Matt Comyn Helps Us On The Road To Reform

Summary:
When asked at the 8.3.19 House Economics Committee CEO Grilling whether CBA had been a Model Litigant CEO Matt Comyn replies "No." This is significant for people that were subjected to unconscionable legal machinations by the bank's lawyers. Cases such as those of Dr Robert Cooke, Tony Rigg and Rory O'brien are now able to be looked at freshly .... and Mr Comyn promised he would. We welcome his commitment.

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Author: Dr Peter Brandson - CEO Bank Reform Now
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Banks Have Not Played Fair

BREAKTHROUGH 8.3.19 - Legacy cases can and will be settled without court action. BRN CEO Dr Brandson had a chat with Matt Comyn at Parliament House and asked him if CBA had been a model litigant in the past. **He said "no."** In addition they discussed the significant legacy cases of Tony Rigg, Dr Robert Cooke and Rory O'Brien. Cases where the bank most certainly was not a model litigant. Mr Comyn was told these cases must be properly remediated. Comyn promised to spend some time and investigate the cases personally.

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Comyn's admission is significant as past court decisions were coloured by the bullying and often illegal actions of the bank's lawyers. Regarding significant legacy cases it neutralises the bank's common method of shooting down attempts to reopen a review with the old argument. **"Old case. Been through the courts. We won. You lost. Piss off" .... or words to that effect.**

With regard to one of the most horrific cases of asset stripping - Dr Robert Cooke - he won against CBA six times in court. One bank appeal after another was found in Dr Cooke's favour. The bank went on and at the seventh appeal Dr Cooke could not afford to continue. This was a classic abuse of the legal process.

Dr Cooke's case is very significant in our battle for a justice system that serves the people's interests >> www.bankreformnow.com.au/node/545/

Tony Rigg document repository - knock before entering Matt Comyn will be there for quite a while >>
www.bankvictims.com.au/commonwealth-bank-of-australia/item/11747-tony-rigg-vs-commonwealth-bank-of-australia-the-true-story-of-tony-dorothy-rigg

Rory O'Brien's case best seen in his letter to Rowena Orr QC and the attached documents >>
www.bankreformnow.com.au/node/528/

The BRN preferred model for a Model Litigant

The bank commits to -

a) Acting honestly, consistently, and fairly in the handling of claims and litigation;

b) dealing with claims promptly and not causing delay.

c) prompt provision of all required and requested documents. If any critical documents are missing for any reason the missing information will be considered to support the client's position.

d) making an early assessment of the prospects of a matter;

e) Paying legitimate claims without litigation, including making partial settlements of claims or interim payments, where it is clear that liability is at least as much as the amount to be paid;

f) keeping the costs of litigation to a minimum by:
(i) not requiring the other party to prove a matter the litigant knows to be true;
(ii) not contesting liability if the real dispute is about quantum;
(iii) using appropriate methods to resolve litigation including settlement offers or alternative dispute resolution; and
(iv) ensuring that a person participating in settlement negotiations can settle on behalf of the litigant.

g) Not taking advantage of a claimant who lacks resources;

h) Not relying on a merely technical defence against a claim;

i) endeavoring to avoid, prevent and limit the scope of litigation (including by participating in alternative dispute resolution where appropriate);

j) Equality of Arms - thereby agreeing to fund their client's legal expenses equal to their own expenditure; and

k) apologising where the litigant has acted wrongfully or improperly.

Note: This model could be added as an amendment to the ABA's Banking Code Of Practice. Some elements can be made enforceable. Banking can be made to operate in a fair and transparent manner ... it just takes some goodwill and integrity from politicians and bankers.

BRN Advisory Panel members and bank warriors Michael Sanderson and Craig Caulfield have been leading the charge advocating for Equality of Arms and Model Litigant requirements. All four major banks have been lobbied to commit to becoming model litigants. They really should very soon publish on their websites the details of their commitment. Saying you are a model litigant is very different to actually showing publicly in black and white what your organisation's policy is. How can a bank be held accountable if their position is not made public?

Just about all media and politicians that have been lobbied cannot find fault in the concepts. The current Senate access to justice inquiry headed by Senator Pratt has had many submissions supporting these ideas.

These are powerful ideas ..... and their time has come.

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