

Legal costs row is threatening deal for abuse victims of Michael Shine.

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Shane Phelan - November 10 2021 02:30 AM

A row over legal costs is said to have plunged a multi-million euro compensation deal for more than 100 victims of convicted child molester Michael Shine into doubt, the High Court has heard.

A lawyer for the claimants alleged there was a dispute between an insurance company and the Medical Missionaries of Mary, which used to own the hospital where Shine worked, over which of them had to pay legal costs claimed by the HSE. Shine, the religious order and the HSE were all defendants in the lawsuits.

The cases against the HSE were struck out, but not before it ran up substantial costs. The Irish Independent understands the bill is in the region of €1m. Shine has twice been jailed for indecent and sexual assault of boys. The civil actions against him involve allegations dating between 1964 and 1995. Many incidents are said to have taken place at Our Lady of Lourdes Hospital in Drogheda, Co Louth, which at the time was owned by the Medical Missionaries of Mary.

The cases against the order were said to have been settled last month, supposedly bringing to an end litigation which started in 2012. Since then things have unravelled, amid sharp court exchanges between lawyers for the claimants and lawyers for the order and threats of more litigation. A messy legal dispute is developing over whether or not a settlement was actually agreed, with lawyers for the claimants saying they now plan to sue the religious order for performance of the alleged settlement. Separately, the Medical Missionaries of Mary is filing a motion aimed at resolving a disagreement between it and the HSE on the issue of legal costs.

Ms Justice Leonie Reynolds expressed disappointment at the developments and said she would give “priority” to a test case against Shine and the order so it gets an early hearing. She also warned lawyers for the order their clients would “be looking at much larger bills of costs down the road” due to the turn of events. Things appeared to be very different on October 7 when the court was informed by lawyers for the claimants that settlements had been reached between the religious order and its clients. But at a subsequent hearing on October 21, lawyers for the order said as far as they were concerned there was never a settlement. The reason for the development was not disclosed. Ms Justice Reynolds adjourned the matter to allow time for it to be resolved.

However, the bizarre legal row rumbled on yesterday, when the matter was mentioned at a court sitting in Croke Park. John Gordon SC, for the claimants, said he had received no communication whatsoever from the other side about what was going on. He said he had received an open letter from the HSE which stated it was not holding up the implementation of the settlement. The letter referred to a covenant included in the sale of the hospital to the HSE in 1997 whereby the order put aside £1.2m (€1.5m) to deal with expected claims arising out of Shine’s conduct.

“That fund is still there. I don’t believe anybody has drawn down from it,” Mr Gordon said. “In their open letter they say they are entitled to take their costs that they incurred in this case out of that particular fund.”

Mr Gordon later said: “It makes it quite clear the issue has nothing to do with the misfortunate clients who have settled their claims. It is a row between an insurance company and the Medical Missionaries of Mary over which of them pays the HSE’s bill.”

Marcus Dowling SC, for the order, said this statement was untrue. He said he did not want to get involved in “unnecessary debate” about the matter, that from his client’s perspective the cases were not settled and that Mr Gordon could either seek a date for a trial or he seeks to enforce the settlement.

Mr Gordon said his side would do both. A trial date for the test case is expected to be set next month.