeal Proceedings. Specifically, he knew that:
- a. the Court of Appeal had raised serious concerns about his actions and his understanding of his professional and ethical obligations as a solicitor;
  - b. the Court of Appeal found that, in the course of the Court of Appeal Proceedings, he made unfounded or baseless allegations of serious misconduct against others;
  - c. in each of the Appeal Judgments No 1, the Court of Appeal ordered him to "show cause" why he should not be referred to the NSW Commissioner; and
  - d. in each of the Appeal Judgments No 2, the Court of Appeal made consequential orders to refer the matters to the NSW Commissioner to notwithstanding his response to the "show cause" orders.
71. In Council's view, it was incumbent on the Solicitor to disclose to Council all matters relevant to his fitness and propriety to hold a practising certificate, regardless of his belief about what the Law Society was aware of. By failing to disclose the Appeal Judgments No 1 and the Appeal Judgments No 2, the Solicitor provided incorrect or misleading information and a false Declaration in his 2024/25 Renewal Application. To adopt the conclusions and comments made by the NSW Civil and Administrative Tribunal (**Tribunal**) in *Council of the Law Society of New South Wales v Jaruwan Tangsilat* [2018] NSWCATOD 138 at [30] and [32]:

"30. By reference to the above extracts, we conclude that the respondent:

- (1) did not have an appreciation of her obligation of candour in relation to any improper conduct and;
- (2) did not fulfil her obligation of candour and thereby demonstrated a want of understanding of the high degree of trust which must repose in a person who asserts that she is a fit and proper person to practise the profession of solicitor;
- (3) did not understand the significance of the deficiencies revealed by the reasons of the Delegate... and thereby demonstrated... a lack of understanding of her duty to make full and accurate disclosure to the applicant;
- (4) was recklessly indifferent to the adequacy of her disclosure.

...

32. ... Whether or not the respondent accepted the findings of the Delegate, and whether or not she intended to institute an appeal to have those finding set aside, their significance is such that there can be no excuse for having failed to disclose them. It beggars belief that even though the respondent failed to have regard to the provisions

of r 13(1)(g) of the Rules, she failed to understand that they are matters which went to the heart of her fitness to practice law and needed to be disclosed in any event. They are prima facie matters of significance in the context of fitness to practice as a legal practitioner and should have been regarded as such by the respondent if she had possessed the appropriate insight.”

72. Further, it would be difficult for the Solicitor to mount any argument that he did not consider the Appeal Judgments No 1 and the Appeal Judgments No 2 to be matters relevant to disclose in his 2024/25 Renewal Application. Indeed, by his own admission, the Solicitor appears to accept that these judgments have brought into question his “good fame and character” as, in the Solicitor’s August 2024 Response, he has submitted:

“This letter will be made public for the protection of Ms Odtojan, myself and the law firm where we have been defamed in the NSWCA judgments where substantial records in the judgment were made by ambush, disregarding and contravening the *Evidence Act 1995* (NSW), s 91 EA and recording evidence/representation for the respondents where the respondents gave no such evidence and was not at the court hearings.”

And, the “Public Notice” published on the Law Practice’s website, reads:

“[The Law Practice], Ms Odtojan and [the Solicitor] have been defamed and framed in the NSW Court of Appeal judgments of Justices Leeming and Kirk (Mr Miles Condon SC case), and Justices Basten and White (Mr Nicolas Ford and Mr Thomas Glynn’s cases)...”

73. Lastly, in relation to concerns raised in the Deputy Director’s March 2025 Letter about material published on the Solicitor’s LinkedIn account, as well as the LinkedIn Account and website of the Law Practice, Council notes that the Solicitor has made no substantive submissions that addressed such matters but has requested copies of the examples particularised in the Deputy Director’s March 2025 Letter. Council accepts that the Solicitor, as an employed solicitor of the Law Practice, may not be directly responsible or personally liable for the comments and material in question which have been published on the Law Practice’s website and the social media accounts in the name of the Law Practice. However, there is sufficient material for Council to form the opinion that:
- a. the Solicitor is aware of, accepts, and, to some extent, adopts as his own position, the views and opinions expressed by Ms Odtojan on her social media platforms and those in the name of the Law Practice— including, in particular, the statements contained in the “Public Notice”;
  - b. it is the Solicitor who has published, or allowed to be published, the comments and statements which have been made from, or appear on, social media platforms in his name;
  - c. the Solicitor has either made and/or endorsed, through his posts and “reposts” on X (formerly Twitter) and his LinkedIn account, comments and statements which, on any objective reading, are inaccurate, designed to mislead, and likely to produce or encourage misgivings about the integrity, propriety or impartiality of the judiciary and the courts – particularly those members of the judiciary and the legal profession who were involved in the various proceedings Ms Odtojan was involved in from 2014 to 2024.

74. Accordingly, Council is satisfied that there is sufficient material to form the opinion that the comments and statements published by, shared and/or amplified by the Solicitor through his social media accounts, pose a real, and ongoing, risk to the public and to the administration of justice.
75. Having regard to the above and the fact that the Solicitor holds an employee of a law practice (supervised) practising certificate, Council does not consider that the imposition of any available conditions would appropriately address or ameliorate the deficiencies exhibited by the Solicitor's conduct, and the risks that, as a consequence, arise.

## Conclusion

76. In Council's view, the following conclusions drawn by the Tribunal in *Council of the Law Society of New South Wales v Sideris (No 2)* [2024] NSWCATOD 121 at [122] to [124] are equally applicable to the circumstances of the Solicitor here:

"122. Considering all of the factors we have mentioned, in our assessment, the respondent's behaviour cannot be said to embody a person who may properly be held out to the public as a fit and proper person to be entrusted with the duties and responsibilities of a legal practitioner. His conduct is a significant departure from expected standards, and his inability to comprehend what is problematic about the nature of his conduct in the context of these proceedings, as well as his inability to understand the gravity of the .... findings, is in our view incompatible with him continuing to practise.

123. The respondent has not demonstrated to us that he understands, or accepts, the ethical rules governing the legal profession and the need to safeguard the public perception of lawyers. He has not demonstrated that he will abide by those standards if he is permitted to continue as a practising lawyer. As the Tribunal stated in *Robillard* at p 96(4):

The ability to practise as a lawyer carries with it a great responsibility to the Court, the public and to the reputation of the profession as a whole. It also carries with it specific obligations to fully recognise the role of the regulatory body in respect of overseeing the professional standards required of practitioners. Those requirements, set by the regulatory body, ensure that standards are met and the public are thereby protected. Fitness to practise as a lawyer requires the recognition of that responsibility and an understanding of the limits which should not be crossed.

124. We are satisfied, on the civil standard, that at the time of this determination the respondent is not fit to practise as a legal practitioner."

77. For the foregoing reasons, Council therefore considers that the Solicitor is not a fit and proper person to hold a practising certificate and refuses to renew his practising certificate for the period 1 July 2024 to 30 June 2025.