



1 October 2014

The Chief Justice
Supreme Court of Victoria
210 William Street
Melbourne 3000

Dear Chief Justice,

On 29 May, 2012, 19 August 2012, 30 August, 2012 and 19 February, 2013 I wrote letters of complaint to you as the Chief Justice of the Supreme Court of Victoria which contained allegations of corrupt conduct and/or complicity in corrupt conduct on the part of yourself and Justice Sifris.

I accept that these allegations had no objective basis and should not have been made. I unreservedly apologise to you, Justice Sifris and the Court for this error of judgement.

With the benefit of counsel from trusted friends and colleagues, I have concluded for myself that the fears and concerns that gave rise to my making the allegations were purely speculative and ill-conceived.

I have written to Justice Sifris separately and apologised to him personally.

I very much regret my conduct in writing the letters and I hope that you can accept my apology.

Yours sincerely

Peter Mericka

undertake psychological counselling. It is most unlikely that these actions will ever be repeated by the respondent.

- 49 General deterrence is satisfied by the bringing of this proceeding and the inevitable publicity that it will receive.
- 50 Most significantly, the respondent has apologised to the Chief Justice and to Sifris J. Also of significance is the seeking of psychological counselling and the acknowledgement that the crusade which gave rise to the respondent's actions is at an end.
- 51 I am satisfied that the respondent has displayed insight into his actions, has appropriately displayed contrition, not only by apologising but by pleading guilty to the charges and has taken action by way of counselling to minimise the likelihood of repetition.

DISPOSITION

- 52 I am indebted to the applicant's counsel for providing a number of authorities which deal with similar situations and their dispositions. The authority which comes closest to the one presently before the Tribunal is a matter which came before the Legal Practice Tribunal of Queensland in the matter of *Legal Services Commissioner v Turley* [2008] LPT 4. In that matter the respondent was a 66 year old solicitor who made scandalous and offensive submissions during the course of proceedings before the Magistrates' Court at Gladstone. The Tribunal, presided over by Chief Justice de Jersey, was satisfied that at the time of the events the respondent was suffering from depression and other medical problems for which he subsequently underwent proper treatment. The disposition included a reprimand and an order that the respondent pay the applicant's costs. There was also an order limiting the respondent's engagement in legal practice to one of being subject to supervision.
- 53 I do not consider that it is necessary to interfere with the respondent's practising certificate in any way in order to achieve the requisite objectives of these proceedings. Nor do I consider that a fine is necessary. I reprimand the respondent in relation to each of the two charges and point out that a reprimand is not an insignificant disposition. It signifies disapproval of the respondent's actions and is a stain carried by the respondent for the remainder of his professional life.

COSTS

- 54 The applicant and the respondent have agreed on the amount of costs to be paid by the respondent. These costs are fixed by the Tribunal in the sum of \$12,500.

Gerard Butcher
Senior Member