



AEI LIABILITY STUDIES

# Two Cheers for Contingent Fees

Alexander Tabarrok and  
Eric Helland

# Two Cheers For Contingent Fees

**Christopher Hodges, Stefan  
Vogenauer, Magdalena Tulibacka**

## **Two Cheers For Contingent Fees:**

Two Cheers for Contingent Fees Alexander Tabarrok, Eric Helland, 2005 If America is a lawsuit hell then contingent fee lawyers are often considered its devils Contingent fees have been called unwarranted and the lawyers who accept them have been denounced as unethical and uncivilized Furthermore in the midst of increased filings and escalating awards it is difficult not to notice that some plaintiffs lawyers have become very rich As a result tort reformers have called for limits on contingent fees and many states have obliged But limits have been enacted without any evidence that contingent fees were either responsible for the liability crisis or that limiting them would produce benefits This study one of the first empirical examinations of contingent fee limits finds that contingent fees benefit plaintiffs and do not cause higher awards Furthermore contingent fee limits are unlikely to reduce lawyers income very much since they will simply switch to hourly fees Since hourly fee lawyers are willing to take more cases to court than contingent fee lawyers contingent fee limits can increase the number of low value junk suits Tort reform is an important goal but limiting the contractual rights of plaintiffs and their lawyers is an unattractive and likely ineffective method of achieving that goal The AEI s Liability Studies examine aspects of the U S civil liability system central to the political debates over liability reform The goal of the series is to contribute new empirical evidence and promising reform ideas that are commensurate to the seriousness of America s liability problems Alexander Tabarrok is an associate professor of economics at George Mason University and director of research for the Independent Institute Eric Helland is an associate professor of economics at Claremont McKenna College a senior economist at the RAND Corporation s Institute for Civil Justice and a member of the plenary faculty at the Claremont Graduate School

**A Comparative Study of Funding Shareholder Litigation** Wenjing Chen, 2017-04-25 This book studies the funding problems with shareholder litigation through a functionally comparative way In fact funding problems with shareholder lawsuits may largely discourage potential shareholder litigants who bear high financial risk in pursuing such a claim but on the other hand they may not have much to gain Considering the lack of incentives for potential shareholder claimants effective funding techniques should be in place to make shareholder actions function as a corporate governance tool and discipline corporate management The book analyzes among others the practice of funding shareholder litigation in the Australia Canada the UK the US and Israel and covers all of the typical approaches being used in financing shareholder litigation in the current world For instance Israel and Canada Quebec and Ontario are probably unique in having a public funding mechanism for derivative actions and class actions while Australia is the country where third party litigation funding is originated and is growing rapidly Based on this comparative research the last part of this book discusses how to fund shareholder litigation in China in context of its social and legal background and what kind of problems need to be solved if certain funding techniques are used

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