

Submission  
No 2

**INQUIRY INTO REMEDIES FOR THE SERIOUS INVASION  
OF PRIVACY IN NEW SOUTH WALES**

**Name:** Mr George Nawar

**Date received:** 21/07/2015

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Partially Confidential

21<sup>st</sup> July 2015

The Director,  
Standing Committee on Law and Justice,  
Legislative Council, Parliament House,  
Macquarie Street, Sydney NSW 2000

Re: **SUBMISSION TO THE INQUIRY INTO REMEDIES FOR THE SERIOUS  
INVASION OF PRIVACY IN NEW SOUTH WALES**

**FACTS**

1. I was the defendant in a statement of claim in August 2014
2. I was defended by
3. The plaintiff submitted unsubstantiated and frivolous claims of for rent, insurance, interest and costs dating back to September 2009, which was later amended to
4. On the June 2015, the plaintiff signed a deed accepting in final settlement of their claim with each party to pay their own legal costs.
5. My legal fees added up to which is significantly higher than the final settlement
6. The plaintiff's legal representative is the of the of the Association, he had intimate knowledge about the defendant (myself) who was a member of the association prior to accepting the lease.
7. That relationship of with the association has in many occasions been used to intimidate the defendant with legal actions using documented abuse of the legal process to bully the defendant into submission.

**OPINIONS**

- I. There is a serious gap in the capacity of the legal system to deliver justice because of the breach of trust and abuse of privacy within the legal process.
- II. It is commonly accepted that lawyers can apply tactics to divert outcomes of cases in their favour regardless to the truth and dispensation of justice.
- III. The very high cost of legal representation (at \$400 -\$ 800 per hour) amounts to significant impediment in the equitable delivery of justice.
- IV. Parties of a conflict are often put in a position to accept these costs regardless to the justification or competence of their lawyers
- V. The high costs present an incentive for the lawyers to collude to prolong and expand their appointment in legal representation in order to accumulate more fees as they continue to increase their knowledge about their clients and their capacity to pay

VI. In my case as sighted above, it was brought to my attention that my financial status was discussed by both lawyers with the intention to steer the conflict in the case to their mutual financial advantage

### **ARGUMENTS**

Legal practitioners in the course of their representation gain access to their client's private information such as their assets and vulnerability. Such private information places them in a privileged position that they may employ to dictate their fees based on hourly rate and time spent on various items. Such private information can be shared by the legal representatives of a conflict with or without their client's knowledge. The seriousness of the implication of such practice highlights the need for it to be controlled.

### **RECOMMENDED ACTION**

- I. Based on the argument presented above, there is a case for keeping a record of the communication between the legal representatives of both sides in civil conflicts
- II. This can be in the form of a transcript or a recording of the conversation.
- III. Any misappropriation of the integrity of this documentation must be controlled by the legal profession
- IV. Such communication is an integral part of the legal process as it often involves private or privileged information and has a significant impact on the settlement or outcome to the extent that it should not be left undocumented
- V. This is particularly relevant if a lawyer's professionalism is compromised by being either part of or connected to the interest of a party of the conflict.
- VI. A statement denying any conflict of interest must be presented by all legal representatives in all cases
- VII. Cost advantages or pressures must not be applied through access to a client financial information.