

**Private and Confidential**

Dr A Stonis  
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*File Ref: CAS013866\_2*

6 September 2024

Dear Dr Stonis

**Complaint about John Robert Kenneth Pryde – Review request**

I refer to your email received in this Office on 17 July 2023 requesting review of my decision. Thank you for your patience as I acknowledge it has taken some time for me to have an opportunity to consider this matter.

I have carefully considered your request for review, including your submissions forming the basis for your review request.

As advised in Fact Sheet 1 (enclosed with my letter to you of 15 May 2023), I have an absolute discretion, pursuant to the *Legal Profession Uniform Law (NSW)* to conduct a review only if I consider it appropriate to do so (see s313(1) of the *Uniform Law*).

Section 313(1) of the *Uniform Law* does not require an assessment of the merits (being, whether the decision was dealt with appropriately and whether the decision was based on reasonable grounds). It is only if I decide to review the decision that those issues become relevant (see s313(2) of the *Uniform Law*).

Having carefully considered the matter, I have determined not to exercise my discretion, and I will not be conducting a review of the decision.

I am declining to exercise my absolute discretion, having regard to public interest considerations and having considered your submissions on review.

**Your original complaint**

You complained about the conduct of barrister, Mr Pryde as your previous legal representative in a personal injury matter.

Broadly, you complained about the way Mr Pryde handled your personal injury claim. However, it appeared from the nature of the allegations raised in your complaint that your concerns in this regard related more to the work performed by Mr Pryde's instructing solicitors. You had not identified any specific allegations about Mr Pryde's conduct and role as barrister in your matter. You made a separate complaint about the solicitor with carriage of your matter.

Having reviewed the complaint and the information before me, I decided to close your complaint without taking further action.

The alleged conduct subject to this complaint was out of time. Section 272(1) of the LPUL states that a complaint must be made within three years after the conduct is alleged to have occurred. The conduct subject to this complaint occurred between March 2018 and early to mid 2020, more than three years before the complaint was received by this Office on 13 May 2023.

While I do have the power to waive the time requirement if certain conditions are met, I did not consider the circumstances of this complaint warranted such action. I noted that Mr Pryde had ceased practising as a barrister in NSW. In my view, it was not just and fair to waive the time requirement in these circumstances.

In addition to this, I considered that your complaint about Mr Pryde may be misconceived. As stated above, you had not identified any specific allegations about his conduct. In my view, the nature of the allegations raised in your complaint related more to the role and conduct of the solicitor with carriage of your matter and not to Mr Pryde's role as barrister.

### **Your request for review**

In your email to my Office, you stated:

*I was told that I can appeal for review for the decision of preliminary assessment in two months after the notice.*

*I am sending an appeal with further information about barrister Pryde actions and the reasons for late submission. I hope this is enough information for you to review the preliminary assessment and give my complaint exempt for 3 time limit.*

*I want to highlight the following attached files:*

- 1. "2023-07-17 Further details of complaint about barrister Ken Pryde CAS012566.pdf" - appeal to review the decision and the reasons why I am asking to consider the complaint about Ken Pryde and further information about his actions.*
- 2. "2023-07-17 Reasons for late submission of complaint.pdf" - further explanation of reasons for late submissions (PTSD as main medical reason).*
- 3. "2023-06-07 Lawpartners scam.pdf" - further information of Lawpartners scam that Pryde was an active participant.*

*Other attachments are mainly supporting documents of some misconduct by Pryde or for reasons for the late submission.*

*I do not resent previous attachments even if they are referenced in the documents mentioned above. Please let me know if any are missing.  
I was not able to describe all important details and to collect all the information I was planning too, but I hope this is enough to start an investigation into Pryde actions.(sic)*

You say in the attached documents:

*I find it very hard to write this. It took me 3 years to write about it (lots of work with psychologists and help lines preparing for this and writing it down). I am trying to describe everything as accurately as I can. Unfortunately many of these memories cause high levels of stress. It quickly triggers PTSD response and shuts down my ability to think. Often I have to take a long break or can continue only the next day. I do not know if I need to describe every event, so I tried to be brief in complaint. If there is more information required please let me know.*

*It is very important for my wellbeing on many levels that I provide all the required information.*

*Even if it is difficult I have no choice but to write it. Besides preventing paying legal fees to Pryde for scamming and manipulating me and possibly getting some compensation it is also very important for me to get some feeling of justice. I was severely affected by trauma and Pryde promised to help, but instead he abused his position of power. Dealing with Pryde was a traumatic experience and instead of dealing with single event trauma I have to deal with complex trauma now. Of course there are other factors like QBE doing what is required by law from insurance companies or Potts not running a scam and so on. I never thought such things could happen in Australia. I thought I left these things behind when we left the Soviet Union.*

On 6 November 2023 you provided further submissions and a copy of a brain scan. You said:

*I wrote complaints about Ken Pryde CAS013866 and Gillian Potts CAS012565. I want to add some information that recently became available.*

*Several years ago I was suggested to check about potential physical brain damage during road traffic injury. Unfortunately I have mentioned it to Ken Pryde and Gillian Potts. They have been very critical about it and put pressure not to do so. Pryde was exceptionally rude about it, comparing that his old car has better chance to evaporate than me having any brain damage or finding any trace of it*

*Further details of complaint about barrister Ken Pryde. Potts complimented that Pryde had a skill to explain it in a very impactful way and confirmed that seeking treatment advice from neurologist would damage my claim significantly.*

*I was not aware of other significance of these comments by then other than just being nasty and dragging time during the meetings. The impact by Pryde and Potts was so strong that I did not dare to do anything till my claim was coming to the end.*

*I got strong encouragement from the psychologists who mentioned that they have seen people after similar injuries and it would be wise to check for potential brain injury even if it has been already 8 years.*

*However, I saw a neurologist a few months ago (there is a long waiting time) and had a brain MRI scan.*

*The comment from the report "A few scattered cerebral microhemorrhages bilaterally within both anterior temporal poles and non-specific but could represent the sequelae of trauma given the provided clinical history.". I had no other brain injuries or any other type*

*of problems that could affect my brain. However, being hit by a car was such a violent impact that I am still puzzled that I stayed alive. That is one time when you can say that a helmet has saved my life.*

*I still do not know what impact it will have on my treatment, I am still to see a neurologist after the scan.*

*However, I am convinced that it would have helped my personal injury claim a lot. It is too late now. The fear that they have instilled in me still has an effect. I have had this report for 2 months and it took me several days to write this email. I get overwhelmed by fear that sending this report will have some negative effect.*

*I am attaching a brain MRI scan report.*

*I also have new information on how their inaccurately written statement negatively affected the PIC assessment process and damages determination, but I still have to process that information myself.*

I will not set out your comments regarding Mr Pryde in full (noting you set out 33 individual items of concern at some length) although I have carefully considered them. In summary, you said;

1. *Validation of LawPartners scam. I think the Lawpartners included Pryde as a partner to run their scam. LawPartners never intended to represent me properly and have my claim assessed In order to show more legitimacy Potts needed a partner who fully supported the scam and provided the impression of independent confirmation of fake statements. Pryde did exactly that and even took a leading role during meetings by stating fake information first, putting pressure and dragging time. Pryde was also a key in exaggerating the legal fees.*
2. *From the beginning Potts and Pryde provided some information only verbally.*
3. *Fake inclusion of barrister . Potts told me that a barrister will be needed only if my claim goes to court. However, she sent me barrister Ken Pryde cost agreement dated 2018-05-29. I have never signed it*
4. *Getting locked with LawPartners and Pryde . Because of some delays with my claim I felt that I am I ocked in with Gillian Potts from LawPartners. So, when she introduced Ken Pryde despite me not agreeing on it I felt I had no choice otherwise I would lose my claim.*
5. *I first met Ken Pryde on 2018-06-12 (from the emails). I told Pryde about my difficulties to collect and process information and that any stress triggers me to go into a panic attack,... Instead of answers I got verbal abuse asking why I was so stupid to ride a bicycle, that I deserved to be hit and should not complain about it. It triggered such a strong panic attack that I ended up leaving the meeting in search of a toilet to puke. When I came back Pryde told me that he wanted to see how I would do if questioned as a witness and he was happy about it, but I should not ever interrupt him again.*
6. *After this experience I asked Juste (my future wife) to join me during the next few meetings. However, it did not help much as Pryde was still dragging time and not providing any useful information*
7. *Lying about process and costs . Pryde told me that the fees amount to something around \$25,000 if the claim goes to court. However, if it is decided by a tribunal it should cost about \$12,500. This later turned out to be false.*
8. *Pointless meetings with a barrister. With the exception of the statements that could have been done way more efficiently by email there was no need to meet the barrister. That was simply a duplication of the work.*



9. *I understood that this was a plan to inflate fees only after a few years. Potts promised that fees will be low, that even in the worse case scenario fees will be no more than 30%. However, barrister fees were not included in this limit. So, Potts introduced the barrister to inflate their fees.*
10. *Pryde prepared my statement skipping evidence of my ability to work before the injury, making it look that I was more capable to work after the injury and refusing to mention PTSD anywhere in my statement (details below). All this was used by QBE to present that injury had minimal effect and reduce potential compensation. Refusal to mention PTSD . Both Gillian Potts and Ken Pryde were strongly against PTSD being mentioned in my statement ... They told me that they have many years of experience and that is their legal advice. ... It felt unfair for me as PTSD was my main problem and I would rather use the name of the illness instead of listing its symptoms.*
12. *Failure to include information that was very important about my functioning before the injury . Even being rushed I have provided a lot of information about the project I have been working on before the injury ..However, G. Potts with K. Pryde reduced it to one item ... They insisted that this is enough.*
13. *I have strange glitches in my perception of information when I miss some information entirely. explained by brain damage. ... He said that if QBE finds out that I even mentioned it to GP asking for her opinion it will be treated as an attempt to inflate payout and I will lose my claim completely.*
14. *Secret agreement on mental health assessment . Mathew Jones' assessment was very incorrect and I was trying hard to understand how this could happen. Unfortunately, I do not have proof of this ...I wrote to G. Potts a list of lots of errors in assessment and asked to request a review of assessment. When I met them G. Potts and K. Pryde's response was that they were not going to do it: the assessment is exactly as they have agreed and complaining about this assessment will break their agreement and they will not be able to get favors for the next client. They told me that I will get enough compensation anyway and another client may not be in such a good position. They have not specified whom they agreed with, but I assume it could be QBE lawyer and/or assessor Jones. ...Lucky after I changed solicitors and Jones' assessment was replaced*
15. *Incorrect complaint about assessment . I was insisting on a request for a review of Jones' assessment. Surprisingly G. Potts wrote "there are grounds to seek a Review of the MAS assessment" Next day Pryde called me and told me that this was a typo and they meant "there are no grounds". However, I insisted on appeal and this was probably the only time they followed my instructions. The request for review was denied and G. Potts told me that there is nothing I can do further. Later I found out that request was denied because it did not include required information, something that I believe could have been fixed  
Two years later when QBE made similar requests for review of Wayne Mason assessment and when they were denied, QBE submitted requests few times till they were granted. It seems that this is another example when Potts provided me with false information about law and procedures.*
16. *Intentional dragging of time during meetings . G. Potts and K. Pryde had an attitude towards meeting that can be only explained by intentionally dragging time. They were late every time.. Pryde would interrupt me every time and continue on unrelated subjects. ..., Pryde said that maybe he was too aggressive and that this was the first time he managed to force someone to vomit. In time trying to bring them back to the subject became too triggering and I had to endure empty talks.*

17. *Dragging of time for the whole claim . My claim had many delays that were not explained.*
18. *Lying about requirements to settle . After failing to get PTSD recognized as having an impact on my life, Potts told me that this is a good time to submit documents to CARs for assessment of loss of potential income. However, before doing this we are required by law to attempt to settle. When I came to the so-called settlement conference ... I told them that I want to participate in negotiations...They told me that they do not allow clients to meet insurance representatives. ...Pryde told me that QBE offered compensation only for future loss, max \$250k and he instead asked for \$800k. QBE refused to negotiate.*
19. *Fake negotiations . ...They told me that they were required by law to make another attempt to settle. I gave sum, something similar they have been talking about as a good result before. I was told that their fees were something about \$50k and what I would get after subtracting medicare and centrelink. They have asked me to leave while they make a phone call. Again did not let me even hear what they were talking about. Few minutes later they asked me back into the room and told me that negotiations were not successful, but they were required to do this by law.  
There was no real new information between these fake negotiations, they did no preparations, no new information passed to me. Just complete fake to extract money under false pretense*
20. *Another example of fake negotiations . Melissa sent me an email inviting to meeting on 2020-01-09 ...Pryde asks if I mind if they make a call first to QBE. I agree. Maybe a minute later they ask me back and say that QBE offered \$225,000 (of maybe \$2000 or \$3000 less). Do I agree? I say no, I want my claim to be assessed by an independent assessor. They ask me to think about it and if I do not agree they have no chance but submit the application for assessment. Later I get an email with offer after fake conferences: \$225,000 total, \$92,000 after deductions on 2020-01-29 I do not agree on this and yet they do not submit the application.*
21. *Lies about Moodley assessment before it . In a meeting on 2020-01-29 with Pryde and Potts was told that there will be an assessment by a psychologist hired by QBE. I was worried that a specialist hired by QBE might be not objective ... Pryde reiterated that this assessment is by a psychologist  
It turned out that Moodley had no intention even to pretend to be even remotely objective. ...She wrote the whole assessment based on fictional events. Warning to be emotionally cautious would have saved me from a lot of suffering. Warnings about the process would have been useful too,*
22. *Lies about Moodley assessment impact and my options to complain about it ...to my shock Potts and Pryde were fine with Moodleys report. They told me that it does not matter even if she got every sentence wrong. It will be discarded as minor problems. The main thing for them was that she wrote that in her opinion I am absolutely fine and only pretending to be impacted by trauma. Pryde told me that no one will ever believe me now and that my mental health problems will never be recognized ...I asked Potts to ask for notes from the interview for assessment ...Pryde called me and threatened that I will get nothing if I request for notes, it will only damage my claim and this request is against their advice and therefore I will be breaking the contract. Scared from their threats I withdraw my request*

for notes The report stayed and damaged my claim. It might have been very different if I asked for data to prove that there were errors in tests too.

23. The only reason I can think of why Moodley wrote such absurd things in her report is that she knew that LawPartners would not dispute it. I can not explain it otherwise. Pryde defended Moodley as a very respected expert. However, latter I found that she has reputation of providing false reports
24. Pryde used this report to apply further psychological pressure to settle and went very hard defending Moodley.
25. Refusal to submit my claim to an independent assessor CARS . From the start Pryde assured me that if I am not happy with the offer from QBE I can go to an independent assessor and geet assessment that QBE must accept. However, later he changed his story saying that he will charge extra i f I try to do it and at the end that he will not allow it at all.
26. One of the most abusive calls was on 2020-05-06.  
This conversation with Pryde caused me alot of stress. He told me that every one will believe only Moodley statement... He said that many factual errors in the Moodley report is a minor thing and he will not do anything about it. ... If I try I will have to pay not only their legal fees but also for QBE. ... Pryde told me that Potts' friendly relationship with Ceballos is the only reason QBEis offering something. Pryde demanded me to accept offer instantly without thinking about it. He said that I should take money and run as a scumbag like me does not deserve it. This injustice was so triggering that I went into a severe panic attack...
27. Pryde wrote that I have an attitude problem after verbally assaulting me. Usually Pryde was very careful what he is writing but in the last his advice on 2020-05-06 he wrote setting Moodley report as truthful, completely discarded all my notes about factual errors called me having difficult attitude for not agree with him after lengthy verbal abuse
28. Gross exaggeration of costs . Pryde said at the beginning that the cost will be about \$25,000 if going to court and about half of that if the claim is finalized by tribunal or settlement. In his cost agreement he wrote \$20,000 including one day hearing. However, he provided a bill for more than \$25,000 without any result being reached..
29. In summary Pryde produced only 3 actual documents.
30. Threats to damage my claim. Pryde, with Potts agreeing, told me that they will prevent me from going to PIC for assessment (tribunal). They also told me that I will not be able to continue my claim with another lawyer. I have contacted solicitor Moya de Luca-Leonar for a second opinion and she offered to take my case in June 2020. De Luca contacted Potts asking for a file. Potts requested to agree with xaggerated costs removing the 30% cap before agreeing to pass the file . I did not agree with such gross overcharge. I was left without a LawPartners file. However, when I got it, I saw that they basically have not done any preparations for my claim anyway. Put psychological pressure that no one is going to believe me . ...
32. I wrote a short summary of "Impact on mental health" in my complaint. The quotes given there is what Pryde told me. The level of degree of abuse and betrayal by Pryde was so high, that even now just mentioning his name or events that happened triggers PTSD responses.
33. Till I got PTSD I had no clue how debilitating this illness is. It consumes all my life, I can not sleep, work, relax or enjoy anything. And Ken Pryde made it worse. (sic)

## **My consideration of your request**

I am not persuaded that anything in your submission seeking review would cause me to alter my conclusion set out in my letter closing your complaint. I do not consider that I can assist you in your stated aim in making your complaint – ie: ... *preventing paying legal fees to Pryde for scamming and manipulating me and possibly getting some compensation...*

I have considered your reasons for the delay in making your complaint. I note you say: *Ken Pryde represented me for an insurance claim and therefore it is strongly emotionally linked with the injury. It was a traumatizing experience dealing with Ken Pryde. So, the PTSD symptoms were even further exaggerated when I needed to deal with it.*

Whilst I sympathise with the experiences you describe, I note you were able to obtain and instruct legal representation over this period. I do not consider you have adequately explained the delay in lodging your complaint. I also note that my jurisdiction in relation to cost disputes is limited to a period of 60 days after the bill became payable (with discretion to extend that by a further 4 months only). I do not consider in these circumstances that I could make any determination about Mr Pryde's costs. It would be open to you to enquire with the Costs Assessment scheme of the Supreme Court as to whether you may be able to seek to have your costs assessed. Please note that is a separate service to my Office and charges apply.

The process of involvement in a legal matter such as yours can be stressful and lawyers may not always be able to provide the result you seek or to agree to pursue a matter in the way you may think they should. Lawyers are required to bring their forensic judgment to a matter and they are bound by ethical and procedural obligations. Sometimes a lawyer must give an opinion, based on their experience and knowledge of the law, to a client that the client will not be receptive to. I note the concern you have expressed about the way Mr Pryde related some advice to you, however in circumstances where it appears he is no longer practising and that much of what you complain about were oral exchanges from some years ago that I cannot establish with any certainty, there would be no possibility of my taking further action.

I also note that many of the allegations you make about Mr Pryde are effectively that he was professionally negligent in his handling of your matter. The role of my Office in allegations of professional negligence is limited, noting that lawyers in New South Wales are required to hold indemnity insurance in relation to claims in negligence. Generally, such claims must be pursued through the Civil Courts and my Office can only pursue disciplinary action where there is clear evidence of gross negligence on the part of the lawyer. I am not persuaded that the evidence before me, even had I accepted your complaint out of time, would have supported such a conclusion.

## **Conclusion**

Notwithstanding the fact that I am not required to assess the merits of your review request, I am satisfied that there is no obvious error in the decision under review, which warrants a detailed review of the decision pursuant to ss313(2) and (3) of the *Uniform Law*.



Accordingly, pursuant to my absolute discretion under s313(1) of the *Uniform Law*, I hereby refuse your review request, as I do not consider it appropriate to conduct an internal review.

This concludes my Office's involvement in your matter.

Yours sincerely

A handwritten signature in cursive script that reads "Samantha Gulliver".

Samantha Gulliver  
**Legal Services Commissioner**