

organised and financed by

Erasmus
School of
Law



The Future Regulation of Third-Party Litigation Funding in Europe

- Date:** 22 June 2022 (14.00 – 18.00 CEST)
Format: Hybrid (online or in-person)
Venue: Erasmus University Rotterdam, Woudestein campus, Mandeville Building, Room T3-29
Registration: via Eventbrite
- For **in-person** attendance, please register [here](#)
 - For **online** participation, please register [here](#)

The [team](#) of the VICI Project '[Affordable Access to Justice](#)' at Erasmus School of Law, financed by the Dutch Research Council (NWO), organises an online seminar series on “Trends and Challenges in Costs and Funding of Civil Justice”. The events of the series run from December 2021 to June 2022.

The sixth and concluding seminar of the series will take place on **22 June 2022 (14:00-18:00 CEST)** in a hybrid format (online and in-person attendance possible). It is dedicated to the “Future Regulation of Third-Party Litigation Funding” (“TPF”).

The increase in TPF for different types of claims in many jurisdictions has occasioned an increased interest in the question of whether and how to regulate TPF. This topic is addressed both at the national and EU level. The recent EU Representative Action Directive provides some further guidance, while the European Parliament has published a Draft Report for regulation on TPF. The aim of this seminar is to reflect on the need and type of regulation of TPF from different points of view. By seeking to engage representatives from both academia and stakeholders, the seminar aims to foster a lively exchange and contribute to the debate.

Program

- 13.30** **Registration [Zoom opens 13.45]**
- 14.00** **Opening and Welcoming Remarks**
- 14.10 – 15.45** **Session I – Current Status and the Need for Further Regulation?**
- 15.45 – 16.15** **Coffee Break**
- 16.15 – 18:00** **Session II – Modes and Levels of Regulation**
- 18:00 – 19:00** **Drinks**

Session Abstracts

Session I: Current Status and the Need for Further Regulation?

Profit-seeking and investing in lawsuits are already a reality in Europe. While regulation of TPF is still fragmented, the TPF industry has started to thrive in several EU Member States. In this session, the key-note address will focus on the current *status quo* of the regulation of the TPF market in Europe and beyond. It will assess key legal issues arising from the current limited landscape of regulation. The subsequent roundtable discussion with representatives from national authorities and key stakeholders from the TPF industry will take the floor, share their experience and their perspectives on whether there is a need for further regulation.

Session II: Modes and Levels of Regulation

The European Parliament's [Draft Report with recommendations to the Commission on Responsible private funding of litigation](#) has argued for centralised, more detailed and broader action at the EU level on TPF (beyond the Representative Actions Directive). The Draft Report has already generated reactions from stakeholders as well as the academic community. This session will further investigate and debate different levels and models of regulation of TPF. Questions that will be addressed from varied perspectives include: at which level is it most appropriate to regulate TPF (domestic, regional or international), what type of regulation is most appropriate (self-regulation, soft law or legislation) and what legal issues should be addressed in potential future litigation?

Detailed Program

- 13.30 **Registration [Zoom opens 13.45]**
- 14.00 **Opening and Welcoming Remarks**
Professor Xandra Kramer (Erasmus University Rotterdam/Utrecht University, the Netherlands)
- 14.10-15.45 **Session I – Current Status and the Need for Further Regulation?**
Chair: Professor Xandra Kramer (Erasmus University Rotterdam/Utrecht University, the Netherlands)
- Keynote Address: Professor Geert Van Calster** (KU Leuven, Belgium)
- Stakeholder roundtable:*
- **Paulien van der Grinten** (Senior Legislative Lawyer, Ministry of Justice and Security, the Netherlands)
 - **Johan Skog** (Partner, Kapatens, Sweden)
 - **David Greene** (Partner, Edwin Coe, England)
- 15:45 – 16.15 **Coffee Break**

16.15 – 18.00 **Session II – Modes and Levels of Regulation**

Chair: Associate Professor Eva Storskrubb (Uppsala University, Sweden)
(member of the VICI project at Erasmus University Rotterdam)

Panel:

- **Kai Zenner** (European Parliament, Head of Office (MEP Axel Voss))
- **Tets Ishikawa** (Managing Director, LionFish Litigation Finance Ltd, England)
- **Professor Victoria Sahani** (Arizona State University, USA)
- **Professor Albert Henke** (Università degli Studi di Milano, Italy)

18:00 – 19.00 **Drinks**

This conference is organised by Erasmus School of Law in the context of the VICI Project 'Affordable Access to Justice' funded by the Dutch Research Council (NWO). More information at: www.euciviljustice.eu. The conference is set up as a hybrid event, with speakers at the site and some presenting online and attendance is possible both in person and online. You can register and participate here [in person](#) or [online](#).