

## 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](http://www.euciviljustice.eu)), funded by the Dutch Research Council.

#### **Keynote Speakers:**

- Rachel Mulheron (Queen Mary University of London)
- Andreas Stein (Head of Unit, DJ Justice & Consumers, European Commission)

#### **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 explores the evolving landscape of litigation funding and its role in facilitating access to justice through collective redress. Scholars and other experts in the field will critically analyze the latest developments and emerging trends in litigation funding. Special attention will be given to the impact of third-party funding and other innovative funding models in the legal industry. Discussions

will evolve around the advantages, challenges, and potential risks associated with these alternative funding sources. This panel aims to foster a discussion on the broader implications of litigation funding in enhancing access to justice. Participants will examine the ways in which different forms of collective redress enabled by litigation funding can empower individuals and communities, address imbalances, and promote change. This panel will set the foundation for the conference, providing a platform for critical analysis of the transformative potential of litigation funding.

### **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**

Following a call for papers selected early career researchers will present their work in the area of costs and funding of civil litigation. More information will follow.

### **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 and PhD 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, Blockchain, and Beyond

Moderator: Ianika Tzankova (Tilburg University; partner Birkway)

Speakers:

- Gian Marco Solas - Physics as model for the law? Sustainability of the litigation finance business model (researcher and consultant TPLF)
- 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)

15:45 - 16:15 Coffee Break

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

- Thomas Kohlmeier (Nivalion)

- Magdalena Tulibacka (Emory Law School)
- TBC

17:30-18.15 Panel 3: Young Scholars' Presentations

*More information will follow*

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: TBC

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 – 12:30 Keynote Andreas Stein (Head of Unit, DJ Justice & Consumers, European Commission)

11:45-13.00 Panel 5: Roundtable: Entrepreneurial Lawyering: Lawyers as Gatekeepers or Market Players?

Panelists:

- Anthony Sebok (Cardozo School of Law)
- Catherine Rogers (Bocconi University/Queen Mary University of London)
- Panagiotis Perakis (President CCBE)
- Dina Komor (Senior Investment Manager und Legal Counsel, Omni Bridgeway)
- Stefaan Voet (KU Leuven)

13:00 – 13:15 Closing

Xandra Kramer and Vici Team

13.15 – 15:00 Lunch & drinks at the Paviljoen