



General Commercial Disputes





What are general commercial disputes?

From time to time, those involved in commercial transactions will find things do not turn out as planned, and despite efforts to resolve things amicably it may be necessary to resort to litigation or arbitration. Taking this step would usually give rise to substantial cost and risk, but this can be transferred away to Harbour, freeing up funds for more productive areas of your business, or improving your company's valuation by removing the costs of litigation or arbitration from your balance sheet.

We can cover all the costs associated with your dispute. In jurisdictions where it applies, we can also protect you from the risk of adverse costs if your case is unsuccessful.

Is funding right for your claim?

We need to understand the details of your claim to ascertain whether it could be funded. It is also important for us to know we can rely on your support in bringing the claim to a successful resolution. Answers to the following questions will help us to quickly assess your claim.

Merits	<ul style="list-style-type: none">• Are there good grounds for bringing an action?• Has a full legal advice on merits of the claim been prepared?• Is there any prospect of settlement?
Economics	<ul style="list-style-type: none">• What is the value of your claim, and how do you arrive at that figure?• What amount of funding do you require? We can fully fund, share costs, fund disbursements only, or purchase entitlements to judgments or awards. A detailed budget will be required from the legal team before we can present the case to our investment committee.• How long do you expect the case will take?
Recoverability	<ul style="list-style-type: none">• Who is the defendant, and have they got the means to satisfy a judgment or award made against them?• Where are their assets located, and will it be possible to enforce against them?
Experience	<ul style="list-style-type: none">• What is the legal team's track record in successfully bringing cases of this kind to a successful conclusion?



What sets us apart?

Harbour is amongst the largest and most experienced funders in the world, having supported cases in 14 jurisdictions and 6 arbitral forums since 2007. Our experience of reviewing over 4,000 claims means we can quickly review the responses to the questions above and provide an indicative view on pricing, before guiding you through our due diligence process.

Over a decade of providing flexible funding solutions has given us a deep understanding of the risks involved, enabling us to provide funding and support which would simply be unavailable from banks or other providers of capital. We know litigation and arbitration is uncertain in its course, and we can provide additional funding to manage unexpected issues such as security for costs payments, annulment proceedings, appeals, enforcement proceedings, and protection from adverse costs if that applies in your jurisdiction.

Our pricing

Harbour provides a flexible and tailored solution to suit your needs. We can cover all or part of your legal fees and disbursements, including potential adverse costs and funding for security for costs.

The pricing of our funding is bespoke and is informed by our view on the specific risks involved. We consider factors such as the claim value, how many claims are to be pursued, the budget required (for IPs, lawyers, and financial investigators), the merits, the jurisdiction of your claim, and any potential difficulties with enforcement.

A number of pricing options are available, with non-recourse funding being the most popular, where Harbour only receives a return when proceeds are recovered. Should the claim be unsuccessful, the risk is entirely ours, and you owe Harbour nothing. Pricing is generally structured as a return of capital plus the greater of a percentage of proceeds and a multiple of our capital.

Recourse funding is also available, which allows a claimant to maximise their return and free up capital. This financing is repayable at the end of the process, regardless of the outcome of the case.

We can also acquire interests in claims and judgments, providing immediate cash payments of an agreed percentage of the claim or judgment value, potentially with more to follow upon successful recoveries if the claimant wishes to remain involved.

We seek to agree pricing which fairly rewards the risk you and we are taking.

Pricing is agreed with our investment team at an early stage in our discussions, and before the case is presented to our investment committee you will know what the pricing is and how an agreement will be structured. More information on pricing and our processes is available on our website.



General commercial dispute case study

The claimant property developers had banking arrangements with the defendant bank which required two signatories on any payment instructions made in relation to their bank account. Despite this, the bank permitted monies to leave the account with just one signature, causing significant losses to the claimants (the funds were funneled away from the business to a dishonest partner). These losses ultimately led to the insolvency of the property development companies, which as a result could not afford to pursue the bank for breach of mandate.

In addition to funding, at the claimant's request Harbour assisted with the introduction of a first-class legal team which had a beneficial and expeditious impact on the prosecution of the claim. Just 12 months after Harbour commenced funding, the case was successfully mediated to a settlement.



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