

Re: Improper and Unfair Process

From: peter@lawyerslegal.com.au
Sent: Friday 16 July, 2021 11:40 am
To: Ian Gray <ilg3182@gmail.com>
CC: Peter Docherty <pdocherty@liv.asn.au>
Subject: Re: Improper and Unfair Process

Attachments:

Associations: LAW INSTITUTE OF VICTORIA [1793]

⚠ This email was sent as High priority

Dear Judge Gray,

I write to congratulate you and the LIV Council on the success of your strategies! I now believe that I have no alternative but to shut my law firm and dismiss my staff.

Approximately 30 minutes ago I received a telephone call from a very upset staff member, Mr Ryan Scott, who informed me that the withholding of my practising certificate, the relentless harassment by the VLSC and her delegates and appointees, as well as the associated stress and anxiety associated with yet another interminable and unnecessary "investigation" is more than he can bear. Mr Scott has now tendered his resignation.

Mr Scott's resignation leaves me without a successor, and without the valuable assistance he has been providing since his training began in February, 2020.

Another staff member, who has resisted taking long-service leave for some years in case she might be terminated due to VLSC interventions, is currently on long-service leave and will have to be informed of the situation. In all there will be 6 jobs lost upon the closure of my firm.

I now have an array of matters to consider and actions to take, and I will be unavailable for the foreseeable future.

Please allow me at least 2 weeks discuss the situation with my family and staff and plan for a very uncertain future.

For the avoidance of doubt, I hold Ms Fiona McLeay, Mr Peter Docherty and Judge Ian Gray individually and collectively responsible for what is now happening to me, my family, my staff and my law firm.

Regards,



Peter Mericka B.A., LL.B
Australian Legal Practitioner & Authorised Principal
Pursuant to the *Legal Profession Uniform Law Application Act 2014*

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From: Ian Gray
To: Peter Mericka
Cc: Peter Docherty
Subject: Re: Improper and Unfair Process
Received: Thursday 15 July, 2021 05:40 pm

Dear Mr Mericka,

I write, very briefly, to advise that I will respond tomorrow to the issues you raised in yesterday's email. I have not been in position to do so today. I will also canvass the situation with the proposed meeting, in light of the latest COVID lockdown.

Yours sincerely
Ian Gray

On 14 Jul 2021, at 6:14 pm, Peter Mericka <peter@lawyerslegal.com.au> wrote:
Dear Judge Gray,

With respect, you are aware that I have no knowledge of the basis of my having been "considered" unfit to hold a practising certificate. I stated this during our meeting, and you did not enlighten me. I have since complained again about this, and Mr Docherty admitted that there is no *prima facie* basis for my being "considered" unfit.

At your request I rushed to provide you with responses to matters you determined were relevant to your investigation, and I provided you with those responses in good faith, in the expectation that you too would meet the stated deadlines and that I would have an outcome by 30 June, 2021.

It is my understanding that you did indeed complete your investigation and submit your report and recommendations on 22 June, 2021. It is also my understanding that parties representing the VLSC, and possibly the VLSC herself, were given access to the material you produced. However, it appears that I am the only person from whom this material has been withheld.

No reason has been given for this material having been withheld from me, and I can only assume that it may have been more favourable to me than those receiving it may have anticipated. This may explain the VLSC's having provided further material to you, perhaps in the hope that you might reach conclusions more to her liking.

You are aware that I am most dissatisfied with my treatment and with the manner in which this matter is

proceeding. When I told Mr Docherty that I was not satisfied and that I had no genuine avenues of complaint he corrected me, telling me that I could lodge a complaint with the President of the Law Institute of Victoria. I have received no acknowledgement of my letter of complaint, and certainly no response. I make the observation that this is consistent with what I told you at our meeting, about the LIV's reluctance to become involved in such matters.

I do acknowledge that Mr Docherty advised me that the LIV Council would respond to my letter of complaint, but as the LIV Council is the VLSC's delegate, it is unlikely that I will receive any support or assistance from that quarter.

At this stage my request of you is that you provide me with the following without any further delay:

- 1. The "concerns", or the *prima facie* basis, or the complaint, or the trigger that brought about the withholding of my practising certificate, as conveyed to you upon your appointment, and the identity of the person who conveyed this information to you.**
- 2. Whether you drafted the questions you put to me at our meeting, or they were prepared by someone else and delivered to you. If the latter, the identity of the author of the questions.**
- 3. A copy of your report outlining the conclusions you reached after our meeting, and the recommendations you made to the LIV Council on 22 June, 2021.**

I look forward to your early reply.

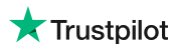
Regards,

Peter Mericka B.A., LL.B

Australian Legal Practitioner & Authorised Principal

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From: Ian Gray <ilg3182@gmail.com>
To: Peter Mericka <peter@lawyerslegal.com.au>
Cc: Peter Docherty <pdocherty@liv.asn.au>
Subject: Re: Improper and Unfair Process
Received: Wednesday 14 July, 2021 05:16 pm

Dear Mr Mericka,

I acknowledge receipt of your email.

I can assure you that you are not being “deliberating kept in the dark” as to progress of my review, and I understand that you have been advised by the LIV of the reason for the delay in finalising my investigation, I also assure you that there is no development of a “pretext for withholding” your Practising Certificate.

I understand your anxiety and do not want there to be any more delay than absolutely necessary. I would like to discuss the progress of the review with you as soon as practicable. To that end I propose a further meeting with you next Monday July 17 at the LIV. I have asked Peter Docherty to book a room at 10.00. Please advise if you are able to meet then.

It is not possible provide you with my initial report at this point as the process requires that it goes to the LIV Council first. You will receive it after the Council makes its preliminary decision.

Yours sincerely,

Ian Gray

On 14 Jul 2021, at 2:52 pm, Peter Mericka <peter@lawyerslegal.com.au> wrote:
Dear Mr Docherty,

Please tell me the reason why Judge Gray's interim report of 22 July, 2021 is being withheld from me at this time.

It is most unfair that I am being deliberately kept in the dark while you, Judge Gray, and the unnamed authors of letters from the LIV Council go about developing a pretext for the withholding of my practising certificate, and then I am to have just 21 days in which to attempt to defend myself.

Judge Gray, surely you cannot believe that this is a fair process? I now make this request of you personally; will you please provide me with a copy of your interim report of 22 July, 2021 today, or provide me with sound reasons as to why it must be withheld from me.

Regards,

Peter Mericka B.A., LL.B

Australian Legal Practitioner & Authorised Principal

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From: Peter Docherty <pdocherty@liv.asn.au>
To: Peter Mericka <peter@lawyerslegal.com.au>
Cc:
Subject: Your Email 13 July 2021
Received: Wednesday 14 July, 2021 02:35 pm

Dear Mr Mericka,

In reply to your email of yesterday 13 July, you will be provided with a copy of Judge Gray's interim report and any supplementary report after the LIV Council makes its preliminary decision. You will then have 21 days after receipt of this material to make any comment or provide any response before the LIV Council makes its final decision.

Regards

LIV Review

Law Institute of Victoria

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