
Plan Overview

A Data Management Plan created using DMPOnline.be

Title: Towards European rules on 'responsible' litigation funding - Third Party for Profit Litigation Funding (3H230571)

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Template: KU Leuven BOF-IOF

Project abstract:

This PhD research is in execution of a C2 BOF grant obtained by prof van Calster.

In recent years, the litigation landscape across the globe has seen the development of financial instruments to facilitate access to courts. Third-party litigation funding ("TPLF") sees parties unrelated to the dispute, "invest" in selected lawsuits hoping to make a profit. Despite being presented as a means to enhance access to justice, TPLF is increasingly used in high-value commercial litigation to support entities that are capable of bearing the costs of litigation. This comes with the risk of driving away funders from providing support to parties whose right of access to justice depends upon obtaining litigation financing. This is notably the case of Strategic Public Interest Litigation ("SPIL"). One of the main issues of SPIL is the lack of funding. Against this background, this PhD aims at identifying how TPLF, a market that is still largely unregulated, can be the most useful to secure an effective access to justice, in particular in SPIL. To that end, this PhD includes three work packages: (i) investigate the requirements which the ECtHR and the CJEU impose upon litigation funding in the context of access to courts, in particular in SPIL cases; (ii) catalogue the regulatory and judicial responses to specific issues surrounding the use of TPLF in selected jurisdictions, (iii) draw up a blueprint for EU rules on TPLF, against the background of access to justice and the increasing relevance of SPIL in the EU.

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Towards European rules on 'responsible' litigation funding - Third Party for Profit Litigation Funding (3H230571)

Research Data Summary

List and describe all datasets or research materials that you plan to generate/collect or reuse during your research project. For each dataset or data type (observational, experimental etc.), provide a short name & description (sufficient for yourself to know what data it is about), indicate whether the data are newly generated/collected or reused, digital or physical, also indicate the type of the data (the kind of content), its technical format (file extension), and an estimate of the upper limit of the volume of the data.

Dataset name / ID	Description	New or reuse	Digital or Physical data	Data Type	File format	Data volume	Physical volume
		Indicate: N (ew data) or E (xisting data)	Indicate: D (igital) or P (hysical)	Indicate: A udiovisual I mages S ound N umerical T extual M odel S oftware O ther (specify)		Indicate: <1GB <100GB <1TB <5TB >5TB NA	
Case law EU courts and national jurisdictions publicly accessible	Public data (case law) accessible on the national databases of the jurisdictions selected in my project	E	D	T	Word or pdf	<100GB	
Policy documents EU Commission / EU Parliament / EU Justice Forum	EU institutions and other organs are likely to publish policy documents on TPLF. This may be made public temporarily or shared with me on a confidential basis.	E	D or P	T	Word or pdf	<1GB	Very limited
Academic publications by other scholars	Digital and physical Books, Academic Articles, available on open access or through KUL subscriptions.	E	D or P	T	Word or pdf	<100GB	Very limited
(Possibly) interviews of relevant stakeholders (funders, funded parties, lawfirms, etc)	No empirical research as part of the Project but interviews may be possible to obtain additional information, for my own better understanding of the TPLF market.	N	D	A, I, S, T	Word / pdf / MP3 / MP4	<1GB	
Social Media posts and conversations	LinkedIn & X : conversation with and posts of relevant stakeholders saved as relevant for my project. + Posts created by me.	E & N	D	I, T	Word / pdf / MP3 / MP4 / Jpeg	<1GB	
Written publications CdM and written notes	Notes re: useful sources / structure of PhD / ideas etc. Articles and publications	N	D	T	Word / pdf	<1GB	

If you reuse existing data, please specify the source, preferably by using a persistent identifier (e.g. DOI, Handle, URL etc.) per dataset or data type:

- EU Treaties and legislation will be collected from the EUR-lex database <https://eur-lex.europa.eu/homepage.html> which includes all EU official documents.
 - National case-law and national legislation will be collected from national published databases (at this stage, only very limited national documents will be relevant for the purpose of the research).
- Case law of the Court of Justice of the EU will be collected from EUR-lex and the Curia platform

https://curia.europa.eu/jcms/jcms/P_78957/en/.

Case law of the European Court of Human Rights will be collected from the Hudoc database <https://www.echr.coe.int/hudoc-database>

Possibly, policy documents of the EU Commission, or replies to surveys organised by the EU Commission (and published by the EU Commission) <https://ec.europa.eu/transparency/documents-register/>

Academic literature will be collected through the Limo database of KU Leuven and databases of other University where I will do research stays. (https://kuleuven.limo.libis.be/discovery/search?vid=32KUL_KUL:KULeuven).

Are there any ethical issues concerning the creation and/or use of the data (e.g. experiments on humans or animals, dual use)? If so, refer to specific datasets or data types when appropriate and provide the relevant ethical approval number.

- No

Will you process personal data? If so, please refer to specific datasets or data types when appropriate and provide the KU Leuven or UZ Leuven privacy register number (G or S number).

- No

Does your work have potential for commercial valorization (e.g. tech transfer, for example spin-offs, commercial exploitation, ...)? If so, please comment per dataset or data type where appropriate.

- No

Do existing 3rd party agreements restrict exploitation or dissemination of the data you (re)use (e.g. Material or Data transfer agreements, Research collaboration agreements)? If so, please explain in the comment section to what data they relate and what restrictions are in place.

- No

Are there any other legal issues, such as intellectual property rights and ownership, to be managed related to the data you (re)use? If so, please explain in the comment section to what data they relate and which restrictions will be asserted.

- No

Documentation and Metadata

Clearly describe what approach will be followed to capture the accompanying information necessary to keep data understandable and usable, for yourself and others, now and in the future (e.g. in terms of documentation levels and types required, procedures used, Electronic Lab Notebooks, README.txt files, codebook.tsv etc. where this information is recorded).

- Zotero for Metadata (manually editing where needed): yearly subscription for 2GB storage (20\$). All pdfs will be saved in the Zotero-cloud and simultaneously on the hard-drive of my laptop.
- Logical folder structure in Zotero (pdf of collected data and links to websites) and on my laptop (word documents created by me)

o In Zotero: the files are structured per thematic and alphabetically:

§ "Access to justice", including a number of sub-divisions such as:

- Case law of the Aarhus Compliance Committee / Case law of the ECtHR / Case law of the CJEU
- Access to justice in specific sectors (climate litigation / public interest litigation)
- Financial aspects of access to justice (legal aid, legal costs, adverse costs)

§ "Jurisdictions", including a number of sub-divisions per jurisdictions and again other sub-divisions per theme in each jurisdiction (i.e., case law, TPLF, collective actions, legal costs).

§ "Third-Party Litigation Funding", with a number of sub-divisions, including:

- Alternatives to TPLF
 - General
 - Logical file names + dates TPLF in arbitration
 - Materials published by funders
 - TPLF in collective actions
 - TPLF in competition proceedings
 - TPLF contracts
 - Press articles
- Use of README.txt files where relevant to explain the content of specific datasets (template for README file available at <https://www.kuleuven.be/rdm/en/guidance/documentation-metadata/README>).

+ Logical folder structure for the files created by me (word documents), saved on the KUL one drive and on my laptop (with automatic back ups by KU Leuven) (per theme and per date). Eg: (i) Methodology, (ii) Part. 1 Case law on litigation funding and costs, (iii) Part. 2 Comparative review (with sub-sections for each jurisdiction), etc.

Will a metadata standard be used to make it easier to find and reuse the data ?

If so, please specify which metadata standard will be used.

If not, please specify which metadata will be created to make the data easier to find and reuse.

- No

Data Storage & Back-up during the Research Project

Where will the data be stored?

- OneDrive (KU Leuven)
- Zotero-Cloud (paid subscription of 2GB, additional subscription will be taken if the current storage does not suffice).

How will the data be backed up?

- Standard back-up provided by KU Leuven ICTS for my storage solution
- Personal back-ups I make (specify below)
- Occasional back ups on a hard drive (USB stick).

Is there currently sufficient storage & backup capacity during the project?

If no or insufficient storage or backup capacities are available, explain how this will be taken care of.

- Yes
- KUL one drive can handle the amount of data collected during the Project and does automatic back-ups
- Zotero-Cloud (paid subscription of 2GB, additional subscription will be taken if the current storage does not suffice).

How will you ensure that the data are securely stored and not accessed or modified by unauthorized persons?

Access to data in the OneDrive folder is protected with an authentication mechanism instrument (personal username and password).

Access to my Zotero account is also protected with a personal username and password.

What are the expected costs for data storage and backup during the research project? How will these costs be covered?

- Covered by normal KUL back ups
- Zotero subscription will be paid with the funds of the project (20 to 50\$ per year).

Data Preservation after the end of the Research Project

Which data will be retained for 10 years (or longer, in agreement with other retention policies that are applicable) after the end of the project?

In case some data cannot be preserved, clearly state the reasons for this (e.g. legal or contractual restrictions, storage/budget issues, institutional policies...).

- All data will be preserved for 10 years according to KU Leuven RDM policy

Where will these data be archived (stored and curated for the long-term)?

- Shared network drive (J-drive)

What are the expected costs for data preservation during the expected retention period? How will these costs be covered?

Mostly free of charge. If needed, additional costs will be covered by using the project's operating costs

Data Sharing and Reuse

Will the data (or part of the data) be made available for reuse after/during the project?

Please explain per dataset or data type which data will be made available.

- Yes, as restricted data (upon approval, or institutional access only)
- Not all but some relevant data (to be determined, possibly an export of my Zotero-library including only the meta-data, not the documents themselves) will be available on the J-drive of the Institute and/or on the Zotero cloud. These will be available to members and future members of the Institute for Private International Law.

If access is restricted, please specify who will be able to access the data and under what conditions.

Relevant Data stored on shared drive and accessible by members of the Institute for Private International law.

Are there any factors that restrict or prevent the sharing of (some of) the data (e.g. as defined in an agreement with a 3rd party, legal restrictions)?

Please explain per dataset or data type where appropriate.

- No

Data that will be archived and/or shared should only be accessible data or bibliographical references for which sharing is not restricted.

Where will the data be made available?

If already known, please provide a repository per dataset or data type.

- Other (specify below)

Shared network drive (J-drive): at the end of the project, relevant data (to be determined but possibly an export of my Zotero-library including only the meta-data) will be transferred to the Institute shared folder and available to the members and future members of the Institute for Private International law.

When will the data be made available?

- Upon publication of research results

Which data usage licenses are you going to provide?

If none, please explain why.

- Other (specify below)

To be determined if necessary later in the process.

Do you intend to add a persistent identifier (PID) to your dataset(s), e.g. a DOI or accession number? If already available, please provide it here.

- No

What are the expected costs for data sharing? How will these costs be covered?

Mostly free of charge. If needed, additional costs will be covered by using the project's operating costs

Responsibilities

Who will manage data documentation and metadata during the research project?

The principal investigator (Charlotte de Meeûs) will manage data documentation and metadata under the supervision of the main supervisor (Prof. Van Calster)

Who will manage data storage and backup during the research project?

Together with the KU Leuven ICT team (automatic back-ups), the principal investigator (Charlotte de Meeûs) will manage data documentation and metadata under the supervision of the main supervisor (Prof. Van Calster)

Who will manage data preservation and sharing?

Together with the KU Leuven ICT team (automatic back-ups), the principal investigator (Charlotte de Meeûs) will manage data preservation and sharing under the supervision of the main supervisor (Prof. Van Calster)

Who will update and implement this DMP?

Together with the KU Leuven ICT team (automatic back-ups), the principal investigator (Charlotte de Meeûs) will update and implement this DMP under the supervision of the main supervisor (Prof. Van Calster)