

Fighting the good fight

A small firm taking on the Commonwealth Bank or Macquarie may seem like the plot of a law-based fictional television series, like *LA Law* or *Boston Legal* but for one Sydney-based lawyer it is all in a day's work.

Stewart Levitt is the 63-year-old founding partner of Levitt Robinson solicitors. Described as both confronting and combative but amusing by many who have crossed his path (successfully or unsuccessfully), Stewart is the man you want in your corner when you take on the fight against legal injustice.

He is the lawyer who spearheaded Class Actions against Macquarie, Commonwealth Bank, Bank of Queensland (BoQ) and Westpac, who had lent huge sums to victims of the Storm Financial disaster.

For those whose memories of this episode may be a little vague, Storm Financial delivered reckless advice to 3000 to 4000 (elderly) investors in Queensland, New South Wales and Victoria, costing them hundreds of millions of dollars.

Levitt Robinson negotiated positive outcomes with the Commonwealth Bank, Westpac, Macquarie Bank and the Bank of Queensland, having sued each of them in separate Class Actions brought in the Federal Court of Australia. In each action it was alleged that the Bank had breached its contracts with Storm clients, that it had engaged in 'unconscionable conduct', and that it was liable as a "linked credit provider" of Storm, in respect of Storm's misrepresentations and breaches of contract.

You get the sense from these Class Actions alone, that Levitt Robinson, and in particular Stewart Levitt himself, is undaunted about taking the legal fight to anyone, however high or mighty.

Levitt's fighting spirit was instilled in him as a child.

His attitude is reflected in the cases his firm takes on and the way they litigate.

Levitt has been in practice since 1979 and has been operating as Levitt Robinson since the early part of this century.

"We conduct very high level litigation", he says, referring to several high profile human rights cases. "I follow the Rabbinical injunction: "If not now, when? If not me, who?"

"Last year, we won a Class Action against the State of Queensland and Queensland Police Service under the Racial Discrimination Act for the Indigenous residents of Palm Island. We have transformed Indigenous morale on the island since they now stand to receive substantive compensation and an apology from the Police and the State Government."

The Palm Island Class Action occurred after a 2004 Indigenous death in custody.

The Federal Court judgment runs for 560 pages.

"A major focus of the firm has been on undertaking large scale litigation which has the collateral effect of changing the way people see human rights issues and socially relevant causes," Levitt says.

Levitt is passionate about social issues, particularly human rights abuses and specifically, Indigenous suffering.

His passion is evident in his voice when he speaks about such matters and his passion is most likely, aside from his being a very good lawyer, why he and the firm are so successful.

"We do a great deal of human rights work for victims of

brutality, including racial violence. Indigenous people are victims of the criminal justice system, particularly when there is barely an investigation into a case when they are the victims. Perpetrators of crimes against Indigenous victims receive inappropriately light sentences in Australia."

He is working hard to effect change in this legal minefield. He believes the Palm Island victory was a step in the right direction and evidence of how Levitt Robinson punches above its weight in big cases.

Levitt decries the injustice of the under-investigation and under-punishment of crimes against Aborigines.

Given the cases Levitt Robinson takes on, you'd think Levitt is running a big law firm. However, you'd be wrong to think that. The firm consists of 12 lawyers: a diverse and cosmopolitan mix of three lawyers over 50 and nine attorneys under 35.

Levitt's partner, Chrystalla Georgiou, has worked with him for almost a quarter century and she provides discipline and direction to the team. With another clever stalwart, Brett Imlay, she contributes skill, experience and balance.

"It is a good balance of youth and maturity," Levitt says. It is a blend that works well when dealing with such diverse issues, especially when the founder sees himself as someone who takes a stand and agitates against social injustice.

"I think we are an activist law firm. We are maverick without being radical and we are courageous without being foolhardy."

Stewart Levitt, Senior Partner,
Levitt Robinson solicitors

“A major role, particularly as a litigator, is to be able to channel legitimate moral grievances through appropriate legal channels,” Levitt adds.

Through their mix of energy, wisdom and courage, operating within the confines of the law, Levitt Robinson has established itself as one of the “go-to” legal firms, and is driven by moral imperatives.

A case in point is the most recent Class Action against Aveo.

In September 2017, Levitt Robinson filed a Class Action in the Federal Court of Australia against the retirement village operator, Aveo Group Limited, relating to Aveo’s new management and sales contracts issued to residents.

“I was on a ‘Business’ flight to Melbourne and a passenger returning from a holiday in Memphis, was telling me about the troubles he was having at a retirement village in Melbourne. His partner had died and he wasn’t on the title. He was told by Aveo that he would have to enter into an entirely new agreement with Aveo and would have to repurchase the unit which he had just inherited. I visited him and visited other residents and started a movement which grew,” Levitt explains.

The action was brought on behalf of current and former residents of Aveo-run villages who purchased their units before the “Aveo Way” was introduced by the retirement village promoter.

In short, it is alleged the “Aveo Way” contracts contain terms which significantly depart from the previous management contracts in Aveo retirement villages. Whilst we won’t go into the details here, Levitt Robinson is alleging changes in the management agreements offered by Aveo have depressed the resale value of the units in Aveo retirement villages.

Aveo is disputing the claim. Levitt was interviewed about the Aveo problem by Adele Ferguson on ABC’s Four Corners program on 26 June 2017 and for the “Retirement Racket” series of articles in the Fairfax newspapers. He told Ms Ferguson.

“Let’s face it, historically, exploitation has always reigned until there was concerted reaction against it,” Levitt says.

Levitt is not shy in using media and public relations to bring attention to legal, moral and social issues. The Aveo case is a prime example of media in action.

Through many of these cases, Levitt Robinson’s reputation has grown.

He was also responsible for bringing the 7-Eleven wages and immigration rorts to the attention of Fairfax and the ABC.

“We look for the opportunity to bring our vision to these cases, because it is part of our social responsibility as lawyers.”

Levitt is also representing Sydney property owners, fighting the expropriation of their land by the NSW State Government to make way for the Rozelle Interchange, as part of the WestConnex development.

“The NSW State Government is trying to fund poorly planned public works by seizing and later flogging for a profit, land which they have commandeered, often on false pretences and which they compulsorily acquire while trying to pay just the minimum compensation.”

While the focus here has been about social responsibility and morality in law, it should be noted that Levitt Robinson also does a lot of work in dispute resolution, conciliation, arbitration and mediation.

Levitt himself has two Masters degrees, both in Law and in Dispute Resolution, which comes in handy when conversations around the legal strategy for dispute resolution arise. It gives him insight into how his opponents perceive his actions and reactions and helps him to anticipate their next moves.

In 2012, Levitt Robinson brought a pro bono case in the High Court in Canberra to vindicate the implied Constitutional right of free speech on political matters.

He currently represents over 300 sailors in a Class Action against the Royal Australian Navy, claiming that they were recruited on false pretences, induced to enlist with



Top-bottom: Stewart, Odella & Barney Levitt

promises of technical education opportunities which were not provided.

New York investor-led Commercial Litigation Funder, Galactic, has supported the Navy and Aveo Class Actions.

In essence, Levitt feels his firm has made an excellent contribution in the public interest on a range of issues, whilst influencing parliamentarians to change the legal landscape.

Levitt feels there is still a lot of work to be done and the poetry-loving sexagenarian isn’t ready for retirement just yet. (His anthology of his poetry, “Psalms for the Secular”, was published in 2005: the Reverend Tim Costello wrote the foreword. His next anthology will be published in 2018).

“I could keep on doing this for a lot longer,” he says, “but I do need a devolution program.”

With that said, Levitt is confident that when he does retire, the firm will be in the safe hands of his Law Partner, Chrystalla Georgiou, who will continue to wage the good fight. **BFM**

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