



# Bank Reform Now

Taking Real Action To Bring About Real Change In Banking

[www.bankreformnow.com.au](http://www.bankreformnow.com.au)

---

## Bank Reform Now - Model Litigant Principles

Ethical Financial Service Providers commit 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 the resources to litigate a legitimate claim;
- 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.

---

Dr Peter Brandson  
CEO Bank Reform Now.