

TRIAL TOUGH. SOLUTION SAVVY.™



THE LIGHTFOOT WAY: How a proactive approach informs all aspects of our work

The Lightfoot Way

Lightfoot's deep bench of trial lawyers has seen the ins and outs of many disputes – ranging from **product liability** and **medical malpractice** matters to **white-collar criminal prosecutions** and **NCAA investigations**. The firm's attorneys are adept at handling the intricacies of these cases, which demand not only specific knowledge of the law, an awareness of the day-to-day

challenges of our clients, and actively seeking opportunities to deliver exceptional service to our clients.

At Lightfoot, we view each matter as part of a greater whole, knowing litigation not only demands resources and attention from our clients but also impacts the rest of their operations. In this way, we see our role as not just to help put out

random fires but to keep them from starting in the first place. We call this proactive posture the Lightfoot Way, and it informs everything we do.

The Lightfoot Way guides our approach to each matter and client from the start, ensuring we are not just providing excellent trial representation but also serving as true partners for our clients.

" Their commercial awareness is very strong. Lightfoot demonstrates a strong knowledge of our businesses and products, as well as knowledge of industry issues."

– Lightfoot client

About Lightfoot, Franklin & White LLC

Trusted by clients and respected by opponents, Lightfoot is a leading national litigation firm. True to its "Trial Tough, Solution Savvy" philosophy, Lightfoot was named a "Top 20 Trial Law Firm" in the U.S. by Benchmark Litigation in 2019, 2020 and 2021. Working from offices in Birmingham and Houston, the firm's 60+ lawyers are known for their work involving complex, bet-the-company litigation; internal and government investigations; risk management; and compliance counsel, including NCAA matters, for clients across the country and around the world. For more information, visit lightfootlaw.com and connect with us on [Facebook](#), [LinkedIn](#) and [X](#).



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How a **PROACTIVE APPROACH** informs all aspects of our work

THE LIGHTFOOT WAY

Knowing our clients, understanding their cases and continuously learning

Communication is the cornerstone of our client relationships. We place such a high priority on this that it's part of our client onboarding to determine a communication cadence. Some clients want regular updates, while others only want to hear from us when there's something crucial they need to know or a decision they must make. To ensure the firm accommodates these diverse requests, Lightfoot's attorneys use pre- and post-matter checklists to establish client preferences and expectations. Once we understand what our clients want, we tailor our communication accordingly.

One of our longtime clients is a prominent gas and utility company that hired Lightfoot to replace their existing defense counsel. Wanting to ensure we provided what this client needed, we asked why they changed outside counsel. Among the issues raised was the fact the client's previous firm never accommodated their unique communication preferences. The Lightfoot team on this client immediately put in place a communication protocol so that the client heard from us on a timetable they set. This company continues to be a valued client, and we handle a variety of matters for them on an ongoing basis.

Along each stage of a client's journey through litigation, Lightfoot's attorneys do not just master the details of each dispute. They take the extra steps needed to ensure they know our clients inside and out – their industry, products, operations and the like. Armed with this knowledge, our trial lawyers can advise on tailored defense strategies and appropriate proactive measures.

An example of this in action is how partner **Banks Sewell** took a proactive approach to a matter for a longtime client. As part of routine discovery for a product liability case, the client produced engineering documents on the product at issue. In addition to reviewing the documents before discovery, Banks went further and used them as the foundation for an annotated internal database about the product, its features and the claims raised by plaintiffs. This made Banks an authority on his client's product, so he could not only defend that first case but also advise on issues involving liability in the future. That client now sees Banks as the go-to lawyer for defending that product, as well as others.

"There is a lot of trust that comes with working with Lightfoot, and that is developed through shooting straight with each other over time."

– Lightfoot client

Houston partner **Rob Wilkins** took a similar approach after securing a favorable result for a well-known commercial rental carrier in a case involving a construction site catastrophic injury case. He settled the complex lawsuit, which involved claims involving construction law, OSHA regulations, indemnification and tort law, for a fraction of the plaintiff's original demand.

Following the Lightfoot Way, Rob did not just move on from that case to the next matter. Instead, he and the Lightfoot team met with the contractors and subcontractors from the project to develop defensible site plan interpretations that would guide decision-making around the applicability of inspection duties during each phase of construction.

The client then followed those guidelines for future projects to mitigate potential liability. This extra involvement from Rob and his team after the original case ended is an example of the Lightfoot Way in action. By taking this macro approach, Lightfoot's trial lawyers not only pursue the best solution for a given matter but also help clients prevent issues in the future.

"Honestly, they are my favorite – I don't have that kind of relationship with our other firms."

– Lightfoot client

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A forward-thinking posture

Our trial lawyers are tireless in their pursuit of the best solution for a client's case, leaving it all out on the field for every matter. That energy and focus remain even after a particular specific case concludes. The reason? Lightfoot's lawyers know that many of our clients may face the same kind of lawsuit numerous times, with just the party on the other side of the "v" changing. For that reason, when a case is over, the firm takes stock of what happened and identifies what could have been done better or in a different way when preparing for a possible next case.

"I do find that most of the partners at Lightfoot do have an ability to see the big picture, and I have not always found that with outside firms. Thinking about how this case deals and interacts with four or five down the line, I think Lightfoot is very good at that."

– Lightfoot client

Lessons Learned

One approach partner **Mike Bell** uses is to draft "Lessons Learned" emails at the end of a case summarizing what went well at each stage, along with notes about any key learning takeaways. Some of his past emails have covered the strengths and weaknesses of certain witnesses, the trial team's response to in-trial events, evidentiary obstacles and more. The "Lessons Learned" summaries are not just circulated among the specific trial team but throughout the entire firm so others may add to their toolkit when dealing with similar situations. If there are any adjustments a client team should make going forward, these are noted as well and communicated.

Developing and leveraging innovative technology

A key component of the Lightfoot Way is our focus on leveraging innovative technology to assist with matter management and putting on the best case possible for our clients at trial. This effort is led by director of litigation technology **Sam McAllister**. Sam, a **2022 Fastcase 50 honoree**, has developed in-house most of the innovative tools used by our trial lawyers to support their clients. Some of his most creative and useful solutions started as ideas from lawyers in the firm dealing with a specific challenge or ongoing issue faced by their clients.

An example is the firm's Apex Doctrine Map, which received the 2022 LegalTech Breakthrough Award for Overall Legal Research Solution of the Year. This interactive map-based resource allows Lightfoot's corporate clients to quickly assess how each U.S. state applies the Apex Doctrine, a multistep test that guides

courts in evaluating whether a company executive can be deposed or questioned at trial.

Sam built this resource from scratch after Lightfoot's attorneys prepared a 50-state survey on how different jurisdictions approach the Apex Doctrine when evaluating subpoenas and deposition requests. The firm realized the research could benefit other clients and tasked McAllister to create a user-friendly and scannable way to present this complex information.

The Lightfoot Apex Doctrine tool is already streamlining internal decision-making for Lightfoot's corporate clients. Fifty in-house departments currently use it for help responding to subpoenas. In addition, all co-counsel that Lightfoot collaborates with in representing a Fortune 100 automaker use it for the same purpose.

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Sam is also closely involved in many of our cases. Our trial teams rely on him to create compelling presentations that communicate complicated information in a visual way that judges and juries can understand quickly and efficiently. Some of his exhibits include:



Countdown bar chart: In a medical malpractice trial, Lightfoot's trial lawyers had to prove a doctor did not prescribe the wrong medication dosage to a patient who had died. The Lightfoot team had pharmacy records of the patient's refills as evidence demonstrating that was impossible, but it made for confusing reading. Sam designed a "countdown" bar chart that showed how much medication would be left after the patient took her prescribed dose each day. The bar then reset each time she went to the pharmacy. Armed with this, the trial team showed that if the woman had taken the medication as she claimed, the bottle would have run out halfway between pickups. However, her pharmacy visit dates indicated that she was taking her medication according to her prescribed dosage. At that level, she couldn't have experienced the adverse side effects described in the claim. The judge dismissed the case.



Fetal heart rate monitoring model: In a medical malpractice case involving a birthing injury, McAllister took the fetal heart rate records from the delivery and created a demonstrative exhibit. This let the jury see the results as they played out in real

time, allowing the physician to relive each moment during testimony. It also helped the physician explain his thinking and course of action step-by-step.



Smart document analysis: Three brothers brought a Fair Labor Standards Act (FLSA) case against Lightfoot's client, their former employer. McAllister led a team that conducted a line-by-line analysis of the plaintiffs' time records submitted as an exhibit and compared this data to other documents. McAllister's efforts helped reveal that one former employee was either (a) improperly logging time for himself *and* his brother or (b) logging time on days he wasn't working on a job site.



Multimedia exhibits and analysis: In a product liability case, the plaintiff argued that the design of the client's bicycle helmet was to blame for a brain injury suffered by a woman who was thrown off her bike. The plaintiff's counsel presented a simulation demonstrating how the alternative design of a different helmet would have functioned in comparison. McAllister guided the Lightfoot team in how to best attack the plaintiff's simulation and suggested they attack the exhibit frame-by-frame. Through this strategy, Lightfoot's attorneys could show the jury that the alternative helmet – or any like it that doesn't cover a rider's ears – would not have prevented the injury. Despite an otherwise sympathetic plaintiff, the jury quickly returned a verdict in the client's favor.

"What I like about Lightfoot is that they do not shy away from very technical matters. Our engineers always have the most favorable things to say about them."

– Lightfoot client

Embracing – and embodying – the Lightfoot Way

Choosing a law firm should not just hinge on the aptitude and experience of its bench of lawyers. While these qualities are indeed important when heading into a high-stakes dispute, what's just as critical is finding counsel capable of leveraging technology and managing matters in a way that supports a client's unique needs. In addition, clients seek legal partners who go above and beyond, who truly understand their perspective, business and specific needs and who craft creative solutions that account for their products, services and needs.

Regardless of the type of matter a client confronts, Lightfoot's attorneys will guide them through each step of the process. It is all part of the proactive, client-centric processes that define the Lightfoot Way.

"With any of their people, it's the same quality, the same delivering of good work. That is unique to them. I can't say that about other firms."

– Lightfoot client