



Harold Kim
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July 1, 2021

Secretary of the Committee on Rules of Practice and
Procedure of the Administrative Office of the United
States Courts
One Columbus Circle, NE
Washington, D.C. 20544

RE: Proposed Fed. R. Civ. P. 26(a)(1)(A)(v)

Dear Secretary:

I am writing to apprise the Advisory Committee on Civil Rules (“Committee”) of a recent development that it might find relevant to its consideration of Proposal 17-CV-O, which would amend the Federal Rules of Civil Procedure to require disclosure of third-party litigation funding (“TPLF”) agreements. Recently, the U.S. District Court for the District of New Jersey approved a new local rule (Rule 7.1.1) that requires certain TPLF-related disclosures in all civil cases. (Copy attached.) The rule became effective on June 21, 2021, and its recent adoption underscores the importance of TPLF disclosure and lends further support to the proposal currently pending before the Committee.

As always, the Advisory Committee’s examination of our proposal to amend Fed. R. Civ. P. 26(a)(1)(A) is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Harold Kim'.

Harold Kim
President
U.S. Chamber Institute for Legal Reform

FILED

June 21, 2021

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

At: 2:50 p.m.

William T. Walsh

Clerk

IN RE: Amendment of Local Civil :
Rules : ORDER

The Court being vested with authority pursuant to 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure to make and amend local rules; proposed amendments to Local Civil Rules having been submitted to the Lawyers Advisory Committee and the public for comment; comments having been received and considered, and the proposed amendments having been approved by the Board of Judges;

It is on this 21st day of June, 2021, ORDERED that the Local Civil Rules are amended to read:

Civ. RULE 7.1.1 DISCLOSURE OF THIRD-PARTY LITIGATION FUNDING

(a) Within 30 days of filing an initial pleading or transfer of the matter to this district, including the removal of a state action, or promptly after learning of the information to be disclosed, all parties, including intervening parties, shall file a statement (separate from any pleading) containing the following information regarding any person or entity that is not a party and is providing funding for some or all of the attorneys' fees and expenses for the litigation on a non-recourse basis in exchange for (1) a contingent financial interest based upon the results of the litigation or (2) a non-monetary result that is not in the nature of a personal or bank loan, or insurance:

1. The identity of the funder(s), including the name, address, and if a legal entity, its place of formation;
2. Whether the funder's approval is necessary for litigation decisions or settlement decisions in the action and if the answer is in the affirmative, the nature of the terms and conditions relating to that approval; and
3. A brief description of the nature of the financial interest.

(b) The parties may seek additional discovery of the terms of any such agreement upon a showing of good cause that the non-party has authority to make material litigation decisions or

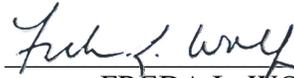
settlement decisions, the interests of parties or the class (if applicable) are not being promoted or protected, or conflicts of interest exist, or such other disclosure is necessary to any issue in the case.

(c) Nothing herein precludes the Court from ordering such other relief as may be appropriate.

(d) This Rule shall take effect immediately and apply to all pending cases upon its effective date, with the filing mandated in Paragraph 1 to be made within 45 days of the effective date of this Rule.

It is FURTHER ORDERED these amendments are effective this date.

FOR THE COURT:



FREDA L. WOLFSON
Chief Judge