

FAQs: The Harbour Criteria

A creditworthy defendant. What does that mean?

If the case is won, will the defendant be able to pay the damages claimed and, where are the assets located?

Can you place a figure on claim value?

Harbour backs meritorious claims without stipulating a minimum claim value. Over time it has become clear that it is more important to consider whether the costs we are asked to fund, are proportionate to the case, rather than the claim value in isolation. As a global funder, we appreciate that the cost of litigation varies the world over.

What costs will you cover?

Any costs required to get the case completed.

Based on the agreed budget, we pay the legal bills, including disbursements. We can help arrange insurance for the other sides' costs; cover payments to the court by way of security for costs and pay the institutional fees in arbitrations and those of the arbitration panel.

In some instances, the lawyers may be happy to work on a CFA basis and Harbour may be approached to fund adverse costs. A lot of different scenarios are possible, depending on who wants to share in the risk and to what extent.

And what's the largest case you would fund?

There is no upper limit to the size of cases we can fund.

Are there any claims you do not fund?

Those directly related to personal injury and divorce.

Do you specify which lawyers to appoint?

We don't. As higher-value claims are often complex and require specialist expertise, we will consider the track record of the appointed lawyers as part of our due diligence. That said, claimants still in the process of selecting counsel often ask our view, and we are of course happy to tap into our extensive network.

Do you require lawyers to work on discounted or CFA basis?

We do not require lawyers to work on a conditional fee agreement, but we do ask for a detailed assessment of costs including all own-side costs and estimated adverse costs through to final trial/hearing.

That said, if the claimant requires the law firm to work with a CFA or the firm wants to share some of the risk, Harbour can fund with a CFA. For example, if the firm discounts their fees by 50%, Harbour pays the undiscounted 50% of the hourly rate throughout the life of the case whether it is ultimately successful, or not. When the case is won, the law firm will share some of the uptake in case of success.

How do you check the legal merits?

We seek an answer to the following:

- Is the case on liability good?
- Is there a clear basis to claim damages?
- How long will the case take to come to trial or final hearing?
- Is settlement a possibility, and how likely?
- Have you received written legal advice?

Why don't you read all the materials and let me know what you think of the case?

Our role is not to substitute the lawyers who are running the case and advise on the claim. Our criteria have been tried and tested over 15 years, one of them being the need to have the case supported by a legal opinion. We focus on understanding the key issues formulated by the lawyers who reviewed the wider documentation. Of course, if no lawyers have been appointed yet, we can make recommendations from our vast network. We do not operate a panel of lawyers but make suggestions based on who may be best suited to deal with your situation.

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