New Research from Burford Capital and The Lawyer: Two-Thirds of Lawyers Say Strong Claims Go Unpursued Because of Cost

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Survey of senior UK lawyers reveals cost uncertainty, enforcement risk and board scrutiny are redefining the disputes landscape

LONDON, July 7, 2026 /PRNewswire/ -- Many commercially viable legal claims are never pursued because of cost and risk concerns, according to *The London Disputes Report 2026*, published today by Burford Capital in association with *The Lawyer*. The findings indicate that economic considerations increasingly determine not only whether disputes are pursued, but also how they are managed and resolved.

Based on a survey of senior UK lawyers and in-depth interviews with general counsel, heads of legal departments and law firm partners, the research reveals a significant shift in how businesses approach commercial litigation and arbitration. While legal merits remain critical, decisions are increasingly shaped by commercial realities including legal costs, duration, recoverability and anticipated return on investment, with disputes increasingly evaluated as business assets rather than purely legal matters. The research also highlights growing board involvement in dispute strategy and increasing demand for tools that improve predictability, manage risk and support more informed decision-making.

Key findings:

- **73%** agree boards are becoming more sophisticated in viewing disputes as financial assets
- **67%** agree that many strong claims are never pursued because of cost or risk concerns
- **85%** agree that risk-transfer tools such as legal finance improve litigation decision-making
- **84%** believe businesses expect greater cost certainty than law firms can provide
- **60%** agree settlement decisions are often driven by management fatigue rather than case strength
- **73%** of in-house and private practice lawyers report some direct experience with legal finance

"The *London Disputes Report 2026* highlights a significant shift in how businesses approach disputes," said **Philipp Leibfried, Managing Director at Burford Capital**. "Boards, executives and legal teams are increasingly evaluating litigation and arbitration as business assets and liabilities that require the same financial discipline applied to any other corporate investment. Cost, risk, cash flow and recoverability now sit alongside legal merits at the heart of dispute decision-making."

Leibfried added: "The research shows that disputes are increasingly being evaluated through the same lens companies apply to other business investments. Organizations want a clearer understanding of likely outcomes, costs, risks and recoverability before committing capital and management attention to a dispute."

The London Disputes Report 2026 is available to download here.

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