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## Introducing the Dispute Financing Library – A Free Online Resource

Ingrid Mattson  
*Benjamin N. Cardozo School of Law*

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## Law Lines

The newsletter of the Law Library Association of Greater New York

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# Introducing the Dispute Financing Library – A Free Online Resource

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*By, Ingrid Mattson, Associate Dean for Library Services, Professor of Legal Research, and Director of the Law Library, Cardozo School of Law*

[NYU Law School's Center on Civil Justice](#) has developed an online collection of documents and media related to third-party litigation funding called the [Dispute Financing Library](#). The Center's goal is to create a collection of material on the topic and includes statutes, case law, journal articles, bar reports, news, best practices, and more.

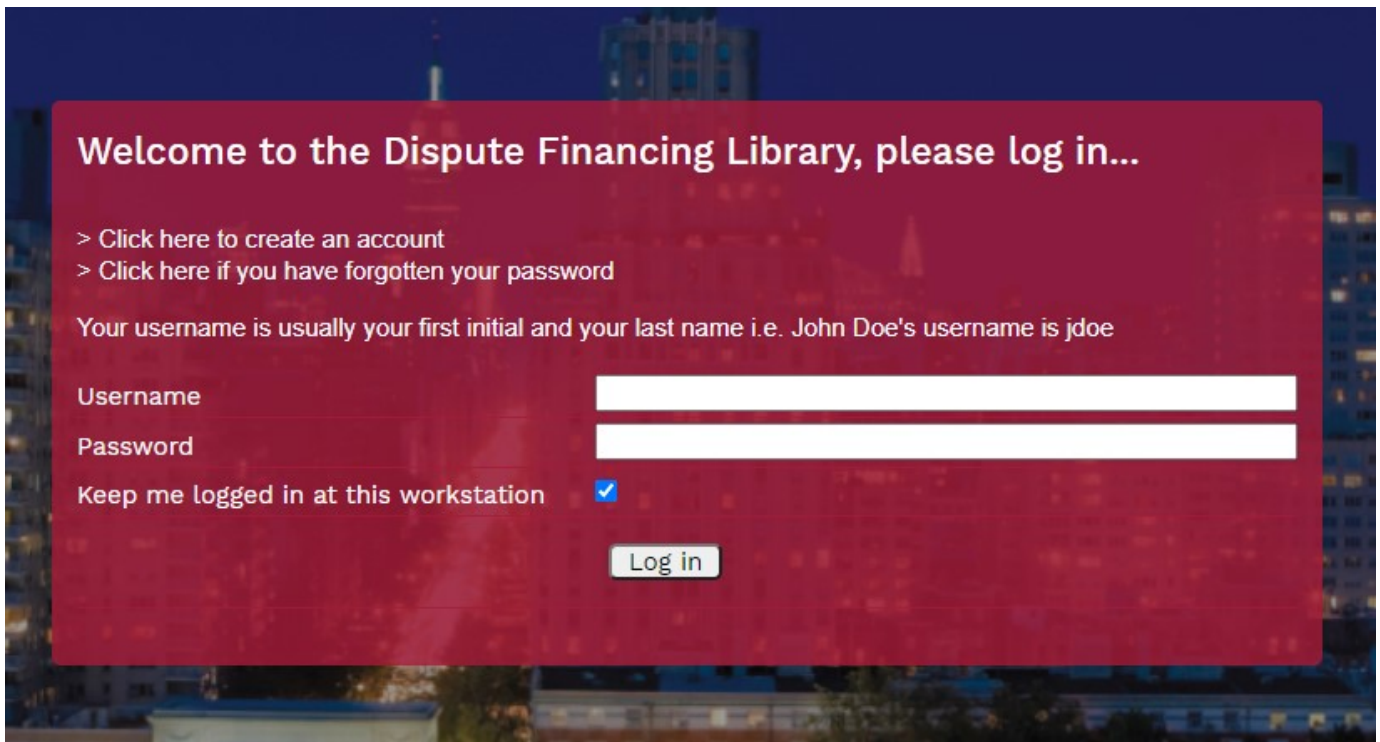


But you might be wondering what third-party litigation funding is. Alternatively known as litigation financing, dispute financing, and alternative or external dispute financing, it's essentially a scenario where an unaffiliated third party pays all the litigation fees and/or other costs for one party (typically the plaintiff) before or during a lawsuit in exchange for a return on investment if the case settles or damages are awarded. Such funding has now extended to arbitrations and even portfolios of cases.

Say, for example, you feel wronged by a large company and want to sue but can't bear the risk of financial loss or your chosen attorney will not take the case on contingency. A third-party funder may be willing to pay for the litigation in exchange for a risk-adjusted rate-of-return paid out of your ultimate payout.

This industry is relatively new (starting in the 1990s). Like all developing industries, the legal issues arising in the space are often novel and seemingly endless. For example, what governing body is authorized to regulate this space? Who may/should determine what is a 'reasonable' percentage or fee for the third party to collect? To what extent does this implicate professional responsibility [issues](#) with respect to confidentiality, exercising independent professional judgment, and the complex financial interests that may impact a client's decision to settle or otherwise resolve their case.

So what's the value of the Dispute Financing Library? Think of it like a Bloomberg Law Practice Center, Lexis's Practical Guidance, or something on Westlaw's Practical Law, but free and highly specialized. Those platforms offer deep dives on specific subjects for which there is a critical mass of information because sufficient numbers of attorneys and other researchers have an interest in them. But it can be difficult to find thoughtfully curated content on more niche topics. That's a gap the Dispute Financing Library fills. Being able to search cases, statutes, or articles knowing that each result will be relevant to the dispute financing industry will save substantial research time sifting through unrelated materials.



As with any new industry—especially one that is potentially disruptive of the status quo—various stakeholders and other interested parties offer a lot of information, but often in a context which is biased or opaque. The Library is non-partisan and its Board of Advisors is comprised of experts in the field – many academics, but also public and private sector experts – whose only goal is to offer the public a broad and reliable set of sources.

Currently the Library is home to 2,667 documents, the largest public repository on the subject. You can search by keyword, document type, jurisdiction, or topic, among other things. Document types include enacted statutes, proposed statutes, legislative history, journal articles, arbitrations, funding agreements, best practices, and more. If you're tasked with research in this area, the Library is a one-stop-shop.

There are some drawbacks. The content is all relatively new, and it's curated by researchers working with the Center on Civil Justice, though anyone can upload submissions that may be accepted for inclusion in the Library (subject, of course, to copyright restrictions among other things). So, it's growing all the time, but it's not necessarily comprehensive in scope. Additionally, though there are many ways to conduct an advanced search, post-search filtering is somewhat limited, with a searcher being given the option to sort by relevance, popularity, color, and document date (though it's not clear whether the "document date" is the date the item was added to the library or actually created).

Still, the Advanced Search functionality does give you a unique way to critically evaluate your search results. You can literally see how many results you will get depending on your pre-search filters. For example, the largest collection of documents in the Library is News Stories (which accounts for 34% of the content) with legislative history documents heavily featured as well. If you're interested in researching all News Stories (Document Type) addressing Commercial or Consumer Funding (Content Types), you can select those boxes on the Advanced Search page, and before you view your results, you can quickly see there are 109 items in the Library that fit those search criteria. You can even enter keywords and see how many items you'll get in your search results list. In other words, you may not have many post-search filters, but you are able to know (1) exactly what exists in the database (a rarity with electronic resources), and (2) how comprehensively your topic might be addressed before you invest a ton of time into your resource.

It's rare to find a free, specialized library these days, especially on such a new topic. If you have an attorney practicing in this area or know law students interested in this field, take a look at the Library to get a sense of how it could be of use. Finally, feel free to let me know if you know of other online collections that merit attention. This entry was posted in [2022](#) and tagged [Dispute Financing Library](#), [Free Legal Resource](#), [Ingrid Mattson](#), [Legal Research](#), [New York Law School's Center on Civil Justice](#), [Online Resource](#), [Review](#). Bookmark the [permalink](#).

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