



## Law Firms Activity Report

Join Natalie Rodriguez (Assistant Managing Editor for Law360 Pulse and co-host of Law360's Supreme Court podcast) and Lex Machina's Gloria Huang (Legal Content Associate and report author) as they discuss the latest law firm rankings by cases in the last three years across different practice areas.

In this webcast, our speakers discussed:

- Lex Machina's 2022 Law Firms Report results
- Firm rankings across Lex Machina's federal practice areas
- Which firms have filed and defended the most cases in how many districts
- Which cases were involved in what amount of damages
- And more

### Speakers:



Natalie Rodriguez  
Assistant Managing Editor  
Law360



Gloria Huang  
Legal Content Associate  
Lex Machina

Gloria Huang ([00:01](#)):

Good morning. My name is Gloria Huang and I'm the legal content associate at Lex Machina. I'd like to welcome everyone to today's webcast on the 2022 Law Firms Report. Today, we're going to be discussing the report and insights into the track records of law firms in specific practice areas, over the past three years to present. I'm joined by a fantastic guest speaker, who I'll introduce in a moment. But before I introduce our speaker for today, I'd like to quickly address the webcast format. This will be a 30 minute discussion with our guest speaker. And if there's time remaining at the end, we'll take a few questions from the attendees. You can submit your questions into the Q&A window at any time during the webcast. And if we don't have time to get to your question, we'll reach out to you afterwards.

Gloria Huang ([00:40](#)):

Now, a little bit about Lex Machina. We're a legal analytics company that helps our clients win in the practice and business of law. Everything you see during this webcast or in the report, is available on our platform. We count over three quarters of the Am Law 100 as our clients, so it's important to know the advantages that using Lex Machina can gain for organizations like yours. Now, I'm excited to introduce our guest speaker for today. We're lucky to be joined by Natalie Rodriguez, the assistant managing editor for Law360 Pulse and the co-host of Law360 Supreme Court Podcast. Now, before we dive into the legal analytics, Natalie, could you take a moment to tell us a little about yourself, your work, and your experience with Lex Machina?

Natalie Rodriguez ([01:21](#)):

Sure thing Gloria. Thank you so much for having me here. I'm so excited. As you mentioned, the assistant managing editor with Law360, specifically with Law360 Pulse, which is our business of law focused enterprise that started last year. I've been with Law360 though for about 10 years. I was a reporter for much of that, covering the legal industry, as well as litigation, co-host for our Supreme Court Podcast. And I'm just so excited to talk about the report that you guys have put together and just how it intersects with things that we see happening in business of law and also in litigation trends. I'm just so excited.

Gloria Huang ([02:03](#)):

That's great. Well, we're excited to hear your thoughts, and it's great to have you with us today. Now, let's get into the data. First, I wanted to mention a couple of things that apply to all of our law firm rankings. One, Lex Machina covers all federal civil cases, with the exception of prisoner petitions and social security cases. So as you can imagine, it's a massive database. So we made the decision to exclude MDL associated cases from all rankings this year, in order to get a more accurate sense of law firm activity without the distortion of large MDL cases. Two, all of our rankings are by cases filed during the three year period from 2019 to 2021. And they're divided into plaintiff side and defendant side firms.

Gloria Huang ([02:41](#)):

Each table also shows the number of districts where each law firm appeared. So as you can see here, our first table lists the most active law firms overall. Most of the law firms on these lists also show up in the rankings for the individual practice areas. For example, some of the most active plaintiffs law firms overall here, also show up as top law firms in consumer protection and product liability. On the next slide, you can see the most active defendants' law firms. Many ranked highly in employment, but they also encompass some of the most well known national litigation firms in general. Natalie, does anything

stick out to you when looking at these law firms with these large overall numbers? Let's start with the plaintiffs firm on the previous slide.

Natalie Rodriguez ([03:19](#)):

Sure. Going back to that slide, I'll just say, really no surprises here. I think a lot of these names are ones that we see over and over again, especially in consumer protection and employment, as you mentioned. Two big areas, such as Atlas Consumer Law, Morgan & Morgan. So really no surprises here.

Gloria Huang ([03:38](#)):

Great. How about the defendants firms in the next slide?

Natalie Rodriguez ([03:41](#)):

I think it's not a huge surprise. Again, the top folks here are really big employment firms. I know we're going to be talking about this soon and later on in this presentation, just about how COVID has really impacted litigation in the courts, especially on the employment side. And I think part of the reason you're seeing a lot of these firms here is due to that.

Gloria Huang ([04:11](#)):

That makes sense. And you're definitely right, we'll be seeing these firms crop up again in some of the later areas. If we can move to the next slide. So as everyone knows, we're still feeling the effects of the pandemic in society, in general, and in the legal profession in particular. So it's still important to look at cases caused by COVID. Lex Machina continues to track these cases, which are defined as cases filed in 2020 or later, with claims that were caused or exacerbated by the COVID 19 pandemic. We actually have a team of attorneys to look at the pleadings and decide whether a case meets this criteria. So these tables, this one and the next one, are the only two in which the practice areas for the cases are listed. You can see that several of the most active plaintiffs firms were filing cases under the ADA, which is part of Lex Machina's civil rights module, or alleging employment claims, which makes sense, since as you mentioned, both these practice areas were heavily impacted by the pandemic.

Gloria Huang ([05:02](#)):

On the next slide with the defendant firms, you can see that the DOJ appeared most often on behalf of defendants in cases caused by COVID. Now, these cases dealt with challenges to a wide variety of government actions related to the pandemic. And they touched on a diverse set of practice areas, environmental, employment, real estate. The next five law firms are all well known employer defense firms, and we've seen some of them already, who defended employment cases and they involved claims relating to vaccine mandates, disability discrimination, whistleblower retaliation, lack of PPE, among other things, Natalie, as we get close to entering the third year of living in the pandemic, could you discuss how COVID continues to affect the legal landscape as you've seen it?

Natalie Rodriguez ([05:42](#)):

Yeah. Well, first just touching on the plaintiffs firms that we see here, I just want to note that I think a lot of what's striving some here is, litigation over companies failure to make their websites and digital properties accessible to visually impaired folks. You see Gottlieb and Lipsky have been on the forefront of that, they're also New York firms, so a lot of that's been in the New York courts. Going over to the next slide though, if we can, here where you're seeing, again, a lot of big law firms. And employment issues related to COVID have been at the forefront for a lot of these firms. It's a changing landscape.

We've seen vax mandates be at the forefront of a lot of the recent litigation. It's been up to Supreme Court. I think as we see folks go back to the office and new policies around that, that's an area where going forward, I think we'll see the scope of the litigation change, but still very much COVID related employment litigation to be top of mind.

Gloria Huang ([06:59](#)):

That makes sense. And that is interesting to me, definitely how as our lives change, the litigation patterns change too, so I'm sure we'll see more of those evolving trends. Thank you. Let's turn to some specific practice areas now. We're not going to be able to cover all the ones discussed in the report, but we'll be able to spotlight a few of them. So for the following tables, they're all practice area specific and they have a slightly different format than the tables we've seen so far. In addition to the case and district counts, there's also a column for cases with activity, which are any cases where there was a finding or remedy, like an injunction or damages, that occurred over the last three years. Now, what this does is give us another parameter to assess law firm activity aside from case filings. And it also helps address the difference between cases that settled or were dismissed on procedural grounds versus cases that continued on to more substantive resolutions, such as consent judgments or trials.

Gloria Huang ([07:49](#)):

The final column lists the amount of damages awarded over the last three years in any cases involving that firm and that practice area. So now we have antitrust cases here, which include claims under the Sherman Act, Clayton Act, or Federal Trade Commission Act. As you can see from the tables, antitrust is a practice area with high amounts of damages. The DOJ filed the most antitrust cases. And the law firm that filed the second most cases over the same time period was Hausfeld, followed closely by Hagens Berman. Going onto the next slide for the most active defendants firms, Skadden represented defendants in the most antitrust cases. Williams & Connolly was second, followed closely by Gibson, Dunn. Natalie, what types of activity have you seen with antitrust law firms lately?

Natalie Rodriguez ([08:33](#)):

For our side on Pulse I will say, this has been an extremely active recruiting market. And I want to talk about that a bit more, but just looking at the plaintiff side. I'll note that the Department of Justice cases seem to have been trickling down over the three years. But really, we're expecting to see that sharply increase. The Biden administration has signaled a much more aggressive and ambitious enforcement strategy going forward, so I think you'll see big changes in that area in the coming year. And I think a lot of the plaintiffs firms are just gearing up to follow the COGs lead on where that strategy takes them.

Natalie Rodriguez ([09:17](#)):

Moving forward to the defense side area, I will say, again, this has been such an active recruiting market for big law and for boutiques who are heavy in this area. We've seen something like lateral antitrust partner recruiting up 45% last year, as of November over a four year average. And a lot of these firms are just elbowing each other to make sure they can retain the best talent, or get the best talent to prepare for what they see as a much more active practice area.

Gloria Huang ([09:55](#)):

That's interesting, just to hear about the administration and the effects it could have on hiring in these antitrust law firms. That's great. Let's move on to take a look at securities cases, which include a comprehensive data set of all the claims brought under the Securities Act of 1933, the Securities

Exchange Act of 1934, and other federal securities laws. Unsurprisingly, the SEC filed the most suits on behalf of plaintiffs in the last three years. Also, our data shows that approximately 80% of the SEC's cases where it was the plaintiff, include securities fraud claims, under section 10b, 10b-5. Rigrodsky's Law was second and Pomerantz was third. But if you move onto the defense side on the next slide, for defense firms they tended to have lower case counts overall, but they saw many cases with activity. Skadden was the top defendant's firm, Latham was second, and Wilson Sonsini was third. And again, our data shows that for each firm, approximately 70% of the cases were class actions, defending securities fraud claims under section 10b, 10b-5. Natalie, could you talk about what you're seeing in the area of securities litigation?

Natalie Rodriguez ([10:59](#)):

Sure. I think with SEC in particular, we're seeing a crackdown on cryptocurrency, that seems to be a focus area looking into 2022. The stacks have been big. I know litigation in this area tied to M&A fell because M&A fell during the pandemic. That's an area that perhaps will see a bump in the coming year, it's still hard to tell. I think on the plaintiffs side, those are some of the key trends to be watching. If we can go to the next slide. I will say a lot of these firms, again, are firms that are well stocked to cover those areas. They're also dealing with a lot of disclosure issues tied to COVID. And also tied to ESG, that's still been, I think, an area I know we're hearing from in-house council disclosures as to their hiring, their pay equity, diverse hiring, environmental matters. These are issues that are top of mind for in-house council, and I think due to that, also top of mind for a lot of these firms on the defense side.

Gloria Huang ([12:21](#)):

Oh, that's great. Thank you. It's interesting as well, because we've actually already started work on our next report, which is the securities litigation report. And we're definitely seeing some of these interesting data crop up in cryptocurrency and that sort of thing. So thank you for that. Let's turn now to consumer protection cases, which include claims brought under a major federal consumer protection statute or a data breach claim brought on behalf of a consumer. As you can see, the most active plaintiffs firm in consumer protection is Atlas Consumer Law, who filed a large number of claims under the Federal Debt Collection Practices Act and Telephone Consumer Protection Act. You can also see that they actually filed more cases than the next two law firms combined. If you move onto the next slide, on the defense side, Jones Day appeared most often on behalf of defendants, followed by Schuckit & Associates. Both of these firms defended against a large proportion of the total number of FCRA claims alleged over the past three years. Looking at these, Natalie, what trends are you seeing in consumer protection litigation recently?

Natalie Rodriguez ([13:22](#)):

Sure thing, if you can go back. Thank you. Atlas Consumer Law, I will say no surprise there, they have been super active in the areas that you just mentioned. And I think specifically also as you mentioned, the Telephone Consumer Protection Act and so called robocall litigation, that really continues to be a very hot area for consumer protection litigation on the plaintiff side. Going ahead to the next slide, I think on the defense side you're seeing, again, a lot of these firms focused on Fair Debt Collection Practices Act matters. That does seem to be going up, even as some of the Fair Credit Reporting Act and even some CCPA stuff seems to be going on, on the defense side.

Gloria Huang ([14:13](#)):

Great. Thank you. Maybe if we can turn now to employment cases. Employment cases allege one or more claims of employment law violation. And we see that Morgan & Morgan filed the most employment cases on behalf of plaintiffs, followed closely by Spitz Law Firm and then Sanford Law Firm. Now, this table is truncated in order to fit on the slide, but in the report you'll see that the EEOC was 14th with 339 cases. And the cases that filed involved the highest amount of damages over the past three years, nearly 250 million.

Gloria Huang ([14:46](#)):

On the next slide, for the most active employment defense firms, you can see the firms were involved in large numbers of cases, and some of these names will be well familiar already, just based from this webcast alone. But the most active firm was littler Mendelson, who filed over six times as many cases as the most active plaintiffs firm, Morgan & Morgan. Jackson Lewis was the second most active employment defense firm and Ogletree was third. So Natalie, as we saw in the slides with overall active firms and firms active with cases caused by COVID, employment litigation clearly continues to be a busy practice area. I know this is asking you to look into your crystal ball a little bit, but do you foresee this trend continuing into 2022 and further?

Natalie Rodriguez ([15:25](#)):

Absolutely. I think it's just, like mentioned before, I think as companies are still really struggling to figure out their policies related to COVID, that remains at the forefront and that remains a hot area for a lot of these firms, these plaintiffs sized firm here, to be targeting. Also though, I think employment discrimination is still a very hot area. Morgan & Morgan, I know they're leading a employment discrimination suit against [inaudible 00:16:04]. Going to the defense side I think, like I said, this is an area where we've also seen a lot of recruiting too. Again, just like antitrust, a lot of these big law firms you see here, really trying to bolster their ranks and be prepared for further changes to the landscape of what employment litigation looks like in 2022 as things evolve.

Gloria Huang ([16:32](#)):

That makes sense. It's definitely what we've seen so far, and it's interesting to hear that there will continue to be a busy practice area in this area. Let's turn to trademark cases now, which trademark cases have one or more claims involving land and match violations, which include trademark infringement, trademark dilution, unfair competition, and cybersquatting. Now, two of the top three firms representing plaintiffs are firms specializing in filing large amounts of counterfeiting claims, Greer, Burns & Crain filed over three times as many cases as the next law firm, Stephen M. Gaffigan. And both of these firms filed large numbers of mass counterfeiting cases. If you turn now to the defendant's firms, while the plaintiff's firms tend to file large numbers of cases on behalf of brand owners, defendant's firms have smaller case numbers in this practice area. And you'll see that the three most active firms representing defendants were Au, Glacier Law, and Greenberg Traurig. Natalie, could you talk about what trends firms are seeing with trademark litigation recently?

Natalie Rodriguez ([17:30](#)):

Sure. I think as you said, there's been a lot here with counterfeiting claims, specifically with domains, aka cybersquatting. I think we've seen some policy changes in trademark that will affect litigation going forward. So definitely an area that's, again, about landscape. Interesting to see. I think going forward, you can see on the next slide, this really... And the defense slide does seem to be the domain of a lot of

boutiques, which is why you see some of those smaller numbers. Although, you also do see some big law firms that are thrown in there, Greenberg Traurig, DLA Piper, Fox Rothschild. But really, I think, continues to be a lot of the domain of boutique firms in this area.

Gloria Huang ([18:24](#)):

Interesting. Great. Thank you. So the full law firms report covers 16 practice areas, which as I mentioned, is more than we have time to coverage today. But I wanted to briefly mention the other practice areas in the report, which are bankruptcy, contracts, copyright, environmental, ERISA, false claims, insurance, patent, product liability, torts, and trade secret. Natalie, I want to thank you for joining me today, it's been so great to hear your thoughts on all this data.

Natalie Rodriguez ([18:53](#)):

Thank you so much for having me. The report's great, and I think it's so exciting to see, in numbers and data, just how things have been evolving over the last three years with the pandemic. And it's exciting to think about how it might continue to in 2022.

Gloria Huang ([19:10](#)):

Great. Thank you. So I think we're doing pretty well on time, but I still want to be respectful of everyone's time. And so I see that a few questions have come through and we'll try and throw one question to you. The question's for you, and it's something that you've already touched on a little, but it might be a good chance to add any additional thoughts. And the question is, what do you think are some key trends we'll see in 2022?

Natalie Rodriguez ([19:33](#)):

Oh, my. With litigation, I think still COVID, COVID, COVID. It's going to be, I think, the big area. That said though, I think we're also going to see, I'm way to say return to normal, as things return to normal because we've had some stops and starts along the way. I do think we'll also see areas that perhaps saw some dampening because of the pandemic, corporate litigation, certain class actions really take a big increase in 2022, 2023. That's what a lot of the law firms are gearing up for, in terms of their hiring and getting ready for big upswings, and class actions, and corporate litigation as things get back to normal in a little bit and deal making perhaps, swings back up.

Gloria Huang ([20:34](#)):

That's great. A second question came through and it's kind of dovetailing off what you were saying. And the question is, which practice areas do you see as the hot areas, in terms of hiring in 2022?

Natalie Rodriguez ([20:46](#)):

Oh, antitrust. Antitrust. Antitrust remains a hot, hot area. Employment I think, is also a big area. Although I will say, all around, law firms have had a record year in the past year or two. They've had record revenues and they're really showing their muscle in the lateral market and it's been a very hot lateral market. We've seen associate pay just continue to bump up. Just this last week, Davis Polk, again, raised the scale and the benchmarks for associate pay. We've seen very active partner recruiting in a lot of areas and a lot of offices. We've seen a surge in Salt Lake City, of offices opening and hiring there. So yeah, it's going to be a very, very busy year at I think.

Gloria Huang ([21:48](#)):

That makes sense. Definitely sounds like an exciting time. Thank you so much, Natalie. And thanks for the questions. If there are additional questions, I did want to mention that as Natalie is an editor at Law360 Pulse, there's going to be an article on the report. So if you want to dig in more, you can check out Law360 Pulse, and then reach out to any of us if you have any further questions that you think of later. I want to, again, thank everyone for joining us today. As I mentioned, the highlights we've covered today are only a small selection of the insights in the report, so definitely make sure to check out the full report. Everyone will receive an email that explains how to get the report, and if you're already a customer, the report will be available in the help center later today. If you have any additional questions, please feel free to reach out to anyone on the Lex Machina team. Thanks again, Natalie. Take care.

Natalie Rodriguez ([22:32](#)):

Thank you. Take care.