





- The dispute over third-party funding in the *Sysco v. Burford Capital* litigation has led to a number of legal proceedings requiring considerable attention from the courts.<sup>4</sup> Has the Conference considered that rules requiring or facilitating early disclosure of third-party funding agreements may avoid unnecessary litigation and controversy, such as we saw in the *Sysco* case?
- Finally, we understand and appreciate that the Conference is generally cautious about making changes to the rules as it seeks to avoid unintended consequences. What concrete harms or interests, if any, have been articulated that have so far deterred the Conference from requiring disclosure of third-party funding of litigation before the federal courts?
- Has the Federal Judicial Center undertaken any training of judges regarding the growth of investor-funded litigation, the issues it raises in individual cases, and how to go about asking for information from the parties about its consequences?

Congress is closely watching the growing monetization of our judicial system, and it is imperative that procedural rules including the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure keep pace with the growth of third-party litigation funding. Thank you for your prompt attention to this matter.



Representative Darrell Issa, CA-48



Representative Ben Cline, VA-6



Representative Scott Fitzgerald, WI-5

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<sup>4</sup> <https://darroweverett.com/sysco-vs-burford-litigation-financing-case-analysis/>.