



Dr Ian Freckelton
Per email

Mr. Adam Segal
Per email

26 September 2011

Dear Sirs,

Re: Tess Lawrence

Introduction

1. Dr. Freckelton has requested an urgent brief report concerning my opinion of Ms Lawrence in relation to her application for an adjournment of a Supreme Court trial. He specifically asked:
 - a. [Whether she is fit to participate currently in litigation without lawyers as she has not instructed any; and whether she is fit to give evidence in a trial starting tomorrow. participate currently in litigation without lawyers as she has not instructed any; and whether she is fit to give evidence in a trial starting tomorrow.](#)
2. I note that I have been acquainted with Ms Lawrence, now aged in her 60s, for approximately 16 years, in that I initially contracted her to provide consultancy services in relation to media, and have since that time

maintained minimal occasional contact with her. I note that she made two clinical referrals to me in that period.

3. I have had no previous clinical involvement with her prior to the appointment today.
4. She recently contacted me by telephone, in severe distress, in relation to the current litigation. In that context, I referred her to Mr. Crewdson for opinion and treatment.
5. Today Dr Freckelton contacted me by telephone and email, referring to a report from Mr. Crewdson, and requesting (in Mr. Crewdson's absence) an urgent assessment along the above lines.
6. I was able to interview her, and then subsequently spoke briefly by telephone with Mr. Crewdson, with whom it was agreed that I would give evidence if required in Court.
7. I was provided with Ms. Lawrence's affidavit, including the report by Mr. Crewdson.

Assessment

1. In my previous dealings with Ms Lawrence, I found her to be intelligent and robust, and committed to principles of social justice and human rights.
2. Currently, she presented as highly distressed, complaining of a number of symptoms including depression and a loss of competence. Although her cognitive skills appeared within or above the normal range, she frequently became tearful, several times to the point of sobbing without visible control. Her difficulties with communication were as described by Mr. Crewdson, although probably to a lesser degree.

3. On examination, there were no gross signs of psychiatric disorder in relation to her fundamental psychological functioning beyond the severity of her distress as it impaired her ability to communicate effectively.
4. She reported that her current functioning had been catastrophically impaired by an incident in May 2011 (as described in her affidavit material):
 - a. *I was accosted by a lawyer named Richard Ashley and threatened that if I didn't change my evidence I would be annihilated by the NAB.*
 - b. *I never expected to be threatened with death [crying] by a lawyer in a courtroom. For days I was in a foetal position. I don't know what's happened to me. I would have thought it would be a minor incident, but I was too scared to even go out of the building.*
 - c. *The lawyer must have waited for me outside the courtroom. The bank is trying to bankrupt me and he was there and red-faced and frothing at the mouth. I was totally unprepared for it. I'd never thought that a man I'd had a discussion with in an office would act like that. I couldn't have expected to get death threats.*
 - d. *The magistrate said he wasn't interested in what happened outside the courtroom, only inside. So I've lost my courage. It's been stolen from me. I feel like a rape victim.*
5. She reported that she had experienced many examples of violence and death in a war context, as in the following:
 - a. After the Gulf War, I was in Kuwait and Iraq, and on the border, and I saw all these soldiers on the road dead. I just saw the power of missiles against tanks. It was a Disneyland of horror. I saw the head of another human being in a sack. I get these flashbacks of that too. I

was never debriefed about any of it, about burying little babies in Ethiopia.

6. In discussion, Ms Lawrence then disclosed, frequently sobbing, a previous episode pre-dating the incident in May.
7. Ms Lawrence reported that she had campaigned for the release of Douglas Wood, who had been kidnapped in Iraq and condemned to death. She recalled that she then campaigned to bring the soldiers who had saved Mr Wood to Australia.
8. She reported:
 - a. *I underwrote a massive campaign for Iraqi soldiers to be brought to Australia, who had rescued Douglas Wood. I got a call from the colonel who led the platoon because of the threats against them.*
 - b. *I got severely beaten up in my front garden by people who didn't want them here. I got really badly beaten up, around the head, at night time. I thought I was going to get raped (sobbing).*
 - c. *I was totally unprepared for being beaten up.*
 - d. *I never got help because I was not going to be a party to telling people that these soldiers were here.*
 - e. *I've never told anyone before, I don't think. I don't know.*
 - f. *I got the soldiers counselling for having family members killed. One had their father chopped up as a result of the rescue after being blinded and then dumped back home. One child opened the sack and pulled the grandfather's head out.*

- g. I've been a whistleblower, like with the Intergraph affair, and I don't like bullies but that was all before I got beaten up.*
- h. I couldn't get help then, because I'd be jeopardizing the lives of the people who I was bringing over.*

Opinion

9. In my view, this 2009 episode, untreated, resulted in Ms Lawrence suffering from Post-Traumatic Stress Disorder. In addition to the high levels of distress suffered by Ms Lawrence, she reported:
 - a. I still have flashbacks from being beaten up, and from seeing Richard frothing at the mouth. It all gets mixed up.*
 - b. I can't think coherently or strategically. I need help.*
 - c. I haven't been able to do all the [legal] duties required, because I've been terrified. I've been in a mine field twice and seen people in Ethiopia that I knew would be dead the next day, and survived that. But I couldn't look at legal documents that reminded me of the court [where she was threatened].*
10. In my view, it is highly likely that Ms Lawrence suffered from undiagnosed PTSD as a consequence of the reported severe beating in 2009, compounded by her decision (as discussed above) to not disclose the episode or seek treatment.
11. This syndrome was exacerbated and re-catalysed to a severe degree by her reaction to the alleged threat made in 2011. In each case, she had been in a place associated with safety, and had been assaulted suddenly and unexpectedly.

12. As a consequence, she became unable to address the legal requirements associated with the current litigation:

- a. *I haven't been able to prepare the case. I couldn't touch legal documents. I couldn't open one because (sobbing) of the incident with the lawyer. It just made me remember it.*
- b. *I couldn't go to the court. I just couldn't. I feel that I should be there, but (long pauses) I don't know what's happening. It's pathetic.*
- c. *Last year I saw a punch-up in the hallway outside the court, and the security people did nothing. I actually wrote to the chief magistrate about it, that if someone came in with an AK-47, nothing would be done.*
- d. *When I was assaulted, I couldn't find anybody to help me. I stayed in the court the whole time, and vomited in the toilet.*
- e. *I could never represent myself in a court because of what happened. Why can't the court protect me? You're asking me to go into a place where I was not protected. Where can I be safe?*
- f. *I always thought that the court was for justice. I've always told people to use their voice. And I got ambushed by somebody there.*

Summary and Recommendations

1. In my opinion, Ms Lawrence suffers from undiagnosed PTSD arising from her reported severe beating in 2009
2. This condition was re-triggered and exacerbated by the incident which she reported in 2011;

3. It has been further exacerbated by the current litigation, in that it has repeatedly confronted her with triggers associated with the alleged assault by the lawyer.
4. As a direct consequence of these three linked episodes, she has become unable to function effectively in her own defense, and would be unlikely to contribute to that defense, even to the extent of giving evidence.
5. I support her application for an adjournment, based upon her urgent need for appropriate psychological treatment of the paralyzing impact of the PTSD symptoms upon her functioning;
6. I strongly recommend that she undertake continuing treatment with Mr. Crewdson in order to address those symptoms effectively to a degree that enables this previously well-functioning professional woman to give proper instructions and participate in the litigation.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'D. List', with a stylized flourish at the end.

Dr. David J. List
Consultant Clinical Psychologist
BA, PhD, MAPS, MICP, IAPCP, VAFT
Member, Mental Health Review Board
Member, VCAT