

Turner Freeman

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20 December 2011

Slater & Gordon
DX 1163 SYDNEY
PRIVATE & CONFIDENTIAL

ATTENTION: JOANNE WADE

BY FACSIMILE: 9283 4144

Dear Joanne

RE: JOHN WILLIAM BOOTH V. AMACA PTY LTD & ANOR

I refer to the decision of the High Court in this matter on Wednesday 14 December 2011.

I further refer to a media release by Slater & Gordon, copy attached. It is the second media release, issued under your name, in relation to these proceedings.

John Booth was represented at all times by Gerard McMahon. Gerard McMahon is a Turner Freeman partner operating from a small regional office at Newcastle. For three years Gerard McMahon has devoted much of his professional life to the conduct of this litigation. He took Mr Booth's instructions, he made the forensic decisions as to the defendants that were to be sued, he accumulated the expert evidence, he retained counsel and instructed at trial. Thereafter he performed all of the necessary legal work required of a solicitor in the appeal proceedings before the Court of Appeal and later the High Court of Australia.

The Judgment of the High Court in Booth represents the high point of Gerard's career. It is, as your press release so boldly asserts, "a landmark High Court win for asbestos victims".

Turner Freeman acted on John Booth's behalf on a no win/no fee basis. The commercial risk of the litigation has been borne by this firm, from when instructions were first taken until the moment that the High Court delivered its Judgment.

Your actions in issuing a media release in relation to a Turner Freeman case are nothing short of disgraceful. The obvious inference to the uninformed upon reading the release is that you claim credit for the case when it had nothing to do with your firm. You misrepresent yourself as having been involved in the conduct of the case when you did not perform a single act concerned with the cause until it had been successfully concluded by the efforts of Turner Freeman

Only Turner Freeman is entitled to receive the credit for the Booth proceedings. If there is any commercial benefit flowing from the case Turner Freeman is entitled to receive that benefit. The investment in time and financial resources was an investment by Turner Freeman. Slater &

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Gordon's only expenditure was for the cost of a misleading media release issued in house.

The Court of Appeal, many years ago, had something to say about legal practitioners who steal the work product of other legal practitioners. I was involved in that case. I fought to protect my work product in that case from a firm that was behaving in a manner not dissimilar to yours. You might like to read the judgment -- *Woods & Ors -v- Hanoldt* is the name of the case. If you require a copy of the transcript and judgment, contact me, I will happily provide you with a copy. In that case the Court referred to the unsavoury practice of the "drones" stealing the work product of the "busy bees" in the legal profession, which seems to be an apt description of what you did on Wednesday last.

The distasteful nature of your behaviour was exacerbated by the fact that Mr Michael Salmon, who we understand is a public relations person employed by your firm, contacted media organisations direct in order to promote the media release. That is the sort of deceitful activity that one expects of public relations consultant in the modern media cycle. It is not something that one ordinarily associates with a law firm. Perhaps, now that you are a public company, you have ceased to understand the ethics and the integrity required of legal practitioners.

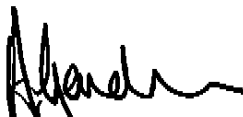
Your behaviour has been completely unjustifiable. You should acknowledge that to Gerard McMahon and you should issue a fresh media release acknowledging that your firm had nothing to do with the conduct of the case and apologising for any hurt or harm caused by your actions to Gerard McMahon and Turner Freeman.

For my part, I have referred your press release to senior counsel. I have asked for advice as to whether you may have infringed any of the Regulations that govern the professional conduct of solicitors in the State of New South Wales. If the advice is that you have then I will consider referring the matter to the Legal Services Commissioner for his investigation.

In relation to the commercial aspects of your conduct please note that I reserve all rights on behalf of my firm that it might have in relation to you and Slater & Gordon generally.

Yours faithfully

TURNER FREEMAN



Per: Amando Gardiman
Partner
Dust Diseases Litigation Specialist

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