

Anna Ross ext-6904
08/09/0419:06

To: Richard Leder/Melbourne/CORRS/AU
cc: John Dalzell/Sydney/CORRS/AU@CCW, "Paul McCann"
<Paul.McCann@corrs.com.au>
Subject: Re: Fw:

Richard

Thank you very much for your detailed email.

I will be in touch shortly to make a time to discuss the 'proper' defendant point.

Kind regards

Anna Ross
Corrs Chambers Westgarth
<http://www.corrs.com.au>
Phone: (02) 9210-6904
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Richard Leder ext-3489 (Partner)

Richard Leder
ext-3489 (Partner)
08/09/04 16:20

To: Anna Ross/Sydney/CORRS/AU@CCW
cc: John Dalzell/Sydney/CORRS/AU@CCW, "Paul McCann"
<Paul.McCann@corrs.com.au>
Subject: Re: Fw: EllisH

Hi Anna

The approach in Melbourne is slightly different from what you describe, but it may be that we need to modify it for Sydney given historical differences. In Melbourne:

- The Archdiocese instructs us to act
- I inform CCI that the writ has been served, send them a copy of the writ and say that the Archdiocese seeks indemnity in respect of the matter and that we have been instructed to act
- I send my bills to the Archdiocese, at ordinary rates
- Then we sit back and wait to see what CCI does. Sometimes they deny indemnity straight away, and if we agree that we have no hope of being covered (which can occur depending on the date of the incident) then we cop it and don't keep CCI in the loop any further. Usually they say that they are examining indemnity, in which case I keep them informed about major developments in the litigation; eg if we had the claim dismissed or we settled it, I would tell them - otherwise I generally wait for them to write and ask what's going on, which usually happens about once a year. Occasionally they ask for more information, which we would usually provide unless we can weasle out of it. Very rarely, they have responded to say that indemnity is granted but that they direct that the file be handled by their solicitors, Corrs not being on the CCI panel. When that has happened I have arranged for the Archdiocese to write a letter to CCI insisting that Corrs remain briefed. So far, that has worked, but it may not for you and there may be more maneuvering that is needed.
- Eventually the Archdiocese gets round to seeking reimbursement from CCI. Usually they wait till a number of matters have settled, then put in a claim for the settlement amounts and costs. Then a big fight begins. We are in the midst of one of these fights at the moment. CCI are inconsistent, unreasonable and generally impossible to deal with, and cause the Melbourne Business Manager much aggravation. Then usually around Christmas time they send the Archdiocese an interim payment, and everyone relaxes for a while.

Now this approach may not work in its entirety in Sydney, and in particular may require His Eminence to wade into the debate at some point and tell CCI that he insists on using us. There will be scope for the Melbourne and Sydney Archdioceses to gang up on CCI and I know that Melbourne would welcome the opportunity.

All of this provides a fantastic opportunity for Corrs to keep building its relationship with Sydney, by guiding Michael and HE as to how they can stick with us and defeat the historical supporters of other firms within the Archdiocese.

I don't know any background of the Ellis matter and it may be that Sydney will want to get to a clearer position with CCI earlier than we do in Melbourne.

One obvious thing that could be done (assuming we think we're entitled to indemnity and can work out which policy applies, and can find the policy) is to see whether on its terms it gives the insured the right to choose its own solicitors (or gives CCI the right to nominate them). In a previous discussion with Michael I have referred to this issue and suggested that moving forward, Sydney and Melbourne, as the 2 biggest customers of CCI, could think about ganging up on CCI an insisting on being able to choose their own insurers.

What I suggest you put to Sydney is that we follow the first 4 bullet points above and see what CCI does. We should obviously make it clear to Michael that we don't expect CCI to take this lying down.

Regarding the defendants, happy to discuss. I'm back from leave today and fairly well placed for the rest of this week, so if you pick a time that suits Paul I'll try to fit in.

In brief it seems to me to be appropriate to file appearances for both of the named defendants although the manner in which Pell is described is obviously not acceptable to us. We would be appearing for George Pell, the person, and not in any representative capacity.

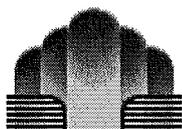
Under our rules there is a rule that deals with how you appear for a person who is misdescribed in the writ and assuming you have the same, we should chat about what you put in your appearance. Then assuming that the statement of claim also contains allegations regarding the capacity in which GP is sued, the next step will be a strike out on the basis that "the Roman Catholic Church in the Archdiocese of Sydney" is not an entity known to law.

Look forward to discussing.

Kind regards

Richard

Anna Ross ext-6904



Anna Ross ext-6904

07/09/2004 05:26 PM

To: Richard Leder/Melbourne/CORRS/AU@CCW

cc: "Paul McCann" <Paul.McCann@corrs.com.au>, John Dalzell/Sydney/CORRS/AU@CCW

Subject: Re: Fw: Ellis 

Dear Richard

As you will have seen from Michael Casey's email of 3 September 2004, we have been instructed to act for the Archdiocese in relation to a claim by John Andrew Ellis.

You will see from Michael's email that he wishes us to confirm with you the approach that is generally taken in the Archdiocese of Melbourne in such matters. Our understanding of the usual approach is that:

- Corrs is nominated by the Archdiocese as the law firm to run the relevant claim;
- The Archdiocese then liases with the CCI as to rates;
- Any shortfall between Corrs' rates and the rates paid by CCI is met by the Archdiocese; and
- There is no limitation on Counsel rates and CCI will pay the rates of any Counsel Corrs elects to retain.

Paul and I would be grateful if you would please confirm whether this understanding is correct?

Also, the claim by John Ellis names as the First Defendant Cardinal Pell (in his capacity as Archbishop for and on behalf of the Roman Catholic Church in the Archdiocese of Sydney) and as Second Defendant The Trustees of the Roman Catholic Church for the Archdiocese of Sydney. Paul and I would like to discuss our approach to any question in relation to proper defendants with you before we file a Notice of Appearance. Please let me know when would be convenient for you to discuss this point with us.

Thanks and regards

Anna Ross
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Richard Leder ext-3489 (Partner)

Richard Leder
ext-3489 (Partner)

03/09/04 18:42

To: "Paul McCann" <Paul.McCann@corrs.com.au>, "Anna Ross"
<Anna.Ross@corrs.com.au>

cc:

Subject: Fw: Ellis

I'm away till wed but you can call me on 0418170790

----- Original Message -----

From: "Michael Casey" [mcasey@ado.syd.catholic.org.au]

Sent: 09/03/2004 05:45 PM

To: <Paul.McCann@corrs.com.au>; <Anna.Ross@corrs.com.au>

Cc: "Richard Leder" <Richard_Leder@corrs.com.au>; "Dominic Cudmore"
<dcudmore@ado.syd.catholic.org.au>

Subject: Ellis

Dear Paul and Anna,

This email is to confirm that Cardinal Pell would like you to act for the Archdiocese in the matter brought by Mr Ellis against Fr Duggan.

Before we advise Monahans of this decision, I would be grateful if you could speak to Richard Leder, as we discussed, so that the approach we take is consistent with the one that Corrs takes on behalf of the Archdiocese of Melbourne.

Pls feel free to call me on the mobile over the weekend if this should be necessary. Otherwise we can pick the matter up next week.

with good wishes,

(Dr) Michael Casey
PRIVATE SECRETARY TO CARDINAL PELL



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