

Conference

Sustaining Access to Justice in Europe: New Avenues for Costs and Funding

Erasmus University Rotterdam
19 & 20 October 2023

Access to civil justice is of paramount importance for enforcing citizens' rights. At the heart access to civil justice lies litigation funding and cost management. Yet, over the past decades, access to justice has been increasingly put under pressure due to retrenching governments, high costs of procedure, and inefficiency of courts and justice systems. Within this context, the funding of litigation in Europe seems to be shifting from public to private sources. Private actors and innovative business models have emerged to provide new solutions to the old problem of financial barriers to access to justice.

With the participation of policymakers, practitioners, academics and representatives of civil society from all over Europe and beyond, the conference seeks to delve deeper into the financial implications of access to justice and the different ways to achieve sustainable civil justice systems in Europe.

The topics addressed in this international academic conference include different methods of financing dispute resolution and regulating costs, such as third-party funding, crowdfunding, blockchain technologies, public interest litigation, developments in ADR/ODR, new business models of legal professionals as well as law and economics perspectives on litigation funding.

This conference is organised by Erasmus School of Law in the context of the NWO Vici Project: 'Affordable Access to Justice' (www.euciviljustice.eu), funded by the Dutch Research Council.

Keynote Speakers:

- Rachael Mulheron (Queen Mary University of London)
- Andreas Stein (European Commission, DG Justice & Consumers)

Panel 1: Emerging Trends in Litigation Funding: Crowdfunding, Third-Party Funding, and Beyond

Coordinated by Eduardo Silva de Freitas and Eva Storskrubb (PhD candidate Erasmus School of Law, Associate Professor Uppsala University)

This panel delves into the multifaceted landscape of litigation funding. Esteemed scholars and industry experts will engage in a comprehensive exploration of the latest developments and emerging trends in litigation funding. This includes a dedicated focus on the impact of third-party funding and other innovative financial models within the legal landscape. The discussion will encompass an assessment

of the advantages, challenges, and potential risks associated with these alternative funding avenues. At its core, this panel seeks to stimulate an expansive dialogue about the broader implications of litigation funding. This panel solidifies the foundation of the conference, offering a vital platform for the analysis of litigation funding's potential to drive transformative outcomes across different legal contexts.

Panel 2: Debate: Altruistic Ventures: Balancing Profitability and Social Impact – Myth or Reality?

Coordinated by María Carlota Ucín (Postdoc researcher Erasmus School of Law)

This panel brings together a diverse group of stakeholders to delve into the difficulties of financing the costs of litigation in public interest cases. Associations advocating public interest causes and legal professionals as well as funders will engage in a thought-provoking dialogue surrounding the challenges and potential alternatives to promote access to justice for altruistic causes. The panel will explore the delicate balance between profitability and social impact, raising the critical question: Are altruistic ventures in litigation a mere myth or a tangible reality? Participants will share their experiences, insights, and perspectives on the struggles faced by representative associations, funding actors, and lawyers involved in public interest litigation. They will delve into the complexities of funding non-profit claims, the difficulties encountered in securing financial support, and the potential ethical considerations that arise when profitability and social impact intersect. The panel aims to foster a deeper understanding of the intricacies involved in financing public interest litigation and seek innovative solutions from the finance sector or more participatory practices like crowdfunding.

Panel 3: Young Scholars' Presentations

As part of the conference's broader exploration of sustainable civil justice systems in Europe, this panel offers nuanced perspectives from emerging scholars. Following a call for papers, Early Career Researchers will present their work on financial innovations that facilitate collective litigation. The presentations will examine the implications of market-driven solutions designed to enhance consumer access to justice and highlight the strategic synergies between class actions and crowdfunding.

Panel 4: Current and Future Trends of ADR and ODR procedures within the Modern Civil Justice System

Coordinated by Masood Ahmed (Associate Professor Leicester University/Research fellow Vici project Erasmus School of Law)

Alternative dispute resolution (ADR) and Online Dispute Resolution (ODR) procedures are increasingly becoming a significant aspect of the modern civil justice landscape. They are viewed by policy makers and the judiciary as necessary means of controlling civil litigation costs and thereby promoting greater access to justice. Consequently, ADR and ODR procedures are being integrated within the traditional civil court process as well as forming part of online court procedures and systems. This panel will explore and critically discuss the latest developments and future trends of the role and impact of ADR and ODR procedures on the issue of civil litigation costs, access to justice and the future of the civil justice. The issues for discussion include: the latest developments and empirical data from the Online Civil Money Claims (OCMC) process from England and Wales on user experiences of mediation in the resolution of small money claims; the recent civil procedure reforms in Singapore which have

introduced mandatory ADR for civil disputes; and the latest developments of ODR procedures within Europe.

Panel 5: Roundtable: Entrepreneurial Lawyering: Lawyers as Gatekeepers or Market Players?

Coordinated by Adriani Dori and Adrian Cordina (Researcher, PhD candidate Erasmus School of Law)

Entrepreneurial lawyering is the practice of law with a business-oriented approach. Lawyers leverage their legal expertise to provide innovative legal services to clients in various markets and jurisdictions. This can include utilizing new technologies to streamline legal processes (Legal tech start-ups), partnering with third-party funders, or accepting contingency fees. The panel will host a thought-provoking roundtable discussion on the evolving role of lawyers as market players. Legal experts and academics will explore the reasons and forms of the growing trend of entrepreneurial lawyering, its legal and ethical implications, as well as its economic perspectives. Topics addressed will include lawyers' strategies, portfolio management, business plans, and risk management. As the legal profession continues to evolve, it is crucial to understand these changing dynamics and their impact on the legal landscape and access to justice.

Programme

Thursday 19 October 2023

13:00 - 13:30 Registration

13:30 - 13:45 Opening
Presentation of the Vici Project and the Conference
Xandra Kramer & Vici Team, Erasmus University Rotterdam

13:45 - 14:30 Keynote Rachael Mulheron (Queen Mary University London)

14:30 - 15:45 Panel 1: Emerging Trends in Litigation Funding: Crowdfunding, Third-Party Funding, and Beyond

Moderator: Ianika Tzankova (Tilburg University/Birkway)

Speakers:

- Maria José Azar-Baud: Trends in litigation funding of collective actions (Paris-Saclay University)
- Alexandre Biard: Third-party financing: A necessity for European collective redress? (BEUC)
- Thomas Stouten (Houthoff)
- Gian Marco Solas: Physics as model for the law? Sustainability of the litigation finance business model (Independent researcher and TPLF consultant)

15:45 - 16:15 Coffee Break

16:15 - 17:30 Panel 2: Altruistic Ventures: Balancing Profitability and Social Impact – Myth Reality?

Moderator: María Carlota Ucín (Erasmus University Rotterdam)

Panellists:

- Thomas Kohlmeier (Nivalion)
- Magdalena Tulibacka (Emory Law School)
- Jelle Klaas (PILP)
- Katherine Mulhern (Restitution)
- Giuseppe Farchione (Lex Capital)

17:30 - 18:15 Panel 3: Young Scholars' Presentations

Moderator: Eva Storskrubb (Uppsala University)

Speakers:

- David Markworth: Coding a collective consumer redress vehicle (University of Cologne)
- Dani Habel: Empowering access to justice: Harnessing the synergy of class actions and crowdfunding to overcome financial barriers (Aix-Marseille University)

19:00 Conference Dinner at the 'De Tuin' Restaurant (registration is required).

Friday 20 October 2023

9:00 - 9:30 Coffee

9:30 - 10:45 Panel 4: Current and Future Trends of ADR and ODR Procedures within the Modern Civil Justice System

Moderator: Dr John Sorabji (University College London)

Speakers:

- Emma Coleman (Senior Researcher at His Majesty's Courts & Tribunal Service, HMCTS)
- Dorcas Quek (Singapore Management University)
- Emma van Gelder (Utrecht University)

10:45 - 11:15 Coffee Break

11:15 - 11:45 Keynote Andreas Stein (European Commission, DG Justice & Consumers)

11:45 - 13:00 Panel 5 Roundtable: Entrepreneurial Lawyering: Lawyers as Gatekeepers or Market Players?

Panellists:

- Anthony Sebok (Cardozo School of Law)
- Catherine Rogers (Bocconi University/Queen Mary University of London)
- Panagiotis Perakis (CCBE)
- Dina Komor (Omni Bridgeway)
- Stefaan Voet (KU Leuven)

13:00 - 13:15 Closing

Xandra Kramer & Vici Team

13.15 - 15:00 Lunch & drinks at the Paviljoen