



VOCARE
LAW

Our Litigation Services

Vocare Law

formerly Corney and Lind Lawyers





About Us

Vocare Law (formerly Corney & Lind Lawyers) is a leading law firm dedicated to service, care and excellence. We seek to deliver just, redemptive outcomes for all of our clients. In amongst the stress, uncertainty and chaos that a dispute can bring about, we seek to bring about clarity, wise decision-making, and discretion around risks and options.

We are acutely aware of the practical (and often reputational) risks that people and organisations face when caught in litigation. We seek to engage in matters with a commercial eye and take a no-nonsense, cost-effective approach to bringing disputes to resolution.





Services

Disputes & Litigation

We have cultivated decades of experience in delivering legal solutions in all manners of disputes, including in the areas of:

- Commercial litigation (including disputes involving businesses, schools, churches and charities)
- Insurance litigation (including acting for defendants in personal injuries proceedings)
- Institutional abuse
- Employment litigation (for institutions)

We have a dedicated team of lawyers with extensive experience and specialty in these areas. We have experience in all forms of alternative dispute resolution processes and are well-equipped to recommend or host such alternative means such as mediation, settlement or conciliation conference, and arbitration.

Mediation

We offer mediation services to help organisations, employees or boards navigate workplace issues such as conflict, relationship breakdowns, stress related absenteeism, complaints of bullying and harassment. Our mediation services are managed in a cost-effective, timely and constructive way, avoiding court.

Our role as mediators is to create a safe space where people can identify key matters of disagreement, understand others' interests better, and reach resolution.





Our Experience

Early and cost-effective resolution is Vocare Law's priority in a dispute. However, litigation is sometimes unavoidable, and you may sometimes be best served by taking a matter to court to produce an outcome. To provide a sense of our court experience, below is an outline of some of the recent cases that we have been involved in, which forms part of the 'judge-made law' in the Australian common law system.

Commercial Litigation

- Acted (in the Federal Court and Full Court on appeal) for a major claimant business in the second COVID-19 insurance test cases, which concerned 15 insured and major insurer parties and the proper interpretation of policy clauses relating to claims for business interruption in the context of the COVID-19 pandemic: *Swiss Re International SE v LCA Marrickville Pty Limited* [2021] FCA 1206; *LCA Marrickville Pty Limited v Swiss Re International SE* [2022] FCAFC 17.
- Acted for and successfully defended the officeholders of a major church institution incorporated by letters patent leading up to an application for receivership to the Supreme Court in the context of an initial claim nearing approx. \$200 million.
- Acting for a plaintiff school in Supreme Court proceedings against ex-staff (including an ex-principal) of the school for recovery of approx. \$3 million in damages for misappropriation of monies spanning 2012 to 2018. The proceedings are currently stayed to allow the criminal proceedings (with similar factual allegations) to first be finalised.
- Successfully defended a Fijian native blogger against an American billionaire in defamation proceedings; obtained costs for the defamation proceedings whilst having it discontinued: *Jannard v Dalituicama* [2021] QDC 278
- Successfully enforced a guarantee against a guarantor of a loan (and subsequently obtained orders for costs), in circumstances where the issues to be resolved involved complex factual issues and ambiguous guarantee terms in the loan contract: *Richardson v Wagner* [2021] QDC 24.
- Successfully obtained judgment (and subsequently costs) as solicitor-advocate at a Supreme Court trial for a not-for-profit plaintiff in an action for breaches of the ex-director defendant's fiduciary and statutory duties, where he was found to have improperly used his position to gain an advantage for himself: *Australian Institute of International Understanding Limited v Mitsui* [2021] QSC 346.



Employment Litigation

- Successfully acted for an employer in resolving various claims at pre-court mediation from their former chief-executive. The claims from the former chief-executive were derived from a factual matrix spanning over a decade and included a number of complex claims including: a breach of contract claim in excess of \$750,000; a claim for defamation including as against individual officeholders; and a breach of the general protections in the Fair Work Act 2009.
- Successfully acted as solicitor-advocate in the Fair Work Commission on appeal to the Full Bench. We won the appeal involving allegations of discrimination before the Full Bench of the Fair Work Commission: *Compuworld Pty Ltd v Liu* [2020] FWCFB 4250.
- Successfully defended an appeal of a discrimination matter before a Court of Appeal in *Sunshine Coast Sunshine Coast Hospital and Health Service v Webb* [2020] QCA 189.

Other Highlights

- Our lawyers are well-equipped for large-scale and complex litigation, having acted for multiple claimants or international companies in class actions, and in complex multi-party disputes in the superior courts of Australia.
- We were an integral part of investigations and case studies that formed part of the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.
- We are also experienced in matters involving regulatory investigations from the ATO, ACNC and NSSAB, and related criminal litigation proceedings.
- We are prepared to act as solicitor-advocates in court when necessary. One recent example is when we successfully acted for an applicant in the Supreme Court - the applicant sought an order for the removal of an absolute disqualification from holding or obtaining a driver licence (as was imposed upon him during previous criminal proceedings). We appeared as solicitor-advocate and were successful in the application despite the strong opposition of the police service legal Unit: *Anderson v Commissioner of Police* [2021] QSC 254.

The Team



Alistair Macpherson
Managing Director



James Tan
Director



Tim Whincop
Director

We are
called to
deliver
just,
redemptive
outcomes.



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