



31 October 2017

Victorian Law Reform Commission
GPO Box 4637
Melbourne Victoria 3001

By email: law.reform@lawreform.vic.gov.au

Dear Commissioners

Access to Justice – Litigation Funding and Group Proceedings

I refer to the Access to Justice – Litigation Funding and Group Proceedings Consultation Paper (July 2017). In particular, I refer to Chapter 8 of the Consultation Paper, which concerns whether removing the prohibition on lawyers charging contingency fees would mitigate the issues presented by litigation funding.

I understand that the Victorian Bar has recently made a submission to the Commission to the effect that lifting the ban on contingency fees will not itself mitigate the issues presented by the practice of litigation funding. I also understand that the Victorian Bar has provided you with a copy of its 2014 submission to the Law Council of Australia in which it stated its opposition to lifting the ban on contingency fees.

CommBar has previously expressed the view that the prohibition on contingency fees should be removed – see the memorandum from CommBar dated 27 June 2014 (referred to in footnote 9 on page 124 of the Consultation Paper). CommBar maintains that view.

Should you have any queries about the above, please do not hesitate to contact me.

Yours sincerely

Luke Merrick | Junior Vice-President/Convenor | Commercial Bar Association



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