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LAWYERS

Benchmark

Friday, 1 November 2024

Weekly Insurance Law Review

Selected from our Daily Bulletins covering Insurance

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Executive Summary (One Minute Read)

Mastercard Asia/Pacific Pte Ltd v Australian Competition and Consumer Commission (FCA) - leave refused to appeal against an interlocutory decision raising novel and important questions regarding the operation of s85A of the *Reserve Bank Act 1959* (Cth), due to the Court's reluctance to allow appeals on matters of evidence, and Mastercard could not show substantial injustice

Australian Securities and Investments Commission v H C F Life Insurance Company Pty Limited (FCA) - life insurer had engaged in misleading or deceptive conduct by excluding pre-existing conditions in a way that was partly unenforceable under s47 of the Insurance Contracts Act 1984 (Cth)

Joudo v Joudo (NSWCA) - Court of Appeal upheld the finding of a joint endeavour constructive trust where the respondents had contributed to the upkeep of a property and the appellant now sought to retain the benefit of those contributions, contrary to the arrangement between the parties

Boyes v Thomson (NSWSC) - claim for private nuisance dismissed as the defendant had not adopted a nuisance that he was acknowledged not to have created

T2 (by his tutor T1) v State of New South Wales (NSWSC) - State of NSW found liable in negligence after a high school student was assaulted by other students after school in a park outside school grounds

Marahra Holdings Pty Limited v Insurance Australia Limited (NSWSC) - landlord suing

tenant's public liability insurer after a fire was permitted to withdraw pleadings of particular facts and substitute a plea of *res ipsa loquitur*, even though the insurer had pleaded reliance on those pleaded facts to trigger exclusion clauses in the tenant's policy

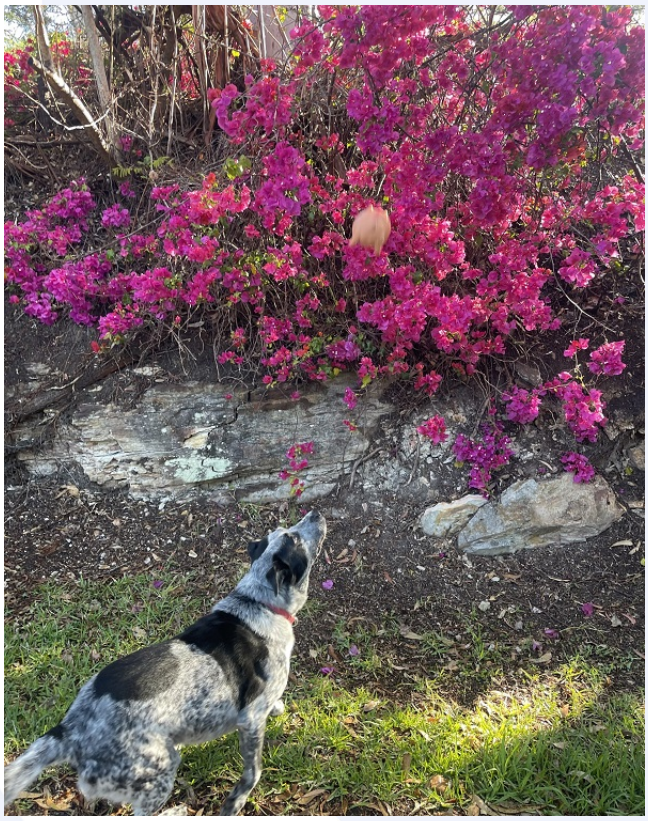
Allianz Australia Insurance Limited v Susak (NSWSC) - Court dismissed insurer's judicial review application against a review panel's decision that post-accident radiculopathy arising from lumbar spine injury was not a threshold injury for the purposes of the *Motor Accident Injuries Act 2017* (NSW)

Waneisian v Durston (NSWSC) - defendants in negligence action permitted to amend defence to add the plaintiff's employer and rely on s151Z of the *Workers Compensation Act 1987* (NSW) - Court refused to order plaintiff to submit to psychometric testing organised by the defendants

Palmer v Transport Accident Commission (VSCA) - applicant had not disentangled the effect of a transport injury from the effect of an earlier workplace injury, and had thereby failed to show the transport injury was 'serious injury' entitling her to sue for damages

HABEAS CANEM

Pig, Dog and Bougainvillea



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Summaries With Link (Five Minute Read)

Mastercard Asia/Pacific Pte Ltd v Australian Competition and Consumer Commission [2024] FCA 1237
Federal Court of Australia
Lee J
Judicial notice - the ACCC alleged Mastercard had contravened s45, s46, and s47 of the *Competition and Consumer Act 2010* (Cth) - the primary judge made an interlocutory order sought by ACCC that the Court take judicial notice of certain RBA information pursuant to s85A of the *Reserve Bank Act 1959* (Cth) (which provides that courts must take judicial notice of statistical information contained in RBA publications) - Mastercard applied for leave to appeal - held: an applicant for leave to appeal an interlocutory decision must usually show that the decision to be appealed is attended with sufficient doubt to warrant its reconsideration on appeal, and that, supposing the decision to be wrong, substantial injustice would result if leave were refused - the purpose of judicial notice is to relieve the parties of the burden of proving notorious facts or matters of common knowledge, and is usually directed to relieving parties of the necessity to prove facts which are, in effect, incontestable - on any available view of the proper construction of s85A, it was not in contest that it has some work to do, but it was not necessary on this application to consider how it related to the relevant provisions in the *Evidence Act 1995* (Cth) - it was plain that the issues raised in this application were novel of at least some importance - however, the older judicial warning that, if a tight rein is not kept upon the interference with orders of judges at first instance in matters of practice and procedure (including rulings on evidence), the result will be "disastrous to the proper administration of justice", is consistent with the modern statutory charge in s37M(3) of the *Federal Court of Australia Act 1976* (Cth) that he power to grant leave must be exercised in a way which best facilitates the just resolution of disputes accordingly to law, and as quickly, inexpensively, and efficiently as possible - this was not a case where a litigant is being forced by a ruling to expend costs it cannot afford, or where there is any doubt as to the other party's capacity to pay an order for costs should the position of the countervailing party be justified at trial - Mastercard had now shown that, even if the decision were wrong, it would suffer substantial injustice if leave to appeal were refused - leave to appeal refused.
Mastercard Asia/Pacific Pte Ltd
[From Benchmark Monday, 28 October 2024]

Australian Securities and Investments Commission v H C F Life Insurance Company Pty Limited [2024] FCA 1240
Federal Court of Australia
Jackman J
Life insurance - a life insurer offered products containing exclusions in respect of pre-existing conditions - until 2019, the insurer's definition of pre-existing conditions broadly mirrored s47 of the *Insurance Contracts Act 1984* (Cth), which provides that an insurer may not rely upon an exclusion in respect of a pre-existing condition where, at the time when the contract was

entered into, the insured was not aware of, and a reasonable person in the circumstances could not be expected to have been aware of, the sickness or disability - from 2019, HCF adopted a definition that excluded cover where a medical practitioner is of the opinion that signs or symptoms of the relevant condition existed before policy inception - ASIC contended that product disclosure statements and policies in such terms would be partially unenforceable under s47, ad the insurer had therefore engaged in conduct that was liable to mislead the public as to the nature, characteristics and suitability of financial services contrary to s12DF of the *Australian Securities and Investments Commission Act 2001* (Cth), and that terms were unfair within the meaning of s12BF of that Act - held: the principles concerning the construction of commercial contracts apply to contracts of insurance - a contract of insurance has the object or purpose of sharing the risk of, or spreading loss from, a contingency, and this necessarily involves identifying the risks that the insurer has agreed to cover, and those which it has declined - s47 focusses attention on what the reasonable person could be expected to have been aware - the fact that medical tests could have been taken and would have disclosed the insured's condition will not be to the point if a reasonable person in the circumstances could not be expected to have taken such tests - s47 did render the pre-existing condition terms partially unenforceable - the insurer had thereby engaged in misleading or deceptive conduct as alleged and had contravened s12DF - as to whether the terms were unfair, the Court rejected ASIC' claim that the terms were not transparent - s12BF is concerned with unfair terms, not unfair conduct generally - the Court accepted the insurer's submission that the pre-existing condition terms were reasonably necessary in order to protect its legitimate interests - the terms were therefore not unfair and there had been no contravention of s12BF - declaration of breach of s12DF made and the parties to be heard on penalty, corrective notices, and costs.
Australian Securities and Investments Commission
[From Benchmark Wednesday, 30 October 2024]

Joudo v Joudo [2024] NSWCA 258
Court of Appeal of New South Wales
Bell CJ, Gleeson, & Stern JJA
Constructive trusts - the appellant alleged she had an oral agreement with the respondent whereby the appellant agreed to lease property to the respondent and her children for $600 per week - the appellant commenced proceedings for $181,800 in unpaid rent for the prior 6 years (accepting that a claim for earlier rent was statute barred) - the respondent and her husband cross-claimed, contending that the agreement was that the appellant would build a house for the respondent and her family to live in for life, on condition that the respondent and her husband would assist in completing the construction of the home, pay utilities, and maintain the home and the property - the property had been sold, and the respondent and her husband sought a declaration that the appellant had held it on constructive trust, and that the proceeds of sale should be distributed to the parties in repayment of their contributions with any surplus to be split equally, or, in the alternative, equitable compensation - the primary judge held that the respondents' constructive trust claim succeeded (see Benchmark 21 March 2024) - the appellant appealed - held: there was mutual economic benefit for both the appellant and the

respondents in the joint endeavour - in any event, the proposition that there must be mutual economic benefit before a constructive trust may be imposed has been rejected in NSW - similarly ,the proposition that a constructive trust can only be imposed where the parties have not adverted to what would happen to a property the subject of a joint endeavour if the basis of the arrangement were removed would impose an unattractive fetter on an equitable remedy whose flexibility is central to its operation - the primary judge did not err by treating the series of mortgage payments made by the respondents to discharge the appellant's obligations under the mortgage as contributions to the joint endeavour - these payments bore the objective character of contributions and could bear that character even though they were not initially contemplated when the joint endeavour was formed and were motivated by a desire to assist the appellant discharge her immediate legal obligations in relation to the mortgage - it was the entire nature of the agreement between the parties that the respondents would live in the property rent-free on the condition that they contributed to its construction, maintenance, and improvement, which they did, and it was the departure from that arrangement, following the breakdown of the relationship, with the consequent move to evict the respondents, and the appellant retaining the benefits of their material contributions in a way that was not intended, that rendered the circumstances unconscionable and warranted the imposition of a constructive trust - to require the value of notional rent to be taken into account and deducted from the contributions would be to change the arrangement entirely - appeal dismissed.
View Decision
[From Benchmark Friday, 1 November 2024]

Boyes v Thomson [2024] NSWSC 1325
Supreme Court of New South Wales
Peden J
Private nuisance - the Boyes built a home in a large sub-division development - they contended that water flowing from Thomsons' higher neighbouring land amounted to a private nuisance, in that Thomson knew that an interallotment drainage system (IAD) was "not capturing and disposing of stormwater runoff or overland flow" and that there was no "evidence of active steps" taken by Thomson to end the occasions of excessive water - Thomson denied he has caused or adopted any nuisance, and said he had developed his land in accordance with development consents and had taken reasonable steps to prevent water flowing from his property to the Boyes' property - held: the Boyes should be allowed to make a late amendment to their pleadings to claim that Thomson had adopted the nuisance rather than causing it, as there was not sufficient prejudice to Thomson and disallowing the amendment would be disproportionately disadvantageous to the Boyes - a private nuisance involves a "material and unreasonable interference with a plaintiff's use and enjoyment of their land" - this involves the court making a value judgment having regard to the character of the locality in which the inconvenience is created and the standard of comfort that those in the locality may reasonably expect, allowing some degree of "give and take" between neighbours, and whether the particular use of the defendant's land is reasonable according to the ordinary uses of mankind living in a particular society - private nuisance is established if it is proved that the defendant

'created, adopted or continued' the nuisance - an owner of higher land is not liable in nuisance merely because surface water flows naturally to the lower land, but may be liable in respect of water artificially concentrated on its land and allowed to escape, as well as surface water which the defendant has caused to flow onto lower land in a more concentrated form than it otherwise would (but not where such more concentrated flow occurs simply as a result of the higher owner's natural use of the land) - here, there was insufficient evidence to demonstrate the volume of water that flowed from Thomson's land during non-severe weather events - there was no evidence that water presently enters the Boyes' land in volumes that amount to a material and substantial interference - Thomson was aware of alleged deficiencies of the IAD to drain all water from his land, but had taken all reasonable steps within a reasonable time to fix the issue, including performing substantial works - Thomson had not adopted any nuisance - claim dismissed.
View Decision
[From Benchmark Monday, 28 October 2024]

T2 (by his tutor T1) v State of New South Wales [2024] NSWSC 1347
Supreme Court of New South Wales
Harrison AsJ
Negligence - the plaintiff was high school student who was assaulted by about 12 students after school in a park near the school - he sued the State of NSW as the occupier and person having the care, management and control of the school - the State admitted it owed the plaintiff a duty of care, but denied it had breached it, as the assault occurred after the end of the school day in a park that could not be supervised by any staff - held: the Court should draw a *Jones v Dunkel* inference against the State as the two head teachers who supervised the students when they left the relevant gate of the school were not called to give evidence - the duty of care a school owes to its students is non-delegable - the school owed the plaintiff a duty to take reasonable care to prevent injury to him on the assumption he was using reasonable care for his own safety - taking into account the State's suspension and expulsion policy and the recommendations made by the school counsellors, the school failed to undertake a comprehensive risk assessment prior to the return from an earlier suspension of the student who had led the assault - the school failed to comply with its own procedures in failing to disseminate information to alert the head teachers about that student's long suspension and his subsequent return to the school - the scope of the duty of care included taking reasonable steps to ensure that a school student, such as a vulnerable student like plaintiff, could depart the school in a safe manner - given that the plaintiff had diagnosed physical and psychological conditions and was previously the subject of bullying at the school prior to the assault, the risk to him was reasonably foreseeable - the probability of harm to the plaintiff, as a forward-looking assessment at the time of the assault, was a significant one, as the school knew that the other student was a physical aggressor and had dealt with his bullying previously - the State had breached its duty of care - factual and legal causation were also established - damages of $290,000 non-economic loss, $500,000 for future economic loss, and $400,000 for future medical expenses awarded, with the parties to perform calculations regarding several other heads of damages.

View Decision
[From Benchmark Tuesday, 29 October 2024]

Marahra Holdings Pty Limited v Insurance Australia Limited [2024] NSWSC 1368
Supreme Court of New South Wales
Schmidt AJ
Civil procedure - Marahra owned industrial property which it leased to Metal World Recycling Pty Ltd, a scrap metal and recycling business - the premises were damaged in a fire - Marahra sued Metal World, contending that the fire was caused by Metal World's breach of various provisions of its lease and by negligence for which Metal World was vicariously liable - Marahra also pursued damages against Metal World's public liability insurer, relying on Metal World's policy, as well as s51 of the *Insurance Contracts Act 1984* (Cth), the *Civil Liability (Third Party Claims Against Insurers) Act 2017* (NSW), and s601AG of the *Corporations Act 2001* (Cth) - Marahra sought leave to file and serve an amended statement of claim, as its new lawyers had formed the view that they would need to withdraw various factual allegations regarding the mechanism of the fire, and replace these with a plea of *res ipsa loquitur* - the insurer opposed leave, saying the facts to be withdrawn were facts that it relied upon to trigger exclusion clauses in the policy, and the practical result of the proposed amendments would be to effectively reverse the onus of proof in relation those facts which had already been admitted - held: a plea of *res ipsa loquitur* involves a process of reasoning that, if an occurrence which has caused injury is of a kind that within the common knowledge and experience of people would not ordinarily occur without negligence, proof that the event occurred may itself be sufficient to raise a case which calls for explanation by the defendant - however, this requires a finding that the accident would not ordinarily have occurred without negligence on the part of the defendant - the Court was not persuaded that the proposed amendments were only sought or resisted for improper tactical reasons - leave to withdraw the factual allegations was required under UCPR r12.6(2) - to obtain leave, Marahra had to provide good reason for withdrawing what was previously common ground - Marahra's new solicitor's unchallenged evidence that he considered that the facts sought to be withdrawn were not supported by the available evidence was such a good reason - if the insurer wished to rely on such facts to establish that the exclusions clauses were engaged, it would have to prove them, if Marahra's evidence did not - leave granted to file the amended statement of claim.
View Decision
[From Benchmark Friday, 1 November 2024]

Allianz Australia Insurance Limited v Susak [2024] NSWSC 1359
Supreme Court of New South Wales
Griffiths AJA
Administrative law - the claimant claimed that he had sustained several injuries as a result of the accident which occurred when the car in which he was a backseat passenger was hit from behind by another motor vehicle - he alleged injuries to his neck, middle and lower back and left and right shoulders, and psychological injury - the insurer disputed that any of the claimed

injuries were non-threshold injuries caused by the motor accident - a medical assessor certified that the soft tissue injury to the claimant's cervical and thoracic spine was caused by the motor accident but was a "minor injury" (a term now replaced by "threshold injury"), and that the remaining physical injuries were not caused by the accident, except for a lumbar spine injury that was certified to be a non-minor injury caused by the motor accident - a review panel found that the lumbar spine injury was not a threshold injury - the insurer sought judicial review - held: the issue whether or not a claimant suffered only "threshold" injuries is relevant to the claimant's ongoing entitlement to receive statutory benefits and to be awarded damages - a threshold injury is defined in s1.6 of the *Motor Accident Injuries Act 2017* (NSW) as including a "soft tissue injury", which term then has its own definition - on a fair reading of its reasons, the review panel made findings concerning the causation of the radiculopathy associated with the lumbar spine injury - where radiculopathy was discerned not on the medical re-examination but rather at the earlier examination by the medical assessor, who also found that it was caused by the motor accident, it was open to the review panel to act on those earlier findings without extensive explanation regarding causation of the radiculopathy - the position may have been different if the review panel made its own finding of radiculopathy based on its re-examination - the task of both the medical assessor and the review panel was to make findings on issues of fact, including relating to the question of causation, applying their own medical experience and expertise - there would be an error of law if there be no evidence to support a finding of fact on causation, but the insurer did not claim that here - the review panel's reasons were succinct but legally adequate - where post-accident radiculopathy arising from lumbar spine injury has been diagnosed and accepted by the review panel, the injury is not a threshold injury - the review panel had not failed to respond to the insurer's substantial and clearly articulated argument regarding causation - proceedings dismissed.
View Decision
[From Benchmark Wednesday, 30 October 2024]

Waneisian v Durston [2024] NSWSC 1365
Supreme Court of New South Wales
Cavanagh J
Personal injury - the plaintiff was injured on the front porch of domestic premises - he sued the owners in negligence - with a hearing date set, the defendants determined that they needed to obtain further expert medical reports, and also that they should amend their defence to plead that the plaintiff's employer was a joint tortfeasor and that any damages they would be ordered to pay would be reduced to the extent of the notional contribution of the employer pursuant to s151Z of the *Workers Compensation Act 1987* (NSW) - the defendants sought orders that the plaintiff attend a number of further examinations organised by the defendants, that they have leave to amend their defences, and that the hearing date be vacated - held: this application raised a number of issues of concern in these types of cases, such as the proliferation of expert reports, the proposition that the defendants require the plaintiff to attend neuropsychological testing as part of the process of determining whether the plaintiff's complaints are genuine, and the difficulties arising out of the different regimes for damages between the *Civil Liability Act*

2002 (NSW) and the *Workers Compensation Act* and the late joinder of the employer - it would be a rare case in which a defendant would be permitted to obtain and rely on such extensive and varied medical reports as the defendants sought to do here - however, the Court was satisfied that this case was one of those rare cases - the only reason the defendants sought further testing was to determine whether the plaintiff is not telling the truth about his pain symptoms and behaviours, that is, for credit purposes only - the Court should be cautious before permitting the defendants to follow every suggestion in a medical report and require further extensive examination of the plaintiff - the plaintiff should not have to wait a further 18 months to have his case heard because the defendants now want to organise psychometric testing - application for the plaintiff to submit to further testing refused - because of s151Z, there is always an issue as to whether the employer should be joined to the proceedings, which often depends on whether the plaintiff overcomes the 15% whole person impairment - allowing the defendants either to amend their defence or to file a cross-claim against the employer must result in the vacation of the hearing date - there was at least an arguable case against the employer - in circumstances where the hearing date would only need to be delayed for a period of three months, the defendants should be permitted to pursue their claim against the employer even at this late stage - defendants also granted leave to obtain a vocational assessment report.
View Decision
[From Benchmark Thursday, 31 October 2024]

Palmer v Transport Accident Commission [2024] VSCA 254
Court of Appeal of Victoria
Niall, Walker, & Macaulay JJA
Accident compensation - the applicant injured her left shoulder in the course of her employment - about nine months later, the applicant was involved in a transport accident which resulted in injury to her neck - the applicant sought leave under s93(4)(d) of the *Transport Accident Act 1986* (Vic) to sue for damages for the injury allegedly sustained in the transport accident - the applicant had to show she had suffered a 'serious injury' within the meaning of s93(4)(d) - the primary judge dismissed this application, finding that the applicant had not 'disentangled' the consequences of the transport injury from the workplace injury - the applicant sought leave to appeal - held: this was an appeal by way of rehearing on identification of error - the standard of review was the correctness standard, not that of *House v The King* - the primary judge considered the applicant to be a truthful witness, but considered some of her recollections to be unreliable - the trial judge had enjoyed an advantage over the Court in making such an assessment - the onus had been on the applicant to disentangle the effect of the two injuries - the primary judge had directed herself correctly in terms of principle - the primary judge had correctly identified that the term 'serious injury' required the impairment and its consequences to be viewed objectively and judged on an external comparative basis against possible impairments not necessarily in the same category - the primary judge was not satisfied that the pain caused by the transport injury satisfied the serious injury threshold - having reviewed the evidence for itself, Court considered that the primary judge's conclusion on this issue was

correct - there was no error in the primary judge's conclusion that the transport accident injury had not detrimentally impacted the applicant's work capacity in any significant way - the primary judge was correct not to be satisfied that the applicant curtailed her dog showing activities as a result of the transport injury rather than the workplace injury - the primary judge was correct to conclude that the applicant did not discharge her onus to disentangle the transport injury from the workplace injury - a judge is required to set out findings on material questions of fact, refer to the relevant evidence, and provide an intelligible explanation of the process of reasoning that led the judge from evidence to conclusion - the primary judge's reasons were adequate - leave to appeal refused.

Palmer

[From Benchmark Friday, 1 November 2024]

Executive Summary and (One Minute Read)

Case of Kobaliya v Russia (EUHRTS) - European Court of Justice found that, in its overly broad definition of 'foreign agents', Russia committed multiple violations of the *European Convention on Human Rights*

Summaries With Link (Five Minute Read)

Case of Kobaliya v Russia, No 39446/16
European Court of Human Rights
Pastor Vilanova P, Schukking, Serghides, Roosma, Ktistakis, Mjöll Arnardóttir, & Kovatcheva JJ
Prior to its exclusion from the Council of Europe in 2022, Russia was bound by the *European Convention on Human Rights* and subject to the jurisdiction of the European Court of Human Rights. Here the activity in question occurred between 2012 and 2022 and related to fundamental rights to freedom of expression and assembly as guaranteed by the Convention. Under Russian law, non-governmental organisations (NGOs), media organisations, and individuals who received any foreign support were required to register as 'foreign agents' and conform to restrictions placed on persons so designated. The complainants alleged that the statutory definition was so overly broad as to impinge on rights to freedom of expression and freedom of assembly guaranteed by Articles 10 and 11 of the *European Convention*. The European Court found that the Russian legislation was unlawful because it was overly broad and employed the stigmatising term 'foreign agent' to a very wide universe of parties that could not all be lumped together as 'foreign agents'. Under Russian law, once designated as a foreign agent, substantial regulatory legislation attached curtailing the political rights of the parties so classified. By casting such a wide net, the term 'foreign agent' was used to circumvent basic *European Convention* rights.
Case of Kobaliya

Poem for Friday

Echo

By Christina Rossetti (1830-1894)

Come to me in the silence of the night;
  Come in the speaking silence of a dream;
Come with soft rounded cheeks and eyes as bright
  As sunlight on a stream;
    Come back in tears,
O memory, hope, love of finished years.

Oh dream how sweet, too sweet, too bitter sweet,
  Whose wakening should have been in Paradise,
Where souls brimfull of love abide and meet;
  Where thirsting longing eyes
    Watch the slow door
That opening, letting in, lets out no more.

Yet come to me in dreams, that I may live
  My very life again tho' cold in death:
Come back to me in dreams, that I may give
  Pulse for pulse, breath for breath:
    Speak low, lean low,
As long ago, my love, how long ago.

Christina Georgina Rossetti, born on 5 December, 1830, was one of the foremost poets of her era. Her father, Gabrielle, was an Italian Poet, and later chair of Italian at King's College, in London. Her mother Frances Polidor, an Ango-Italian, home schooled her children in a climate of intellectual excellence. From 1845 Christina, by then a prolific poet, suffered an illness, that some consider was at least influenced by mental illness. She continued to have bouts of serious illness throughout her life. Rossetti's poetry, included the collections Goblin Market and other Poems (1862), The Prince's Progress (1866), A Pageant (1881), and The Face of the Deep (1882). Christina Rossetti died on 29 December, 1894.

Stanford Chamber Chorale, conductor, Stephen M Sano, with Laura Dahl, pianist, sing Norman Dello Joio's **Come to Me, My Love,** a setting of Christina Rossetti's "Echo" https://www.youtube.com/watch?v=NyJs5oqyygs

Reading by **Patricia Conolly**. With seven decades experience as a professional actress in three continents, Patricia Conolly has credits from most of the western world's leading theatrical centres. She has worked extensively in her native Australia, in London's West End, at The Royal Shakespeare Company, on Broadway, off Broadway, and widely in the USA and Canada. Her professional life includes noted productions with some of the greatest names in English speaking theatre, a partial list would include: Sir Peter Hall, Peter Brook, Sir Laurence Olivier, Dame Maggie Smith, Rex Harrison, Dame Judi Dench, Tennessee Williams, Lauren Bacall, Rosemary Harris, Tony Randall, Marthe Keller, Wal Cherry, Alan Seymour, and Michael Blakemore.

She has played some 16 Shakespearean leading roles, including both Merry Wives, both Viola and Olivia, Regan (with Sir Peter Ustinov as Lear), and The Fool (with Hal Holbrook as Lear), a partial list of other classical work includes: various works of Moliere, Sheridan, Congreve, Farquar, Ibsen, and Shaw, as well as roles such as, Jocasta in Oedipus, The Princess of France in Love's Labour's Lost, and Yelena in Uncle Vanya (directed by Sir Tyrone Guthrie), not to mention three Blanche du Bois and one Stella in A Streetcar Named Desire.

Patricia has also made a significant contribution as a guest speaker, teacher and director, she has taught at The Julliard School of the Arts, Boston University, Florida Atlantic University, The North Carolina School of the Arts, University of Southern California, University of San Diego, and been a guest speaker at NIDA, and the Delaware MFA program.

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