

**FEEDBACK -PUBLIC CONSULTATION TO SEEK FEEDBACK ON THIRD PARTY
FUNDING FRAMEWORK**

Dear Sirs

1. We refer to Ministry of Law's Call for Feedback - Public Consultation to Seek Feedback on Third-Party Funding Framework.
2. We are pleased and grateful for the opportunity to provide feedback as a collective of law firms banded under PracticeForte Advisory. PracticeForte Advisory is a network of independent professional firms.
3. The feedback expressed here are from the following firms

Law Firms	Lawyers Specialising in Litigation For Civil and Family Law
1. OTP Law Corporation	1. Lim Seng Siew 2. Susan Tay Ting Lan
2. Ong Ying Ping Esquire	1. Ong Ying Ping
3. Eden Law Corporation	1. June Lim 2. Low Seow Ling 3. Andrew Ohara
4. Amy Lim Law Practice	1. Amy Lim
5. Rajan Chettiar LLC	1. Rajan Chettiar
6. Dharma Law LLC	1. Dharma Jayaram 2. Rashidah Binte Kader Saheer 3. Maheswary Emmanuel

This email is also copied to all the lawyers listed above.

General Feedback

5. As a group of smaller legal practices, we support the expansion of Third Party Funding into other areas of legal practice. However safeguards should be in place to ensure that the Third Party Funders meet certain capital criteria and abide by an industry-wide code of practice such as accepting that lawyers are independent advisors to their clients.
6. It may be prudent to suggest that the expansion into other areas should be paced such that any issues arising can be identified and addressed before any broader expansion. Yet, we must continuously weigh this against the principle of equal access to justice. The UK experience of conditional fee arrangements for example, has approached it on the principle of equal access to justice. The conditional fee uplift applicable in the UK serves also as a good benchmark for the expansion of third party funding beyond international arbitration cases.
7. In short, the principle driving force for third party funding in other areas of litigation derives from the need to level the playing field for the financially oppressed litigant.
8. There are views expressed amongst this group of small law firms that third party funding should be expanded into all areas of cases where an unequal playing field is prevalent. A good example are matrimonial cases where one party, usually the working spouse, "bankrupt" the other spouse into submission by refusing to pay maintenance and thus frustrating the latter's ability to gain an equitable share of the matrimonial assets.

Specific Feedback

9. In response to the specific feedback requested by the Ministry, our collective responses are as follows:

a) Whether we have been involved in any third party funded cases?

Response: No. As smaller practices, we are rarely, if ever involved in international arbitration cases. However, many of us have been involved in a number of litigation cases whereby the client settled or resolved their cases on terms not favourable to the client when the merits of the case suggest otherwise. Such clients would benefit from third party litigation funding.

b) Whether the reforms are useful and its impact on practice?

Response: The reforms are useful as they abolished maintenance and champerty agreements and permit third party funding, albeit in the limited area of international arbitration. It also sets a framework for expanding such funding to other areas of practice.

c) Is there a need to expand third party funding to new areas?

Response: Yes.

High Court commercial litigation will be a good area to start as claimants are generally better placed to understand the pros and cons of third party funding. We are strongly in favour of funding being quickly expanded into

- i) Matrimonial
- ii) Estate
- iii) Tort e.g. negligence
- iv) Employment issues like unfair dismissal
- v) All other areas involving litigation, mediation and/or any other dispute resolutions

It is no exaggeration to say that funding impecunious litigants is the lifeblood of procedural justice.

10. If required, we are prepared to meet with the Ministry to explain our responses further.