

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.



What is this notice about?

- Over a decade of on-going alleged fraud/improprieties by Credit Corp and its lawyers, Mr Carlos Toda of Certus Partners / Piper Alderman, which pertain to indictable offences, administration of justice offences, impersonation of legal practitioners, concealment of criminality/improprieties, corruption, circumvention and contravention of the national credit laws, court rules/processes, which stem from the alleged original act by St George Bank of its non-compliance with the credit laws where it failed to form a credit card contract and provided an [unsolicited credit card](#). The unsolicited penalties alone attract approx. \$2.5M under the *ASIC Act*, payable to the Commonwealth of Australia. This is just one case of many.
- For the period of 2016 to date, reports were made to NSW Office of Legal Services Commissioner (**OLSC**) and Professional Standard Department (**PSD**) of the Law Society of NSW who systematically closed those reports without investigation of the reported legal practitioners/persons who engaged in acts set out above. Reports were also made to the Independent Commission Against Corruption (**ICAC**), to former Attorney General (Mr Mark Speakman) and former NSW Governor-General (Mr David Hurly). Notices were given to Credit Corp CEO Mr Thomas Beregi and Board of Directors of Credit Corp, to St George Bank, Westpac Banking Corporation and more. [<See Reports Below>](#)
- Credit Corp and its lawyers Certus Partners (principal Mr Carlos Toda) /Piper Alderman lawyers (partners Ms Anne Freeman and Mr Florian Ammer) had allegedly perpetuated the fraudulent act by St George Bank (**STG Bank**) relying on false representations of a non-existing credit card contract. STG Bank and Credit Corp letters record 'you are in breach of the contract', a contract they are aware does not exist. The said lawyers signed and filed a statement of claim in the NSW Local Court recording that Credit Corp has legal rights to make a claim under a credit card agreement, misleading the court of the nature of their claim under a credit contract. No cause of action (the specific terms breached/defaulted under their alleged contract) are pleaded in the claim. See [<Credit Corp/Piper Alderman Statement of Claims>](#)
- The NSW Local Court proceedings *Odtojan ats Credit Corp* (2014/00219407) is a Australian case of great public importance as it reveals that there is an alleged established covert unlawful *modus operandi* by an ASX-listed public company, Credit Corp Group, through its incorporated legal practice, using the court system across Australia, to obtain judgments based on false claims with patterned conduct of pleading credit contract as a mere statement that the contract is the credit card number or credit loan number and where there are no specific terms breached under the alleged contract (cause of action). This case demonstrates the extent of fraud/improprieties that will be committed in the NSW Local Court Sydney, NSW Supreme Court Costs Assessment Process, the NSW District Court and NSW Court of Appeal. Once the judgment is fraudulently obtained, further acts of fraud are perpetuated in order to conceal the original fraud by officers of the court, Credit Corp lawyers Piper Alderman (7 lawyers and paralegals) /Certus Partners (Mr Carlos Toda and Ms Kelly Witts)/ Counsels Mr Sebastian Hartford Davis (Banco Chambers) and Mr James Willis (Eight Selborne Chambers), St George Bank, Westpac Banking Corporation, barrister Mr Nicolas Ford (Coram Chambers / previously Edmund Barton Chambers), principal solicitor Mr Thomas Glynn (Glynns Lawyers) and Senior Counsel Mr Miles Condon (New Chambers).
- Credit Corp, a publicly listed company, with its lawyers has created a *modus operandi* of in the form of a syndicate enriching themselves by committing systemic acts of fraud against the public who can be individuals/ businesses/ deceased estates etc across Australia, where the said syndicate uses the court system to obtain judgments by making false claims pleading they have legal rights to make claims under credit contracts. By engaging in the said fraud, they avoid and circumvent credit laws and applicable multi-million dollar penalties under the *ASIC Act*, *Australian Consumer Law* (ACL), *National Credit Protection Act 2009*, and *National Credit Code*.
- The NSW Court of Appeal (**NSWCA**) (Justices Leeming, Kirk, Basten, and White) and District Court judges (Judge Norton and Judge Ainslee-Wallace) and Judicial Registrar James Howard have all disregarded evidence/documents and applicable legislation including the *Evidence Act 1995* (NSW) (**EA**), its sections s 55, s 91, omitting material facts, issues and/or evidence/documents put before them.
- A contempt of court for past 9 (nine) years in non-compliance with the Notices to Produce and Court orders by Credit Corp/Piper Alderman lawyers/Mr Sebastian Hartford Davis (who signed Notice to Produce dated 17 Dec 2015 which became an order of the court). The notices ordered production of the credit card contract, legal authority, applicable insurance contract/policy and more. These notices and court orders were raised before the judges in the District Court and NSWCA. The said notices were disregarded and omitted in their respective judgments. NSWCA Justices created a narrative contrary to what transpired in the Local Court proceedings.
- The following three proceedings before the NSWDC and NSWCOA pertain to civil tort damages cases against three legal practitioners, a Senior Counsel, barrister and principal solicitor, who are alleged to have committed fraud against their client, their alleged conduct is recorded in their respective statements of claims (see links below), as follows:
 - Odtojan v Nicolas George Ford (DC 2022/00242555 ; NSWCOA 2023/131242) - Barrister of Coram Chambers / previously Edmund Barton Chambers - See [Statement of Claim against Mr Nicolas George Ford](#)
 - Odtojan v Thomas Patrick Glynn (DC 2022/00273977; NSWCOA 2023/131229) - Principal Solicitor of Glynns Lawyers, based in Tasmania/Sydney - See [Statement of Claim against Mr Thomas Patrick Glynn](#)
 - Odtojan v Mile Kevin Condon (DC 2022/00273980; NSWCOA 2023/103644) - Senior counsel of New Chambers - See [Statement of Claim against Mr Miles Kevin Condon SC](#)
- The above defendants, Mr Ford, Mr Glynn and Senior Counsel Mr Condon, in summary, are alleged to have committed fraud against their client. See [paragraph 7](#) below and the respective statements of claim via above links.
- A party to proceedings (a witness and a victim of the alleged fraud/criminality pleaded in her personal civil tort-damages claim), is threatened in court proceedings, for exercising her legitimate civil, legal and constitutional right to make a claim in the NSW District Court against her former legal representatives (who are above-mentioned), and for exercising her legal right to seek leave to appeal (permission to have leave hearing in the NSWCA) appealing an interlocutory order/judgment by District Court Judge Norton.

- The party's career as a legal practitioner, her business (law practice), and her marriage/family has been threatened, implicated, and defamed where such matters (business, legal profession, marriage etc) were not mentioned/ventilated in the procedural leave to appeal hearings nor was it put to the party to answer, yet the NSWCA justices Leeming JA and Kirk JA (Mr Condon SC case), and Basten AJA and White JA (Ford and Glynn case) made such recordings in their respective judgments, by ambush. See below.
- This is a public interest case where there is a denial of access to justice and where judicial officers/officers of the court are alleged to have engaged in conduct which constitutes interference with the administration of justice and which undermines the integrity of the courts and the legal profession.
- Judicial and court officers interfering with the the administration of justice, not limited to the following:
 - Judicial Registrar interfered with the prescribed timeframe for defences to be filed and attempted to dismiss the plaintiff's three separate statement of claims against Mr Ford, Mr Glynn and Mr Condon SC before those statements of claims were served on Mr Glynn and Mr Condon SC and before the parties were heard at the first court mention. See [District Court Judicial Registrar James Howard](#)
 - Threatening and discrediting witnesses before they can give evidence and where there has been no final hearing. The defendants never attended the court proceedings in the District Court and NSWCOA, nor did they file/give any evidence.
 - A party to proceedings being threatened for exercising her legal and constitutional rights to make a claim against her lawyers who have statutory, legal, fiduciary and contractual obligations to their client. The client/legal practitioner contractual relationship is disregarded and not recorded in the District Court and NSWCA judgments.
 - Recording facts, representations and evidence, by ambush, in judgments, which were not ventilated in the procedural and leave to appeal hearings and creating narratives and evidence for the benefit of the defendants, where there is no evidence in support.
 - Advocating and giving evidence for the respondents. Recording in judgments, representations and evidence for the defendants where no evidence was given by the respondents, who were not present during the court hearings.
 - Disregarding and/or omitting relevant material facts, issues, documents/evidence, the applicable legislation (credit laws, such as the *National Consumer Credit Protection Act 2009 (NCCPA)*, *National Credit Code (NCC)*, and *Evidence Act EA*).
 - Circumventing and contravening s 91 EA. Determining issues of fact based on the opinion of another judge/judgment. The judges in the District Court and NSWCA have been put on notice of s 91 EA prohibiting reliance on the opinion of a judge in previous proceedings, however, they all proceeded to circumvent and contravene s 91 EA, which is against their judicial duties and against the administration of justice.
 - Determination of issues of fact/evidence/credit which is beyond the jurisdiction of a procedural/leave to appeal hearings. Such determinations can only be made at a final hearing.
 - Respondent's lawyers impermissibly giving evidence at the bar table without producing any evidence in support. The judicial officers and Judicial Registrar not addressing the issues when put to them about the respondent's conduct, condoning the respondent's lawyers conduct of misleading the court and not asking them to respond to the issues raised about their conduct nor asking the respondent's counsels to produce evidence in support of their statements made to the court regarding the contract.
 - Disregarding and omitting side-by-side evidence of respondent's lawyers tampering with court documents. Tampering court documents is an offence under [s 317 of the Crimes Act 1900 \(NSW\)](#).
 - Recoding there is no basis /evidence for allegations in the applicant's claims where the Justices did not go through the extensive allegations in the three claims of approximately 25 pages (Condon SC), 40 pages (Mr Glynn) and 50 pages (Mr Ford) and where it is not the jurisdiction of the leave to appeal hearing to address evidence.
 - Wilful omissions in the judgments of the material facts, issues, documents/representations and evidence in support of the plaintiff's claims which was put to the DC Judges and NSWCA Justices in the procedural/leave to appeal hearings.
 - The applicant and her advocate referred to the regulatory body, OLSC, using their profession of legal practitioners against them with their business and livelihood threatened where such matters were not ventilated nor put to the plaintiff /advocate to answer at the limited procedural leave to appeal hearings.
 - A person who makes an accusation intending a person to be the subject of an investigation of an offence, knowing that other person to be innocent is an offence under [s 314 of the Crimes Act 1900 \(NSW\)](#).
- Judges' oath: 'Australian judicial officers take before appointment includes a promise: "[to] do right to all manner of people according to law without fear or favour, affection or ill will" (Steven Rares, *What is a quality judiciary?* https://www.ajoa.asn.au/wp-content/uploads/2014/09/P04_02_26-Potential-document-on-Australian-Judiciary.pdf para 26 p28)
- It is against the administration of justice and against ethical and judicial duties for a judge to record any facts, representations and/or evidence that was not ventilated at the hearing they presided. Neither, can judge create any narrative, facts nor evidence or record in their judgment matters that are not relevant to the case or go searching for information to use against a party to proceedings to record *ad hominem* attacks on a party in their judgment.
- Any false recording on a legal instrument, a judgment, is a very serious matter, and capable to constitute an administration of justice offence under [Part 7 Crimes Act 1900 \(NSW\)](#).
- The judicial officer who made such alleged false records on the judgment cannot continue to be in their judicial public office. Judicial officers have made an oath in their appointment to the judiciary, to act with honesty, are to be in good fame and character and to uphold the laws and the administration of justice. The public should never have to doubt the integrity and honesty of a judicial officer. **Judges have a positive obligation and must report themselves if they have engaged in conduct that is dishonest and which undermines their judicial duties and integrity of the courts and the administration of justice. They cannot continue to be in judicial positions once they engaged in dishonest conduct.**
- For the protection of the public and integrity of the courts and legal profession, **we call for the said judicial officers to report themselves to authorities and remove themselves from judicial office** - where the Judges are fully aware of their conduct which goes against the administration of justice and are alleged to have recorded false facts, representations and created narrative and evidence for the benefit of the defendants, concealing the defendants' alleged fraudulent conduct involving indictable offences.
- Judgments in the District Court and NSWCOA proceedings, uniformly disregarded the evidence/documents in support of the plaintiff's claim, the Evidence Act 1995 (NSW), particularly [s 91 EA](#), the credit laws (NCCPA and NCC) and recording facts, representations and evidence not ventilated and/or nor put to the party in the interlocutory/leave to appeal hearings.
- The various reports made to legal regulatory bodies, OLSC and Professional Standard Department (**PSD**) of the Law Society of NSW, not limited to the following, for the period 2016 to 2019:
 - In 2016 - Mr Florian Ammer and Mr Matthew Mennilli of Piper Alderman Lawyers report to OLSC on Ms Odtojan during Local Court proceedings (*Odtojan ats Credit Corp* (2014/00219407) (**LCP**Proceedings), using Ms Odtojan's profession as solicitor in her personal civil case, knowing she is a litigant in person (**LIP**). OLSC referred the complaint to the PSD, despite Ms Odtojan not in professional capacity and a LIP, exercising her right to defend Credit Corp's claim alleging they have a claim under a credit card contract/agreement.
 - Piper Alderman made the complaint as Ms Odtojan gave notice of the issue of the existence of their alleged credit contract and their misleading conduct at the court about the existence of a credit contract which they repeatedly failed to produce, notice was also given to Mr Adan Carpenter of Credit Corp.
 - PSD held on to the complaint throughout the local court proceedings despite their guidelines that they do not undertake a complaint whilst court proceedings are on foot.
 - PSD closed the complaint after the proceedings concluded and determined that MS Odtojan was a LIP and was not acting in capacity of a solicitor with the solicitors rules not applicable.
 - In 2016, in reply submission to Mr Ammer's Piper Alderman's compliant above-mentioned, notice was given to PSD, amongst many issues, that Credit Corp/Piper Alderman's barrister, Mr Sebastian Hartford Davis, assisted Ms Natalie Miller to impersonate a legal practitioner (an 'instructing solicitor') in the LCProceedings.
 - Mr Hartford Davis misled the court by referring to an unqualified person, Ms Miller (paralegal of Piper Alderman/JP) as his 'instructing solicitor' throughout court proceedings including the two day final hearing. Ms Miller, an unqualified person, sat at the bar table impersonating an instructing solicitor and also touched/tampered with evidence, which was tendered as evidence/exhibit.
 - PSD did not investigate the issues raised by Ms Odtojan and returned Ms Odtojan's written report and did not keep a copy for their record. PSD condoned Mr Hartford Davis and Ms Miller's conduct. Ms Miller was given the green light to mislead the NSW Legal Profession Admission Board (LPAB) of her fitness to practice and the Law Society of NSW every year she renewed her practicing certificate since the date of her admission on 22 June 2018.
 - In 2017 - Ms Odtojan report to OLSC on Mr Carlos Toda and Ms Kelly Witts of Certus Partners (Credit Corp lawyers) regarding their undertaking to produce their alleged credit card contract as pleaded in their statement of claim.
 - OLSC did not refer the complaint to PSD and closed the complaint stating the lawyers's representation that they will provide the credit card contract alleged in their statement of claim was not an undertaking.
 - To date, Mr Toda of Certus Partners (Credit Corp's incorporated law practice) continues to plead credit contracts/agreements having no such contacts and with no cause of action in Credit Corp's statements of claim which are filed in the courts throughout Australia affecting the lives of many Australians.
 - 2018 - [Ms Odtojan report to OLSC and PSD on Piper Alderman Lawyers](#) with [annexes](#) (7 lawyers and 2 law clerks impersonating legal practitioners) which also incl. the conduct of Mr Sebastian Hartford Davis, Mr Nicolas Ford, Mr Thomas Glynn and Mr Miles Condon SC.
 - The allegations raised in Ms Odtojan's statement of claim filed in 2022 are already known by the OLSC and PSD.
 - Ms Odtojan has been consistent in these allegations since her report was made to the OLSC and PSD in 2018.
 - 2018 - Ms Odtojan's report to OLSC/PSD on Piper Alderman employees paralegal Ms Natalie Miller and law clerk Mr Owen Nanlohy for conducting acts of unqualified persons impersonating legal practitioners, acting as an instructing solicitor (Ms Miller) and a barrister (Mr Nanlohy). The complaint was not investigated and closed. Mr John McKenzie, Legal Services Commissioner, answered on behalf of Ms Miller /Mr Nanlohy condoning their conduct even though Mr Mckenzie/OLSC had no jurisdiction to determine the matters of [unqualified persons](#) and had a duty under the *LPUL* Act to refer such matters to the Professional Standards Board of the Law Society of NSW for their investigation.

5. NSWCOA justices have impermissibly went beyond their powers and jurisdiction in a limited procedural leave to appeal hearings, where parties are only allocated 20 mins to present their leave to appeal grounds/argument. The justices have:

- (a) Determine an issue of fact - the existence of a credit card contract. This issue, being one of many issues, can only be determined at a final hearing where all evidence including witnesses' evidence are before a trial judge. In identifying there is an issue of fact, it supports that Ms Odtojan has a triable case for a final hearing.
- (b) Recorded in their respective judgments that there is no basis/evidence for Ms Odtojan's allegations in her claims. Such recording in the judgment is based on the justices mere opinion. The documents/evidence put to them are disregarded including side-by-side evidence of tampering with documents. This was not a substantive final hearing and not all evidence was before the Justices at the leave for appeal hearings. Such hearings cannot determine evidence nor issues of fact, rather only limited to address the leave appeal grounds/arguments raised by the parties in their filed application/responses.
- (c) Omitted in their respective judgments, the material facts and issues put to the Justices by the Applicant, the law, in particular National Consumer Credit Protection Act 2009, Evidence Act 1995 (NSW) (EA). s 91 EA. The Justices omitted to record that the defendants were not present at court, did not give any evidence nor filed defences (Mr Nicolas Ford, Mr Thomas Glynn and Senior Counsel Mr Miles Condon). The three defendants did not attend any of the court hearings, the pleadings were not closed, and evidence was yet to be filed/given at a final hearing. Ms Odtojan (witnesses and victim) and Mr Bryl (witness) was not put on the stand to give evidence any of the court hearings in the DC and NSWCA.

(d) On the premise that there was no basis/evidence and using Ms Odtojan's (a victim and witness) and Mr Bryl's (witness) profession as a legal practitioners, the Justices (Kirk/Leeming and White/Basten) referred the papers in the leave to appeal hearing, to compel the regulatory body, the Office of the Legal Services Commissioner (**OLSC**) to investigate Ms Odtojan and Mr Bryl whilst proceedings are ongoing in the District Court on all three matters and where there was no final hearing.

6. Mr Ford, Mr Glynn and Mr Condon SC, provided legal services to Ms Odtojan in 2016. The allegations raised against the respondents extensive conduct are set out in their respective statement of claims (SOC). See **Mr Ford's SOC** **Mr Glynn's SOC** and **Mr Condon's SOC**

7. In summary, the said respondents' conduct is not limited to the following and was not recorded in the leave to appeal judgments, as follows:

- (a) Mr Ford (a barrister of Coram Chambers /previously Edmund Barton Chambers) approached Ms Odtojan and was retained based on his representations that had credit law experience and would argue the issue of the existence of the alleged credit card contract/agreement as pleaded in the statement of claim by Credit Corp and its lawyers, Mr Carlos Toda of Certus Partners and Piper Alderman lawyers, Ms Anne Freeman and Mr Florian Ammer. Credit Corp's claim pleaded no cause of action, there was no specific breach of terms/default under their alleged contract that was provided in its claim and neither did they record that the contract they pleaded was under the applicable credit laws, NCCPA/NCC, ASIC Act and ACL. See [Credit Corp statement of claim \(SOC\)](#) / [Credit Corp's amended SOC](#).
- (b) For the period 5 November 2014 to March 2016, there were [Notices to produce and Court orders for production](#) of the alleged credit contract, credit insurance contract, authority to engage in financial agreement among other documents. However, at the final hearing on 18 and 19 July 2016, Mr Ford and Mr Glynn (who Mr Ford insisted Ms Odtojan to retain), went against their client's case (the client's case of disputing the existent of contract issue), and gave evidence at the bar table, without any supporting evidence, representing to the court that the contract exists and was received by their client on 12 January 2015 (Court transcript 18 and 19 July 2016. The conduct is easily discoverable from the Local Court transcript, as Judge Norton in the 16 February 2023 interlocutory hearing stated in court that Mr Ford ran a different case to his client's (Ms Odtojan) case.
- (c) Credit Corp/Piper Alderman's counsel, Mr Sebastian Hartford Davis, who knows Mr Ford as they studied together at the Bar course, conducted the Local Court final hearing with an unqualified person, Ms Natalie Miller, paralegal/justice of peace of Piper Alderman, who sat at the bar table and impersonated a legal practitioner throughout a two day hearing. Mr Hartford Davis referred Ms Miller throughout the Local Court proceedings and at the final hearing as an 'instructing solicitor'. Mr Hartford Davis directed Ms Miller at the bar table (allowed by Magistrate Sharon Freund), to touch/tamper evidence given by Ms Odtojan, to circle Ms Odtojan's signatures and that sheet of paper was then tendered as evidence/exhibit (based on court transcript, witness and video of the court hearing and Piper Alderman's invoice where they backdated and changed their account records of Ms Miller attendances from 'instructing counsel' to 'attending conference' among other acts of backdating and changing recorded attendances in their invoices).
- (d) At court, on 17 December 2015, Mr Hartford Davis consented and signed a Notice to Produce which became a court order for Credit Corp to produce the credit contract and other documents contained in the said notice. The said Notice signed by Mr Hartford Davis is contrary to Mr Ford's representation to the court that 'contract documents' were provided to Ms Odtojan on 12 January 2015. Such Notice to Produce signed by Mr Hartford Davis is also contrary to his client's evidence given by the witness Mr Adam Carpenter during his cross-examination, agreeing with Mr Ford that Ms Odtojan received the contact on 12 January 2015. Mr Carpenter gave evidence that the interest rate was pursuant to the credit contract without any evidence of such contract and where both counsels Mr Ford and Mr Hartford Davis never identified nor produced evidence of any contract at the two day hearing.
- (e) Magistrate Freund did not have any evidence of a contract before her and no cause of action (breach of contractual terms) was proven. The Magistrate relied on the mere statement by Mr Ford and on non-contractual document such as internal bank card collection form amongst other non-contractual documents, and made her judgment recording the case is a 'credit card contract' without any evidence of a contract before her. The Magistrate made a judgment in favour of Credit Corp and made costs orders and indemnity costs (approx. \$230,000+) based on Mr Ford's mere statement that his client received 'contract documents' on 12 January 2015. Mr Ford has aligned that date with Piper Alderman's offer of compromise of the same date to ensure that Credit Corp receives maximum indemnity costs against Mr Ford's client, all based on Mr Ford's false representations at the bar table.
- (f) After the Local Court hearing/judgment, on 12 Sept 2016, a day before the 28th day for the appeal timeframe expired, Mr Ford with Mr Mr Condon SC (who Mr Ford insisted Ms Odtojan to retain for appeal advice) at a conference in New Chambers with Ms Odtojan and Mr Bryl - Mr Condon SC confirmed with Mr Ford that that there was no credit contract produced nor ventilated at the final hearing.
- (g) Later on the same day, Mr Ford with Mr Condon and Mr Glynn in their written appeal advice and draft summons expressly recorded their reliance on a contract, however, they failed to identify and produce a contract in support of their appeal advice and draft summons and no contract was provided to Ms Odtojan.
- (h) There is subsequent conduct by the three respondents after the appeal advice in correspondences with Ms Odtojan and in the costs assessment process as set out in their respective statement of claim. For example, Mr Ford fabricated his account documents to implicate and record Odtojan Bryl Lawyers (**OBL**), as his instructing solicitor/firm and removed/omitte any record of Thomas Glynn of Glynn's Lawyers (the solicitor he insisted Ms Odtojan retains as solicitor in her matter). There are unaccounted trust funds where Mr Glynn recorded trust funds paid to Mr Ford, however, Mr Ford's accounts statement has no records of any trusts funds received from Glynn's Lawyers. Mr Ford made false records in his accounts such as payment from OBL by cheque when no such payment was ever made. Mr Ford never acknowledged Mr Glynn/Glynn's Lawyers in his written submissions in the costs assessment process.
- (i) For almost 8 years, despite repeated requests, Mr Ford, Mr Glynn and Mr Condon SC have uniformly failed and continue to fail to identify and produce the credit contract in support of their written appeal advice and draft summons and in support of Mr Ford's and Mr Glynn's representations in court at the Local Court hearing in 2016 that credit contract was provided to their client on 12 January 2015.

8. Ms Odtojan exercised her legitimate civil legal and constitutional right to seek leave, from the NSWCOA, to appeal the interlocutory orders made by District Court Judge Sharron Norton (**Judge Norton**) .The interlocutory hearing was in relation to the three respondents notice of motion made under rule 13.4 (Summary dismissal - vexatious and frivolous) and rule 14.28 (strike out claim/pleadings) *Uniform Civil Procedure Rules 2005 (UCPR)*. **Judge Norton did not dismiss the claims under 13.4 UCPR.**

9. The three respondents did not attended any of the court hearings in the District Court and NSWCA proceedings. The respondents did not file defences, the pleadings were not closed, and substantive evidence was yet to be filed for a final hearing and witnesses were yet to be called to give evidence.

10. The NSW Court of Appeal and District Court judges have been given notice that they have recorded representations/evidence/facts on behalf on the respondents in their respective judgments where no evidence nor submissions were given by the respondents (Mr Ford , Mr Glynn, and Senior Counsel Mr Condon). The Judges had omitted evidence, law and material facts and issues which was put before them at the hearing in support of the Plaintiff's case.

11. The interlocutory hearing was held on 16 February 2023 in the NSW District Court, presided by Judge Norton. The following is a summary:
- (a) There were three matters before Judge Norton, four parties (applicant and three respondents) but **only one party**, Mr Condon SC counsel, Mr Anthony McNerney presented his case/submissions at the hearing for approximately one and half hour. Mr McNerney gave evidence at the bar table where his client provided no such evidence, representing to court, that the credit contract was based on 'secondary documents'. Such statement was clearly contrary to his own client's written appeal advice which expressly records his reliance on a contract. Further, Mr McNenrey gave evidence at the bar table of what transpired in the Local Court proceedings where his client was not involved and gave no such evidence. Mr McNerney had used Ms Odtojan's exhibit documents to present his case and what transpired in the LCProceedings when it was impermissible for Mr McNerney to do so.
 - (b) The applicant, Ms Odtojan was prevented to present her case and was interrupted within the first few moments of presenting her case/submissions. Denied to be heard and denied the ability to answer Mr McNerney's submissions. When asked '*can I respond to that, your Honour*', Judge Norton replied 'No'.
 - (c) Without legal basis and without Ms Odtojan presenting the case, Judge Norton made an order to limit Ms Odtojan's claim, only to plead in relation to appeal advice/prospect of success provided by the respondents. This limitation rendered Ms Odtojan's case hopeless, and with no cause of action, it was no longer Ms Odtojan's case.
 - (d) Judge Norton stated in court that this case pertains to 'criminality', however, the Judge made an order, without legal reasons, to limit the pleadings to only prospects of success of the appeal advice, removing the allegations and causes of action pertaining to fraud/criminality which include the three respondents' conduct after the appeal advice, being the conduct/representations during the costs assessment process.
 - (e) Judge Norton **did not dismiss Ms Odtojan's case under rule 13.4 UCPR** (baseless, frivolous and vexatious), neither was she referred for her allegations in her claim, nor was her profession/her firm, OBL, mentioned or raised as an issue to be determined in the interlocutory hearing.
 - (f) Judge Norton made oppressive onerous orders, contrary to the civil cases standard practice, making an order that the applicant/Ms Odtojan was to file ALL evidence with her to re-pleaded a draft amended statement of claim to be provided

to the Defendants (limited to pleading only the appeal advice/prospects of the appeal advice), and before the respondents file their defences.

(g) Judge Norton made no orders for the respondent's to file a defence, and the Judge also refused Ms Odtojan/Applicant the access to court resources, such as issuing subpoenas etc).

Justices Leeming and Kirk - NSWCA Leave to Appeal hearing 31 May 2023

12. On 31 May 2023, Justices Leeming and Kirk presided over Ms Odtojan/Applicant leave to appeal application in the matter of Mr Miles Kevin Condon SC.

(a) The Justices in the leave to appeal hearing acknowledged that Ms Odtojan and Mr Bryl were ‘witnesses’ in the ‘all-important conference’ with Mr Condon SC and Mr Ford on 12 September 2016 (in Court transcripts 31 May 2023), However, those material facts, material issues and the law (credit laws) and Evidence Act, specifically s 91, were omitted in their judgment.

(b) The issues and evidence/documents referred to by Ms Odtojan in her application and her written Response to the Respondent's response and by Mr Bryl in his submissions and response to matters raised by the Justices in the limited procedural leave to appeal hearing, (recorded in court transcript) were omitted, disregarded and/or denied as a basis for the allegations made in the applicant's claim.

(c) There was disregard of evidence, applicable legislation, Evidence Act (EA), [s 91 EA](#) was contravened, the side-by-side evidence in support of tampering with court documents (an **indictable offence**) were disregarded. The conduct of misleading the court by Senior Counsel, Mr Anthony McInerney SC where there were court transcripts demonstrating the Senior Counsel giving evidence at the bar table that the contract was based on 'secondary documents' was unequivocally contrary to his own client's (Mr Condon SC) written appeal advice in 2016, where Mr Condon expressly relied on a contact. Mr Condon SC never represented that the contract was based on secondary documents. This issue was disregarded by the Justices and omitted in their judgment.

(d) An indictable office under [s 317 of the Crimes Act NSW](#) has been concealed by the Justices.

(e) The Justices created narrative which was contrary to the documents put before them, such as the court transcripts and what transpired in the Local Court proceedings. Evidence was also created by the Justices such as Mr Condon SC 'addressed the issues raised in Ms Odtojan's 16 page letter to Mr Condon SC. No such evidence was given by Mr Condon.

(f) The justices recorded that there was no basis for the allegations in Ms Odtojan claim when they were aware that Ms Odtojan and Mr Bryl are witnesses, and Mr Bryl had referred them to relevant documents/evidence throughout the leave to appeal hearing. It is to be noted that the Justices did not go through all allegations as it is not the appropriate forum/hearing, being a limited procedural leave to appeal hearing.

(g) The Justices impermissibly determined the limited documents/evidence which is beyond the powers/jurisdiction of the limited procedural leave to appeal hearing. The Justices did not go through each allegations and causes of action as it is beyond the jurisdiction of the leave to appeal hearing. Without a final hearing and against their judicial duties and the administration of justice, the Justices recorded in their judgment that Ms Odtojan's claims are baseless (done by ambush conducted under rule 13.4 UCPR where Judge Norton in the District Court interlocutory hearing did not dismiss the proceedings under rule 13.4 UCPR).

13. On 23 October 2023, Justices Basten and White presided over Ms Odtojan/Applicant leave to appeal application in the matter of Mr Nicolas George Ford and Mr Thomas Patrick Glynn leave to appeal hearing, a limited procedural hearing which cannot determine substantial matters such as evidence, facts in issue etc. as it can only be done at a final hearing.

(a) All representations/conduct alleged are based on court transcripts, court documents, correspondences and the respondent's own conduct and written appeal advice including the respondent' legal representatives conduct recorded at court transcripts and in documents.

(b) No specific evidence was sought by the judges from Ms Odtojan/Mr Bryl at the leave to appeal hearing. Neither were they put on notice of intention to refer the papers to the OLSC for their assessment/investigation of Ms Odtojan and Mr Bryl. This appeared recorded in the judgment by ambush.

(c) Note, the leave to appeal is not a hearing to determine evidence nor any issues of fact/law and credit where such matters are for final hearing. The leave to appeal hearing is a very limited procedural hearing of 20 mins allocated for each party to represent its argument/position regarding the leave to appeal grounds/issues.

(d) The judgment does not record that the respondents (Mr Ford and mr Glynn) did not file a defence, were not present in court and did not file any evidence for the leave to appeal hearing.

(e) There is disregard and omission of evidence/documents referred to them such as the Notices to Produce and court orders for production of the contract in the Local Court proceedings where there is a signature by the counsel MR Hartford Davis and any matters that support Ms Odtojan's case were not recorded in the judgment.

(f) The judgment records false facts and representations created by the Justices of a credit contract with Justices Basten and White applying s 170 of the Credit Code to a non-existing contract by ambush in their judgment, condoning the conduct of Mr Glynn and Mr Ford at the Local Court proceedings, explaining that their conduct of misleading the court at the Local Court proceedings, clearly aligned with Credit Corps' legal representatives, cannot amount to fraud, but rather can be explained as an 'oversight'. No such representation was made at court by the legal representatives of Mr Ford and Mr Glynn. Nether Mr Ford nor Mr Glynn attended the hearing no gave any evidence.

See response to Lawyers Weekly Ms Naomi Neilson's defamatory and sensationalised publication "*Serious Concerns: extraordinary allegations by Sydney married couple...*"

Disclaimer: The notice is based on what transpired in the NSW District Court, NSWCA and Local Court proceedings in the above-mentioned cases based on court transcripts, court documents, Defendants representations and written documents and advice. The information is subject to change where any corrections, amendments or additional information may be required. For queries, please contact:



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13 August 2024

Professional Standards Department
The Law Society of New South Wales
Attention: Ms Valarie Griswold, Director
170 Phillip Street
Sydney NSW 2000

By email: psd@lawsociety.com.au

RE: PSD Case No 2023_57155.

- 1. NSW Court of Appeal (NSWCA) referral of papers.**
- 2. NSW Law Society Professional Standard Department (PSD)/ Ms Valerie Griswold Director, Legal Regulation PSD - initiated case against Ms M. Odtojan & Mr A. Bryl.**

RE: Ms Griswold/PSD unfounded statement of facts: findings of misconduct, prior misconduct and non-disclosure of prior misconduct in the application for renewal of practising certificate.

Dear Ms Valerie Griswold, Director Legal Regulation Professional Standards

A. First Letter from PSD dated 8 July 2024

A.1 Communications - OLSC/PSD

1. I refer to your NSW Law Society Professional Standards Department (**PSD**) letter to me dated 8 July 2024, (**PSD Letter**) with its "Annexure A", which I have received for the first time in relation to the above matters.
2. I note that you have emailed your letter to my work email address and addressed it to my law firm. The leave to appeal proceedings in the NSW Court of Appeal (**NSWCA**) regarding the referral of papers¹ to the Office of the Legal Commissioner (**OLSC**), as you would be aware, is in relation to my personal civil tort damages cases against my former legal representatives, Mr Nicolas George Ford, Barrister of Edmund Barton Chambers (**Mr Ford**), Mr Thomas Patrick Glynn, Principal solicitor of Glynns Lawyers (**Mr Glynn**) and Mr Miles Kevin Condon, Senior Counsel of New Chambers (**Mr Condon SC**).
3. Please direct all correspondences regarding this matter to [REDACTED] which is the email address recorded on all court documents, where I am a party/applicant to the three proceedings, a litigant in person, a client of the above-mentioned respondent legal practitioners, a victim and a witness of the alleged fraud/improprieties recorded in my statement of claims,² and where I am not acting in professional capacity as a legal practitioner.
4. I note you have recorded in your PSD letter for me to provide my 'further submissions'³ when I made no prior submissions to PSD or OLSC. As you are aware, your PSD letter is the first letter I received from you regarding this matter.

¹ The OLSC complaint process provides that a referral by a judicial officer is a 'source of information' See n 11.

² n 60; Allegations of fraud and collusion are already known to the OLSC/PSD being similar allegations raised in the Ms Odtojan's report dated 27 June 2018 made against Piper Alderman lawyers which include the conduct of Mr Ford, Mr Glynn and Mr Condon SC, and impersonation of legal practitioners; See Ms Odtojan's email to PSD enclosing this letter - G.Drive links: See document numbers 15 to 17; See 'E. Reports to OLSC/PSD' 13-15; OLSC/PSD has a duty to report suspected offences under s 465 *Legal Professional Uniform Law (NSW) 2014 (LPUL)*;

³ PSD Letter [2] 9.

- A. 2 Ms Griswold, Director of PSD, unfounded statement of fact - findings of 'misconduct'/'prior misconduct' and interference with the approval/renewal of practising certificate.
5. Your letter dated 8 July 2024 is the first letter I received in relation to this matter where you have made unfounded statements of fact of a serious nature against a legal practitioner, that there are findings of misconduct and 'prior misconduct'.⁴ An unfounded statement of fact is a fabricated fact⁵, which you have created and recorded under the PSD's letterhead, using your position as an officer and Director of PSD.
 6. Upon receipt of your PSD letter, I was made aware for the first time, only after the act was done by you, that the first action you took was to arbitrarily affect my practising certificate (**certificate**) by interfering with the legitimate process of the renewal/approval of my certificate, preventing it from being renewed.
 7. The result of your conduct, based on your created facts that there is prior misconduct by me and I did not disclose such misconduct,⁶ has unlawfully affected my application for the renewal/approval of my certificate where it is neither 'approved or refused', and 'is taken to continue in force on and from 1 July 2024',⁷ until you have your next private meeting with the Council where you '*intend to ask Council... to consider whether to grant or refuse your application dated 15 May 2024.*'⁸
 8. It appears you have used your position, authority and delegated powers to influence the Law Council/Licensing and Registry Office (communications which are not made transparent to me), to prevent my certificate from being renewed on the false premise that there was misconduct by me.
 9. It appears from your PSD letter that the status of my practising certificate whether it will be renewed or refused and my ability to continue to practise law, which I have been practising for 14 years with years of undertaking extensive legal education and training, all comes down to your sole arbitrary decision in your next private meeting with the Law Council.⁹
 10. This matter was brought to your attention by the NSWCA referral of papers, which PSD received in July 2023 for Mr Condon's case, and in March 2024 for Mr Ford's and Mr Glynn's cases.¹⁰
 11. The OLSC clearly states in its complaint process that a referral by a judicial officer is a 'source of information'¹¹ relying on which the OLSC may initiate a complaint, conduct initial assessments and may undertake investigations if it proceeds to pursue the complaint.
 12. Based on your PSD letter, I note the following:
 - a. You waited for me to make my application to renew my practising certificate which was submitted on 15 May 2024, before you contacted me in relation to this matter on 8 July 2024. As you would be aware, a legal practitioner would not know if OLSC/PSD has decided to open a case concerning a complaint/referral until they receive a notice by correspondence from OLSC/PSD with a case number and the particulars, facts and legislation alleged to be breached are clearly put to the legal practitioner to answer.
 - b. Your email and letter provides the main subject matter as '*Application for the renewal of your practising certificate for the practice year 2024/2025*'.
 - c. It appears you have used the NSWCA referral of papers to initiate your/PSD's own case against me, where you used your office to search my personal civil cases and listed them in your PSD letter, and generally refer to those orders/judgments, without particulars, as findings of misconduct where you concluded that I have not disclosed 'prior misconduct'.¹² This is a separate matter from the NSWCA referral of papers initiated by you/PSD which is to have its own file/case number.

⁴ PSD Letter [5] 8, 4 '*serious past misconduct*' in *Thomas v Legal Practitioners Admissions Board* [2004] QCA 407 [2005] 1

⁵ Black's Law Dictionary, 2nd Ed. '*A fact that is not founded on a truth*'.

⁶ n 4, [3]-[7] 8.

⁷ PSD Letter [1]-[3] 1.

⁸ Ibid [5] 8.

⁹ Ibid.

¹⁰ PSD Letter 'Annexure A' [1]-[3] 1, [1]-[3] 5.

¹¹ OLSC, LSC Initiated Complaint:

<https://olsc.nsw.gov.au/complaints/information-about-complaints-for-the-profession/olsc-initiated-complaints.html>

¹² PSD Letter [3]-[7] 8.

- d. The list of documents in your 'Annexure A' provides that NSWCA referral of papers orders¹³ have not been complied with as there are missing documents, which are substantially my court documents.¹⁴
- e. You had already taken action to notify the Law Council and/or the Licensing Registry Office to affect and prevent the legitimate renewal of my practising certificate before I received your PSD letter.¹⁵ and where the NSWCA referral of papers orders had not been complied with. I refer to my email dated 2 August 2024¹⁶ regarding the incomplete documents and request for extension of time regarding the serious matter of my practising certificate giving notice of contacting Law Cover about the matter where I only knew about the PSD initiated case regarding my certificate upon receipt of the PSD letter. I received no response from PSD to the matters I raised in my email.
- f. You vaguely state in the PSD letter, without any foundation nor specific particulars put to me, that *'Your certificate renewal applications for the period 2017/2018 to 2024/2025 may be considered to be providing incorrect or misleading information...'*¹⁷ It appears you have used my personal civil cases including the NSWCA referral, stating generally that there are findings of misconduct/prior misconduct to be disclosed.¹⁸ It is not clear what it is you allege I am to disclose under *Legal Profession Uniform General Rules 2015 (Uniform Rules)*.
- g. You sought to obtain admissions from me regarding misconduct, stating *'Council will, however, need to consider whether since that time you have taken steps to address the prior misconduct'*.¹⁹ You have failed to provide me any particulars, the paragraphs and to quote the excerpts of findings of misconduct in the orders/judgments which you vaguely and generally state I should disclose.²⁰
- h. My personal civil cases you listed stem from the Local Court proceedings (2014/00219407) (**LCProceedings**), where the OLSC/PSD have been aware of the nature of the proceedings and the serious issues I raised of fraud and collusion from the various reports made to the OLSC/PSD for the period 2016 to date.²¹ These reports to the OLSC/PSD are relevant as OLSC/PSD were given notice of the facts, circumstances and issues relating to the LCProceedings which I note your PSD letter has omitted. I reported the conduct of Piper Alderman lawyers, their counsels, impersonation of legal practitioners including the conduct of my three former legal practitioners, Mr Ford, Mr Glynn and Mr Condon SC, and an incorporated legal practice of Credit Corp, Certus Partners.²²
- i. It appears you are attempting to place me in the capacity of a legal practitioner in my civil cases, which is contrary to your determination in the 2016 complaint made by Piper Alderman against me in the LCProceedings using my status as a legal practitioner. OLSC/PSD closed the complaint determining that I am not acting in the capacity of the legal practitioner, being a party to proceedings, and the Solicitor Rules did not apply to me as relied upon by Piper Alderman.²³
- j. The conduct of searching my personal civil cases and using them against me is similar conduct by Justices Leeming and Kirk (Condon case), who used their judicial public office to also search my personal civil cases and recorded in their judgment, by ambush, a 2019 case²⁴ which is irrelevant and was not a matter before them. The Justices had cast aspersions on me, my firm/business and my marriage/family unit in their judgment where such matters they recorded in the judgment were not raised nor put to me to answer in court. What is substantially recorded in the published judgment

¹³ *Odtojan v Condon (No.2)* [2023] NSWCA 149 [39]; *Odtojan v Glynn t/as Glynn's Lawyers*; *Odtojan v Ford (No.2)* [2024]. NSWCA 25 [6].

¹⁴ See [33].

¹⁵ PSD Letter [1]-[4] 1.

¹⁶ See Ms Odtojan email to PSD dated 2 August 2024.

¹⁷ PSD Letter [7] 4.

¹⁸ n 6.

¹⁹ Ibid [5] 8.

²⁰ Ibid [1] 5, [3]-[7] 8.

²¹ See 'E. Reports to OLSC/PSD' 13-15; OLSC/PSD has the Judgment of Magistrate Freund in the Annexure to the report on Piper Alderman dated 27 June 2018 (See Annexure D.1, p. 513).

²² Ibid.

²³ See [60.a]

²⁴ *Odtojan v Condon* [2023] NSWCA 129 [78]-[79].

available to the public, was done by ambush. I gave notice to the Justices in my submission²⁵ of the above-mentioned issues amongst others, in the show cause for referral of papers. The Justices responded by recording in their published judgment (No.2): '*if anything, they reinforce that such a referral is appropriate*'.²⁶ The 2019 case recorded by the Justices was my appeal from costs assessment against Credit Corp/Piper Alderman. Mr Peter Rosier (**Mr Rosier**) assessed tampered/backdated account documents. Mr Rosier ignored the issues I put to him, seeking no questions or clarifications from Piper Alderman throughout the costs assessment process.²⁷

- k. I note you have not provided the disclosures of the OLSC complaint process and the applicable legislation, particularly, the specific provisions of misconduct under the LPUL. Such disclosures are standard practice by OLSC/PSD, essential for an independent and fair procedure.
- l. In your PSD letter, you rely on *Thomas v Legal Practitioners Admissions Board* [2004] QCA 407; [2005] 1 Qd R 331 to be applicable to me. The case of *Thomas* relates to a person who is not a legal practitioner, seeking admission with the Legal Practitioners Admissions Board (**APB**). Mr Thomas also had a criminal history which he did not properly disclose to the APB. This case is not applicable to me being a practising legal practitioner, who is not applying for admissions with the Admissions Board, and neither do I have any misconduct nor convictions/criminal history. The process applicable to a practising legal practitioner is under the *Legal Professional Uniform Law (NSW) 2014 (LPUL)*, which, I note, you have omitted to disclose to me in your PSD letter.
- 13. You have already taken action to affect my practising certificate without any notice to me, where I was not afforded due process and procedural fairness. I have been denied natural justice.
- 14. Your conduct is a contravention of the well-established process under the LPUL. The complaint process and procedures for determining alleged misconduct are clearly set out under the LPUL, the OLSC and NSW Law Society websites.²⁸ Professional misconduct is determined by the designated tribunal, NSW Civil and Administrative Tribunal (**NCAT**) under s 300(1)(b) of the LPUL.
- 15. On 17 July 2024, Mr Bryl received a letter from you/PSD which appears to be a copy and paste of your letter to me. The content of your letter to Mr Bryl shows disregard of whether the issues you raised with Mr Bryl apply to him or not. As you would be aware from the NSWCA judgments, Mr Bryl only appeared as a McKenzie friend, having been granted leave to appear at the NSWCA leave to appeal hearings. Mr Bryl is not the solicitor on record and has not acted in the capacity of a solicitor in my court proceedings other than a McKenzie friend. Mr Bryl cannot be held responsible for my court documents, correspondences and communications in my personal civil court proceedings.
- 16. In your PSD letter to Mr Brl, you repeated the conduct of recording unfounded statements of fact that Mr Bryl has 'prior misconduct'.²⁹ There are no findings of misconduct against Mr Bryl or me.
- 17. Professional misconduct and/or misconduct of any kind is the most serious charge by a regulatory body against a legal practitioner. You have made unfounded statements of fact that Mr Bryl and I have findings of misconduct/prior misconduct. You recorded such statements of fact against two legal practitioners where you would be aware such statements are untrue. However, you have used your position in PSD to record a false statement of fact, in the office of authority, under the PSD office letterhead, that there is misconduct by two legal practitioners to intervene with the renewal of our practising certificates, an act already done by you.

²⁵ See 'D.1 NSWCA Judgments' 7-9.

²⁶ *Odtojan v Condon (No.2)* [2023] NSWCA 149 [38].

²⁷ See [60.f].

²⁸ See Complaints Process Information brochure:

https://www.lawsociety.com.au/sites/default/files/2020-04/2020_Complaints-process-information.pdf ; Professional Standards Annual Report 2022, Complaints Investigation Process 7:

https://www.lawsociety.com.au/sites/default/files/2023-01/LSNSW_PSD_AR2022_web_2022-12-19.pdf

²⁹ See PSD letter to Mr Bryl's letter to PSD dated 17 July 2024.

18. The conduct of making a false statement recorded under the PSD letterhead is a very serious matter which requires the urgent attention by the Law Council, the Law Society President, Attorney General and the appropriate authorities,³⁰ where the Director of PSD, (with a Certificate IV in Investigations), in the position of authority over legal practitioners, has made unfounded statements of a serious nature of misconduct against two legal practitioners. All NSW lawyers are to be protected from such conduct by an officer of the regulatory body, in PSD.
19. The Council of the Law Society has delegated its powers to PSD for independent assessment/ investigation of the NSWCA referral of papers. Your statement in our first letter to me that you '*intend to ask Council... to consider whether to grant or refuse...*'³¹ my practising certificate in your next meeting demonstrates that you/PSD are disregarding the LPUL process and not conducting an impartial and independent assessment/investigation. I am denied procedural fairness and not afforded due process under the LPUL.
20. It is made clear by your conduct and your letter to me, that you/PSD has no intention to conduct an independent and objective assessment/investigation of the matters referred to you by the NSWCA. Your actions indicate your intentions to affect Mr Bryl's and my practising certificates to either prevent us from continuing to practise law or impose conditions on our certificates, which will affect our ability to practise law and for Ms Odtojan to operate her legal practice.
21. The conduct of unlawfully affecting our practising certificates has caused great distress, damages and detriment. It affects our livelihoods, our ability to practise law, to provide services to our clients, our community and those in need of legal assistance, where we are also part of the NSW Law Society pro-bono scheme, and affect the operation of my business where I have obligations to my clients, to third parties among other business obligations. We have had to exert a lot of our time and resources away from our small law firm business and client matters to attend to your PSD letters where actions have been made against our practising certificates under the false premises of misconduct by us.
22. Your recordings of false statements of fact in your position of authority which cause detriment to a person are capable of constituting offences under Part 4AA under the *Crimes Act 1900* (NSW).

B. Notice/Next Action

23. Based on your PSD letter to me, you have failed to provide me what jurisdiction and powers you invoked to interfere and prevent the legitimate renewal of Mr Bryl's and my practising certificates. PSD/The Law Council has provided no basis to withhold and/or prevent our practising certificates from being issued for the year 2024/2025.
24. If PSD and/or the Law Council is of the opinion that there is an alleged misconduct and/or non-disclosure by Mr Bryl and me, then the Law Council is to afford Mr Bryl and me the proper due process that all legal practitioners are afforded, under the LPUL, where such matters are to be impartially and independently assessed/investigated and to be determined by the tribunal, NCAT.³² Notwithstanding, the Law Council has no basis to withhold/prevent the renewal of our practising certificates even if we were to undertake such a process, until the matter is determined by the Tribunal.
25. In reference to the above, you are to immediately notify/direct the Law Council and/or the Registry office to issue the renewal of the practising certificates of Mr Bryl and me for the year 2024/2025. Should you withhold the renewal of our practising certificates, where you have no legal basis, it will constitute an ongoing unlawful withholding of our certificates.

³⁰ A copy of this letter and related documents will be provided to the above-mentioned parties.

³¹ n 8

³² S 300 LPUL; Findings of misconduct are recorded by OLSC under S 152 *Legal Profession Uniform Law Application Act 2014 (LPUL Application Act)*. *A Solicitor v Council of the Law Society of New South Wales* [2004] HCA 1; 216 CLR 253; 78 ALJR 310; 204 ALR 8.

26. In reference to the serious issues I raised herein of your conduct, you (Ms Griswold) are to immediately retract your statements in the PSD letter and to notify the Law Council and the Licensing and Registry Office and any other persons to whom you made such false statements of misconduct by Mr Bryl and me, that such statements are untrue. You are to promptly notify us, in writing, that you have done so.
27. I call for your removal. You are to immediately recuse yourself from this matter as you have demonstrated partial and corrupt conduct in your office of authority, as PSD Director.

'Despite the many definitions and contextual uses of corruption, most dictionaries and legal systems agree about its basic meaning. The Oxford and Merriam-Webster dictionaries begin, respectively, with "[d]ishonest or fraudulent conduct by those in power" and "dishonest or illegal behaviour especially by powerful people". Moving in unison, they then proceed to deeper notions. First comes a transformation from purity to debasement - for example, "a departure from the original or from what is pure or correct" (see Merriam-Webster). Second, and relatedly, comes the archaic meaning of "decay", "putrefaction" and "decomposition."³³

LexisNexis Concise Australian Legal Dictionary 5th ed. Australia 2015 149 provide:

Corruption: A deliberate act of dishonesty, breach of the law, abuse of public trust of power that undermines or is incompatible with the impartial exercise of an official's powers, authorities, duties or functions.

Corrupt conduct: Behaviour which does, or could, adversely affect the honest or impartial exercise of official functions by a public official or authority.

C. NSWCA Referral of papers

C.1 NSW Referral of papers orders

28. Based on your PSD letter, the referral of papers from the NSWCA in Mr Condon's case before Justices Leeming and Kirk on 31 May 2023 (referred by you as '**Odtojan No 2**') was received by OLSC on 3 July 2023, and forwarded to the Council of the Law Society on 7 July 2023. The referral of papers from the NSWCA in Mr Ford's and Mr Glynn's cases before Justices White and Basten on 11 October 2023 (referred to by you as '**Odtojan/Glynn Ford No 2**') was received by OLSC on 29 February 2024 and forwarded to Council of the Law Society on 8 March 2024.
29. A leave to appeal hearing (**LAHearing**) is a very limited procedural hearing where an applicant seeks permission to have a leave hearing before the NSWCA. Each party is allocated 20 minutes to present their leave to appeal arguments/issues.³⁴ Effectively, it is usually a 1-2 hour hearing which only addresses the leave/appeal argument/issues recorded in the prescribed Applicant's argument and the Respondent's Argument, and cannot address substantive issues of fact/law/credit which require a final hearing.

C.2 NSWCA referral of papers - Incomplete documents

30. I refer to your unpaginated Annexure "A" with no paragraph numbers. The documents listed on page 1 and 5 of your Annexure A are incomplete and provide that you do not have all the court documents in accordance with NSWCA referral of papers orders.³⁵

³³ United Nations Office on Drugs and Crime.

<https://www.unodc.org/e4j/zh/anti-corruption/module-1/key-issues/corruption---baseline-definition.html>

³⁴ (Condon) Applicant's White Folder 1 dated 26 May 2023 *Summary of Applicant's Argument filed 30 March 2023* Tab 2, n39; (Ford and Glynn) Applicant's White Folder 1 dated 28 June 2023 *Summary of Applicant's Argument filed 28 June 2023* Tab 2; n 37 G.Drive link: See document numbers 12-14.

³⁵ n 13.

31. PSD has a duty to make enquiries to ensure compliance with the NSWCA orders.³⁶ The following documents appear to be missing in your 'Annexure A':
- a. In relation to show cause re: referral of papers (referred by you as Odtojan No.1):
 - i. The Applicant's Submissions dated 26 June 2023 (p.12).³⁷
 - ii. The Applicant's Affidavit sworn 26 June 2023 (p.15)³⁸ with Annexure of court transcript 31 May 2023, Summary of Applicant's Argument dated 30 March 2023 and Applicant's Response to the Respondent's Response dated 29 May 2023, and correspondence to Mr Berg 21 May 2023. (p.80).
 - iii. My 'Applicant's Response to Respondent's Response' dated 29 May 2023 (p.8).³⁹
 - iv. The affidavit of Mr James Berg of DLP Piper dated 30 May 2023 (p.8) with exhibits (p.193).
 - v. The affidavit of Mr James Berg of DLP Piper dated 31 May 2023 (p.6) with exhibits (p.26).
 - b. In relation to the referral of papers in Mr Ford and Mr Glynn's matter (referred by you as Odtojan/Glynn/Ford 2), there is no identification of both respondent's documents.
 - c. The court transcripts of 31 May 2023 (Condon) and 11 Oct 2023 (Ford and Glynn).⁴⁰
 - d. The email response from the Associate of Justices Basten and White dated 6 December 2023.⁴¹

D. PSD's Alleged conduct issues and the Judgments of Justices Leeming and Kirk (Condon) and Justices Basten and White (Ford and Glynn).

D.1 NSWCA Judgments

32. I gave notice to the Justices that their respective judgments recorded facts, representations and evidence which were not ventilated at the leave to appeal hearings, including recordings of evidence for the respondents where no evidence was provided by any of the respondents as they did not attend the LAHearings nor gave evidence nor filed defences.
33. I rely on the following documents:
- a. The court transcripts of 31 May 2023 and 11 October 2023.⁴² The court transcripts provide that the NSWCA judgments do not reflect what transpired at the LAHearing before Justices Leeming and Kirk (Condon) and Justices Basten and White (Ford and Glynn). I note you do not have the court transcripts for both of the LAHearings.
 - b. The Summary of the Applicant's Argument dated 30 March 2023 (Condon) and 28 June 2023 (Ford and Glynn)⁴³
 - c. The Applicant's Written Submissions dated 14 February 2023.⁴⁴
 - d. The Applicant's Submissions dated 26 June 2023.⁴⁵
 - e. The Applicant's affidavit sworn 26 June 2023.⁴⁶
 - f. The Applicant's Response to Respondent's Response' dated 29 May 2023.⁴⁷
 - g. My email to the Associate of White and Basten dated 5 December 2023 and response email from the Associate on 6 December 2023.⁴⁸

³⁶ n 35.

³⁷ Ms Odtojan's email to PSD enclosing this letter - G.Drive link: 4. *Applicant's Submissions dated 26 June 2023 (Condon)*.

³⁸ Ibid. G.Drive link: 6. *Applicant's Affidavit sworn 26 June 2023 (Condon)*.

³⁹ Ibid. G.Drive link: 3. *Applicant's Response to Respondent's Response dated 29 May 2023 (Condon)*.

⁴⁰ Ibid. G.Drive link: 6. *NSWCA Court transcript 31 May 2023 (Condon)*; 7. *NSWCA Court transcript 11 October 2023 (Ford and Glynn)*.

⁴¹ Ibid. G.Drive link: 8. *Ms Odtojan w/Associate of Justices Basten and White emails dated 5-6 Dec 2023*.

⁴² n 40.

⁴³ Applicant's White Folder 1 dated 26/05/2023 Tab 2 (Condon); Applicant's White Folder 1 dated 28/06/2023 Tab 2 (Ford); Applicant's White Folder 1 dated 28/06/2023 Tab 2 (Glynn). n 37 Documents number 12.

⁴⁴ Applicant's White Folder 1 dated 26/05/2023 Tab 10 (Condon); Applicant's White Folder 1 dated 28/06/2023 Tab 10 (Ford); Applicant's White Folder 1 dated 28/06/2023 Tab 10 (Glynn); n 37 G.Drive link: See documents number 9-11.

⁴⁵ n 37.

⁴⁶ n 38.

⁴⁷ n 39.

⁴⁸ n 41.

34. Justices Leeming and Kirk acknowledged in court that Mr Bryl and I are witnesses in the all-important conference. However, these material facts, among others, were omitted in the Justices' judgments.⁴⁹
35. I refer to my email to the Associate of Justices Basten and White dated 5 December 2023, giving notice that Mr Bryl and I could not adequately provide our submissions in the show case regarding the referral of papers as the judgment substantially recorded matters that did not transpire at the hearing. The judgment recorded evidence regarding the conduct of Mr Ford and Mr Glynn where no evidence was given by the respondents. We sought for the Justices to provide me with evidence of the contract recorded in the judgment, where a contract did not exist but was found by Magistrate Freund.⁵⁰ The Justices recorded the application of s 170 of the Credit Code to a contract where no contract was before them at the LAHearing. The Justices created a narrative of what transpired at the LCProceedings which is contrary to the court documents, transcripts and conduct of the parties.⁵¹
36. The material issues and documents/evidence raised and referred to by Mr Bryl, acting as McKenzie friend at the LAHearings were either omitted and/or misrepresented in the NSWCA judgments.
37. My firm, Odtojan Bryl Lawyers (**OBL**), and the criticism recorded in the judgment, casting aspersions on me, placing me in capacity of legal practitioner in my personal civil cases, and disregarding the established legal, contractual and fiduciary obligations of my legal representatives (Mr Ford, Mr Glynn and Mr Condon SC), were not raised nor put to me to answer at the LAHearings.
38. My firm, Mr Byl and I have been defamed in the NSWCA judgments where there are representations and criticisms, casting aspersions on us which were not put to us at the LAHearings to answer. Mr Bryl and I are witnesses and I am a victim, 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.
39. The respondents, Mr Ford, Mr Glynn and Mr Condon SC, has failed and continue to fail for 8 years, to produce to me the credit contract in support of Mr Ford and Mr Glynn's representation at final hearing in the LCProceedings, where they stated to the court that I received a contract on 12 January 2015 (which is not my case and where there is no evidence to support such statement),⁵² and where the three respondents expressly relied upon a written contract in their written appeal advice and draft summons. Justices Leeming and Kirk created evidence for Mr Condon SC and recorded in their judgment⁵³, by ambush and without any evidence in support, that Mr Condon SC addressed my 16-page letter to resolve the issue that Mr Condon SC had not provided a contract in support of his written appeal advice for 7 years (at the time of the hearing). This issue was completely ignored and omitted in the Judgment of Justices Basten and White in Ford's and Glynn's cases.
40. The respondents and their legal representatives⁵⁴ are aware how they obtained the NSWCA judgments.⁵⁵ There was no involvement of their respective professional indemnity insurance

⁴⁹ See [33.a]; (Condon) Court transcript 31 May 2023 [44]-[48] 1;

⁵⁰ A contravention of s 91 of the *Evidence Act 1995* (NSW) (**EA**); There is no record that the Magistrate found a credit contract in the judgment. No contract was produced in evidence nor ventilated at the final hearing in the LCProceedings. These issues were put to the Justices in both LAHearings which were disregarded by the Justices. n 37 G.Drive link: 25. *Magistrate Sharon Freund Judgment 16 Aug 2016 (LCProceedings 2014_00219407)*.

⁵¹ See [32]-[35], [39], [41], [49].

⁵² At the interlocutory hearing on 16 February 2023, Judge Norton stated in court that Mr Ford conducted a different case to his client (me). See Court Transcript 16/02/2023 [46]-[50] 30, [1]-[15] 31. Mr Ford's case was that his client received contract documents on 12 January 2015 where his client's case was disputing the existence of a contract. This supports that the client's case was not heard nor ventilated at the final hearing on 18 and 19 July 2016.

⁵³ *Odtojan v Condon* [2023] NSWCA 129 [12].

⁵⁴ (1) Mr Miles Condon SC legal representatives: counsels Mr Anthony McInerney SC and Ms Winnie Liu of New Chambers, solicitors: Mr James Berg, Partner and Sarah Li Yee Lien of DLA Piper; (2) Mr Nicolas Ford's legal representatives: counsel Mr Bernard Lloyd of 9 Wentworth Chambers, solicitors: Mr Jonathan Newby and Mr John Georgas of Colin Biggers and Paisley; (3) Mr Thomas Glynn's Legal representatives: Ms Anne Horvath SC of Banco Chambers, solicitors who appeared at the NSWCA LAHearing: Ms Elizabeth Lough and Mr Baron Alder of Moray & Agnew, and former solicitors: Mr Nicholas Andrew and Ms Belinda Marshall of Barry Nilsson.

⁵⁵ [48.f]; Also see Ms Odtojan's email to PSD enclosing this letter - G.Drive link: 20. *Judicial Registrar James Howard email to parties dated 28 Sept 2022 and Ms Odtojan reply email dated 29 Sept 2022*.

representatives noting the nature of the proceedings, where a client is making a claim against respondents for the legal services they provided. The court transcripts of the LAHearings will provide that Mr Bryl spoke approximately 60% of the time, the Justices approximately 30% of the time, and the respondent's Counsels approximately 10% of the time. In the LAHearings, Mr Bryl had referred to court documents, representations, correspondences, s 91 Evidence Act 1995 (NSW) (**EA**), the credit laws and the respondent's written appeal advice (expressly recording their reliance on a credit contract) which was inconsistent with representations made in conference on 12 September 2016 where Mr Ford with Mr Condon SC stated to me and Mr Bryl that there was no contract nor pre-contractual statement produced nor ventilated at the final hearing. The material issue of the inconsistent statements about the credit contract by the respondents, among other matters raised in court, were omitted by the Justices in their respective judgments.

41. The Justices, by ambush, impermissibly conducted a re-hearing under r 13.4 of the Uniform Civil Procedure Rules 2005 (**UCPR**) of summarily dismissal for claims that are baseless, vexatious and frivolous. The Justices also impermissibly resolved issues of fact/law/credit where it is for the final hearing. The Justices disregarded and contravened s 91 EA by referring to a prior judgment/opinion of a judge regarding the issue of fact, the credit contract. Notwithstanding the Justices' reliance on Magistrate Freund's judgment in the LCProceedings that a credit contract was found, there is no such record that the Magistrate found a contract in the judgment. The contract issue was not ventilated by counsels, Mr Ford and Mr Hartford-Davis, at the final hearing, nor was there a record in the judgment that Credit Corp proved their cause of action, a breach of terms under a credit contract.
42. In relation to the District Court interlocutory hearing where I sought to appeal Judge Norton's orders, Judge Norton did not dismiss the case under r 13.4 UCPR (summary dismissal) which was the application made by the respondents along with r 14.28 UCPR (Strike out pleadings). Judge Norton made orders under r 14.28 UCPR, however, without reasons/legal basis, Judge Norton limited my claim to plead only in relation to the respondents 'appeal/prospects of success of appeal'. Judge Norton stated that my claims pertain to criminality, however, in limiting my claim, the pleadings of fraud/conspiracy were removed, rendering my case hopeless as the pleadings no longer supported my causes of action. There is no cause of action under 'appeal/prospect of success to appeal'.
43. Judge Norton made oppressive orders where I was to file all evidence before the Respondents filed their defences. Such order is contrary to the civil procedure and prescribed timetables of filing evidence only after the pleadings are closed. Judge Norton applied criminal standards to my civil torts cases.

D.2 Your/PSD Alleged Conduct Issues

44. Your PSD letter is vague and provides no evidence, facts and particulars to support what you recorded in your PSD letter regarding 'misconduct', 'prior misconduct' and the non-disclosure under r 13.1 Uniform Rules.⁵⁶
45. You cited case laws which clearly provide the specific misconduct in those cases, however, in this matter, there is no misconduct particularised. It is unclear what you refer to as misconduct by me.
46. You have listed alleged conduct issues from 1 to 15 in your PSD letter,⁵⁷ however, you failed to provide any specific rule/legalisation with applicable facts and particulars you allege I have breached.

In *Kioa v West*, Gibbs CJ said that the '*fundamental rule is that a statutory authority having power to affect the rights of a person is bound to hear him before exercising the power*'.⁵⁸ The rule against bias ensures that the decision maker can be objectively considered to be impartial and not to have pre-judged a decision.

⁵⁶ See [12.c], [12.g]-[12.h], [12.j].

⁵⁷ PSD Letter 5-8.

⁵⁸ *Kioa v West* (1985) 159 CLR 550, 563, quoting Mason J in *FAI Insurances Ltd v Winneke* (1982) 151 CLR 342, 360.

47. The OLSC/PSD have a duty to adhere to the model litigant standards in the complaint process. *Legal Services Commissioner v Adamakis* [2013] VCAT 1970 at [31].

Lawyers' Professional Responsibility. Gino Dal Pont. 7th edition. Lawbook Co. 2021:

At p. 788:

Disciplinary investigations and proceedings must be conducted according to procedural fairness standards (*Wentworth v New South Wales Association* (1992) 176 CLR 239 at 251 by Deane, Dawson, Toohey and Gaudron JJ; *Smith v New South Wales Bar Association* (1992) 176 CLR 256 at 270 per Deane J; *Carver v Law Society of New South Wales* (1998) 43 NSWLR 71 at 98 per Powell JA; at 101 per Stein JA). As disciplinary bodies and tribunals exercise adjudicative functions, a high standard of procedural fairness is expected... (*Newfoundland Telephone Co v Board of Commissioners of Public Utilities* [1992] 1 SCR 623 at 638 per Cory J; *Livers v Legal Services Commissioner* [2018] NSWCA 319).

At p. 789:

As regulatory bodies and tribunals have broad powers to investigate and summon evidence, these must be exercised bona fide and not in an oppressive manner (*Rogerson v Law Society of the Northern Territory* (1993) 88 NTR 1 at 10 per Asche CJ). While disciplinary proceedings are not criminal in nature, moreover, the position of the regulatory body or officer is sufficiently similar to that of a prosecutor in criminal proceedings to justify a duty of fairness and behaviour as a model litigant (*Legal Services Commissioner v Adamakis* [2013] VCAT 1970 at [31])

At p. 826:

The Uniform Law empowers the Commissioner to initiate and prosecute proceedings against a lawyer in the designated tribunal (in New South Wales the Civil and Administrative Tribunal (NCAT))... if the Commissioner of the opinion that the alleged conduct may amount to unsatisfactory professional conduct that would be more appropriately dealt with by the tribunal, or that the alleged conduct may amount to professional misconduct (LPUL s 300(1) (NSW, Vic).

48. In relation to the alleged conduct issues in 1-15 in your PSD letter:

- a. You have raised conduct issues with me, solely relying on the NSWCA judgments and quoting from them without referring to any other documents. As noted herein, you do not have all the documents pursuant to the NSWCA referral of papers orders, where my court documents are substantially missing and not within your possession.⁵⁹
- b. My three amended statements of claim (**ASOCs**)⁶⁰ have extensive pleadings of 27 pages (Condon), 50 pages (Mr Ford) and 44 pages (Mr Glynn) filed in the NSW District Court Sydney under the civil tort damages division which contains alleged facts and allegations in support of the pleading rules for causes of action of unlawful civil conspiracy, intentional negligence and fraud. My claims require a determination by a trial judge at a final hearing in the civil District Court. The issues and allegations I raised in my claims remain outstanding and unresolved.
- c. The OLSC/PSD has no jurisdiction to determine alleged facts and allegations in my ASOCs, being court documents. The regulatory body is not the appropriate forum. Notice was given to Justices Leeming and Kirk that the OLSC has no jurisdiction to determine the allegations in my ASOCs, where such allegations require a final hearing.⁶¹
- d. As you are aware, the ASOCs raise serious allegations that pertain to criminality and the OLSC/PSD cannot determine these matters and have a duty to report under s 465 LPUL. It is a serious matter to threaten and intimidate a victim and witnesses of conduct that constitutes offences under the *Crimes Act*, including referring an innocent person to be subject to an investigation by an authority/regulatory body.

⁵⁹ See 'C.2 NSWCA referral of papers - Incomplete documents' 6.

⁶⁰ See (Condon) Applicant's White folder 1 dated 26 May 2023 *Amended Statement of claim* Tab 6; (Ford and Glynn) Applicant's White folder 1 dated 28 June 2023 *Amended Statement of claim* Tab 8; [33.c] above; n 37 G.Drive link: See ASOCs documents number 21-23.

⁶¹ See [33.d]-[33.e].

- e. I had exercised my rights under the civil court jurisdiction where the respondents had legal, contractual and fiduciary obligations to me under the established legal relationship of client/legal practitioner. This legal relationship was disregarded by the Justices in their judgments.
 - f. The respondent's legal representatives are aware how they obtained the judgments/orders. I refer to the court transcripts and to my letter to Mr James Berg of DLA Piper.⁶²
49. In relation to your alleged conduct issues 1,2, 8, 9, 10, 12 and 13:
- a. It is unclear what you are alleging I have breached? I refer to [29]-[31], [32]-[48] and [54]. The alleged facts and allegations in my ASOCs can only be determined at a final hearing.
 - b. It is an impossibility for pleadings of civil conspiracy to be determined at preliminary hearings and this is supported by case authorities as it requires a trial judge to have all the evidence and witnesses' evidence including making inferences of multiple conduct by alleged conspirators and cross referencing of pleadings in the statement of claim.⁶³
 - c. Your alleged conduct issue 13 states that I *'allege because Mr Ford referred to documents as "contract documents", as CCS claimed the document to be, that was evidence of fraud by Mr Ford.'* This statement is unfounded.⁶⁴ No such statement was made. I rely on the court transcript of 11 October 2023 and my ASOC on Mr Ford. Mr Ford's conduct is extensively pleaded.
 - d. The Justices in the leave to appeal hearing of Condon (approx 1.5 hour hearing) and Mr Ford and Mr Glynn (approx. 3 hour hearing) did not go through my extensive pleadings of civil unlawful conspiracy, fraud and intentional negligence. It is not within the scope of the limited LAHearing to determine evidence nor resolve issues of fact/law/credit. There are strict procedures and documents to be completed for LAHearings. The judgments recorded matters that are impermissible, ultra vires and done by ambush, and went beyond the summary of the applicant's argument⁶⁵ and the respondent's response.
 - e. Justices Basten and White recorded that there is *'No skerrick of evidence to support the premise...'*⁶⁶ where the LAHearing is not to determine evidence and neither did we go through evidence. In court, the Justices did not put to Mr Bryl that they did not understand the Applicant's argument nor stated there is no 'skerrick of evidence'. The court transcript provides that the Justices understood the Applicant's argument and did not request for production of any evidence. Section 91 EA was disregarded and contravened by the Justices in relying on Magistrate's Freund Judgment to prove an issue of fact of credit contract (which is impermissible to determine in a LAHearing). Section 91 EA is omitted in the Justices NSWCA judgments.

⁶² n 54; [33.a]; See Ms Odtojan's email to PSD enclosing this letter - G.Drive link: 19. *Ms Odtojan ltr to Mr Berg DLA Piper dated 3 July 2023 (Condon)*; (1) On 16 February 2023, Mr Anthony McNerney SC of New Chambers for Mr Condon SC gave unfounded evidence at the bar table that the contract is based on secondary documents (See Court transcript dated 16/02/2023 at [42] 16 - [7] 17). (2) On 17 March 2023, Mr Bryl put on record that Mr McNerney SC was laughing when he raised to the court the issue of Mr McNerney SC's conduct of giving evidence at the bar table and misleading the court that the contract is based on secondary documents (See court transcript 17/03/2023 at [35] 44- [8] 45). (3) On 16 February 2023, Ms Anne Horvath SC of Banco Chambers for Mr Glynn gave unfounded evidence at the bar table that the contract was the 'Terms and Conditions' (Court transcript dated 16 /02/2023 at [30]-[41] 39). (4) On 11 October 2023, at NSWCA LAHearing Ms Horvath SC brought up an issue whether her client, Mr Glynn, was aware of the existence of the contract issue (Court transcript dated 11/10/2023 at [25]- 35] 46). Ms Bryl proved to the court, referring to Mr Glynn's emails/court documents drafted by Mr Glynn, that he was aware of the existence of the contract issue [31]48 - [16] 50. Justices Basten and White did not refer Ms Horvath SC, her client or Mr Ford to the regulator, instead referring innocent persons, Mr Bryl and Ms Odotjan, using their legal statuses, to the regulatory body, OLSC.

⁶³ See [31.a.i]-[31.a.iii] and [33.c], [49.f].

⁶⁴ *Odtojan v Ford* [2023] NSWCA 277 [16].

⁶⁵ See [33.b].

⁶⁶ *Odtojan v Glynn t/as Glynn's Lawyers* [2023] NSWCA 276 [96].

The Court transcript 11 October 2023 [49] 49 - [16] 50:

BRYL: But then we go to the transcript and realise that Mr Ford has given evidence that the contract is not an issue and she received it on 12 June 2015 defeats the problem. So we don't have an issue of the contract, because it's been eliminated from start here, and why this statement of facts and issues has not been provided to the client to see it. Why does she have to discover that the issue of the contract has been eliminated, and that contradicts to what just the counsel of Mr Glynn stated, that he wasn't aware that the contract was in issue, that it wasn't provided, but his email confirms he is aware, he is fully aware, and his additions to the documents confirms he does not want to disclose the issue to the Court. There is a problem with whether the contract has been provided.

WHITE JA: I understand the argument. Anything else?

BRYL: My majority of the argument was in relation to what her Honour found. Section 91 does not allow you to rely on the facts determined by the judge.

WHITE JA: You've made that submission before.

- f. The Justices disregarded two witnesses and a victim before them, among other witnesses yet to be called to give evidence. The documents before the Justices were substantially court documents from the LCProceedings, court transcripts, the Notices to Produce and court orders⁶⁷ (for production of the alleged credit contract, credit insurance contract documents etc), the respondent's written appeal advice and more. My NSWCA White Folders contained documents of approximately 740 pages in each case of Mr Condon SC, Mr Ford and Mr Glynn. These documents were substantially not acknowledged as the basis for my claims by the NSWCA Justices.⁶⁸
 - g. The NSWCA Justices do not refer/quote my affidavits, arguments, submissions, legislation (Credit Laws and s 91 EA) and case authorities which support my claims. Justices Basten and White recorded in their judgment that s 170 of the Credit Code applied to a contract which did not exist and was not before them to apply the code. This issue s 170 of the Credit Code was raised by the Justices not by the respondents and neither was it an issue before the LCProceedings.
50. In relation to your alleged conduct issue 3:
- a. It is unclear what you are alleging I have breached? I refer to [29]-[31], [32]-[49]. Justices Leeming and Kirk, recorded in their judgment a 2019 case which is my costs assessment appeal against Credit Corp/Piper Alderman and is irrelevant to the Condon case before the said Justices at the LAHearing. The recording of this case in the judgment was made by ambush. The Justices had searched for my past civil cases which are not the matters before them.⁶⁹ It is noted that you have engaged in similar conduct, searching for my personal civil cases⁷⁰ and using them against me.
51. In relation to your alleged conduct Issue 4:
- a. It is unclear what you are alleging I have breached? I refer to [29]-[31], [32]-[49]. This issue recorded by the Justices in their judgment making criticisms about me sending an email to Judge Norton was not put to me to answer at the LAHearing.⁷¹ This was recorded by ambush. I refer to my email to Judge Norton, copying the other side party, which is self-explanatory as to the purpose of my email. I was exercising my right to contact the court within 14 days after the orders were made and I had also relied on r 36.16 of the *Uniform Civil Procedure Rules 2005 (UCPR)*.

⁶⁷ Mr Sebastian Hartford-Davis, the opposing counsel at the final hearing in the LCProceedings, signed Notice to Produce dated 17 December 2015 which became a Court order. See Notice to Produce/Court orders: (Ford) Applicant's White Folder 1 dated 28 June 2023, Tab 12, 234-245; (Condon SC) Applicant's White Folder 1 dated 26 May 2023, Tab 12, 199-210; (Glynn) Applicant's White Folder 1 dated 28 June 2023, Tab 12, 231-242; n 37 G.Drive link: See document number 24.

⁶⁸ Pleadings were not closed. No defences were filed. Evidence was yet to be timetabled for filing in the District Court.

⁶⁹ See [12.j].

⁷⁰ See PSD letter [1] 5, [3]-[4], [7] 8; See [12.j].

⁷¹ n 37 G.Drive link: 6. NSWCA Court transcript 31 May 2023 (Condon)

52. In relation to your alleged conduct issue 5, 11 and 14:
- It is unclear what you are alleging I have breached? I refer to [29]-[31], [32]-[49]. This issue recorded by the Justices in their judgment making criticisms about me regarding my appeal grounds of bias, breach of bias rule and denial of procedural fairness was never put to me to answer at the LAHearing.⁷² These are my grounds for appeal and I am exercising my legal rights to appeal and access the court. This is my constitutional right. No one should be threatened nor prosecuted for exercising their rights to appeal a court order/judgment.
53. In relation to your alleged conduct issue 6 and 7:
- It is unclear what you are alleging I have breached? I refer to [29]-[31], [32]-[49]. I refer to paragraphs 3 and 4 of the Applicant's Response to Respondent's Response dated 29 May 2023⁷³ which refer to Annexure A 'Table of Issues in Respondent's Supplementary White Book...' in Tab 7.⁷⁴ A side-by-side comparison can be made of the documents being tampered. This was disregarded by the Justices and such evidence/documents were omitted in the judgment. Tampering with court documents is an offence under s 317 of the *Crimes Act 1900* (NSW) (**Crimes Act**). Disregarding evidence that constitutes an indictable offence, is concealment, and accusing an innocent person to be investigated by authority/regulatory body are offences under the *Crimes Act*.
54. In relation to your alleged conduct issue 15:
- It is unclear what you are alleging I have breached? I refer to my email to Associate of Justices Basten and White dated 5 December 2023 which is self-explanatory. See [35].
 - Mr Bryl and I sought a 7-day extension on the condition that the Justices provide clarification of the evidence they relied upon in the judgment regarding the contract, the application of s 170 of Credit Code to a contract which was not before them to apply the Credit Code, and their recordings of Mr Ford's and Mr Glynn's conduct in the judgment stating '*the conduct of which they complained could be readily explained as a matter of oversight...*'.⁷⁵ There was no such evidence nor submissions made by the respondents or their counsels. I rely on the court transcript dated 11 October 2023.
 - It is noted that the Justices' Associates reply email to me dated 6 December 2023 is not listed in your Annexure A. The said email did not state to me that my email to the Justices Associate was inappropriate, however, the Justices' published judgment records that my email was inappropriate. The Justices had failed to provide the clarifications sought in my email as above-mentioned.
55. You have raised the issue whether Mr Bryl and I are fit and proper persons to hold practising certificates relying on your statement of fact that we have 'prior misconduct'. Such a statement of 'prior misconduct' is unfounded. It is unethical for a legal practitioner/Director of PSD to make unfounded statements of misconduct against a legal practitioner which raises questions of their fitness to practise.

E. Reports to OLSC/PSD

56. OLSC/PSD have received multiple reports for the period 2016 to date. The reports involved conduct that involve fraud/criminality, indictable offences, and administration of justice offences.
57. My reports to the OLSC/PSD with supporting evidence/documents were systemically closed without investigation. OLSC/PSD has a duty to report suspected offences under s 465 LPUL.
58. These various reports are easily accessible to the PSD/OLSC, however, they have been omitted in your PSD letter to me. These reports are relevant as PSD is alleging it is unaware of the circumstances of my LCProceedings when such matters are well-known to the OLSC/PSD having received voluminous documents and reports of the LCProceedings where OLSC/PSD has copies of

⁷² Ibid.

⁷³ See [31.a.iii].

⁷⁴ (Condon) Applicant's White Folder 1 dated 26 May 2023, Tab 7 38-40.

⁷⁵ *Odojan v Glynn t/as Glynn's Lawyers* [2023] NSWCA 276 [107].

the judgment of Magistrate Sharon Freund (**Magistrate Freund**) in my 2018 report on Piper Alderman. I raised issues of how the judgment and costs order were obtained by fraud and collusion.

59. The allegations I have raised in my ASOCs against my former legal representatives of fraud and conspiracy are already known to the OLSC/PSD. I made similar and consistent allegations in my reports against Piper Alderman in 2018 (102 pages and approx. 660 pages of supporting documents), which outline the conduct of my former legal representatives, Mr Ford, Mr Glynn and Mr Condon.
60. I refer to the following reports:
- a. In 2016 - Complaint to OLSC by Mr Florian Ammer and Mr Matthew Mellinni of Piper Alderman Lawyers on me, during Local Court proceedings (22014/00219407), using my profession as solicitor against me in my personal civil case where they were aware I am a litigant in person (**LIP**).
 - i. Mr Ammer/Piper Alderman made the complaint against me for giving notice of the issue disputing the existence of their alleged credit contract and raising their conduct of misleading the court. Piper Alderman repeatedly ignored the issues of their failure to produce their alleged contract⁷⁶ under the Notices to Produce/Court Orders. Notice was given to Mr Adam Carpenter of Credit Corp, who was aware of the issue to produce the contract under Notices to Produce/orders up to March 2016.
 - ii. PSD held onto the complaint throughout the LCProceedings despite their guidelines not to conduct an investigation whilst proceedings are on foot. PSD/OLSC closed the complaint after the conclusion of the proceedings, and determined I was a LIP and not acting in the capacity of a solicitor and the Solicitors Rules relied upon by Piper Alderman did not apply.
 - b. In 2016, in reply to Mr Ammer/Piper Alderman's complaint, I gave notice to PSD, amongst other issues, that Ms Natalie Miller paralegal/JP of Piper Alderman (**Ms Miller**), an unqualified person, was impersonating a legal practitioner throughout the LCProceedings, sitting at the bar table and being referred to as a solicitor/instructing solicitor by the Credit Corp/Piper Alderman's counsel Mr Sebastian Hartford-Davis, who was aware Ms Miller was not a solicitor.
 - i. Mr Hartford-Davis misled the court by referring to an unqualified person, Ms Miller, as his instructing solicitor throughout LCProceedings and in the two day final hearing. Ms Miller touched/tampered with evidence, circling my signatures at the bar table where that document was tendered as evidence/exhibit. PSD did not investigate the issues raised and returned my written submissions retaining no copy for its record (available upon request).
 - c. In 2017 - My report to OLSC on Mr Carlos Toda and Ms Kelly Witts of Certus Partners (Credit Corp lawyers) regarding their undertakings in correspondence where they represented in writing, that they would produce to me their alleged credit card contract, (as pleaded in their statement of claim), within a specified timeframe.
 - i. OLSC did not refer the complaint to PSD and closed the complaint stating the lawyer's representation to provide the credit card contract was not an undertaking.
 - ii. To date, Mr Toda of Certus Partners continues to plead credit card contract/agreements, (regardless if a contract exists or not, and with no causes of action), in Credit Corp's statements of claim filed in the courts throughout Australia, circumventing and contravening *National Consumer Credit Protection Act 2009* (**NCCPA**)⁷⁷ adversely affecting the lives of many Australians across the Country.

⁷⁶ See n 67. Notices to Produce/Court orders to produce the credit contract among other documents were agreed by Credit Corp/Piper Alderman/Mr Sebastian Hartford-Davis signed 17/12/2015, where they failed to produce and comply with the court orders and are in contempt of the Notices to Produce/Court orders since 2015-16, for almost 10 years and ongoing. Mr Ford at the final hearing represented that his client received the contract on 12 January 2015 (not his client's case). This representation is contrary to the Notice to Produce signed by Mr Hartford-Davis on 17 December 2015. Mr Hartford-Davis did not prove a cause of action (breach of terms/default) nor did he put his case to Ms Odtojan (*Browne v Dunn*). The Notices to Produce/court orders were disregarded and omitted in the NSWCA judgments.

⁷⁷ *NCCPA* Schedule 1 - *National Credit Code*.

- d. In 2018 - My report to OLSC on Piper Alderman Lawyers dated 27 June 2018⁷⁸ included the conduct of Mr Sebastian Hartford-Davis, Mr Nicolas Ford, Mr Thomas Glynn and Mr Miles Condon SC and the impersonation of legal practitioners. The allegations of fraud and collusion raised in my statements of claim filed in 2022 are already known by the OLSC/PSD. The allegations are consistent with my said reports.
 - i. OLSC did not forward the report to PSD, however, I had provided a copy to PSD.
 - ii. OLSC closed the complaint without investigation. The former Commissioner, Mr John McKenzie represented that Magistrate Freund found the contract and stated it was a “Form” without any evidence in support of such statement and without citing where it is recorded in the judgment that the contract was a “Form”. There is no such record in the judgment.
- e. In 2018 - My report to PSD on Ms Natalie Miller (Piper Alderman paralegal/JP) and Mr Owen Nanlohy (Piper Alderman clerk) for unqualified persons impersonating legal practitioners (solicitors and a barrister) at LCProceedings’. PSD closed the complaint without investigation. The letter from PSD dated 6 November 2019, (Ref.No 1283 and 1284) signed by Mr William Sit, PSD Litigation Solicitor, stated that PSD *'has determined that the matters will not need to be taken any further.'* PSD disregarded s 10 of the LPUL NSW 'Prohibition of engaging in legal practice by unqualified entities'. The Law Society website provides the penalties for unqualified practitioners.
- f. In 2019 - Report on Mr Peter Rosier, Costs Assessor in the three costs assessment matters of Mr Ford, Mr Glynn, and Piper Alderman. Mr Rosier ignored issues of fabricated account statements and unaccounted trust funds with Mr Glynn and Mr Ford and the altered account records in Piper Alderman’s account documents, such as backdating/changing Ms Miller’s attendances from ‘instructing’ to ‘attending conference’, among many other matters raised.
 - i. Mr Rosier, a legal practitioner, disregarded his duties as Costs Assessor, to report such matters to the regulatory body⁷⁹ and proceeded to assess the matters for the benefit of Mr Ford, Mr Glynn and Piper Alderman disregarding serious issues I raised of their conduct that pertains to offences under the Crimes Act.
 - ii. Mr Ford made a false recording in his account statement, framing my firm/me as instructing solicitor when I am his client and was not acting in a professional legal capacity. He omitted Mr Glynn/Glynns Lawyers as the instructing solicitor from his account statements, where trust funds are not recorded to be received from Mr Glynn’s Trust account. There are unaccounted trust funds since 2016 to date. Mr Ford never mentions nor records Mr Glynn as his instructing solicitor throughout his costs assessment submissions in 2017.
 - iii. Mr Rosier did not seek any questions/clarifications about Mr Ford, Mr Glynn and Piper Alderman’s account statements nor raised any concern of their conduct. Mr Rosier answered for Mr Ford and Piper Alderman that the credit contract was some “document” with a signature. There was no evidence to support Mr Rosier’s statement.
- g. On 12 June 2019 - Notice was given to OLSC/PSD that the legal practitioners/persons I reported are engaging in the same conduct. Notice was given to protect the public. My notice was ignored and I received no response from OLSC/PSD.⁸⁰

⁷⁸ See Ms Odtojan’s email to PSD enclosing this letter - G.Drive link: See document numbers 15 to 17, Report on Piper Alderman law firm (PA) and its 8 (eight) PA legal practitioners: Mr Florian Ammer (Partner), Ms Anne Freeman (Partner), and solicitors: Ms Matthew Mennilli, Ms Hannah Veldre, Mr Brendan May, Mr Malcom Quirey, Mr Stefano Calabretta, Mr Owen Nanlohy (who was a PA clerk impersonating a counsel at the court hearing on 16/08/2016. Mr Nanlohy was admitted as a lawyer on 11/12/2017). The report also outlined the conduct of Mr Sebastian Hartford-Davis of Banco Chambers, Mr James Willis of Eight Selborne Chambers, Mr Nicolas Ford of Edmund Barton Chambers, Mr Miles Condon SC of New Chambers and Mr Thomas Glynn of Principal Solicitor of Glynns Lawyers.

⁷⁹ LPUL s 202.

⁸⁰ See n 78 G.Drive link: 18. Ms Odtojan correspondence to OLSC 12 June 2019 (J.McKenzie).

F. Notice/Public Importance

61. This letter will be made public for the protection of Mr Bryl, 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. The NSWCA referral of papers is being used by the OLSC/PSD to create unfounded statements of fact that Mr Bryl and I have 'prior misconduct' to interfere with the legitimate renewal of our practising certificates with the intent to affect our ability to practise law.
62. My case is of great importance. For almost 10 years I have been dealing with the alleged fraud/Improprieties of an ASX-listed company, Credit Corp Services Pty Limited, its lawyers and my former legal representatives that stem from St George Bank's contravention of the credit laws⁸¹ in failing to form the credit card contract and pre-contractual documents, and providing an unsolicited credit card.⁸² This conduct was perpetuated by Credit Corp and its lawyers making a claim under a credit card contract that does not exist and using the NSW Local Court Sydney to obtain a judgment without proving a cause of action.⁸³ The alleged conduct of the reported legal practitioners/persons greatly undermines the integrity of the legal system and legal profession.
63. My case is not an isolated case. The conduct of Credit Corp and its lawyers, as above-mentioned, is their *modus operandi* across Australia, where many lives are adversely affected, these are individuals, business owners, vulnerable people (elderly, those with disabilities etc), estates and deceased estates. I made various reports over the years to OLSC/PSD among others, which have been systemically closed without any investigation.
64. Mr Bryl and I are witnesses and I am a victim of the alleged conduct as above-mentioned, and outlined in my ASOCs and in my reports to OLSC/PSD. Mr Bryl and I have been threatened, intimidated and are being prosecuted, and our careers are at risk because we discovered the fraud committed against me by my former legal representatives, by Credit Corp and its lawyers in the LCProceedings, who are alleged to obtain the judgment by fraud and committed further acts of fraud/improprieties in the costs assessment process and subsequent court proceedings. The said conduct is captured in the court transcripts, court documents, correspondences, account statements and more, where these documents have substantially been provided in my reports to the OLSC/PSD.
65. OLSC/PSD is fully aware of the allegations of fraud and collusion that stem from the LCProceedings which are recorded in the various reports I made to them.⁸⁴ However, these reports have been omitted in your PSD letter to me where they are relevant as you raised questions representing as if PSD is unaware of the facts and circumstances of the LCProceedings and subsequent civil cases.
66. There is a history of OLSC/PSD systematically closing and not investigating my various reports where the reported conduct pertains to indictable offences and administration of justice offences which OLSC/PSD has a duty to report suspected offences under s 465 LPUL.
67. This matter was referred to PSD for independent and objective assessment/investigation. It is a serious matter if a regulatory body willfully fails to discover conduct that is capable of offences under the Crimes Act, which such conduct is to be referred to the appropriate authority.

⁸¹ n 77.

⁸² ASIC Act. Penalties for issuing an unsolicited credit card attract penalties of approx. \$2.5M.

⁸³ Magistrate Freund's Judgment dated 16 August 2016 records 'contract' as a statement of fact approximately 75 times and identifies the proceedings as a 'credit card contract' case, however, no contract was produced nor ventilated at the final hearing on 18 and 19 July 2016, (See court transcripts 18 and 19 July 2016). The judgment does not identify/refer to evidence of a credit contract nor determine the cause of action of a breach of term/default under a credit contract contract; n 37 G.Drive link: 25. *Magistrate Sharon Freund Judgment 16 Aug 2016 (LCProceedings 2014_00219407)*

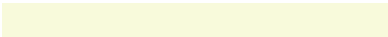
⁸⁴ 'E. Reports to OLSC/PSD' 13-14.

68. I refer to the matters raised herein and to 'B. Notice/Next Action' on page 5-6. Based on the PSD letter to me, PSD/The Law Council has no basis to withhold and/or prevent Mr Bryl's and my practising certificates from being issued for the year 2024/2025. We call for the following immediate action:
- a. For PSD/Law Council to issue the renewal of Mr Bryl and my practising certificates;
 - b. For you/Ms Griswold to retract your statements in the PSD letter and to notify the Law Council, Licensing and Registry Office and any other persons to whom you made such unfounded statements of fact that Mr Bryl and I have findings of misconduct/prior misconduct that such statement of misconduct made by you is untrue, and you are to promptly confirm with us in writing that you have done the above-mentioned notice to those parties.
 - c. For you/Ms Griswold to recuse yourself from this matter based on the conduct set herein and to notify the Law Council of this matter.
69. The PSD/Law Council has a duty to afford Mr Bryl and me the process which all legal practitioners are afforded under the LPUL and applicable rules.

I reserve my rights in relation to this matter.

Marie Odtojan

Ms Marie Odtojan



15 August 2024

The Law Society of New South Wales

Attn: NSW Law Society President, Law Council and Licensing & Registry

170 Phillip Street

Sydney NSW 2000

By Email: The Law Society of NSW President Mr Brett McGrath President@lawsociety.com.au

Law council members:

Senior Vice President Ms Jennifer Ball jball@claytonutz.com; Junior Vice President Mr Ronan MacSweeney ronan.macsweeney@baptistcare.org.au; Immediate Past President Ms Cassandra Banks cassandra.banks@lawsociety.com.au; Ms Lauren Absalom ldabsalom@gmail.com; Mr Angelo Biliass angelo@nswlaw.net; Ms Danielle Captain-Webb danielle.captain-webb@legalaid.nsw.gov.au; Ms Jacqueline Dawson jdawson@sextonfamilylaw.com.au; Ms Sylvia Fernandez sfernandez@tglaw.com.au; Mr Anthony Gordon agordon@marsdens.net.au; Ms Mary Macken mary.macken@blacktown.nsw.gov.au; Ms Moira Saville moira.saville@au.kwm.com; Ms Jade Tyrrell jade.tyrrell@jws.com.au; Ms Alexia Yazdani alexia@hillsidelegal.com.au; councilsupportunit@lawsociety.com.au (requested to provided to Ms Rebekah Hunter).

Director, Licensing and Registry, The Law Society of NSW Ms Nadya Haddad registry@lawsociety.com.au

Copied: PSD psd@lawsociety.com.au and OLSC olsc@justice.nsw.gov.au

Dear NSW Law Society President, Law Council members and Director of Licensing and Registry.

RE: Ms Valerie Griswold Director, Legal Regulation of NSW Law Society Professional Standard Department (PSD). Cases of M.Odtojan PSD2023_57155 and A.Bryl PSD2023_57157.

Ms Griswold/PSD unfounded statement of facts: findings of misconduct, prior misconduct and non-disclosure of prior misconduct in the application for renewal of practising certificate.

1. We refer to the above matter and bring to your urgent attention our **enclosed** letters to the NSW Law Society Professional Standards Department (PSD) by Ms Marie Odtojan (**Ms Odtojan**) dated 13 August 2024 (**MOLtrPSD**) and Mr Artem Bryl (**Mr Bryl**) dated 13 August 2024 (**ABLtrPSD**) in response to Ms Valarie Griswold's (**Ms Griswold**) PSD letters to Ms Odtojan dated 8 July 2024 (**PSDLtrMO**) and to Mr Bryl dated 17 July 2024 (**PSDLtrAB**) (**PSD letters**), also **enclosed**.
2. We raise serious concerns of Ms Griswold's conduct, legal practitioner, officer and Director of PSD, as set out in our said letters and briefly herein, where Ms Griswold has recorded unfounded statements of facts of a serious nature, of misconduct/prior misconduct¹ against two legal practitioners under her office and letterhead of PSD where it appears that she has used her position, authority and delegated powers to influence the Law Council/Licensing and Registry Office (communications which are not made transparent to us), to affect and interfere with the legitimate renewal application of our practising certificates (**certificates**), based on false premises that there is a misconduct/prior misconduct by us.
3. We are concerned that there are representations being made by Ms Griswold, PSD Director to the Law Council or other members/staff of NSW Law Society regarding misconduct by us, where Ms Griswold would be aware that such representations are untrue and without basis, as there are no findings of misconduct against either of us. There are no determinations of misconduct by the designated tribunal, NSW Civil and Administrative Tribunal (**NCAT**).
4. Ms Griswold's PSD letters to us were the first letters we received from PSD. Upon receipt of Ms Griswold's PSD letters, we were notified for the first time, only after the act has been done by Ms Griswold, that the first action taken by her was to arbitrarily affect our practising certificates (**certificates**)

¹ PSD Letter [5] 8, 4 'serious past misconduct' in *Thomas v Legal Practitioners Admissions Board* [2004] QCA 407 [2005] 1; An unfounded statement of fact constitutes a fabricated fact. Black's Law Dictionary, 2nd Ed. 'A fact that is not founded on a truth'.

by interfering with the their renewal/approval, which appears to be based on Ms Griswold's unfounded statements of facts of misconduct and non-disclosure of misconduct. This act was done without prior notice to us. We were not heard on the matter, and neither were we afforded due process and procedural fairness pursuant to the established process under the *Legal Professional Uniform Law (NSW) 2014 (LPUL)*. We were denied natural justice.²

5. The result of Ms Griswold's conduct, based on her created facts of prior misconduct,³ has unlawfully affected our applications for the renewal of our certificates where they are neither '*approved or refused*', and are '*taken to continue in force on and from 1 July 2024*','⁴ until Ms Griswold has her next private meeting with the Council where she stated '*I intend to ask Council... to consider whether to grant or refuse your application dated 15 May 2024*'.⁵
6. The matters before PSD to assess/investigate were from a NSW Court of Appeal (**NSWCA**) referral of papers.⁶ The OLSC clearly states in its complaint process that a referral by a judicial officer is a 'source of information'.⁷ The Council of the Law Society has delegated its powers to PSD for independent assessment/ investigation of the NSWCA referral of papers.
7. Based on the first PSD letter we each received, steps were already taken by Ms Griswold to notify the Law Council and/or the Licensing Registry office to prevent the renewal of our certificates. This act was done prior to us being notified and receiving the PSD letters,⁸ and where there was non compliance with the NSWCA referral of papers orders. There appears to be no independent assessment/investigation conducted by Ms Griswold/PSD as she did not have in her possession all the court documents pursuant to the NSWCA orders,⁹ where the substantial missing documents were Ms Odtojan's court documents, including all the court transcripts.¹⁰
8. Ms Griswold is alleged to have circumvented and contravened the well-established process under the LPUL. The complaint process and procedures for determining an alleged misconduct are clearly set out under the LPUL, and by the OLSC and NSW Law Society in their respective websites.¹¹
9. Professional misconduct, as Ms Griswold would be aware in her position as PSD Director, is determined by the designated tribunal, NCAT, under s 300(1)(b) of the LPUL.
10. Professional misconduct is the most serious finding by NCAT against a legal practitioner. Ms Griswold has made unfounded statements of facts that we have findings of misconduct/prior misconduct when she would be aware such statements are untrue.
11. Ms Griswold had also sought to obtain admissions from each of us regarding misconduct, stating '*Council will, however, need to consider whether since that time you have taken steps to address the prior misconduct*'.¹² There is no such misconduct by us. Ms Griswold failed to provide any particulars, the paragraphs and to quote the excerpts of findings of misconduct in the orders/judgments she vaguely and generally referred to in her PSD Letters.
12. It appears Ms Griswold has used the NSWCA referral of papers to initiate her/PSD's own case against us, using her office to search Ms Odtojan's personal civil cases (where Ms Odtojan was not acting in professional capacity of a legal practitioner), listing those civil cases in her PSD letter to Ms Odtojan, and

² *Kioa v West* (1985) 159 CLR 550, 563, quoting Mason J in *FAI Insurances Ltd v Winneke* (1982) 151 CLR 342, 360.

³ PSDLtrMO 4, [3]-[7] 8; PSDLtrAB 4, [3]-[7] 6.

⁴ PSDLtrMO [1]-[3] 1; PSDLtrAB [1]-[3] 1.

⁵ PSDLtrMO [5] 8; PSDLtrAB [5] 6.

⁶ See MOLtrPSD 'C. NSWCA Referral of papers' 6-7 and [2].

⁷ Relying on which the OLSC may initiate a complaint, conduct initial assessments and may undertake investigations if it proceeds to pursue the complaint; OLSC, LSC Initiated Complaint:

<https://olsc.nsw.gov.au/complaints/information-about-complaints-for-the-profession/olsc-initiated-complaints.html>

⁸ PSD.LtrMO [1]-[4] 1; PSD.LtrAB [1]-[4] 1.

⁹ See [15.d] below.

¹⁰ See MOLtrPSD [30]-[31].

¹¹ See Complaints Process Information brochure:

https://www.lawsociety.com.au/sites/default/files/2020-04/2020_Complaints-process-information.pdf ; Professional Standards Annual Report 2022, Complaints Investigation Process 7:

https://www.lawsociety.com.au/sites/default/files/2023-01/LSNSW_PSD_AR2022_web_2022-12-19.pdf

¹² PSDLtrMO [5] 8; PSDLtrAB [4] 6.

listing the NSWCA of referral of paper orders in her PSD letter Mr Bryl, alluding that those orders/judgments are findings of misconduct in her PSD letters to us. These issues are separate matters to the NSWCA of referral of papers. There appears to be an agenda to target our practising certificates based on false premises of misconduct and non-disclosure of misconduct, with the intent to affect our ability to practise law.

13. It is noted that Ms Griswold has omitted relevant reports made to OLSC/PSD from the period 2016 to date, which are relevant as Ms Griswold has listed Ms Odtojan's personal civil cases in her PSD letter, and has alleged that PSD is unaware of the facts and circumstances of Ms Odtojan's civil cases where PSD and OLSC has received multiple reports from Ms Odtojan in relation to the civil cases listed by Ms Griswold¹³. OLSC/PSD has a duty to report suspected offences under s 465 *Legal Professional Uniform Law (NSW) 2014 (LPUL)*.
14. It appears from Ms Griswold's PSD letters that the status of our practising certificates, whether they will be renewed or refused, and our ability to continue to practise law, which Ms Odtojan has been practising for 14 years with years of undertaking extensive legal education and training, and Mr Bryl with 2 years of legal practise with extensive training/education including overseas training/education, all comes down to Ms Griswold's arbitrary decision in her next private meeting with the Law Council.¹⁴
15. For convenience, the background of the matters we have raised with Ms Griswold/PSD are set out in our said letters to PSD, (MOLtrPSD and ABLtrPSD), and we refer to them, as follows:
 - a. 'A.1 Communications - OLSC/PSD' - MOLtrPSD p.1 and ABLtrPSD pp.1-2;
 - b. 'A.2 Ms Griswold, Director of PSD, unfounded statement of fact - findings of 'misconduct'/'prior misconduct' and interference with the approval/renewal of practising certificate.' See MOLtrPSD pp.2-5 and ABLtrPSD pp.2-5;
 - c. 'B. Notice/Next Action' - See MOLtrPSD pp.5-6 and ABLtrPSD p.5;
 - d. 'C. NSWCA Referral of Papers' - See MOLtrPSD pp.6-7 and ABLtrPSD p.6;
 - e. 'D.1 NSWCA Judgments' - See MOLtrPSD pp.7-9 and ABLtrPSD pp.6-8;
 - f. 'D.2 Your/PSD Alleged Conduct Issues' - See MOLtrPSD pp.9-13 and ABLtrPSD pp.8-11;
 - g. 'E. Reports to OLSC/PSD' - See MOLtrPSD pp.13-15;
 - h. 'F. Notice/Public Importance' - See MOLtrPSD pp.16-17 and ABLtrPSD pp.11-12.
 - i. The documents referred to in our said letters to PSD are made available and can be accessed via the Google Drive link in our said email to you enclosing our said letters.
16. Based on Ms Griswold's PSD letter to us, there is a failure to provide what jurisdiction and powers were invoked by PSD/Law Council to prevent the legitimate renewal of our practising certificates.
17. There is no basis for PSD/The Law Council to withhold/prevent our practising certificates from being issued for the year 2024/2025 as there are no findings of misconduct against either of us.
18. If PSD and/or the Law Council is of the opinion that there is an alleged misconduct and/or non-disclosure by either of us, then the Law Council is to afford us the proper due process that all legal practitioners are afforded, under the LPUL, where such matters are to be impartially and independently assessed/investigated and to be determined by the tribunal, NCAT.¹⁵ Notwithstanding, the Law Council has no basis to withhold/prevent the renewal of our practising certificates even if such a process is undertaken, until the matter is determined by the Tribunal.
19. The conduct of making a false statement recorded under the PSD letterhead is a very serious matter which requires the urgent attention and action by the Law Council and the Law Society President where

¹³ See MOLtrPSD [12.h], 'E. Reports to OLSC/PSD' 13-15. Allegations of fraud and collusion are already known to the OLSC/PSD being similar allegations raised in the Ms Odtojan's report dated 27 June 2018 made against Piper Alderman lawyers which include the conduct of Ms Odtojan's former legal representatives Mr Ford, Mr Glynn and Mr Condon SC, and impersonation of legal practitioners by Piper Alderman employees; See Mr Bryl's email enclosing this letter - G.Drive links: See document numbers 15 to 17.

¹⁴ Ibid.

¹⁵ S 300 LPUL; Findings of misconduct are recorded by OLSC under S 152 *Legal Profession Uniform Law Application Act 2014 (LPUL Application Act)*. *A Solicitor v Council of the Law Society of New South Wales* [2004] HCA 1; 216 CLR 253; 78 ALJR 310; 204 ALR 8.

the Director of PSD (Certificate IV in Investigations), in the position of authority over legal practitioners, has made unfounded statements of misconduct against two legal practitioners.

20. The alleged conduct of Ms Griswold reasonably raises serious questions of her fitness as a legal practitioner and Director, Legal Regulation, of PSD of the Law Society of NSW, where she has a wide range of delegate powers having authority over 40,000+ NSW legal practitioners. Ms Griswold has demonstrated in our case, that she has used her position to make unfounded statements of facts of misconduct and has acted on those false premises to prevent the legitimate process of the renewal of our practising certificates.
21. Ms Griswold's alleged conduct is capable of greatly undermining the legal profession and diminishing the public confidence in the legal profession, the legal regulatory body, OLSC, and the Law Society of NSW.
22. NSW lawyers, solicitors, and the public are to be protected from unjust, oppressive conduct and abuses of power by an officer of PSD. A legal practitioner should never receive a letter from PSD/regulatory body with false recordings of any kind. In this instance, Ms Griswold recorded a statement of fact of misconduct against two legal practitioners and has caused great distress, damages and detriment.¹⁶
23. The conduct of Ms Griswold requires great effort from her to go against her duties, obligations, and the established process under the LPUL, which demonstrates her intent to do such acts to affect our practising certificates.¹⁷
24. Ms Griswold's recordings of unfounded statements of facts in her position of authority which cause detriment to a person are capable of constituting offences under Part 4AA of the *Crimes Act 1900* (NSW).
25. In relation to the serious matters raised herein, as set out in our letters to PSD, we call for the Law Council to consider the following actions¹⁸:
 - a. For the Law Council to remove Ms Griswold from the PSD cases of Ms Odtojan and Mr Bryl;
 - b. For the Law Council to investigate Ms Griswold's conduct of making and recording unfounded statements of facts of misconduct against two legal practitioners and interfering with the legal practitioners' practising certificates based on those false premises. An act done in her position of authority having a wide range of delegated powers where she has authority over legal practitioners.
 - c. In reference to the [16]-[18] above, the Law Council is to immediately notify/direct the Registry office to issue the renewal of the practising certificates of Mr Bryl and me for the year 2024/2025 as PSD/The Law Council has provided no basis to withhold and/or prevent our practising certificates from being issued for the year 2024/2025. Should PSD continue to withhold/affect the renewal of our practising certificates, without legal basis, it will constitute an ongoing unlawful withholding of our certificates.
 - d. The Law Council is to make enquiries and investigate the conduct of PSD in relation to Ms Odtojan's reports made to OLSC/PSD as listed in her letter to PSD¹⁹ where the said reports have been systematically closed without investigation. The various alleged reported conduct involves fraud/improprieties including impersonations of legal practitioners, and administration of justice offences. There is a duty of the regulatory bodies to report suspected offences under s 465 LPUL.
26. We will rely on this letter giving notice to the Law Council on the above matters.

Kind regards,

Marie Odtojan

Ms Marie Odtojan

Artem Bryl

Mr Artem Bryl

¹⁶ MOLtrPSD [21].

¹⁷ Ibid [5]-[16], [30]-[31],[44]-[45],[50],[56]-[60].

¹⁸ Ibid 'B. Notice/Next Action' [68], 5-6.

¹⁹ n 13.

Schedule B

1. The specific false statements that you have made in your letter to Ms Griswold, and which comprise part of the first matter complained of set out in Schedule A, include the following:
 - (a) *“The result of your conduct, based on your created facts that there is prior misconduct by me and I did not disclose such misconduct, has unlawfully affected my application for the renewal/approval of my certificate...”*
 - (b) *“It appears you have used your position, authority and delegated powers to influence the Law Council/Licensing and Registry Office (communications which are not made transparent to me), to prevent my certificate from being renewed on the false premise that there was misconduct by me.”*
 - (c) *“It appears you have used the NSWCA referral of papers to initiate your/PSD's own case against me...”*
 - (d) *“You have already taken action to affect my practising certificate without any notice to me, where I was not afforded due process and procedural fairness. I have been denied natural justice.”*
 - (e) *“Your conduct is a contravention of the well-established process under the LPUL.”*
 - (f) *“You have made unfounded statements of fact that Mr Bryl and I have findings of misconduct/prior misconduct. You recorded such statements of fact against two legal practitioners where you would be aware such statements are untrue. However, you have used your position in PSD to record a false statement of fact, in the office of authority, under the PSD office letterhead, that there is misconduct by two legal practitioners to intervene with the renewal of our practising certificates, an act already done by you.”*
 - (g) *“...you/PSD are disregarding the LPUL process and not conducting an impartial and independent assessment/investigation. I am denied procedural fairness and not afforded due process under the LPUL.”*
 - (h) *“...you/PSD has no intention to conduct an independent and objective assessment/investigation of the matters referred to you by the NSWCA.”*
 - (i) *“Your recordings of false statements of fact in your position of authority which cause detriment to a person are capable of constituting offences under Part 4AA under the Crimes Act 1900 (NSW).”*
 - (j) *“...you (Ms Griswold) are to immediately retract your statements in the PSD letter and to notify the Law Council and the Licensing and Registry Office and any other persons to whom you made such false statements of misconduct by Mr Bryl and me, that such statements are untrue. You are to promptly notify us, in writing, that you have done so.”*
 - (k) *“I call for your removal. You are to immediately recuse yourself from this matter as you have demonstrated partial and corrupt conduct in your office of authority, as PSD Director.”*

Schedule B

'Despite the many definitions and contextual uses of corruption, most dictionaries and legal systems agree about its basic meaning. The Oxford and Merriam-Webster dictionaries begin, respectively, with "[d]ishonest or fraudulent conduct by those in power" and "dishonest or illegal behaviour especially by powerful people". First comes a transformation from purity to debasement - for example, "a departure from the original or from what is pure or correct" (see Merriam-Webster). Second, and relatedly, comes the archaic meaning of "decay", "putrefaction" and "decomposition." LexisNexis Concise Australian Legal Dictionary 5th ed. Australia 2015 149 provide:

Corruption: A deliberate act of dishonesty, breach of the law, abuse of public trust of power that undermines or is incompatible with the impartial exercise of an official's powers, authorities, duties or functions.

Corrupt conduct: Behaviour which does, or could, adversely affect the honest or impartial exercise of official functions by a public official or authority."

2. The specific false statements that you have made in your letter to the NSW Law Society, and which comprise part of the first matter complained of set out in Schedule A, include the following:
 - (a) *"Ms Griswold has recorded unfounded statements of facts of a serious nature, of misconduct/'prior misconduct' against two legal practitioners under her office and letterhead of PSD where it appears that she has used her position, authority and delegated powers to influence the Law Council/Licensing and Registry Office (communications which are not made transparent to us), to affect and interfere with the legitimate renewal application of our practising certificates (certificates), based on false premises that there is a misconduct/prior misconduct by us."*
 - (b) *"We are concerned that there are representations being made by Ms Griswold, PSD Director to the Law Council or other members/staff of NSW Law Society regarding misconduct by us, where Ms Griswold would be aware that such representations are untrue and without basis, as there are no findings of misconduct against either of us."*
 - (c) *"...we were notified for the first time, only after the act has been done by Ms Griswold, that the first action taken by her was to arbitrarily affect our practising certificates (**certificates**) by interfering with the their renewal/approval (sic), which appears to be based on Ms Griswold's unfounded statements of facts of misconduct and non-disclosure of misconduct. This act was done without prior notice to us. We were not heard on the matter, and neither were we afforded due process and procedural fairness pursuant to the established process under the Legal Professional Uniform Law (NSW) 2014 (LPUL). We were denied natural justice."*
 - (d) *"The result of Ms Griswold's conduct, based on her created facts of prior misconduct, has unlawfully affected our applications for the renewal of our certificates..."*

Schedule B

- (e) *“Ms Griswold is alleged to have circumvented and contravened the well-established process under the LPUL.”*
- (f) *“It appears Ms Griswold has used the NSWCA referral of papers to initiate her/PSD's own case against us... There appears to be an agenda to target our practising certificates based on false premises of misconduct and non-disclosure of misconduct, with the intent to affect our ability to practise law.”*
- (g) *“The alleged conduct of Ms Griswold reasonably raises serious questions of her fitness as a legal practitioner and Director, Legal Regulation, of PSD of the Law Society of NSW, where she has a wide range of delegate powers having authority over 40,000+ NSW legal practitioners. Ms Griswold has demonstrated in our case, that she has used her position to make unfounded statements of facts of misconduct and has acted on those false premises to prevent the legitimate process of the renewal of our practising certificates.”*
- (h) *“Ms Griswold’s alleged conduct is capable of greatly undermining the legal profession and diminishing the public confidence in the legal profession, the legal regulatory body, OLSC, and the Law Society of NSW.”*
- (i) *“The conduct of Ms Griswold requires great effort from her to go against her duties, obligations, and the established process under the LPUL, which demonstrates her intent to do such acts to affect our practising certificates.”*
- (j) *“Ms Griswold's recordings of unfounded statements of facts in her position of authority which cause detriment to a person are capable of constituting offences under Part 4AA of the Crimes Act 1900 (NSW).”*
- (k) *“...we call for the Law Council to consider the following actions:*
... For the Law Council to remove Ms Griswold from the PSD cases of Ms Odtojan and Mr Bryl;
... For the Law Council to investigate Ms Griswold’s conduct of making and recording unfounded statements of facts of misconduct against two legal practitioners and interfering with the legal practitioners’ practising certificates based on those false premises. An act done in her position of authority having a wide range of delegated powers where she has authority over legal practitioners.”



Odtojan Bryl La @OdtojanBrylLa · Sep 28 ···

Valerie Griswold, Director of PSD NSW Law Society, fabricated findings of misconduct to unlawfully prevent the renewal of the practising certificates of 2 legal practitioners. In Aug, notice was given of her corrupt & unlawful conduct. No reply to date.
tinyurl.com/34xwtcf5

Schedule C



Marie Odtojan • 3rd+

Founder, Principal, Lawyer (LLM, MLLP) at Odtojan Bryl Lawyers

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No lawyer should receive a letter from a legal regulatory body being notified that their practising certificate has not been renewed and is in force until they have their next private meeting with the Law Council when they decide whether the certificate will be renewed or approved. The basis? Apparently, on the mere statement of fact of misconduct created by Ms Valerie Griswold, Director, Legal Regulation of Professional Standards Department of The Law Society of NSW ("PSD").

Ms Griswold fabricated a fact of findings of misconduct/prior misconduct and under such false premises used her position to interfere/prevent the legitimate renewal of my and Mr Bryl's practising certificates. A letter notifying us was sent only after she did such acts.

Ms Griswold, as PSD director, has authority over 44,000 NSW legal practitioners, and used her position in this case to make unfounded statements of fact of misconduct, and dressed up the NSWCA Judgments of Leeming and Kirk, and Justices Basten and White as findings of "misconduct" against Mr Bryl and me, and she had sought admissions of such misconduct.

My Griswold has been put on notice of her corrupt conduct which also constitutes an offence under the Crimes Act. PSD has disregarded due process under the LPUL which all lawyers are to be afforded. If there was to be an independent investigation and due process was afforded to us, it will uncover, amongst others, the conduct of the NSWCA Justices Leeming, Kirk, Basten and White. The OLSC/PSD has a duty to report offences under s 465 LPUL.

See the letters to Ms Griswold dated 13 August 2024 and to the Law Council/ the President Mr Brett McGrath / Registry Licensing office of the Law Society NSW ("LS_NSW") dated 15 August 2024, including Ms Griswold's letters dated 8 and 17 July 2024 to Ms Odtojan and Mr Bryl, respectively.

Ms Griswold is aware there are no such findings of "misconduct" and that the Law Society of NSW must undertake disciplinary proceedings if it alleges misconduct which is to be determined by the tribunal, NCAT, under s 300 Legal Profession Uniform Law (NSW) 2014 (LPUL).

Ms Griswold, OLSC and the LS_NSW were given notice of the conduct of Ms Griswold. To date, they have been non-responsive.

Apparently, the ability to continue to practise law comes down to (as stated in the PSD letter) Ms Griswold's next meeting with the Law Council where she will 'ask the Law Council' whether to renew or refuse the practising certificates.

We have called for Ms Griswold's removal and investigation, including PSD's conduct regarding the reports made by me, from 2016 which were all closed without investigation.

[#valeriegriswold](#) [#professionalstandardsdepartment](#) [#nsw](#) [#psd](#)
[#lawsocietyofnsw](#) [#olsc](#) [#practisingcertificates](#) [#lawyers](#)
[#officeoflegalservicescommissioner](#) [#corruption](#)
[#administrationofjusticesoffences](#) [#reports](#) [#nicolasford](#) [#thomasglynn](#)
[#milescondonsc](#) [#piperalderman](#) [#justiceleeming](#) [#justicekirk](#) [#justicebasten](#)
[#justicewhite](#) [#crimesact](#)

Schedule D

Hi, my name is Marie Odtojan, and I'm the principal solicitor and founder of Odtojan Bryl Lawyers. Now if you don't know me, you should know me, okay? I'm based in Sydney Australia and I'm actually known for a lawyer who actually fighting corruption and criminality in our legal profession and in the finance sector.

Now I'm going to show you something of what the Law Society of New South Wales has done without any lawful process, without no due process. no adherence to the law, no court Proceedings, nothing. And they have simply tampered, unlawfully, with my legitimate renewal of my practicing certificate, including my partners, and have jeopardized my firm.

I'll show you this. So this is my Law Society portal and right now there is renewals for um practicing certificates and so this is what happens. My renewals there's nothing to renew and look at this my applications, associate member and student membership.

Now I have been practicing for 15 years. I got no notification by the Law Society professional standards department. Ms Griswold is director. The registry office head of registry in Law Society is Nadya Haddad and the Law Society council with the president is Jennifer Ball. And the former president is Brett McGrath. And then there's effectively 15 members. The legal commissioner is also is part of this.

Now I've been practicing for 15 years. No notice was given to me. I have no renewal ability to renew my practicing certificate and I have no ability to renew my membership as a practicing solicitor. I have been reduced to student membership and associate membership. Now we have a problem here because Law Society has done unlawful acts. They have tampered with my data and evidence of me as a lawyer.

Now this is not just me. This is also my partner. That's it, I cannot renew my practicing certificate or membership. If they did this you are witnessing a targeted discriminatory hate crime done by the Law Society. No lawful process, no due process, contempt for the laws. They did not put me through any NCAT. There are no orders, determinations of any kind. I'm simply finding out these things by ambush. By ambush because I get no notification from the Law Society PSD department or the law council that they have prevented me from renewing my practice certificate and my membership. Now it's very important to understand that the Law Society professional standards department have an interest. They have been covering up criminality and fraud which I have reported many reports to them of Piper Alderman, Mr Ford, Mr Glynn, Mr Condon, Hartford-Davis. Impersonation of lawyers of Natalie Miller, Owen Nanlohy, um and many more.

You know Rosier, the cost assessor who allowed Mr Ford to benefit from his fraudulent accounts. No questions asked about where is the missing funds that Mr Glenn's trust account has stated is paid to his account. No questions at all. He's a cost assessor! This went to the New South Wales Supreme Court cost assessment and allowed him to benefit from his fraud. And this he was reported to the Law Society and with this report Law Society just closed it, closed the report because apparently he's not in a capacity of a lawyer. And shortly after gave him an award of which Peter Rossier stated himself he has no idea why he got an award from the Law Society.

And then we have the former uh legal commissioner who covered up all the uh reports that I made of Piper Alderman. He even responded on behalf of Natalie Miller. He has no jurisdiction to determine unqualified persons um the legal commissioner's office. He actually has to put it to the PSD, but he blocked it. And although I also reported it and directed that report to the PSD they also did acts and things to close it. And so Miss Natalie Miller and all the people I have reported continue to practice.

Schedule D

We have a Law Society who condones fraud, criminality and impersonation of lawyers. They have a very important function in our society and that is to uphold the law, to ensure the integrity of our courts and our profession and to actually govern the lawyers. The solicitors in this case because it's a Law Society. But they don't care about that! They want to cover up fraud and criminality when they pick and choose who to protect. So the people I reported are operating above the law.

Now the Law Society also received evidence of the fraud committed uh by the New South Wales Supreme Court Justices Leeming and Kirk, and Basten and White. And what do you think the law councils did? They simply ignored my notice. It's been about nine months now, ignored it.

And the law professional standards department and the Law Society had predetermined and agreed to fabricate findings of misconduct against me and my partner of which there is no evidence of such findings of misconduct. And in fabricating it they want me to admit to their fabrication of findings of misconduct. They listed my private civil cases of findings of misconduct where there's no determination or any statement of misconduct anywhere in a judgment or in court transcript because it's not even an issue that was addressed by any court. We were never before any court, and we have the Law Society professional standards department, with the 15 members of law council, fabricating findings of misconduct – alleging it against us, and then mocks us and states you have not disclosed the very thing they created in 2024 of misconduct. They say I have not disclosed in my declaration a renewal since 2017 onwards. They effectively are stating that I'm a fraud all these years. So they went for my practicing certificate, tampered with it in the financial 2024/25 and only notified me after they did the deed - the unlawful deed. And then when I gave them notice in August last year 2024 that they are engaging in corrupt unlawful acts the Law Society Council ignores me. To date no answer. The PSD ignored me and only responded to me because I wrote an email to the head of registry asking what happened to our membership? We were shocked! We looked at our portal and it's like where's all our data? We're not we're not on the record. We're no longer searchable. Our data simply disappeared. They're just doing fraudulent acts after another and we're just caught by ambush because no notice is given to us.

I sent an email to the Head of Registry, Nadya Haddad, and asked her what happened to our membership. You know what she did? She ignores that email. Shortly after, in March 24, this year, a letter came from the PSD department – where she assigned herself on our matter, and says that she is now the PSD Officer on the matter, removing Ms Griswold, of which I have alleged that Ms Griswold had done unlawful acts and fabricated findings of misconduct which does not exist. And Ms Haddad completely ignores the email that was sent to her asking what happened to our Practising Certificate and our membership. She just ignores it. And then she says to me and Mr Bryl that she says “Thank you for letting us know of our error.” Nobody said anything about error. And this is how dishonest this woman is. She writes on the letterhead of the Law Society Professional Standards Department and says “Thank you for giving us notice of the error that it’s an allegation of misconduct. Nobody ever said that they made any error. I said to them that they have engaged in unlawful, corrupt conduct of fabricating a statement of fact of misconduct. Now she’s saying “Oh, it’s an allegation.” It’s irrelevant whether it’s an allegation or a statement of fact. It is still a fabrication of misconduct. And that’s the mockery I get. That’s the gross dishonesty of someone as an officer in the Law Society who is supposed to be of integrity and honesty. And not only is she a PSD officer – she is a lawyer so she’s fully aware what she’s doing. And then she continues to rely on the fabricated misconduct.

Schedule E

So 12 days after the video was posted the Law Society issued a section 45 certificate against me and Artem and they declared us unfit to practice law. That was done pretty much by ambush, no hearing, no notice, no charges no tribunal, and as lawyers we know that that could never be the process but that's what the legal regulator has done – the Law Society of New South Wales, the Professional Standards Department and the Law Council. And this was signed off by Miss Valerie Griswold – the very person on the first prompt notice that we gave that she had engaged in unlawful corrupt conduct. In July 2024 we already gave them notice that you're doing unlawful corrupt conduct.

What's even more disturbing is that they used their office to sit there, watch the YouTube video, my 10-minute long video, they screenshotted my YouTube Video and they transcribed it. And then without any notice or ever putting it to me, they just attached it to their decision. With a public notice they made sure that they deprived me any opportunity to defend myself and to answer. And this also applied to Artem. So this was very targeted and it doesn't matter what we do, what evidence we put to them, what law. So even though their decision actually stated that there's no disciplinary proceedings or findings against us – that means there's no legal case against us. What would be logical is that the only option under the uniform law is that they can only close the case. But of course they couldn't do that with us – because they have an agenda. They needed to take us out of the legal profession.

What you've just witnessed is a state of lawlessness, and yes this is happening in our legal sector. Help us bring light to this pressing issue, like, share, comment and I'll be posting more videos. For more information visit our website at OdtojanBrylLawyers.com.au. Read our call for action to Premier Minns, New South Wales Premier. Sign our petition, and if you want to donate we have also set up a GoFundMe for those who want to donate and support our cause. Help us protect the rule of law and the public.