

8 August 2025

Baker & McKenzie

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BARANGAROO NSW 2000

By Email: BakerMcKenzie-DisputeResolution@bakermckenzie.com

To whom it may concern

RE: Response to Concerns Notices dated 11 July 2025 on behalf of the following parties in their professional capacities of regulatory officers in the Law Society of NSW (ABN 000000699):

1. **Ms Valerie Griswold; and**
2. **Ms Nadya Haddad**

A. Introduction and Preliminary Matters

1. I refer to your two separate letters dated 11 July 2025 purporting to be concerns notices under section 12A of the *Defamation Act 2005 (NSW)* (**the Act**) issued on behalf of:
 - a. Ms Valerie Griswold (**Ms Griswold**), Director of the Professional Standards Department, (**PSD**) by way of a 26-page letter and 37 pages of attachments via a drive link (**Notice 1**)
 - b. Ms Nadya Haddad (**Ms Haddad**), Deputy Director of PSD and Director of Licensing and Registry Office, by way of a 20-page letter and 31 pages of attachments (**Notice 2**).(Together "**the Notices**").
2. These Notices were issued shortly after I served my summons in the Supreme Court of New South Wales (**Supreme Court**) on the Law Society of NSW (**Law Society**), seeking judicial review of a decision signed by Ms Griswold under section 45 of the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) and the appointment of a manager over my legal practice as Principal of Odtojan Bryl Lawyers.
3. There are two separate Supreme Court proceedings, one initiated by me and one by my husband, Mr Artem Bryl (**Mr Bryl**), where he also challenges a section 45 decision signed by Ms Griswold.
4. In addition, these Notices have been issued despite the fact that there are current Supreme Court proceedings directly related to the matters at hand. Both Ms Griswold and Ms Haddad, as senior regulatory officers of the Law Society, are fully aware of these proceedings, as they are the very officers overseeing and/or conducting the Law Society's litigation in these cases.

It is both disingenuous and materially misleading that their Concerns Notices make no mention of these significant, ongoing court proceedings, thereby obscuring the true context in which these allegations arise.

5. This omission raises serious concerns of conflict of interest, procedural integrity, and suggests that these Notices may represent an improper collateral attack on the current Supreme Court proceedings under the guise of a defamation concern.
6. Both Ms Griswold and Ms Haddad are the senior regulatory officers involved in the internal Law Society process which led to the issuing of the impugned section 45 decisions. They were the only officers I interacted with throughout that process. Their conduct is central to the matters now before the Supreme Court and they are named in both proceedings, mine and that of Mr Bryl, including under specific grounds alleging apprehended bias.
7. I note that these Notices arise directly from your clients' conduct and roles as Director and Deputy Director of the PSD of the Law Society. The notices repeatedly reference their professional reputations, official acts, and regulatory functions. Therefore, it is clear that these notices are issued in their professional capacities, notwithstanding any suggestion to the contrary.
8. As the Notices arise from the same underlying events, contain overlapping complaints, and rely on shared facts, I respond to both in one consolidated letter while reserving all rights in relation to each notice individually.

B. Misrepresentation of status Status and Omissions of Context

9. In both Notices, the introductory section, identical in wording, states that you act for Ms Griswold and Ms Haddad respectively, and that you write to me in both my personal capacity and in my capacity as the "former principal of Odtojan Bryl Lawyers." This description is materially misleading. These were your clients, acting in their roles as regulatory officers and in conjunction with the Council of the Law Society of NSW, who directly and unlawfully refused the renewal of my practising certificate, without any findings of misconduct, resulting in the forced closure of Odtojan Bryl Lawyers, the legal practice I founded and operated with my husband, Mr Bryl.
10. That context is central to any proper understanding of the facts. Yet, neither Notice discloses your clients' regulatory roles, the actions they took, nor the extraordinary professional harm that resulted. This omission creates a distorted and disingenuous account of my current

status and the events from which it arose, events for which your clients bear direct responsibility and/or involvement and which are now the subject of Supreme Court proceedings.

C. Threshold Issues and Improper Purpose

11. The Notices are not only misconceived, vague, and deficient in form, but raise serious concerns as to whether they were issued in good faith or in accordance with the purpose and procedural requirements of section 12A of the Act. I note the following:
- a. Your clients obtained and used my personal contact details, accessed in their roles as officers of the Law Society, to initiate these defamation threats. This misuse of regulatory access for personal or collateral purposes raises serious questions regarding abuse of regulatory power, breach of privacy, misuse of confidential and privileged information obtained through statutory functions, and undermining of professional and public trust.
 - b. Your letters were sent via a generic “dispute resolution” email with no contact name, responsible solicitor, or direct details provided. This falls short of professional standards, particularly given the nature and extent of the notices.
 - c. The Notices were issued by your clients in their capacities as regulatory officers of the Law Society, at the very same time they are actively overseeing and/or conducting the Law Society’s litigation in Supreme Court proceedings commenced against it, proceedings which directly challenge their own conduct and decisions. This gives rise to a clear and concerning conflict of interest, particularly given your clients’ roles as Director and Deputy Director of the PSD, and their own acknowledgments in the Notices that they oversee litigation matters.
 - d. Neither Notice discloses the existence of these ongoing Supreme Court proceedings, nor your clients’ involvement in them. That omission is material and serious.
 - e. The timing of the Notices, issued after I served my Supreme Court summons on the Law Society, and during the period in which my evidence is due, raises serious concerns of retaliation. A similar pattern occurred with Mr Bryl, who received two Notices shortly after serving his own summons on the Law Society, also issued by your clients, who oversee the litigation on its behalf.

- f. These Notices were issued shortly after the commencement of Supreme Court proceedings, in which your clients are directly named. They target individuals who are not only litigants, but also witnesses and victims of the very conduct now under judicial review. The timing, content, and issuing parties raise serious concerns of retaliation, witness intimidation, abuse of process, and interference with the administration of justice. Such conduct may constitute a collateral attack on proceedings and may amount to criminal offences under the Crimes Act.

D. Summary of Rejection and Defences

12. I reject the complaints set out in both Notices in their entirety, on the following grounds with reference to section 'F. Legal Position and Defences Reserved' herein, as follows:

- a. **Invalid Concerns Notices:** The Notices purport to be issued under Part 3, Section 12A of the *Defamation Act 2005 (NSW)*, but fail to satisfy the statutory requirements and are therefore invalid. In any event, the imputations are denied, and where relevant, the statements are substantially true, made in the public interest, or otherwise protected by law as set out below.
- b. **Recklessness:** Your clients have acted with reckless disregard for the truth by asserting that the matters complained of are defamatory, when they are supported by evidence, known to be true, or have been previously put to them and left unanswered.
- c. **Publications Related to Professional Conduct:** The materials complained of relate directly to your clients' conduct in their professional capacity as regulatory officers of the Law Society of New South Wales. The subject matter includes serious allegations concerning the misuse of statutory power, procedural failures, and the denial of natural justice in the internal processes leading to the Section 45 decisions issued against myself and Mr Bryl.

Your clients acted as accuser, investigator, and decision-maker, contrary to the requirements of independence, neutrality, and fair hearing, while bypassing the disciplinary regime under Chapter 5 of the Uniform Law. These matters are now subject to Supreme Court proceedings.

Further, the conduct complained of is not limited to the Section 45 decisions. Your clients were directly involved in unlawful adverse actions well before those decisions were issued, including interference with practising certificates, disappearance of solicitor

records, and suppression of membership rights. These events form part of the broader evidentiary context and are the subject of formal proceedings and public disclosures.

Your clients, in conjunction with the Law Council, acted as both accuser and decision-maker in a process that denied the basic principles of natural justice.

- d. **Defences under the Act:** The statements complained of are protected by several statutory defences under the Act, including but not limited to: justification (section 25), contextual truth (section 26), publication in the public interest (section 29A), qualified privilege (section 30), honest opinion (section 31). See section 'F. Legal Position and Defences Reserved'.
- e. **Supreme Court Proceedings:** Some of the material complained of forms part of the evidentiary record in judicial review proceedings currently before the Supreme Court of New South Wales.
- f. **Unlawful Demands:** I reject your clients' demands for retraction, removal, and deletion of published material. The publications are supported by evidence, form part of the Section 45 record, are referenced in the decision itself, included in court proceedings, and have been lodged with investigative and law enforcement bodies. Any demand for permanent deletion or destruction of this material amounts to a request to destroy evidence, conduct I take seriously, and which may constitute a criminal offence under the Crimes Act. I reserve all rights to refer this conduct to the appropriate authorities without further notice.
- g. **Abuse of Process:** These notices are not bona fide efforts to vindicate reputation. Rather, they represent a misuse of defamation law as a retaliatory tool. They appear calculated to punish, silence, and intimidate parties to ongoing proceedings, namely, whistleblowers, witnesses, and victims of your clients' alleged misconduct. Such conduct may constitute a collateral attack on court proceedings and an abuse of process.
- h. **General Denial:** I reject all imputations, allegations, and asserted harm in full. I reserve all rights in relation to the unsupported, prejudicial, and unsubstantiated claims made in the Notices.
- i. **Improper Reliance on Internal and Non-Final Material:** Your clients rely on internal determinations they themselves authored, and on selective, non-final judicial commentary arising from interlocutory or procedural hearings. They do so while disregarding the existence of ongoing judicial review proceedings, and serious,

unresolved allegations of misconduct, impropriety, and fraud. This selective reliance reflects a retaliatory motive and an improper attempt to suppress protected public interest disclosures through misuse of legal process.

- j. **Pattern of Conduct:** Your clients' conduct reflects a repeated pattern previously raised against them: the making of vague, unparticularised allegations of "prior misconduct"; refusal to provide particulars; dismissal of formal responses; and the unilateral issuance of a Section 45 decision, without affording access to the disciplinary process under Chapter 5 or referral to NCAT. Notably, the Section 45 determination itself ultimately admitted there was no finding of misconduct, directly contradicting the basis of the regulatory actions taken.

- 13. These matters are not private. They are of significant public interest, involving the unlawful removal of practising certificates from two solicitors, the effective dismantling of a compliant, community-based law firm, and ongoing suppression of whistleblowers' notices and reports made in the public interest.

E. Summary of Your Client's Demands

- 14. Your clients' Notices make a series of extraordinary and identical demands, including but not limited to:
 - a. The permanent removal of multiple public notices, recordings, and written disclosures from platforms such as YouTube, LinkedIn, and various blog posts;
 - b. The deletion of materials that were attached to and relied upon in the Section 45 decision signed by Ms Griswold, despite your clients' own direct and substantial involvement in the internal process that led to that decision;
 - c. The removal of public interest disclosures addressed to authorities including the NSW Premier, NSW Police, and the AFP;
 - d. The erasure of documents, records, and disclosures that are now subject to Supreme Court in ongoing judicial review proceedings;
 - e. Written retractions, apologies, and admissions that are not only legally unjustified, but factually false;
 - f. A fabricated written apology admitting that I knowingly published false information to damage your clients' reputations;
 - g. That such apology be published across all platforms where content has appeared;
 - h. Payment of legal costs and unquantified damages;

- i. A sweeping written undertaking never to speak or publish about your clients or any related subject matter, regardless of truth, context, or public interest;
 - j. An explicit threat of injunction should any further publication occur.
15. These demands are improper, unjustifiable, and in many instances, unlawful. They seek to suppress documents and disclosures made in the lawful exercise of my rights as a whistleblower, witness, victim, and litigant. The materials your clients wish to erase include factual content relating directly to their roles as senior officers of the Law Society and the decisions they made or oversaw while exercising statutory powers.
- a. In particular, the subject matter includes:
 - b. Your clients' conduct during the internal PSD process, which is now subject to judicial review before the Supreme Court;
 - c. Their role in rendering me and Mr Bryl 'unfit' to practice law without due process and outside the proper Chapter 5 disciplinary regime;
 - d. Their failure to act upon formal reports and statutory notices alleging serious impropriety and criminal conduct;
 - e. Their reference to public materials, such as the 17 May 2025 YouTube video and its transcript, which were attached to the Section 45 decision and are now judicially contested;
 - f. Their continued reliance on their own contested decision-making as if it were independently adjudicated fact.
16. Your clients' Notices omit all of this context. They fail to disclose that the materials complained of were created only after months of ignored correspondence, erasure, reputational harm, and regulatory targeting. They are silent on the fact that the publications formed part of two separate Supreme Court proceedings and were based on lived experience and supporting documents already in your clients' possession as regulatory officers of the Law Society.

F. Legal Position and Defences Reserved

17. Without conceding that any defamatory imputations arise, I reject all allegations made by your clients in full.
18. To the extent that any material identified in the Notices is alleged to convey defamatory imputations, I rely on the following statutory and common law defences under the Defamation Act 2005 (NSW) and general law, including but not limited to:

- a. **Justification** (s 25): The material complained of is substantially true and based on documented facts, contemporaneous records, and my lived experience;
- b. **Contextual truth** (s 26): Where other imputations arise from the same context, the contextual imputations are substantially true;
- c. **Publication on Matter of Public Interest** (s 29A): The subject matter of the publications concerns issues of significant public importance, including allegations of regulatory misconduct, systemic abuse of power, suppression of whistleblowing, and interference with the administration of justice;
- d. **Qualified Privilege** (s 30 and common law): Communications were made in discharge of legal, moral, or social duties, or in circumstances where recipients had a reciprocal interest, and no malice can be inferred;
- e. **Honest Opinion** (s 31): Where any publication expresses opinion, such opinion was honestly held, based on proper material, and related to matters of public interest;
- f. **Reply to Attack / Self-Defence**: The publications were made in response to serious reputational harm caused by official acts, false legal records, and defamatory statements made in legal instruments, determinations, or judicial commentary which were not subject to proper scrutiny. Where legal avenues and redress were denied or obstructed, public communication became the only available form of defence;
- g. **Whistleblower Protections** (common law and statutory): To the extent applicable, disclosures were made as part of whistleblowing activity relating to serious misconduct in public and/or regulatory office, and pursuant to multiple formal notices and reports already provided to relevant authorities;
- h. **Constitutional Freedom of Political Communication**: The matters concern the exercise of governmental power and legal regulation and fall squarely within the implied freedom of political communication under the Australian Constitution;
- i. **Truth** (common law): As a complete defence to any alleged reputational harm, where all material complained of is substantially true and supported by records and evidence;
- j. **Disclosures**: These materials are also made to appropriate authorities in good faith, in furtherance of legal and regulatory oversight functions.

19. For clarity, the above defences are relied upon cumulatively and independently. Nothing in this letter should be taken to waive or limit any legal rights, remedies, or further defences available at law. All rights are expressly reserved.

G. Improper Reliance on section 45 Decision and Judicial Commentary

20. Your clients' Notices rely on two sources as if they carry determinative legal weight: (1) the Section 45 decision signed by Ms Griswold, and (2) selective judicial commentary from an interlocutory leave to appeal hearing before the NSW Court of Appeal. Both are materially misleading in the context of current judicial review proceedings.
21. The Section 45 decision was not the outcome of any independent or impartial disciplinary hearing. It was issued internally, following a process overseen and conducted by your clients, without recourse to Chapter 5 of the Uniform Law, and absent any findings of misconduct by a court or tribunal.
22. The judicial commentary cited from the NSWCA does not constitute findings of fact or a final determination. It arose in the context of an interlocutory leave to appeal application, where no evidence was tested, no hearing on the merits occurred, and procedural fairness was not afforded. Your Notices present this commentary as authoritative, despite knowing it was expressly challenged for factual inaccuracies, procedural irregularities, and judicial mischaracterisation.
23. Your clients were notified in writing that those judgments contain false records, mischaracterisations, and omissions of material evidence. Rather than address these concerns or fulfill their obligations under section 465 of the Uniform Law, your clients now rely on those same flawed commentaries to support defamation threats.
24. This conduct is not merely misleading; it may amount to complicity in concealing serious allegations of judicial misconduct and an attempt to intimidate or silence those who have lawfully raised them

H. Attack on Public Advocacy, Survival Efforts, and Whistleblower Disclosures

25. Your clients' Notices are not mere attempts to protect personal reputation. They amount to a direct attack on two witnesses and victims, myself and Mr Bryl, our lawful survival efforts, and our whistleblower advocacy made in the public interest.

26. The Notices explicitly target our GoFundMe campaign, the Odtojan Bryl Justice Project, and our public petition calling for the resignation of the NSW Attorney General Mr Michael Daley and Mr Hugh McDermott MP, all of which are lawful, transparent, and supported by evidence.
27. Your clients' suggestion that these initiatives are deceptive or defamatory is categorically false. It is also, in itself, defamatory. These initiatives were created in response to the collapse of our firm and professional lives, events directly caused by your clients' conduct in their regulatory roles.
28. The Notices omit critical context, including the titles and content of referenced links (e.g., "Public Notice: Urgent Call for Criminal Investigation into Corrupt Conduct in NSW Legal System/Legal Profession. To: Premier of NSW Chris Minns, NSW Police & Australian Federal Police"), and instead isolate them to create a false implication of reputational harm. This is disingenuous and deliberately misleading.
29. Each of the publications referenced in your Notices is either:
 - a. substantially true and supported by evidence;
 - b. expressed as protected opinion; or
 - c. part of lawful whistleblower disclosures made in the public interest.

I reject all imputations, characterisations, and allegations of defamation in full.

30. The Notices seek permanent removal of public interest materials, documents already before the Supreme Court, and content made in response to institutional harm. This is a coordinated attempt to suppress whistleblowing, silence victims, and obstruct calls for reform.

I. Rule of Law, Legislative Failures, and Our Public Role

31. Our practising certificates were refused without any findings of professional misconduct, without notice, without due process, and without any NCAT proceedings. We were denied access to the Chapter 5 disciplinary pathway, and our solicitor and firm records were erased from public registers before the Section 45 decisions were even issued. These actions violated the Uniform Law and the rule of law.
32. By May 2024, months before the 30 May 2025 Section 45 decisions, our solicitor profiles, practising certificates, and firm status had already been interfered with. No certificates were issued. No appeal rights were provided. No lawful notice was given.

33. These adverse actions were undertaken by, or under the oversight of, your clients, Ms Griswold and Ms Haddad, in their official roles as Director and Deputy Director of the PSD of the Law Society.
34. We repeatedly issued notices, raised statutory duties under section 465 of the Uniform Law, and provided documentary evidence of serious misconduct and suspected offences. Your clients ignored these notices. They failed to act. They failed to self-report, despite their obligations as officers of the court and legal practitioners.
35. The law mandates fairness, transparency, accountability, and investigatory action. Instead, we were met with silence, concealment, retaliatory processes, and ambush.
36. Out of necessity, we have spoken. We have taken on a public role, calling for reform, exposing systemic failure, and protecting ourselves and others from the very injustices that destroyed our legal careers and firm. That is not defamation. That is a right, a duty, and a matter of public interest.
37. Every statement made in our blog posts, reports, and public advocacy is based on documented evidence, lived experience, and verifiable records. This includes:
 - a. The false disciplinary listing of “unfitness” on the OLSC Register;
 - b. Misleading media coverage, including Lawyers Weekly, which failed to correct the record;
 - c. False judicial records and mischaracterisations published in Court of Appeal judgments, despite formal notice that no final hearing occurred, no evidence was tested, and the defendants (Mr Ford, Mr Glynn, and Mr Condon SC) were never present or gave evidence;
 - d. Reliance by your clients on these flawed judgments in every correspondence, despite being placed on notice of their falsity.
38. Your client’s own Section 45 decision falsely references a “security for costs” matter in My case against Mr Condon SC, an event that never occurred, and never arose before Justices Leeming and Kirk. These are not minor oversights. They are false records in legal instruments.
39. To demand permanent removal of these posts and disclosures is to demand the destruction of evidence, material now before the Supreme Court, and part of official reports and public record. That demand is not only improper, it may constitute a criminal act.

J. Reservation of Rights

40. This response is provided strictly without waiver of any rights and does not constitute any admission of liability or concession.
41. Your clients' concerns notices, together with this reply, may be relied upon in any present or future legal proceedings and/or reports, including as evidence of:
 - a. threats issued for improper or collateral purposes;
 - b. attempts to silence witnesses, victims, or parties to proceedings; and
 - c. interference with the administration of justice.
42. Should your clients pursue any legal claim arising from the matters raised in their Notices, I reserve the right to rely on this response in full, as well as the broader factual and legal context.
43. For clarity, all material facts, legal concerns, and evidentiary references have already been raised in prior correspondence, including letters dated: 13 August 2024, 15 August 2024; 30 August 2024 (to the NSW Attorney General), 12 February 2025, 12 May 2025; and 15 May 2025.
44. These correspondences were either ignored or dismissed by your clients. I also rely on extensive reports previously provided to the Law Society PSD and the Office of the Legal Services Commissioner (**OLSC**) dating back to 2016.
45. Over 1,380 pages of supporting documents, records, and transcripts have been disclosed and are already in the possession of your clients, the Law Society and OLSC. I do not propose to repeat those documents here, but reserve the right to rely on the full record in any legal forum.
46. This correspondence may be disclosed to appropriate authorities, regulatory bodies, or oversight institutions as necessary and without further notice to you.
47. All rights are expressly reserved.

Marie Odtojan

Regards,

