

# HIGH COURT OF AUSTRALIA

STEWARD J

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MR CAREVIC

APPLICANT

AND

MS CAREVIC

RESPONDENT

[2024] HCASJ 1

*Date of Judgment: 17 January 2024*

S132 of 2023

## ORDERS

- 1. Pursuant to r 6.02.5(c) of the High Court Rules 2004 (Cth), the applicant's solicitor is granted leave to withdraw as solicitor for the applicant.*
- 2. The applicant's solicitor is to serve a copy of this order on the applicant and every other party.*
- 3. The applicant's solicitor is to give notice in writing to the Court and to every other party of the applicant's last known address for service.*
- 4. Pursuant to rr 50.01 and 51.02 of the High Court Rules 2004 (Cth), the applicant pay the costs of the applicant's solicitors of and incidental to this application.*

## Representation

Unified Lawyers for the applicant

Beale Lawyers for the respondent



1 STEWARD J. On 30 October 2023, the applicant's solicitor received instructions to act for the applicant in his application for Special Leave to Appeal from the decision of the Federal Circuit and Family Court (Division 1).<sup>1</sup> After reviewing the applicant's case, and receiving written advice from Senior Counsel dated 14 December 2023, the solicitor formed the view that they could no longer continue to act for the applicant. The solicitor is of the view that the applicant's case has limited or no prospects of success and may meet the definition of 'vexatious proceeding' pursuant to s 77RL of the *Judiciary Act 1903* (Cth). Further, the solicitor's firm ("Unified Lawyers") may wish to avoid professional embarrassment which may be incurred if they continued to act.

2 On 21 December 2023, a solicitor at Unified Lawyers informed the applicant by email that the firm intended to withdraw as his legal representative and requested that the applicant sign a form entitled "Notice of Intention to Act in Person". By telephone, the applicant informed the solicitors that he would not sign the form, although he was told that if he did not, further time and costs would be involved.

3 On 12 January 2024, the applicant's solicitor filed an application seeking leave to withdraw as solicitor on file pursuant to r 6.02.5(c) of the *High Court Rules 2004* (Cth) ("the Rules").

4 The application was accompanied by an affidavit by the solicitor and an exhibit of correspondence between the solicitor's firm and the applicant.

5 Having regard to the affidavit and correspondence exhibited before the Court, I am satisfied that the applicant's solicitor has complied with the requirement under r 6.02.5(c) of the Rules to give notice in writing to the applicant of the solicitor's intention to apply for leave to withdraw prior to making the application to this Court. I am further satisfied that in all the circumstances it is appropriate for leave to be granted and for the applicant to bear the costs of this application.

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1 *Carevic & Carevic* [2023] FedCFamC1A 165 (28 September 2023).