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The Association of Litigation Funders of Australia

&

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Conference

**Contingency Fees, Competition & CFOs
Where to from here**

Date: Thursday, 13th February 2020

Time: 2:00pm

**Location: Herbert Smith Freehills,
161 Castlereagh St, Sydney NSW 2000**

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The events this year in Australia's funded class action space demand reflection. The **BMW and Westpac High Court decisions** have fundamentally changed the funding market.

- Which claims will be commenced closed, which will be commenced open and which won't commence?
- Will the Supreme Court follow the Federal Court in asserting its powers; at least in respect of settlements?
- Does the Federal Court's Practice Note provide sufficient foundation to facilitate access to justice?
- Will there be further legislative intervention?

We also have the **Victorian Bill** proposing contingency fees for class action lawyers in the Supreme Court of Victoria, supported by a statutory power for the Court to grant common fund orders in favour of the contingency fee lawyers.

- What are the ramifications for Group Members, the Federal Court, Lawyers, Funders, Defendants, conflicts and justice?
- Lawyers will be Funders but only Lawyers are to be granted CFO legislative rights!
- Will other States follow and what is the position of the Federal Government?

Until the High Court decisions, **competition** was before the Courts rather than in the market and competition motivated open, rather than closed, classes. This reversal of motivation may limit the Federal Court's capacity to control who provides, and at what price, legal and financial services in class actions.

- What are the State and Federal issues to be resolved in the political, legal and economic arenas over the next few years?

And finally, the Federal Parliament is being lobbied to "stop Australia from becoming the litigation hell hole of the South Pacific" in its response to this year's ALRC Report.

These issues and more will be addressed by leaders in their fields, including Justices Murphy and Lee from the Federal Court, applicant and defendant class action lawyers, regulators, funders, economists and academics.

Both ALFA and Shine look forward to your participation at the February Conference promising to provide informative speeches, panel sessions and lively interaction, all in three hours before networking drinks.

Agenda

13:45 - 14:00

Registration

Please register your arrival at the front desk - name tags will be provided

14:00 - 14:10

Welcome



John Walker (*Welcome*)

Chairman of The Association of Litigation Funders of Australia and CEO of Investor Claim Partner

14:10 - 15:00

Speech



Hon. Justice Lee

Federal Court of Australia

15:00 - 15:45

Contingency Fees



Stuart Price (*Facilitator*)

Director of The Association of Litigation Funders of Australia and CEO of Litigation Lending Services



Andrew Paull

Practice Group Leader at Slater and Gordon



Tom McDonald

Director of The Association of Litigation Funders of Australia and Regional Managing Director at Vannin Capital



Chris Merritt

Legal Affairs Editor at the Australian Financial Review



John Emmerig

Partner at Jones Day

15:45 - 16:00

Break - Afternoon Tea/Coffee

16:00 - 16:45

Competing Claims - before and during court process



John Walker (*Facilitator*)

Chairman of The Association of Litigation Funders of Australia and CEO of Investor Claim Partner



Simon Snow

Barrister at Tenth Floor Chambers



Peter Renehan

Special Counsel at The Australian Competition and Consumer Commission



Neill Brennan

Director of The Association of Litigation Funders of Australia and Co-Founder of Augusta Ventures



Bill Petrovski

Partner and Co-Founder of William Roberts Lawyers



Jason Betts

Partner at Herbert Smith Freehills

16:45 - 17:30

Common Fund Orders



Craig Allsopp (*Facilitator*)

Practice Leader at Shine Lawyers



Jenny Campbell

Partner at Allens

(Common Fund Orders Panel continued on next page.)



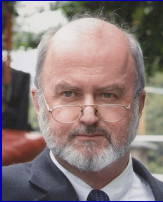
Jan Saddler

Head of Litigation and
Loss Recovery at Shine
Lawyers



Pip Murphy

CEO of The Association
of Litigation Funders of
Australia and Director of
Legal TSM Advisory



Peter Cashman

Barrister at
Wentworth Chambers

17:30 - 17:35

Formal Closing

Jan Saddler, Shine Lawyers

17:35 - 18:30

Drinks & Networking

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Notes

**If this particular educational activity is relevant to your immediate or long-term needs in relation to your professional development and practice of the law, then you should claim one 'unit' for each hour of attendance, refreshment breaks not included.

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