

Lifeline to justice

Augusta's Peter Cornell explains how the funder is setting up a charitable foundation

In most legal markets, access to justice requires the availability of money. It is a well-known but unfortunate fact that not all meritorious claimants have the ability to fund their legitimate claims. We in the litigation funding industry have built a strongly commercial business out of providing funding to fill the gap for many claimants. But we have not yet found a way of supporting those cases that do not have a financial outcome, or where the outcome does not pass a financial profitability test. In my view, it is time we widen access to justice, and provide funding for those with strong cases, even when their claims are not commercially viable.

When Louis Young, Neill Brennan and Robert Hanna founded Augusta in 2013, they focused on providing financing for suitable commercial claims. We have subsequently financed over 200 claims with a win rate of 80%, and today Augusta is now the largest litigation and dispute funding institution in the UK with a team of 70 in London. In building the business, we developed an online platform and review process that enables us to quickly assess large numbers of commercial disputes. Now, in establishing a charitable foundation, we intend to make these skills and resources available for non-commercially viable claims.

Our goal is to leverage our business model to assist individual claimants in need of funding. We are today working towards establishing a not-for-profit organisation to provide financial support and to facilitate professional assistance for those in need. But we cannot deliver on this mission alone. Augusta will work with other organisations to build a coalition of supporters, an ecosystem of donors, lawyers and experts who are willing to support those with strong cases, who otherwise would be denied access to justice. Our team has always had a strong track record of charitable giving and are very engaged in the plans for setting up the organisation and giving their time to individual cases.

In year one, our aim for the not-for-profit organisation is to raise £2m to finance individual claims. We will seek donations from our current network of institutional and private investors and Augusta will contribute office space and administrative resources to support these efforts. But that is just the start of what is needed to make this endeavour successful. We will need support from other funders, from law firms and professional advisers. The aim is that by year two, the organisation will become self-sustaining.

My hope is that this article will encourage donations of time from legal and professional services firms. Some may wish to become formal partners of the not-for-profit organisation, others may wish initially to offer pro-bono support on specific cases. To aid the good work these supporters are willing to undertake, Augusta will contribute our own people,

facilities and technology to underpin the processes of the not-for-profit organisation as well as raising cash through our donor network. All the while, we will work with existing pro-bono organisations to deploy our capital and skills to ensure we are not duplicating the good work already done by others.

We are seeking Charity Commission registration, with advice from Charles Russell Speechlys. Once set up, the organisation will be

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managed and overseen by an independent Board of Trustees, who will set the strategy for the organisation and will be responsible for furthering the charitable purposes and overseeing the organisation's work, fundraising, case selection, and claims management processes.

The focus of our work will be to support individual claimants without the personal financial means to pursue cases. We hope to support those who have been unable to secure access to justice through conventional means. We will intentionally focus on the more challenging types of claim where other options are unavailable. Our trustees will take a keen interest in case selection, but at all times we will look to support cases below commercial thresholds, with expected damages below the £300k mark.

We hope that in time, our organisation will be a strong partner for organisations such as law centres who are already supporting claimants, who may not be able to offer funding and systems to support those in need. We will make the difference, not only by offering funds but also by using Augusta's proven due diligence process to select suitable meritorious disputes.

We are at the beginning of our journey towards setting up this not-for-profit organisation in the UK, and this will be closely followed by formally announcing our plans for additional not-for-profit organisations in Australia and Canada. We are pleased with the reception that we have had from donors, professional service firms and suitable pro-bono partners who wish to join with us in increasing access to justice for those in need.

Please do not hesitate to get in touch if you would like to explore how your organisation can contribute to our mission.

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CHARITABLE FOUNDATION