



## KEY INSIGHTS FROM LIGHTFOOT'S 2022 CLIENT ROUNDTABLE

**This past October, Lightfoot hosted our firm's first-ever Client Roundtable.**

We gathered in-house counsel from the many companies we serve for a day of networking, presentations and knowledge sharing. We were thrilled to see our clients engage in open and honest exchanges about their most pressing issues.

Several themes emerged from our time together, providing insights into what's on the minds of top in-house counsel right now.



# The impact of **NEW TECHNOLOGY** on potential liability, client service

**One of the most surprising revelations from the Client Roundtable was that every in-house counsel present, regardless of the industry they work in, was concerned with the impact of emerging technology on potential liability.**

Even sectors that have so far been immune to disruptive innovations are bracing for novel issues. This was the focus of a discussion led by partner [Jared Levinthal](#).

The session revealed that new technology creates the potential for liability in several ways. The first is consumer expectations around tech-enabled safety systems. Companies ranging from automotive OEMs to heavy equipment manufacturers now face product liability exposure for failing to implement advanced safety features. For example, plaintiffs' lawyers are pursuing a theory in several jurisdictions around the country that customers expect their vehicles and equipment to come with features that actively prevent accidents, injuries and deaths. There are many such cases right now around the country involving cars not equipped with advanced collision avoidance, for example, where the plaintiffs' lawyers argue it should have been in place. Our firm has already [defeated the first case of this kind](#) to get close to trial, and we expect more.

In addition to this specific issue, our Client Roundtable participants were concerned with the risks posed by automation in general. Again, this was something felt by participants from a

variety of industries. While increased automation undoubtedly has many benefits for product development and competitiveness, it also poses risks that must be addressed across a company. Nearly every department, such as engineering, legal, marketing and others, will be affected and must be at the table when making decisions. Automation is definitely the future, but implementation will require weighing risks we are only just beginning to understand.

Yet, for all its potential liabilities, technology is also having a positive impact on the practice of law itself – something we leverage at Lightfoot.

In a presentation by partner [Rachel Lary](#) and associate [Matt Winne](#), Client Roundtable participants heard about how we have developed bespoke in-house technology to maximize our efficiency when handling matters to further enhance the transparency and level of communication we have with clients. Rachel and Matt touched on several innovations already benefiting clients and gave a sneak peek into what's ahead.

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## NUCLEAR VERDICTS and today's juries

Our Client Roundtable participants paid close attention to presentations by jury consultant Emily McDonald of Bloom Strategic Consulting, Inc. and our own partner [Mike Bell](#). Both discussed the concerning rise of so-called “nuclear” verdicts as well as today’s reactive juries. Attendees heard from both Emily and Mike that while defense counsel and their clients used to think of a nuclear verdict as anything over \$10 million, it’s not uncommon today to see juries hand down awards in the hundreds of millions or even billions. This alarming trend has led to an increased focus on why juries are treating corporate defendants this way right now.

This is likely because juries are a microcosm of society, and the increased polarization we have seen over the past few years is now very present in the jury box. There is a level of distrust for both corporate defendants and scientific evidence

that Emily and Mike said they had not seen before, and it has meant adapting how defense lawyers present a case to a jury.

Mike told Client Roundtable participants that, above all else, defense lawyers and their clients must tell the truth to juries. Jurors are even more skeptical than ever and can sense when counsel and defendants are massaging the facts to support their case. Mike noted that the foundation of any jury trial today should be the truth. That must be followed by convincing evidence presented in a compelling way that builds throughout the case. Given the tragic circumstances of many cases, juries also want to see true compassion in how defense counsel discuss an accident or injury and its aftermath. Minimizing the impact or using legalistic and emotionless technical language does not go over well with today’s juries.

Both Emily and Mike agreed that jury trials in this environment require both caution and courage from defense counsel and their clients. Time must be spent on developing solid arguments supported by clear evidence, and delivery is key.

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## The ongoing push for **TRUE DIVERSITY, EQUITY, AND INCLUSION**

It was not surprising that diversity, equity, and inclusion (DEI) were also on the minds of Client Roundtable participants. In-house counsel, after all, have been a major force pushing their outside firms to diversify attorney ranks and to give opportunities to diverse members of the defense team. Partner [Kevin Clark](#) moderated a panel on this topic with several clients focused on practical ways both law firms and in-house counsel can take DEI efforts even further.

For their part, participants told us that they see law firms taking steps and realize they are trying. In-house

counsel are also aware of some challenges firms face in moving forward with DEI initiatives – which they have encountered themselves in diversifying their own legal departments. One trend mentioned is that smaller firms are devoting a significant amount of resources to DEI efforts, particularly with respect to incoming associate classes, only to see those associates poached by Big Law or even in-house legal departments.

There was some discussion regarding how in-house counsel can support the DEI efforts of their law firms.

This includes one-on-one mentoring by in-house lawyers, focusing not just on legal work but also leadership and the other soft skills crucial to a successful legal career. The Client Roundtable participants were particularly supportive of firms providing meaningful work for younger associates, including involving them in client meetings and trials. This is something Lightfoot has always seen as an [important investment in the future of the firm](#), and it was gratifying to hear our clients appreciate it.



## **UNITED** in facing the challenges ahead

As the 2022 Lightfoot Client Roundtable wrapped up, it was clear participants valued the time spent together. They welcomed the opportunity to share their challenges and concerns with a group of other talented legal professionals confronting the same issues. Despite being from a variety of industries – and even competitors – our clients embraced the spirit of this event and spent a day sharing information, perspectives, and resources.

**We were honored to bring this group together and look forward to next year's gathering.**