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## In my defence

A FRAUDULENT INVOICE FOR \$115 LED TO 250 COURT APPEARANCES ACROSS 10 YEARS FOR A RESPECTED AUSTRALIAN BUSINESSMAN.

If you were to meet Alan Manly now you might not think him any more extraordinary than the average man. He has a house, a wife, a family and a steady income as the director of an Australian business college.

But life for Alan wasn't always this way and if you chat with him for more than half an hour you will probably find out that life now is an absolute dream compared with the nightmare he lived for 10 years.

What started out as a simple not-for-profit business venture soon turned into a series of litigations after a volunteer offered to sell company memberships for Alan and his business partner Julian Day.

The volunteer, Lurrie Elliot, was quick to demand the business cover his photocopying costs, despite agreeing to a contract that he would incur the fees personally.

So began the first court case for a mere \$115.

"He would not accept settlement," Alan says. "We offered to pay him; he didn't want to be paid, he wanted to sue us for damages and we (Julian and I) looked at each other confused. Four years later we won in court, but there was no case to be made, there was no breach of contract.

"In that four years he had started suing us for bigger breaches of contract. Of course we all rolled our eyes thinking 'how silly this is'.

"The lawsuits went from the original \$115 to damages of \$123,000 and in a matter of years it had become \$1.23 million."

Alan tells his tale in his book *When There Are Too Many Lawyers... There Is No Justice* (\$24.95), which he says he wrote for cathartic reasons and to stop him talking about it to everyone he meets.

"When it was over people pleaded with me to write a book. In other words 'please stop talking about it, get it out of your system,'" he says.

"Many people have a court story but not everyone ends up having to defend themselves because we basically ran out of money. Over 10 years you can just imagine what a legal bill would be if we did not become litigants in person ourselves."

Alan and Julian defended themselves from the District Court to the Magistrates Court, to the Federal Court and finally on to the High Court.

It was a total of more than 250 court appearances, of which they won every single case. Despite Lurrie being so unsuccessful in court, he still successfully managed to continue to file cases against the desperate pair.

"After every few months he would start another case and in the end we had 32 cases to defend over 10 years," Alan says.

"At the end of the 10 years I had become obsessed. I was mentally exhausted, I was near bankrupt and we were 60 days from losing our house.

"When I was losing the plot a bit, telling one of the Federal Court judges that this was most unfair – we'd been here for 100-plus appearances, unbeknownst to me there was another 100-plus to go and that this was endless – the judge looked at me very knowledgeably and very calmly and said 'Mr Manly, I think you're taking this a bit too personal'.

"I tried to explain to him that it's my life that was being ruined, that I can't work, I have to be here (court) every second week and I have to prepare for it (court) so I can't get a job."

During this time Alan lost a lot of faith in the judicial system as it failed to recognise what was happening.

He says his inspiration behind the book title came from stumbling across a poem written by a Chinese man during the communist regime in China.

"The full quote puts it in context: 'when there are too many police there is no liberty, when there

are too many soldiers there is no peace and when there are too many lawyers there is no justice,'" Alan says. "It's a real backhanded compliment."

It took Alan a year to purely sort through the paperwork for the book before even picking up a pen.

In the book Alan doesn't shy away from expressing his feelings towards lawyers and courts, and yet humorously it's the bookshop at the Sydney courthouse that sells the most copies of the book.

**After every few months he would start another case and in the end we had 32 cases to defend over 10 years.**

One of the biggest lessons the businessman says he learnt is that when there is trouble you discover quickly who your true friends are.

"The first thing you lose are your unremarkable friends. You keep your more remarkable friends, who are always few," Alan says.

It was through the amazing support of his wife that Alan says he was able to come out the other side and regain his life back in business once more.

Finally Alan and Julian were able to have Lurrie declared a vexatious litigant, making him unable to file any more cases in Australia.

So how does he feel about lawyers now?

"Now I'm in business and I employ lawyers. Am I wide eyed about it (having a lawyer)? Extremely wide eyed," he says.

"I have more of a jaundiced view of the legal profession but you still need them (lawyers), I'm not advocating you don't."

