



SIMON BIEBER
FOUNDING PARTNER
ADAIR GOLDBLATT BIEBER LLP



LINCOLN CAYLOR
PARTNER,
FRAUD LAW GROUP



MONIQUE JILESEN
PARTNER
LENCZNER SLAGHT ROYCE
SMITH GRIFFIN LLP



HUGH MEIGHEN
SENIOR ASSOCIATE, BORDEN
LADNER GERVAIS LLP



DEBORAH PALTER
PARTNER, THORNTON
GROUT FINNIGAN LLP



MYRIAM SEERS
SENIOR ASSOCIATE
TORYS LLP



JAMES BUNTING
PARTNER
DAVIES WARD PHILLIPS &
VINEBERG LLP



PATRICK COTTER
SENIOR LITIGATION
COUNSEL, TORONTO
DISTRICT SCHOOL BOARD



NAOMI LOEWITH
INVESTMENT MANAGER AND
LEGAL COUNSEL, BENTHAM IMF



GEOFF MOYSA
INVESTMENT MANAGER AND
LEGAL COUNSEL, BENTHAM IMF



TERRA REBICK
PARTNER, THORNTON
GROUT FINNIGAN LLP



TANIA SULAN
CHIEF INVESTMENT
OFFICER-CA, BENTHAM IMF

Yes! Please register the following delegate(s) for LITIGATION FUNDING

Name: _____ Title: _____

E-mail: _____ Telephone #: _____

Company: _____ Address: _____

City: _____ Province: _____ Postal Code: _____

Payment enclosed ☐ Payment to follow ☐ Invoice me ☐ Charge to my VISA ☐ AMEX ☐ MC ☐

Card#: _____ CVV: _____ Expiry Date: _____

Cardholder's Name: _____ Signature: _____

In-class registration fee includes the course, materials and coffee breaks. Substitutions are granted with notification to Lexpert Events.

Webinar participants will receive an online link to access the program materials as part of their registration fee

In-class participants material selection: ☐ Print ☐ Digital ☐ Both (an additional charge of \$99 will apply)

☐ **TORONTO** - November 20, 2018 ☐ **WEBINAR** - November 20, 2018

Thomson Reuters
333 Bay St, 29th Floor, Toronto, ON
M5H 2R2

REGISTER BEFORE OCT. 26, 2018 AND SAVE 25% - USE PROMO CODE:EARLYBIRD2018

*DISCOUNT ONLY APPLIES TO IN-CLASS

PRICES*:

In-Class
\$265 + applicable taxes

Webinar
\$265 + applicable taxes

***WEBINAR PRICE CLARIFICATION**

Please note, these prices are on a per-person basis. For payment of the price for one person, only one individual is allowed to be logged in and viewing at a time. To inquire about Group Rates, please see the contact information below.

CANCELLATION AND REFUND POLICY:

Full refunds, less a \$250.00 (plus applicable taxes) administration fee, will be given for cancellations received in writing 10 business days before the course start date. Unfortunately, refunds cannot be provided after this date. Substitution of delegates may be made at any time. Please note that Lexpert reserves the right to cancel any course deemed necessary and will, in such an event, make a full refund of registration fees paid. With this said, Lexpert is not responsible for any travel expenses incurred. For reasons beyond the control of the course organizer, it may be necessary to change the subject agenda of the program and no liability is assumed for any such changes in content.

CONTACT US:

Call: Toll free 1-877-298-5868 or (416) 609-5868

Fax: (416) 609-5841

Email: For questions, please contact lexpert.questions@thomsonreuters.com,
for registration inquiries, please contact lexpert.registration@thomsonreuters.com

Mail: Lexpert, Marketing Events

One Corporate Plaza, 2075 Kennedy Road, 11th Floor, Toronto, ON, M1T 3V4

Web: www.lexpert.ca

LITIGATION FUNDING: A TOOL FOR RISK MITIGATION AND REVENUE GENERATION

NOVEMBER 20 | TORONTO & WEBINAR

Litigation funding is increasingly used by companies of all sizes to relieve budget pressure and manage litigation risk. Learn from leaders in the field how this innovative and flexible tool works in practice through a worked case study. Contributors to this interactive discussion will include experienced litigators, in-house counsel, financial executives, and a litigation funder.



COURSE CHAIR JENNIFER BROWN, MANAGING EDITOR CANADIAN LAWYER INHOUSE/LAW TIMES

Jennifer Brown is the managing editor of *Canadian Lawyer InHouse* magazine and Law Times newspaper, both Thomson Reuters publications. She has been a business magazine writer and editor for more than 15 years for the business-to-business press prior to arriving at InHouse.

COURSE HIGHLIGHTS

- What is litigation funding and what types of cases are suitable?
- The “nuts and bolts” of a funding relationship and selecting an appropriate funder
- How do companies typically use funding, and how does the process work?
- Canadian case law, international trends and special issues for arbitration
- Due diligence process

REGISTER BEFORE **OCTOBER 26** AND SAVE 25%

COURSE CHAIR

JENNIFER BROWN



Jennifer Brown is the managing editor of *Canadian Lawyer InHouse* magazine and Law Times newspaper, both Thomson Reuters publications. She has been a business magazine writer and editor for more than 15 years for the business-to-business press prior to arriving at InHouse. She leads the annual *Canadian Lawyer InHouse* Innovatio Awards celebrating innovation in-house, and chairs the magazine’s Annual General Counsel Roundtable. Jennifer was also a newspaper reporter for 10 years covering government, health care and education. She is a graduate of Ryerson University’s journalism program.

ACCREDITATION

LAW SOCIETY OF BRITISH COLUMBIA

This program has been accredited by the Law Society of British Columbia for up to 3 hours towards the professional development requirement for certification.

LAW SOCIETY OF ONTARIO

This program can be applied towards the 9 Substantive Hours of Continuing Professional Development (CPD) required by the Law Society of Upper Canada. This program is eligible for up to 3 Substantive Hours

BARREAU DU QUÉBEC

The Barreau du Québec automatically recognizes the same number of hours for this training activity, as long as it has been accredited by another Law Society that has adopted MCLE.

LAW SOCIETY OF ALBERTA

For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.



SPECIFICALLY DESIGNED FOR:

- General Counsel
- In-house Counsel
- Chief Financial Officers
- Board Members
- Managers of corporations, institutions, government and regulatory bodies

PROGRAM OUTLINE

12:30 - 1:00 P.M.

REGISTRATION

1:00 - 1:20 P.M

INTRODUCTION AND WELCOME

What are the pressures facing companies and in-house counsel? How do these factors influence decisions whether to litigate or not? What concerns do key stakeholders have?

1:20 - 2:05 P.M.

WHAT IS LITIGATION FUNDING, WHAT TYPES OF CASES ARE SUITABLE, HOW DO COMPANIES TYPICALLY USE FUNDING, AND WHAT FUNDING SOLUTIONS ARE AVAILABLE?

What factors might lead a company to consider litigation funding?

- What are the reasons that a company would use litigation funding?
- What are the key drivers behind the decision, and what factors would a company weigh in deciding whether it is appropriate for a specific case?

Funding solutions

- What types of funding arrangements are available, and what is the cost?
- How can companies transfer all the cost and risk, and how can they share the risk with a funder and/or their legal counsel?
- When might working capital/operational costs funding be available?

2:05 - 2:45 P.M.

DUE DILIGENCE PROCESS

Preparation

- What needs to be agreed upon before diligence commences?
- How long does diligence take?
- What questions should companies be prepared to answer and what information will they need to provide?

High level assessment

- When initially discussing a case, what are the key elements that a funder will consider in order to determine if the case seems suitable for funding?
- What are the high-level factors that make a case suitable or unsuitable for funding?

Deep dive due diligence

- What are the assessment criteria?
- What work is required from the company seeking funding and their counsel during this process?
- What is the role of second-opinion counsel or outside experts and who pays their fees?

2:45 - 3:00 P.M.

COFFEE BREAK

3:00 - 3:50 P.M.

THE “NUTS AND BOLTS” OF A FUNDING RELATIONSHIP AND SELECTING AN APPROPRIATE FUNDER.

Key Terms of a Litigation Funding Agreement

- What are the “nuts and bolts” of a funding arrangement?
- What are the key terms in the agreement, including return structure, rights and responsibilities, who directs counsel, who makes settlement decisions, what happens if the case goes over-budget, and what are the parties’ termination rights?
- What “red flags” should companies seeking funding watch out for in the proposed terms?

After funding, what happens?

- Once the parties enter into a funding agreement, how does the relationship work going forward?
- Is the funding disclosed to the court/defendant?
- What kind of reporting is required?
- How can the funder add value during the case. How are settlement offers or disputes dealt with?
- What happens if substitution of counsel becomes necessary?
- How and when are each of the parties to the agreement paid upon resolution of the litigation?

What criteria should companies consider in selecting a funder?

- There are a variety of funders active in the market, and their approaches and offerings vary. What are the differences, and what criteria should companies consider in choosing a funder for a particular case?

3:50 - 4:30 P.M.

CANADIAN CASE LAW, INTERNATIONAL TRENDS AND SPECIAL ISSUES FOR ARBITRATION

Canadian Case Law

- *Schenk v. Valeant Pharmaceuticals*
- *Seedlings Life Sciences Ventures LLC v. Pfizer Canada Inc.*
- *In re Bluberi*
- *Houle v. St. Jude*

International trends

- How has litigation funding evolved since it emerged 20 years ago?
- What are the trends in other jurisdictions?

Special issues in arbitration

- Arbitration funding raises special issues for funding, including confidentiality and disclosure. What are the extra considerations at play?

4:30 - 4:45 P.M.

QUESTIONS & ANSWERS

REGISTER BEFORE OCTOBER 26
AND **SAVE 25%**

Register online
www.lexpert.ca/legal-programs

CONTACT US:

Call: Toll free 1-877-298-5868 or (416) 609-5868

Fax: (416) 609-5841

Email: For questions please contact lexpert.questions@thomsonreuters.com, for registration inquiries, please contact lexpert.registration@thomsonreuters.com

Mail: Lexpert, Marketing Events

One Corporate Plaza, 2075 Kennedy Road, 11th Floor, Toronto, ON, M1T 3V4

Web: www.lexpert.ca

REGISTER BEFORE **OCTOBER 26** AND **SAVE 25%**

REGISTER BEFORE **OCTOBER 26** AND **SAVE 25%**