

# Dispute Resolution Finance

An innovative solution for your business

## The new normal

Businesses are under pressure to do more with less. Management must innovate to reduce risks and expenses while at the same time build a sustainable organisation, improve profits, and maximise value for stakeholders. In-house legal teams report their most significant challenge is resource and budget limitations. Procurement teams report they are focusing on cost reduction, increasing cash flow and managing risks. They are scrutinising all outsourcing strategies and legal expenditure is under review.

Litigation, arbitration and alternative dispute resolution are one of the largest categories of legal expense and one of the most likely areas of work to be outsourced by businesses.

Legal disputes are typically costly and an unpredictable, time-consuming distraction from business objectives. As a result, some businesses have forgone pursuing legitimate legal claims to avoid the expense, risk and disruption.

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INTERNATIONAL LITIGATION FUNDING

# Now there is a solution.

High performing businesses are turning to new financing models to pursue their legal rights, unlock the monetary value in disputes and de-risk their balance sheets. Here's how:

## Dispute resolution finance for business

**As an alternative to using your balance sheet, third-party dispute finance allows you to outsource all of the cost and risk of commercial disputes, with the finance recoverable against the potential value of your legal dispute. This enables you to:**

- pursue your legal claims while reserving your capital for business-as-usual and growth
- leverage your legal claims as assets akin to traditional asset classes, such as property
- bring value to your business by unlocking potential revenue in your claims
- finance dispute expenses so they do not reduce operating profits, depress your financial results or inhibit your valuation
- avoid the need to provide security for costs
- transfer the risk of adverse cost orders – if a dispute is unsuccessful, you pay nothing
- enforce your legal rights and convey to your market your determination to assert your position
- level the playing field against larger opponents
- retain leading legal representation and benefit from independent oversight of legal strategy and expenses
- relieve workload pressure for your in-house legal team by outsourcing dispute management
- incorporate the strategic input and perspectives of independent specialists into your case strategy

## Financing options with IMF Bentham

**IMF Bentham is a leader in the field of dispute resolution finance. We engage with large and small businesses to unlock the hidden value in potential claims and support businesses' profitability.**

IMF Bentham takes on the cost and risk of your legal disputes and in return, we only recover our expenses and a commission when the claim resolves. Because our financing is 'non-recourse', we are only paid if your claim is successful.

There are many ways our capital can help your business:

**Single cases** We will team with you to finance a single case. Our financing covers all legal costs including briefing law firms, barristers, expert witnesses and court or arbitration fees.

**Disbursements only or part of the costs** If you only require cover for disbursements (for example barristers', experts', and Court or institutional filing fees) or want to allay only part of the costs, we customise finance to your needs.

**Portfolio** When you have multiple potential disputes that can be bundled, we will finance the entire portfolio. When we finance a portfolio we can offer more favourable pricing and also finance defences for your business.

**Operational Costs** In addition to financing your case, we can provide finance for your business' operational costs pending the resolution of your dispute.

**"Seed" Financing** Sometimes you need to explore whether your claim is worth pursuing. We can finance up-front 'seed' costs for assessing the merits of a claim, such as paying for expert opinions.

### **Adverse Costs and Security for Costs Orders**

We provide up-front 'security for costs' when required. We also cover you for adverse costs (i.e. any costs you are ordered to pay if your case is unsuccessful). In other words, we protect you from the downside risks of litigation.



## Teaming with IMF Bentham

**IMF Bentham is one of the most experienced and successful dispute financing companies in the world. We are pioneers of the dispute finance industry and have offices worldwide with significant capital to invest throughout the globe.**

**Capital** Whether high-value, complex individual cases or entire portfolios, we have the resources to back you to resolution. With over A\$400 million funds available world-wide, we are not intimidated by well-resourced opponents. As a listed public company, our financial position is transparent.

**Track Record** We have a 91% success rate over 162 completed cases since 2001. We are a formidable ally by your side.

**Returns** We have recovered over A\$1.3 billion for clients, revenue that might otherwise have been unrealised.

**Project Management** Some in-house lawyers work in small to medium sized teams or are the sole legal officer within their business. Accessing additional resources during peak demand can be challenging. We can save you time and supplement your resources by project managing your disputes and monitoring legal costs, with your input on key decisions and outcomes.

**Talent pool** Our multi-disciplinary global team includes former in-house corporate counsel, lawyers from premier global law firms, barristers, business leaders and company directors educated at some of the world's leading institutions.

**Commercial acumen** We understand what issues are material to your dispute and its outcome and how to mediate disputes and negotiate with multiple stakeholders to achieve a timely resolution.

**Strategic insights** In a more-for-less world, in-house legal teams are typically pressed for resources. We work across many industries and types of commercial disputes and will share with you the insights we have gained over many years.

**Relationships with leading advisers** We regularly work with leading law firms, barristers, market analysts, economists and other experts. You can choose your preferred legal providers or draw on our network.

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RECOVERED OVER  
A\$1.3 BILLION  
FOR CLIENTS

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# Curious to know more?

We would be delighted to explore tailored solutions to unlock value for your business.

[imf.com.au](http://imf.com.au) | [imf.sg](http://imf.sg)



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