



Our REF: HS:CBC

Your REF:

533 Lt. Lonsdale Street  
MELBOURNE

Correspondence to  
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MELBOURNE 3001

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MELBOURNE

Dear Sir,

**RE: Settlement of your claim against the Christian Brothers**

We have been unable to contact you over the previous months. We have recently been informed that you are currently at the above address.

Approximately twelve months ago, we began settlement negotiations with lawyers for the Christian Brothers in relation to settlement of your claim.

Those negotiations concluded approximately ten weeks ago, at which time a formal offer was put to the men for their consideration.

A majority of these men have instructed us to accept the Christian Brothers' offer, leading to a group settlement of this litigation.

**You can reject the Christian Brothers' offer and continue your claim. However, we ask that you read this letter carefully so that you can understand both the offer put forward by the Christian Brothers and the current status of your claim.**

Both your claim itself and the offer posed by the Christian Brothers are complex and this letter is necessarily quite long and detailed. If after reading this letter you have questions in relation to the offer put by the Christian Brothers you can contact Mr Hayden Stephens on (03) 9602 4855.

The terms of the offer of settlement are set out below.

**The Offer of Settlement:**

1. That a Trust Fund be established for the benefit of Slater & Gordon clients.
2. That five (5) independent Trustees (none of whom are Christian Brothers) be appointed to administer the Trust Fund.

Peter Gordon  
Stephen Plunkett  
Paul Henderson  
Nicholas Styant-Brown  
Paul Mulvany  
Andrew Grech  
Jacinta Forbes  
Robyn Wheeler  
David Clarke  
Kate Hawkins

**The Slater & Gordon**  
National Legal Group

CONSULTANTS Jonathan Rothfield Jennifer Lush Irene Lawson  
ASSOCIATES Simon Weir Mark Walter Mark Carey Ross Sicilia Barrie Woollacott Amanda Roberts Paula Shelton  
Hayden Stephens Janet Van der Kolk Craig Dowling Nicholas Ellery Cath Evans Karen Katz Alison Jones

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3. That the Christian Brothers provide a sum of \$3.5 million to be paid directly into the Trust Fund.
  4. That the Trustees who shall administer the Trust commit to raising further funds through donations and public subscription for the purposes of the Trust.
  5. That the Trust be established to provide benefits and assistance to the men in the following ways:-

(i) **Minimum Payment of \$2000.00:**

Each individual shall receive a minimum payment of \$2000.00 for reimbursement of expenses incurred in the past, such as previous medical expenses, travelling expenses, and other related expenses in relation to his claim.

(ii) **Additional Reimbursement of Expenses:**

In the event that an individual's expenses exceed \$2000.00, that individual can make a claim for reimbursement of these additional expenses. For example, if an individual has been seeing a psychologist or counsellor for some years and has incurred expenses in addition to \$2000.00, say \$1500.00 (amounting to overall expenses of \$3500.00), that individual can claim that additional amount, being \$1500.00. Similarly, if an individual has recently travelled overseas and has incurred expenses which total \$4,200.00, that individual will receive the general \$2000.00 reimbursement, plus a specific reimbursement for the additional \$2200.00.

The circumstances in which an individual can be reimbursed for previous expenses will vary from case to case.

(iii) **Sexual Abuse - payment up to \$25,000.00:**

Persons who have suffered sexual abuse and who have suffered severe psychological problems as a result of that abuse, may be eligible for a payment of up to \$25,000.00 under the Trust.

**How does an individual show that he was sexually abused?**

Registered clients of Slater & Gordon have already informed us of the nature of abuse that they suffered at the institutions. This information can be relied upon by these men in an application for payment under this category.

**How does an individual show that he has suffered severe psychological problems as a result of sexual abuse?**

Many men have instructed us that they have already seen a psychologist and/or psychiatrist in respect of their emotional and psychological problems. When making an application for payment, these men can present to the Trustees a report prepared by their psychologist or psychiatrist detailing the severity of their psychological or emotional problems.

Other men who believe that they have suffered severe psychological problems but have not yet sought treatment from a psychologist or psychiatrist can still make an application under this category. In these cases, the individual may be required to undergo an assessment by independent therapist who in turn will be able to provide an opinion with respect to the severity of the individual's psychological or emotional state of mind and whether the problems were caused by the sexual abuse suffered at the institution. A report prepared by the therapist detailing these matters can then be used in support of the individual's claim for payment under this category of the Trust.

(iv) **Non-cash Benefits:**

In addition to these cash payments, each individual will be entitled to apply to the Trust for assistance under the following categories:-

- (a) Therapy treatment and rehabilitation;
- (b) Re-training;
- (c) Adult literacy classes;
- (d) Family reunification/travel overseas;
- (e) Housing accommodation;
- (f) Emergency relief;
- (g) Low and/or no interest loans;
- (h) Finding employment;
- (i) Assistance for spouses and children who need treatment;
- (j) Transportation;
- (k) Treatment for alcoholism and drug dependency.

There may also be other categories of assistance which are not outlined above, but which the individual will be able to receive under the Trust.

(v) **Making a Claim against the Christian Brothers later in time:**

If you choose to accept the Christian Brothers' offer, it is a term of settlement that you will not be able to commence proceedings brought against the Christian Brothers later in time.

(vi) **Slater & Gordon's Legal Costs:**

It is also a term of settlement that the Christian Brothers pay Slater & Gordon's legal costs incurred thus far in this litigation. It should be stressed that payment of such legal costs will not be deducted from the \$3.5 million already provided to the Trust.

Details in relation to these costs are now being finalised and will be outlined to you at a later time.

**What you need to do now:**

**Deciding Whether to Reject or Accept the Offer:**

When making a decision whether to accept or reject to the Christian Brothers offer, it is important that you consider the following points:-

1. There are several legal obstacles you would need to overcome before a Court would order that you be paid compensation by the Christian Brothers. We have summarised these legal obstacles in the document marked "A" attached to this letter.
2. You have the right to obtain independent legal advice in relation to any aspect of settlement of your claim.
3. The offer put forward by the Christian Brothers is a compromise of your claim taking into account the risks of litigation should you proceed. The settlement proposal outlined in this letter does not necessarily represent the most you would receive if your claim proceeded to a final judgment by a Court but is a resolution to your claim taking into account the legal obstacles you would need to overcome should you continue your claim.

**If you reject the offer:**

At the beginning of these negotiations, lawyers for the Christian Brothers insisted that a term of settlement be included which said that if a majority of our clients chose to accept the offer, Slater & Gordon could not act on behalf of the minority of men who chose to go on.

As at this date, a majority of men have instructed that they wish to be part of the settlement scheme so that they can receive benefits under the Trust. Accordingly, Slater & Gordon are bound by this term of settlement.

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If you therefore choose to proceed with your claim, Slater & Gordon will not be able to act on your behalf.

**If you accept the offer:**

If you choose to accept the Christian Brothers' offer and settle your claim, you will be required to read carefully and sign formal documentation.

(i) "Deed of Release".

The Deed of Release (and the "Heads of Agreement") are marked with the letter "B". If you wish to accept the offer, you are required to sign each page (pages 1-6) of the Deed of Release. Another person will be required to witness your signature on each page.

By signing this document you will not be permitted to commence proceedings for compensation against the Christian Brothers later in time.

(ii) Instructions to Settle:

This document is marked with the letter "C". Please read this document carefully. By signing this document you are formally instructing Slater & Gordon to accept the Christian Brothers' offer and settle your claim on your behalf.

(iii) Charitable Trust Deed and Explanatory Memorandum:

These documents are marked with the letter "D" and detail the mechanisms of the Trust and the manner in which it is intended to work. You are not required to sign this documentation.

We look forward to speaking with you shortly.

Yours Faithfully,

**SLATER & GORDON**

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