

News

A LOOK INTO LITIGATION FUNDING

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SUMMARY

As litigation funding has drawn national headlines in recent years in connection with cases such as the Gawker and Smartmatic defamation actions, it has also received additional scrutiny from courts and judges interested in knowing who is or may be influencing the litigation in their courtrooms. Party litigants may likewise want to know who is funding their litigation opponent.

This paper by BCLP Partner Jon Fetterly explores the emergence of local rules and court orders requiring disclosure of litigation funding arrangements, and the growing body of case law addressing when litigation funding is potentially relevant and discoverable. It also considers whether documents and communications shared with a non-party funder can be protected from discovery on the grounds that they are privileged and confidential. The authorities examined in this paper potentially apply to any case in which a party is funded by a non-party to the litigation, regardless of whether the funding supports the prosecution of a plaintiff's claim or provides a defense to a person or group in need of counsel.

BCLP Partner Jon Fetterly recently published a whitepaper looking into an emerging trend by parties who find funding for their disputes, including matters against media, advertising, and large-scale companies. The paper was published by the [Media Law Resource Center](#), one of the largest groups of lawyers representing media organizations and individuals to advance and promote First Amendment and media rights concerning communications law. Members include major media outlets, publishers, broadcasters, internet companies, cable networks, and insurance professionals.

The article can be found [here](#) for MLRC members.

RELATED CAPABILITIES

- Media & First Amendment

- Sports, Media & Entertainment Litigation
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MEET THE TEAM



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