



Royal Commission into
Institutional Responses to
Child Sexual Abuse

Annexure A

Approach from plaintiff(s)

1. When did the plaintiffs first approach you or your firm in relation to the civil proceeding?
2. What was your impression of their level of understanding of the civil litigation process prior to meeting you?
3. How difficult was it for the plaintiffs to speak to you about the child sexual abuse that they had suffered?
4. Did the plaintiffs indicate what they ultimately hoped to achieve from the civil litigation? If so, what did they want?
5. Did you consider, with the plaintiffs, any other means of “redress”, including victims’ compensation, direct approach to the institution or criminal proceedings?

Dealings with the State in the civil litigation

6. Did you (on behalf of the plaintiffs) seek to engage with the State prior to instituting civil proceedings? If not, was there a reason? If so, what was your experience of that engagement (e.g. what was the State’s response, how long did it take, how easy was it to engage with them, was it useful?)
7. What was your experience in the conduct of this civil litigation – for example, how did you find dealing with the State, its Departments and its legal representatives? Did you feel that they acted in accordance with the Model Litigant Policy? Were they open to alternative dispute resolution? Did they make reasonable concessions? Please provide detailed comments.
8. How did your experience in dealing with the State, its Departments and its legal representatives compare to other dealings that you have had with the State? Please provide detailed comments.
9. What was the result of the civil litigation for your clients?

Settlement / compensation

10. What offers of settlement, mediation or other alternative dispute resolution did the State make in the context of the civil proceedings? What response did the plaintiffs give to any such offers?
11. What offers of settlement, mediation or other alternative dispute resolution did the plaintiffs make in the civil proceedings? What response did the State give to any such offers?



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12. What settlement monies were paid to each of the plaintiffs in the civil litigation by the State of New South Wales? What were the terms of the settlements in each case?
13. What is your view of the adequacy of any compensation, either offered or received?

Effects of the civil litigation upon the plaintiff and suggestions

14. Do you think that the civil litigation process made things better or worse for your clients? Was the process difficult / expensive / time consuming? Please provide detailed comments.
15. In relation to any settlement or redress given to the plaintiffs, do you think that the plaintiff felt that the compensation was adequate or inadequate? Did the plaintiffs feel that the compensation was a measure of their abuse / suffering? What could have been done to make it better?
16. Do you think that any aspect of the litigation could have been handled differently by the State?
17. Do you have any suggestions for how the process for making a claim by a victim of child sexual abuse could be made better – whether that is in the context of changes to the civil litigation process, or suggestions for a different regime altogether?