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January 4, 2017

Third-party litigation funding

Monique Jilesen was quoted in the Canadian Lawyer article *Third-party litigation funding* on January 3, 2017.

Monique Jilesen, a partner at Lenczner Slaght Royce Smith Griffin LLP in Toronto, says there should be some disclosure to the defence about the terms of the funding. “Are they indemnified for costs? If not, the defence has the right to know,” she says. In one of his rulings in this area, Perell concluded it was acceptable, although not always necessary, for a third-party funder to pay security for the defendant’s costs.

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While litigation funding deals are not necessarily a bad thing, Jilesen says courts should scrutinize how high the percentage return might be for the outside party and access to documents in the litigation, even with a deemed undertaking. “I remain concerned about litigation funders and access to information about the defendant in the documents,” says Jilesen. She adds that this includes the possibility of the use of information disclosed in one action in another case against the same defendant.

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<http://www.canadianlawyermag.com/6282/Third-party-litigation-funding.htmlblog>