

## Highlights from Chapter 11—Publicly Funded Litigation Funds

Publicly funded litigation funds are self-sustained and offer litigants access to ongoing and continuous funds to pay the cost of litigation. Across Canada, two such funds are currently in place—the Ontario Class Proceedings Fund, and the Québec *Fonds d'aide aux actions collectifs*. In 2017, the federal government reinstated the Court Challenges Program, which is designed to finance litigation of test cases that have national significance.

### *Optimal uses*

- **Class proceedings** (used in class proceedings where parties often face a power imbalance);
- **Public interest cases** (e.g. where the outcome of a case has the potential for a wide impact on the public, such as human rights and *Charter* cases).

Advantages	Disadvantages	Ethics and professional responsibility considerations
<ul style="list-style-type: none"> <li>• Helps to fill service gaps</li> <li>• Expanding the role of small law firms</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative challenges</li> <li>• Discouraging funding structure</li> </ul>	Managing client expectations

### *Opportunities for systemic, structural, or legal change*

The consultation participants and research highlighted two ideas where changes could be considered to promote publicly funded litigation funds in British Columbia: develop a class proceedings fund; and lawyer and law firm annual contribution to a public interest litigation fund.