

Westminster Legal Policy Forum Keynote Seminar
Third party litigation funding and the future of the voluntary code

Timing: Morning, Wednesday, 28th November 2012

Venue: Hall of India and Pakistan, Royal Over-Seas League, Over-Seas House, Park Place, St James's Street, London SW1A 1LR



**WESTMINSTER
LEGAL POLICY
FORUM**

Agenda subject to change

- 8.30 - 9.00 Registration and coffee
- 9.00 - 9.05 **Chairman's opening remarks**
Siobhain Butterworth, Law Editor, The Guardian
- 9.05 - 9.25 **Third party funding - a context**
How is the use of third party funding (TPF) currently perceived by consumers and the legal sector, and what prospects are there for the market's future development? How significant would the growth of TPF in England and Wales be in an international context, particularly in relation to the use of funding agreements in non-commercial disputes?
Professor Christopher Hodges, Erasmus Professor of the Fundamentals of Private Law, Erasmus University, Rotterdam and Head, CMS Research Programme on Civil Justice Systems, Centre for Socio-Legal Studies, University of Oxford
Questions and comments from the floor
- 9.25 - 10.10 **The future of the commercial market - growth, standards and the voluntary code**
Leslie Perrin, Chairman, Calunius Capital and Chairman, Association of Litigation Funders
Chris Bogart, Chief Executive Officer, Burford
Questions and comments from the floor
- 10.10 - 10.55 **Funding options post-Jackson: opportunities and challenges for third party funding across litigation and arbitration**
To what extent will the implementation of Lord Justice Jackson's civil costs and funding reforms in April 2013 - including the end of the recoverability of after the event insurance premiums and success fees - impact on the future market for TPF? Are legal expense insurers likely to require premiums in advance after implementation, and to what extent will this encourage claimants and solicitors to consider alternative funding options? Will the future use of damage based agreements encourage solicitors to finance more disputes themselves, or is external capital likely to be a more favourable option for firms and practitioners? Where do industry stakeholders envisage the highest level of growth in TPF over the next five years, and what can be learnt from the relatively high levels of its use in areas such as international arbitration? In what ways might alternative business structures support the development of the sector?
Nick Rowles-Davies, Consultant, Vannin Capital
Tom Custance, Partner, Fox Williams
Phil Bellamy, Group Underwriting Manager, DAS
Michael Cover, Barrister, Accredited Mediator, Chartered Arbitrator and Principal, Michael Cover ADR
Questions and comments from the floor
- 10.55 - 11.00 **Chairman's closing remarks**
Siobhain Butterworth, Law Editor, The Guardian
- 11.00 - 11.20 Coffee
- 11.20 - 11.25 **Chairman's opening remarks**
Henry Bellingham MP
- 11.25 - 11.40 **An international perspective**
Mary H Terzino, US Chamber Institute for Legal Reform
- 11.40 - 12.30 **Client protection and access to justice - consumer, business and practitioner perspectives**
In what ways might Government's current programme of justice reforms - including changes to legal aid and civil costs - encourage the use of TPF in more non-commercial disputes? To what extent can TPF support access to justice for unfunded individuals, or for those who choose not to bring about meritorious claims due to the risk entailed? What are the experiences of consumers who have entered litigation funding agreements in areas such as divorce or personal injury? Does the Civil Justice Council's Voluntary Code for Litigation Funders provide sufficient safeguards for consumers and businesses, and how justified are concerns that the code does not do enough to avoid instances of "lawsuit abuse"? Does a growing TPF market have the potential to encourage unnecessary or spurious legal actions, particularly against businesses?
David Greene, Senior Partner, Edwin Coe and Council Member, Law Society
Nigel Muers-Raby, Chairman, Consumer Justice Alliance
Jason Reeve, Managing Director, Novitas Loans
Ken Daly, Partner, Sidley Austin
Questions and comments from the floor with **Mary H Terzino**, US Chamber Institute for Legal Reform
- 12.30 - 12.55 **Next steps for regulating the sector - reflections one year on and future challenges**
Professor Rachael Mulheron, Member, Civil Justice Council of England and Wales
Questions and comments from the floor
- 12.55 - 13.00 **Chairman's and Westminster Legal Policy Forum closing remarks**
Henry Bellingham MP
Marc Gammon, Producer, Westminster Legal Policy Forum

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