



Brian Holmes

v

Knowmore Legal Service Limited & National Association of Community Legal Centres

KNOWMORE CLASS ACTION SUMMARY STATEMENT

Case: S ECI 2024 03483

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1. What is the Knowmore Class Action about and who is the claim against?

The Knowmore Class Action is a case seeking compensation for loss and damage alleged to have been caused by failures of Knowmore Legal Service (“Knowmore”) in the provision of legal advice and services to people making a claim under the National Redress Scheme for Institutional Child Sexual Abuse (the “National Redress Scheme”).

The Defendants operated Knowmore in each State and Territory in Australia from July 2018 providing specialist legal services to people who had suffered child sexual abuse and were making a claim under the National Redress Scheme.

The National Redress Scheme provides redress to survivors primarily in the form of a Redress Payment capped at a maximum of \$150,000.

From 2015, there was substantial legislative reform across Australia, which greatly improved the Common Law damages claims of survivors. The size of Common Law damages awards and settlement sums also grew substantially, in many cases to over \$1,000,000.

In order to accept a Redress Payment, a claimant must release the institutions responsible for their abuse from civil liability, including from a Common Law damages claim.

The Plaintiff alleges Knowmore failed to ensure its clients received adequate advice about their potential Common Law damages claims before accepting a National Redress Scheme payment and thereby extinguishing their Common Law damages claim.

The Plaintiff alleges that as a result of Knowmore’s failures, he and the group members in the class action have suffered loss and damage.

2. Who is a group member in the Knowmore Class Action?

The Knowmore Class Action covers people who:

- a. suffered child sexual abuse caused by an institution, resulting in personal injury;
- b. retained Knowmore as their lawyer in relation to the National Redress Scheme;
- c. accepted a Redress Payment and released the institutions who caused their injury;
- d. before releasing the institutions to obtain a Redress Payment, did not receive adequate Common Law claims advice from Knowmore or another lawyer about:
 - i. the prospects of success and estimated damages they could obtain via their Common Law damages claim and likely associated processes;
 - ii. where a survivor had previously made a claim, the fact that the legislative reforms enabled survivors of child sexual abuse to bring another Common Law claim with improved chances than previously.

The precise definition of the group covered by the class action is contained in the Statement of Claim, which is available on the Court’s website.

3. What is the role and responsibility of the lead plaintiff in the Knowmore Class Action?

The lead plaintiff in the Knowmore Class Action is Brian Holmes. His role in the class action is to pursue his claim for damages and represent the interests of other group members insofar as their claims have issues in common with Mr Holmes' claim.

The lead plaintiff will provide instructions to his lawyers about how the proceeding will be conducted, and will give evidence during the trial of the proceeding that may be used to help determine some of the common issues that affect group members' claims.

4. Who is the law firm acting for the lead plaintiff?

The law firm acting for the lead plaintiff is Arnold Thomas & Becker Lawyers ("ATB").

5. Are there currently any other class actions that involve Knowmore?

As at 5 July 2024, ATB is not aware of any other class actions that involve claims for loss and damage as a result of the failures of Knowmore.

6. Is this class action funded by a litigation funder?

No

7. How will legal costs be charged by Arnold Thomas & Becker?

ATB is acting in the Knowmore Class Action on a 'No Win, No Fee' basis. This means that ATB will only recover its legal costs if the class action is successful, either by way of payment made by the Defendant/s following a settlement or successful Court trial.

ATB's fees are charged based on an hourly rates for the legal work it performs and the expenses it funds, such as expert reports and Court fees, are recoverable at cost.

Group members are not required to pay any money up-front in order to be involved in the case or to receive any compensation that they are entitled to from it.

If the class action is successful, because ATB is acting on a conditional-fee basis, it is entitled to charge an uplift fee of 25% of its ordinary fees. This is calculated as a percentage of the fees charged for the work performed. It is not a percentage of any of the compensation which is recovered. ATB will seek the Court's approval of its fees, including this uplift fee, in any application seeking approval of a settlement or distribution of compensation from the class action. If compensation is payable to group members, the Plaintiff will seek an order from the Court for some of this compensation to pay for a share of the legal costs incurred in running the class action.

8. Who can group members contact for further information?

For further information, group members can contact Arnold Thomas & Becker via:

Website: www.arnoldthomasbecker.com.au
Email: knowmore@arnoldthomasbecker.com.au
Phone: 03 9614 1433
Post: 573 Lonsdale Street, Melbourne, Victoria 3000