

# Access all areas

Jeunesse Mensier on Therium Capital Management's new access fund



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**T**he pressure of austerity and legal aid cuts have resulted in a justice system that is unable to protect the rights and serve the interests of its most vulnerable and ordinary citizens.

Access to the courts and the ability to rely on the rule of law forms the bedrock of a civilised society, and so while the enactment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) was undoubtedly a catalyst for the growth and success of the litigation funding industry, the results that followed were disastrous for many ordinary people.

The statistics describe the bleak landscape. Only 20% of the population are entitled to legal aid under current rules, due to lower financial thresholds. Large areas of law are now out of scope, including areas which impact on fundamental issues for so many people, including housing, welfare benefits payments, family law and immigration.

Following the recent review of LASPO, the government has promised a further £6.5m and has committed to invest in certain areas of critical importance, but this is a drop in the ocean compared to the £400m of cuts that have taken place.

### ACCESS TO JUSTICE

Access to justice has remained at the heart of Therium's business since its formation, and Therium Access is the realisation of a long-held ambition of Therium's founding partners, John Byrne (chief executive officer) and Neil Purslow (chief investment officer), to establish a separate not-for-profit litigation fund.

Therium Access, an industry first, was launched in March this year and will provide £1m per annum by way of grants to projects and cases with the greatest need. The sole aim is to facilitate access to justice for matters which would not qualify for commercial litigation funding.

Therium Access is extremely fortunate to have the commitment and enthusiasm of an esteemed Advisory Committee who assess grant applications. Lord Falconer (former lord chancellor and secretary of state for justice) and Jennifer Morrissey (partner at Harcus Parker) sit on this committee alongside Therium's founders.

The inaugural grant awards were announced in May, and the grants to the four worthy recipients will facilitate support to over 1,800 people in need of assistance. The recipients were the Suffolk Law Centre, the only law centre in Ipswich; the Personal Support Unit, which provides free support to litigants in person in courts; LawWorks, which enables lawyers to cross-qualify into welfare law so they can represent individuals in benefits tribunals; and Crosslight Advice, which provides specialist

debt advice to vulnerable people in deprived areas, with the aim to keep them out of the justice system.

In addition to worthy charities such as these, Therium Access will also provide grants for cases (claimant or defence, civil or criminal, contentious or non-contentious) which have a significant impact and which seek to challenge systemic issues.

In order to qualify for a grant, applicants must demonstrate the need and impact of the grant's subject matter. Applications for grants are considered twice per year, with deadlines in April and August. In addition to this formal process, applications for urgent matters, such as judicial review proceedings, will be considered on an ad hoc basis and 20% of not-for-profit funding is being kept back for urgent matters.

As a litigation funder, Therium straddles the legal and financial sectors. However, we see ourselves as part of the legal community as a result of our core values. The legal profession has a long history

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of demonstrating an admirable commitment to pro bono causes, from the underpaid and over-stretched barristers in the family courts who struggle to act in their client's best interests under a crumbling system, to the impressive corporate social responsibility programmes from corporate law firms which enables their staff to do important pro bono work. The not-for-profit litigation funding that Therium Access provides is the appropriate way for us to work alongside the legal community to support these laudable endeavours.

Therium very much hopes that other litigation funders will join us in recognising the important role that funders can and should play in facilitating access to justice. The next deadline for grant applications is 30 August 2019. Further information (including application forms) may be found on our website: [www.theriumaccess.org](http://www.theriumaccess.org).

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## ACCESS FUND