

The consultation closes on **Friday 31 January 2025 at 23:59**.

Consultees do not need to answer all questions if only some are of interest or relevance.

Answers should be submitted by PDF or word document to [CJCLitigationFundingReview@judiciary.uk](mailto:CJCLitigationFundingReview@judiciary.uk). If you have any questions about the consultation or submission process, please contact [CJC@judiciary.uk](mailto:CJC@judiciary.uk).

Please name your submission as follows: 'name/organisation - CJC Review of Litigation Funding'

**You must fill in the following and submit this sheet with your response:**

Your response is (public/anonymous/confidential):	Public
First name:	Sir Robin
Last name:	Knowles CBE
Location:	Rolls Building, Royal Courts of Justice
Role:	As below
Job title:	As below
Organisation:	As below
Are you responding on behalf of your organisation?	No
Your email address:	

**Information provided to the Civil Justice Council:**

We aim to be transparent and to explain the basis on which conclusions have been reached. We may publish or disclose information you provide in response to Civil Justice Council papers, including personal information. For example, we may publish an extract of your response in Civil Justice Council publications or publish the response itself. Additionally, we may be required to disclose the information, such as in accordance with the Freedom of Information Act 2000. We will process your personal data in accordance with the General Data Protection Regulation and the Data Protection Act 2018.

Consultation responses are most effective where we are able to report which consultees responded to us, and what they said. If you consider that it is necessary for all or some of the information that you provide to be treated as confidential and so neither published nor disclosed, please contact us before sending it. Please limit the confidential material to the minimum, clearly identify it and explain why you want it to be confidential. We cannot guarantee that confidentiality can be maintained in all circumstances and an automatic disclaimer generated by your IT system will not be regarded as binding on the Civil Justice Council.

Alternatively, you may want your response to be anonymous. That means that we may refer to what you say in your response but will not reveal that the information came from you. You might want your response to be anonymous because it contains sensitive information about you or your organisation, or because you are worried about other people knowing what you have said to us.

We list who responded to our consultations in our reports. If you provide a confidential response your name will appear in that list. If your response is anonymous, we will not include your name in the list unless you have given us permission to do so. Please let us know if you wish your response to be anonymous or confidential.

3 March 2025

**Sir Robin Knowles CBE<sup>1</sup> – CJC Review of Litigation Funding Consultation**

1. Thank you for undertaking this important work. I wish only to make 2 short contributions. They probably fall within Q39 in the consultation, but they may be obvious and well covered elsewhere in your work. I would of course be happy to provide more on any aspect if that would be helpful.
2. **First, the international considerations** Some information about and insight into the approach of other jurisdictions worldwide can be found in reports of the Full Meetings of the Standing International Forum of Commercial Courts (SIFoCC). The most recent report is here (see pp 108-136): [https://sifocc.org/sifocc\\_documents/report-on-the-5th-full-sifocc-meeting/](https://sifocc.org/sifocc_documents/report-on-the-5th-full-sifocc-meeting/). What other jurisdictions do does not just inform our choice, it will affect the consequences of our choice, especially in international and commercial disputes where there is a choice of forum. In the interests of the rule of law it should be possible to develop best practice internationally rather than just nationally, and not just with litigation funding but also with commercial arbitration funding internationally. Commercial litigation funding will also affect what happens to collective redress litigation and class actions worldwide (and materially in the parts of the world with developing and emerging market economies).
3. **Second, the potential for a contribution to the justice system by litigation funders that is donated** There is an opportunity to invite commercial litigation funders as a body to make the type of contribution that shows commitment to the system of justice by a responsible participant in that system; to call on them as a body to demonstrate how they would increase access to the system of justice with a contribution that was not “for profit” but involved donation (just as the legal profession makes a contribution pro bono). This might be by a new funding model directed to a particular area or court user, allowing legal aid or pro bono resources to be reserved to help others. Or it might be by a serious financial contribution, adding materially to legal aid and pro bono resources. Please see further [82]-[87] in the Advocate Lecture that I gave in March 2024: [Advocate Lecture - 14 March 2024 - Sir Robin Knowles CBE.pdf](#).

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<sup>1</sup> I write personally but declare for transparency that I am the Judge with day-to-day responsibility for SIFoCC, the Joint President of Advocate, and the Chair of the National Pro Bono Centre. Further I have held various positions in the past that have involved some consideration of litigation funding, including as chair of the former cross-sector working party on collective redress in financial services claims; chair of the former working group to establish the Access to Justice Foundation; and (whilst a member of the CJC) chair of the CJC standing committee on access to justice.