

# **Litigation Funding Investment Market – Global Industry Size, Share, Trends, Opportunity, and Forecast, Segmented By Type (Commercial Litigation, Bankruptcy Claim, International Arbitration, Personal Injury), By Enterprise Size (Micro, Small and Medium Enterprises (MSMEs), Large Enterprises), By End User (Banking, Media & Entertainment, IT & Communication, Manufacturing, Healthcare, Others (Travel & Hospitality), By Region, By Competition, 2018-2028**

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## **Abstracts**

Global Litigation Funding Investment Market has valued at USD 18.2 Billion in 2022 and is anticipated to project robust growth in the forecast period with a CAGR of 13.2% through 2028. Global litigation funding investment has witnessed a significant surge, reflecting a dynamic shift in the legal and financial landscape. Litigation funding involves third-party financing for legal proceedings, enabling plaintiffs to pursue claims without shouldering the full financial burden. This industry has experienced robust growth as investors recognize its potential for lucrative returns.

Traditionally, litigation was funded by the parties involved or through law firms. However, the rise of litigation funding firms has transformed the landscape, attracting institutional investors, hedge funds, and private equity firms. This influx of capital allows litigants to access resources necessary for pursuing complex and costly legal battles.

The appeal of litigation funding lies in its potential for substantial returns. Investors

typically receive a portion of the settlement or judgment if the case is successful. The growing acceptance of litigation finance as a legitimate asset class has fueled the development of specialized funds and platforms dedicated to connecting investors with viable legal cases.

This trend is particularly pronounced in regions like the United States, Europe, and Australia, where regulatory environments have become more favorable. As legal costs continue to rise, litigation funding serves as a strategic financial tool for both corporations and individuals, reshaping the dynamics of legal proceedings and creating new opportunities for savvy investors in the global financial landscape.

## Key Market Drivers

### Increasing Acceptance and Legal Frameworks

One of the primary drivers of the growth in global litigation funding is the increasing acceptance of this practice within legal systems and the development of regulatory frameworks to govern it. Historically, litigation funding faced skepticism and legal challenges in many jurisdictions, but as awareness of its benefits has grown, so has its legitimacy.

In countries like the United States, the United Kingdom, and Australia, legal systems have become more receptive to litigation funding. Courts have issued rulings that affirm the legality of third-party financing, and regulatory bodies have established guidelines to ensure transparency and ethical conduct within the industry. This legal acceptance has created a stable environment for investors, making litigation finance an attractive asset class.

### Rising Legal Costs

Escalating legal costs have become a major driver of litigation funding investment. Legal proceedings, especially complex commercial disputes and class actions can be prohibitively expensive. Small to mid-sized businesses and individuals often lack the financial resources to pursue litigation against well-funded opponents. As a result, they may forego valid legal claims.

Litigation funding bridges this gap by providing the necessary financial support to plaintiffs, enabling them to engage top-tier legal representation and cover litigation expenses. In return, funders receive a portion of the settlement or judgment if the case

succeeds. The rise in legal costs has made litigation funding an essential tool for leveling the playing field in the legal arena.

### Diversification of Funding Sources

The third driver is the diversification of funding sources. Initially, litigation funding was primarily the domain of specialized litigation finance firms. However, as the industry has matured and demonstrated its profitability, a wider range of investors has entered the market.

Institutional investors, such as pension funds, hedge funds, and private equity firms, are increasingly allocating capital to litigation finance. These large-scale investor's view litigation funding as an attractive alternative asset class that can offer uncorrelated returns compared to traditional investments like stocks and bonds.

Additionally, crowdfunding, and online platforms have emerged, allowing individual investors to participate in litigation funding on a smaller scale. This democratization of investment opportunities has expanded the pool of capital available for litigation finance and diversified the investor base.

### Globalization of Litigation Finance

The globalization of litigation finance is another significant driver. While the industry initially developed in English-speaking jurisdictions, it has now spread to various parts of the world. This expansion is driven by both demand and supply factors.

On the demand side, businesses and individuals in different countries increasingly seek litigation funding as a means to pursue legal claims. Cross-border disputes and international arbitration cases have also contributed to the global growth of litigation finance.

On the supply side, litigation finance firms are expanding their operations to tap into new markets. This involves adapting to different legal systems, regulations, and cultural norms. The internationalization of litigation finance has made it a truly global industry, offering opportunities for investors to diversify their portfolios across jurisdictions.

### Potential for Attractive Returns

Last but not least, the potential for attractive returns is a key driver of investment in

litigation funding. The asset class has demonstrated the ability to generate substantial profits for investors when cases succeed. Returns can vary widely depending on the nature of the case, but they often far exceed the returns available through traditional investments.

Litigation finance offers the allure of asymmetric risk-reward profiles. Investors typically face limited downside risk, as they only stand to lose their investment if the case is unsuccessful. In contrast, the upside potential can be significant, with returns often calculated as a multiple of the initial investment.

Moreover, the non-correlation of litigation finance returns with broader financial markets can make it an appealing addition to diversified investment portfolios. This characteristic can help investors mitigate risks associated with market volatility and economic downturns.

## Key Market Challenges

### Regulatory Hurdles and Legal Uncertainty

One of the foremost challenges in the litigation funding industry is the complex and evolving regulatory landscape. Laws and regulations governing litigation finance vary widely from one jurisdiction to another, and even within regions, making it challenging for investors and funders to navigate.

Some jurisdictions, like the United States, the United Kingdom, and Australia, have developed relatively clear regulatory frameworks that recognize and govern litigation finance. However, in other regions, regulatory guidance may be lacking or uncertain. This inconsistency can create legal risks and uncertainties for both funders and litigants.

Additionally, the classification of litigation funding as a financial product or service can differ between countries, which affects issues like taxation and disclosure requirements. Regulatory changes or legal challenges can also impact the industry's operating environment. For instance, adverse court decisions or legislative reforms can alter the rules governing litigation funding and potentially restrict its availability.

As the industry continues to globalize, finding a harmonized regulatory approach that balances the interests of investors, litigants, and the broader legal system is a significant challenge. The lack of uniformity in regulations poses obstacles to the industry's growth and makes it essential for participants to stay well-informed about the

legal requirements in each jurisdiction they operate in.

### Ethical Concerns and Conflicts of Interest

Ethical considerations and potential conflicts of interest are another challenge for the litigation funding industry. Critics argue that the profit motive of litigation funders could compromise the integrity of legal proceedings. They express concerns that funders may exert undue influence over litigation strategy, encouraging litigants to pursue cases solely for financial gain rather than for the pursuit of justice.

Moreover, there is a risk that litigants who receive funding may be less willing to consider reasonable settlement offers, prolonging legal disputes unnecessarily. This can clog the courts with cases that might have otherwise been resolved through negotiation.

To address these concerns, many jurisdictions have imposed ethical guidelines and disclosure requirements for litigation funders. These rules aim to ensure transparency, mitigate conflicts of interest, and protect the interests of both litigants and the broader legal system.

However, the interpretation and enforcement of these ethical standards can vary, leading to ongoing debates about the appropriate role and responsibilities of litigation funders in the legal process. Striking the right balance between facilitating access to justice and maintaining ethical standards remains an ongoing challenge for the industry.

### Risk Management and Case Selection

Effective risk management and case selection are fundamental to the success of litigation finance. While the potential returns can be attractive, litigation is inherently uncertain, and not all cases are destined for success. Ensuring that investments are strategically placed in cases with a reasonable likelihood of a favorable outcome is a constant challenge for litigation funders.

Inaccurate case assessments can lead to significant financial losses for investors, as litigation costs can be substantial. In some instances, funders may be tempted to pursue high-risk, high-reward cases that are unlikely to succeed, potentially undermining the credibility of the entire industry.

To address this challenge, litigation funders employ teams of experienced legal

professionals who thoroughly evaluate cases before providing funding. They assess factors like the strength of the legal arguments, the credibility of the litigants, and the expected duration and cost of the litigation. This due diligence is crucial in minimizing investment risks.

However, the challenge of accurately predicting the outcomes of legal disputes remains, and there's always the possibility of unexpected developments in court. Balancing the potential for attractive returns with the need for prudent risk management is a constant challenge for participants in the litigation finance industry.

### Economic Downturns and Case Volume

The economic environment can also impact the litigation funding industry. During economic downturns, businesses and individuals may be more inclined to pursue legal claims to recover losses or seek compensation. On the surface, this might seem like an opportunity for litigation funders.

However, economic downturns can also lead to a decrease in the overall volume of legal cases. Companies may be less willing to engage in costly litigation, and courts may experience delays or backlogs. Additionally, litigation funding is not immune to the broader financial market's challenges, and funders may face difficulties raising capital during economic crises.

Moreover, as the industry matures and attracts more participants, competition for viable cases can become fierce. This competition can drive up the cost of funding and reduce the potential returns for investors.

Striking the right balance between capitalizing on increased demand during economic downturns and managing the challenges that come with it is a delicate task for litigation finance firms. They must carefully assess case volume, funding costs, and the economic climate to make informed investment decisions.

### Key Market Trends

#### Increasing Market Sophistication

One prominent trend in litigation funding is the increasing sophistication of the market. As the industry has grown, participants have become more skilled at identifying promising cases, conducting due diligence, and structuring funding arrangements. This

maturity has led to better risk assessment and more efficient allocation of capital.

In particular, litigation finance firms are using advanced data analytics and artificial intelligence to evaluate potential cases more effectively. These tools help assess the merits of a case, estimate potential damages, and predict the likelihood of success. Such data-driven approaches enhance decision-making and improve the overall performance of litigation funders.

Moreover, the industry is witnessing the emergence of specialized litigation finance firms that focus on specific areas of law, such as intellectual property, antitrust, or international arbitration. This specialization allows funders to develop deep expertise in particular legal domains, further increasing their ability to identify and assess investment opportunities.

### Expanding Geographic Reach

Another notable trend is the expanding geographic reach of litigation funding. While the industry initially took root in common law jurisdictions like the United States, the United Kingdom, and Australia, it has now spread to civil law countries and regions worldwide.

As businesses and individuals in different parts of the world recognize the benefits of litigation finance, demand for funding has surged. This trend is particularly pronounced in Europe and Asia, where regulatory frameworks are becoming more conducive to litigation funding.

Additionally, cross-border disputes and international arbitration cases are fueling the globalization of litigation finance. Funders are increasingly participating in cases that span multiple jurisdictions, contributing to the industry's global reach.

### Diverse Funding Sources

The landscape of litigation funding has become increasingly diverse in terms of funding sources. While specialized litigation finance firms continue to play a significant role, institutional investors and alternative capital providers have entered the market in greater numbers.

Institutional investors, including pension funds, hedge funds, and private equity firms, are attracted to litigation finance as an alternative asset class that offers uncorrelated returns with traditional investments. These large-scale investors are contributing



substantial capital to the industry, leading to larger fund sizes and more significant investments.

Furthermore, crowdfunding and online platforms have emerged as alternative means of financing legal cases. These platforms allow individual investors to participate in litigation funding by contributing smaller amounts of capital to a pool of cases. This democratization of funding sources has expanded access to litigation finance for a broader range of investors.

### Portfolio Diversification

Portfolio diversification is becoming increasingly important for both litigation finance firms and investors. Traditionally, litigation funders focused on funding individual cases. However, many are now adopting portfolio strategies, where they invest in a diversified range of cases to spread risk and enhance returns.

Portfolio diversification offers several advantages. It helps mitigate the inherent uncertainty of litigation outcomes, as a successful case can offset losses in others. It also allows funders to target different types of cases, such as high-value commercial disputes, class actions, and intellectual property claims.

Moreover, some litigation finance firms are exploring sector-specific portfolios, concentrating on cases within industries like healthcare, technology, or finance. This targeted approach leverages industry expertise and provides investors with opportunities to align their portfolios with specific sectors of interest.

### Increased Transparency and Regulation

Transparency and regulation have become increasingly important in the litigation funding industry. As the industry has grown, regulators and legal authorities have taken steps to establish clearer guidelines and ensure ethical conduct.

In jurisdictions like the United Kingdom, Australia, and Singapore, regulatory bodies have introduced codes of conduct and disclosure requirements for litigation funders. These regulations aim to enhance transparency, protect the interests of litigants, and maintain the integrity of the legal system.

Additionally, there is a growing trend toward court approval of litigation funding agreements. Courts are increasingly involved in reviewing and approving funding



arrangements to ensure they are fair and do not compromise the interests of the litigants.

The push for greater transparency and regulation reflects a maturing industry that seeks to build trust among litigants, investors, and the broader legal community.

### Rise of Non-Recourse Financing

Non-recourse financing is gaining traction in the litigation funding industry. This financing model allows litigants to access funding without personal liability for repayment if the case is unsuccessful. Instead, the funder bears the risk of losing the investment.

Non-recourse financing appeals to a wide range of litigants, particularly those with limited financial resources or businesses seeking to manage litigation costs. It provides litigants with the peace of mind that they will not face adverse financial consequences if their case is unsuccessful.

Furthermore, non-recourse financing often results in more competitive terms for litigants, as funders are motivated to select and support strong cases with higher chances of success.

This trend aligns with the broader goal of litigation finance, which is to democratize access to justice by providing financial support to litigants who might otherwise be unable to pursue valid legal claims due to financial constraints.

### Segmental Insights

#### Type Insights

Personal injury litigation is emerging as a growing and significant segment within the broader field of litigation funding. This trend can be attributed to several factors that are reshaping the landscape of personal injury cases.

First and foremost, the increasing awareness of litigation funding among plaintiffs in personal injury cases has led to a surge in demand. Victims of accidents or negligence, who often face financial hardships due to medical bills and loss of income, are seeking financial support to pursue their claims. Litigation funders are stepping in to provide the necessary capital to cover legal costs and enable these individuals to seek justice.

Moreover, personal injury cases can be particularly expensive and time-consuming, making them prime candidates for litigation funding. The costs associated with medical experts, investigations, and expert witnesses can be daunting, but with funding in place, plaintiffs can secure top-tier legal representation and navigate the complexities of personal injury litigation more effectively.

Additionally, the non-recourse nature of litigation funding is especially attractive in personal injury cases. Plaintiffs are relieved of the financial burden if their case is unsuccessful, providing them with peace of mind during an already challenging period in their lives.

As personal injury litigation continues to grow, it underscores the vital role that litigation funding plays in ensuring access to justice for individuals seeking redress for injuries caused by the negligence of others. This segment's expansion also highlights the adaptability of the litigation funding industry in responding to evolving legal and societal needs.

### Enterprise Size Insights

Micro, Small, and Medium-sized Enterprises (MSMEs) represent a rapidly growing segment in the realm of litigation funding. These businesses often face legal disputes and challenges that can be financially overwhelming, making litigation finance an increasingly valuable resource for them.

The growth of MSMEs as a significant target for litigation funding is fueled by several factors. Firstly, MSMEs may lack the financial resources to pursue legal actions against larger entities or well-funded opponents. Litigation funding bridges this gap, allowing these businesses to access the legal representation and resources they need to defend their rights or seek compensation.

Furthermore, MSMEs frequently encounter issues like contract disputes, intellectual property conflicts, or commercial disagreements that can disrupt their operations. In such cases, litigation funding can serve as a lifeline, enabling them to navigate complex legal processes and preserve their businesses.

The non-recourse nature of litigation funding is particularly appealing to MSMEs, as it shields them from the financial risks associated with unsuccessful litigation. This makes it a strategic financial tool for these smaller enterprises, reducing the barriers to seeking

legal remedies.

As the MSME sector continues to grow globally and confronts various legal challenges, litigation finance is poised to play an increasingly pivotal role in supporting these businesses' access to justice and protecting their interests in an ever-evolving business landscape. This trend highlights the democratization of legal resources and reflects the adaptability of the litigation funding industry in catering to the needs of a diverse range of clients.

## Regional Insights

North America is witnessing significant growth in the litigation funding sector, underscoring its status as a rapidly expanding segment in the industry. Several factors contribute to this burgeoning trend in the region.

Firstly, North America's well-established legal system and the prevalence of costly litigation have created a fertile ground for litigation finance. The United States, in particular, has a robust legal landscape that generates a substantial volume of commercial disputes, class actions, and complex litigation cases. As legal costs continue to rise, litigants in North America are increasingly turning to litigation funders to help them pursue their claims.

Secondly, the broader acceptance of litigation funding as a legitimate financial tool has encouraged its growth. Courts in the United States have issued rulings affirming the legality of third-party financing, and regulatory bodies have introduced guidelines to enhance transparency and ethical standards within the industry. This legal recognition has bolstered confidence in litigation funding, attracting more investors and fueling its expansion.

Furthermore, the diversity of industries in North America, including technology, healthcare, and finance, has led to a wide range of legal disputes. Litigation finance providers in the region are capitalizing on this diversity by offering specialized funding for various sectors, thus broadening their reach and appeal to businesses and individuals alike.

In conclusion, North America's burgeoning litigation funding sector is driven by a combination of factors, including its robust legal system, growing acceptance, and the diverse range of industries generating legal disputes. As the industry continues to mature in the region, it is likely to play an increasingly influential role in facilitating

access to justice and supporting litigants in their pursuit of legal remedies.

### Key Market Players

Parabellum Capital

Bentham Capital

Juridica Brickell Key

Burford Capital LLC

Woodford Litigation Funding Ltd

Apex Litigation Finance

Omni Bridgeway

Vannin

Augusta Ventures

Longford Capital Management LP

### Report Scope:

In this report, the Global Litigation Funding Investment Market has been segmented into the following categories, in addition to the industry trends which have also been detailed below:

#### Litigation Funding Investment Market, By Type:

Commercial Litigation

Bankruptcy Claim

International Arbitration

Personal Injury

Litigation Funding Investment Market, By Enterprise Size:

Micro, Small and Medium Enterprises (MSMEs)

Large Enterprises

Litigation Funding Investment Market, By End User:

Banking

Media & Entertainment

IT & Communication

Manufacturing

Healthcare

Others

Litigation Funding Investment Market, By Region:

North America

United States

Canada

Mexico

Europe

France

United Kingdom

Italy

Germany

Spain

Asia-Pacific

China

India

Japan

Australia

South Korea

Indonesia

Middle East & Africa

South Africa

Saudi Arabia

UAE

Turkey

South America

Argentina

Colombia

Brazil

Competitive Landscape

Company Profiles: Detailed analysis of the major companies present in the Global Litigation Funding Investment Market.

Available Customizations:

Global Litigation Funding Investment market report with the given market data, Tech Sci Research offers customizations according to a company's specific needs. The following customization options are available for the report:

Company Information

Detailed analysis and profiling of additional market players (up to five).



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