

## Index

- Access to Justice, 31, 41, 46, 85, 229  
 Active Funding, 4, 89, 103, 111–12, 138, 146–55  
 Adverse Costs, 287, 302  
     Risk, 10, 187, 198  
 Adverse Selection, 153, 188, 200–2, 297  
 Agency Problems, 210  
 Allianz Prozessfinanzierung, 95, 162  
 Alternative Litigation Funding, 6–8, 136  
 American Rule, 10, 61, 170, 187  
 Antitrust/Competition Law, 87, 111–12, 148–50,  
     169–73  
 Arbitration, 75, 79, 110, 271–6  
     Commercial, 119, 223, 303  
     International, 71, 119, 271, 303  
     Investment, 74, 111, 119, 224, 273, 307  
 Arkin, 52, 161, 286  
 Assignment, 146, 152  
     Chose in Action, of (Common Law), 25, 27  
     Claims, of (Civil Law), 21, 103, 106, 149  
 Association of Litigation Funders of England and  
     Wales, 55, 281, 287, 292  
     Code of Conduct, 55, 298  
  
 Bentham IMF, 67  
 Best practices, 294  
 Burford Capital, 67, 141, 259, 269  
  
 Cartel Damage Claims, 89, 103, 111  
 Champerty, 6, 24, 40, 44, 50, 121  
 Chevron Vs Ecuador, 259  
 Civil Law, 5, 18–24, 44, 83–119, 121  
 Class Actions, 42, 46, 49, 94, 148–9, 225  
 Co-Funding, 260  
 Commoditisation of Justice, 246–9  
 Common Law, 5, 23–6, 38–83, 121, 146, 277  
 Conditional Fee Arrangements, 7, 51, 55, 156  
  
 Confidentiality, 254, 261  
 Conflict of Interest, 74, 80, 261–5, 276–82  
     Arbitrators, 117, 264, 303  
     Funders, 76  
     Lawyers, 110  
     Unknown, 264, 304  
 Consumers  
     Funding for, 64–6  
     Class Actions, 46–8, 90–4  
 Contingency Fees, 7, 30, 61, 69, 97, 156, 161,  
     249  
 Corporate Finance, 166, 177–81  
 Cost Order, 81–2  
 Costs, 189–94, 282–8  
     Liability for, 81, 286  
 Criminal Law Act, 50  
  
 Damages Based Agreements, 58, 156  
 Defence Funding, 144–5, 184–6, 203, 212,  
     216  
 Deterrence, 245  
 Disclosure, 73, 80, 117, 119, 266–76, 301, 303  
 Due Diligence, 200–2  
  
 Enforcement, 112, 150–2, 225, 238  
 Essar Vs Norscot, 54, 260, 282  
 Excalibur, 53  
 Externalities, 10, 228  
     Negative, 132, 247, 312  
     Positive, 246  
  
 Financial Capacity, 72, 76, 287, 298  
 Financial Crisis, 1, 33, 131  
 Forum Shopping, 238  
 Fostif, 41  
 Frivolous Litigation, 241

- Globalisation, 9, 34, 130
- Insolvency, 39, 78, 109, 225
- Intellectual Property, 225
- Jackson Reforms, 50, 55, 57
- Law Firm Funding, 143, 311
- Lawyers
  - Ethics, 61, 77, 100, 110, 256, 261, 310
  - Funding, 7, 66, 155–60
  - Independence, 98, 249, 278
  - Regulation, 310
- Legal Aid, 1, 31, 126, 162, 312
- Legal Expenses Insurance (LEI), 6, 160–4
  - After the Event (ATE), 7, 51, 57, 145, 160
  - Before the Event (BTE), 7, 57, 160
- Legal Finance, 5, 61–9, 143
- Legal Privilege, 75, 255–7, 305
- Legal Tech, 296
- Liberalisation, 9, 12
- Litigation Market, 8, 126, 136, 164, 316
- Litigation, Control of, 146, 149, 277
- Litigious Rights, 10, 127, 129
- Loser Pays Rule, 10, 43, 91, 144, 171, 187, 282, 286
- Maintenance, 6, 24, 40, 44, 50, 121
- Market Failure, 9, 132
- Moral Hazard, 192, 201–2, 221, 247, 297
- Non Disclosure Agreement, 254, 256, 299
- Omni Bridgeway, 89, 112
- One-Off Funding, 140
- One-Shotter, 134, 183, 206, 212
- Overcompensation, 102
- Pactum de Quota Litis (PQL), 5, 21, 28, 44, 110, 122, 157
- Pareto efficiency, 175
- Parties
  - Impecunious, 10, 31, 169–75, 208, 266, 281
  - Non Impecunious, 10, 175–84, 209, 268
- Passive Funding, 4, 138, 140–6
- Portfolio Funding, 141, 213
- Private Equity, 185, 216, 220
- Pro Bono, 316
- Procedural Problem, 10, 132, 175
- Professional Secrecy, 110, 256
- Public Funding, 49, 59, 312
- Public Litigation, 314
- Redemptio Litis (RL), 5, 21–4, 28, 44, 106, 122
- Repeat Player, 134, 183
- Risk Mitigation, 175, 215
- Securitisation, 154
- Security for Costs, 114, 271, 284, 306
- Settlements, 205, 208, 221, 279
  - Blackmail, 219
  - Sweethearth, 279
- Shavell, 167, 176, 227, 250
- Subrogation, 145, 147, 154
- TPF Contract, 253
  - Bespoke, 253, 258
  - Funding Terms, 258
  - Nature of, 96, 105, 114–15
  - Waterfall Agreement, 258–60
  - Withdrawal from, 281
- TPF Regulation, 43, 109, 295, 299
  - Consumers, for, 298, 300
  - Hard, 291
  - Self, 291
  - Soft, 75, 291
- US Chamber of Commerce, 68, 246
- Venture Capital, 165, 211
- Vexatious Litigation, 11, 234
- Work Product Doctrine, 68, 201, 221, 255–7, 305