



Professional Negligence Disputes





What is professional negligence?

Professional negligence is when a professional fails to perform their responsibilities to the required standard, or breaches a duty of care. Where this poor conduct subsequently results in a financial loss or damage, a professional negligence claim may arise.

Frequently brought against auditors, accountants, and other financial advisers these claims are often brought by shareholders, creditors and insolvency practitioners.

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 the 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.) How long do you expect the case to take?• 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 against them?• Where are their assets located, and will it be possible to enforce a judgment 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.

We are one of the world's leading and most experienced funders supporting professional negligence disputes. We recognise they are often robustly and expensively defended, and we understand they require specialist legal teams and leading expert witnesses.

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, the budget required, 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.



Professional dispute case study

The liquidator of a group of investment funds wanted to bring a claim against the funds auditors for failing to identify frauds perpetrated by the former manager.

With our support, the claimant's legal team were able to engage industry experts, at an earlier stage than usual, to obtain, review and organise a significant volume of the investment funds' trading data. Armed with this the claimant was able to obtain the early settlement which they were hoping for, with only a small portion of the costs required for trial having been spent.



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