

10 November 2016, Thursday ✦ 12.00pm – 1.30pm ✦

Lunch included

Federal Bartholomew Conference Room, Federal Building, NUS

## Third Party Litigation Funding: Does it have potential for China?

by Dr. Chen Wenjing of East China University of Political Science and Law (ECUPL), Shanghai, China

Chaired by Associate Professor Dan W. Puchniak, Faculty of Law, NUS

### ABOUT THE SEMINAR

Third party litigation funding (TPLF) is a tool to finance potential litigants to file lawsuits and facilitate the 'access to justice'. Since it was, for the first time, legally approved by Australian High Court in *Campbells Cash and Carry Pty Ltd v Fostif* [2006], the industry of TPLF has grown rapidly with a number of funders entering into the market of litigation financing in many countries, such as, United States, New Zealand and United Kingdom. Along with its development, however, concerns are raised, including, inter alia, the challenge to the privileged lawyer-and-client relationship, the funder's moral risk and whether TPLF encourages frivolous and unmeritorious claims.

This article tries to investigate whether TPLF has potential for China to finance litigation and facilitate the 'access to justice' for the general public. In fact, litigation funding companies have appeared in China in the past few years to finance certain kinds of cases (for example, to fund cases arising from debts disputes). However, how to regulate litigation funding companies to maintain the proper order of litigation funding market has not been clarified by the existing laws. In consideration of that, several points should be taken into account for the sound functioning of TPLF. For instance, how to administer litigation funding agreement concluded between funded litigants and funders; how to protect the funded litigants/funders' interests; how to deal with the challenges brought by the participation of the third party funder to the privileged lawyer-and-client relationship.

In general, this article holds the opinion that TPLF has potential for China. But certain reforms must be carried out to facilitate the use of it. For example, supplements should be made to PRC Contract Law in order to regulate TPLF agreements; funders should meet several requirements prior to entering into the TPLF market.

### ABOUT THE SPEAKER



Dr. CHEN Wenjing holds the position of Assistant Professor at the East China University of Political Science and Law (ECUPL), Shanghai, China. She obtained her LL.B. from ECUPL, LL.M. from Ghent University, Belgium, and Ph.D. from the Financial Law Institute (FLI) of Ghent University. Her research interests include, among others, corporate law, corporate governance, shareholder protection and collective proceedings. She has published articles in journals, such as, the *Company Lawyer*, *International Journal of Private Law*, and *International Journal of Company and Commercial Law Review*. Her book entitled 'A Comparative Study of Funding Shareholder Litigation' will be published by Springer in 2017. She is conducting a research project entitled "Investors Protections in BRICS" funded by National Social Science Foundation of China. Dr. Chen is currently appointed as a Young Oriental Scholar by the Educational Department of Shanghai Municipal Government. She is visiting NUS as an ASLI Fellow.

To register, please click on the link below or scan the QR Code:  
<https://mysurvey.nus.edu.sg/EFM/se.ashx?s=543BE5C20A28A441>



**Admission is Free & Lunch is Provided**  
**Registration Close on: Friday, 4 Nov 2016**