

# Litigation Funding and its Effect on Resolving Construction Accident Claims

## Moderator



**Maren Mooney, CCP, CLMP, CRIS**  
Director, Claims  
Turner Surety and  
Insurance Brokerage, Inc.  
Des Moines, IA



**Barret S. Albritton, Esq.**  
Chartwell Law  
Chattanooga, TN



**Margo Meta, Esq.**  
*Claims Legal Counsel*  
*Grange Insurance*  
DeLand, FL



**Scott H. Stopnik, Esq.**  
Wilson Elser Moskowitz  
Edelman & Dicker LLP  
White Plains, NY

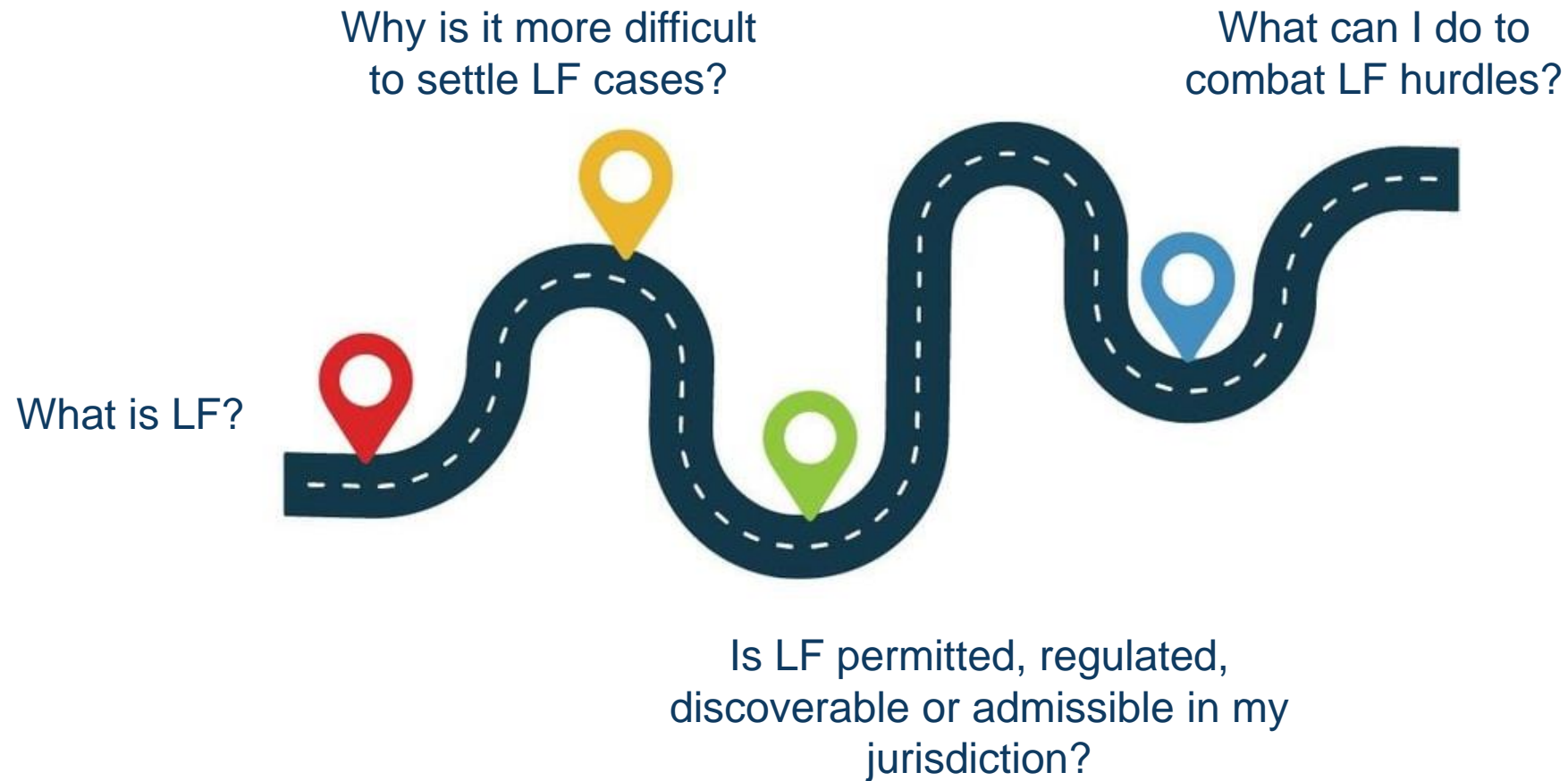


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Barret S. Albritton, Esq., Chartwell Law  
Margo Meta, Esq., Grange Insurance Company  
Scott H. Stopnik, Esq., Wilson Elser Moskowitz  
Edelman & Dicker LLP

# ROADMAP ON LITIGATION FUNDING (LF)





# WHAT IS LF?



Funders calculate expected profitability of litigation by considering a variety of factors.

Funders provide a cash advance to the litigant or law firm prior to case resolution.

Funders receive repayment of the advance (and associated fees) out of the net proceeds of the case.

Funders receive nothing if the litigant or law firm loses the case (or there are no net proceeds).



# WHY IS IT MORE DIFFICULT TO SETTLE LF CASES?

Cases May Be Frivolous or Irrational

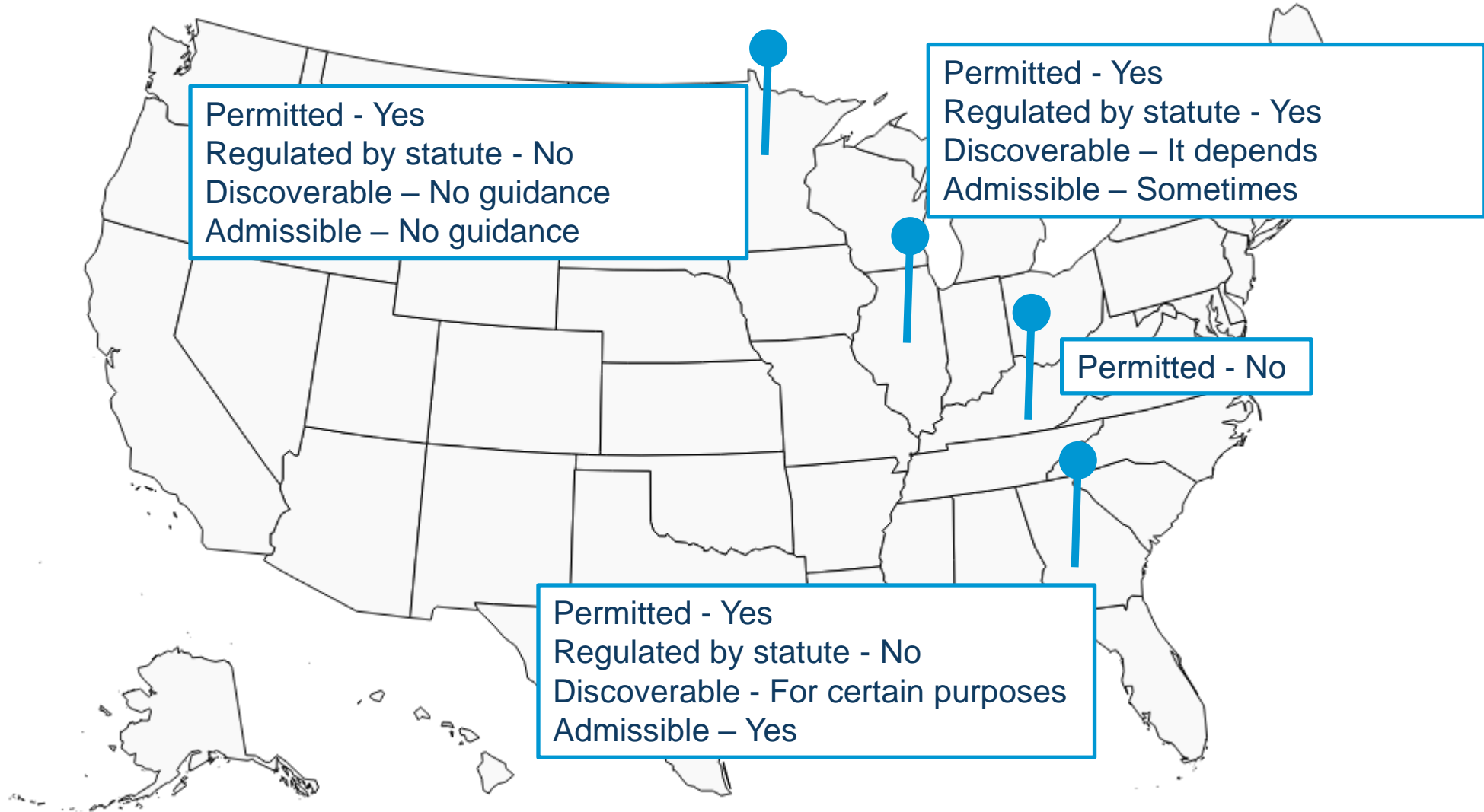
Higher Settlements Needed to Offset High Interest Rates

Funder May Have Veto Power

Defense May Not Be Aware of LF



# IS LF PERMITTED, REGULATED, DISCOVERABLE OR ADMISSIBLE? (A DEMONSTRATIVE SAMPLE)



# HOW CAN I COMBAT LF HURDLES?



- Seek discovery on LF, if permitted
- Set the tone early
- Consider benefits and risks of early mediation



# THANK YOU!



Barret Albritton, Esq.  
Margo Meta, Esq.  
Scott Stopnik, Esq.

[balbritton@chartwelllaw.com](mailto:balbritton@chartwelllaw.com)  
[metam@grangeinsurance.com](mailto:metam@grangeinsurance.com)  
[scott.stopnik@wilsonelser.com](mailto:scott.stopnik@wilsonelser.com)