



Law Firms Activity Report 2021

Watch as Lex Machina's VP of Sales, Todd Regenold hosts a discussion with Natalie Rodriguez, Assistant Managing Editor at Law360, and Rachel Bailey, Data Relations Manager and author of the new 2021 Law Firms Activity Report. The report ranks firms across Lex Machina's federal practice areas, revealing which firms have filed and defended the most cases. The report provides in-house attorneys a starting point for selecting outside counsel, while law firms can see how they stack up against other firms and leverage their ranking to attract clients.

Speakers:



Moderator:
Todd Regenold
VP of Sales
Lex Machina



Speaker:
Rachel Bailey
Data Relations Manager
Lex Machina



Speaker:
Natalie Rodriguez
Assistant Managing Editor
Law360

Todd Regenold ([00:00](#)):

By way of introduction. My name is Todd Reginald and I lead sales and customer success at Lex Machina. And I'll have you Rachel, just go ahead and bounce to the next slide. So for those not familiar with Lex Machina, our online legal analytics solution delivers absolutely tremendous value to corporate legal departments. And you can see just some of the logos there of organizations that are benefiting and realizing great value from our solution. You can see it's everything from social media to software companies like SAP and Microsoft to General Motors and PepsiCo all of those corporate legal departments leveraging Lex Machina. You can also see on the right, some of the biggest most recognizable names in the law firm world, everything from Vinson and Elkins to Wilson Sonsini and Quinn Emanuel, we have over 75% of the AmLaw 100 firms are customers of Lex Machina, and that goes from the AmLaw 100 all the way down to just one and two person boutique firms that are leveraging and realizing great value from Lex Machina.

Todd Regenold ([01:11](#)):

Go ahead to jump to the next slide, please Rachel. And I'm joined by a couple of folks this morning that are going to be walking us through the law firms report and highlighting some of the really interesting things that the report reveals. I'm going to introduce them in just a minute. But before I do that, I want to set the stage. The insights that you going to see, that Natalie and Rachel are going to share in the law firms report, all of this comes directly from Lex Machina, our online legal analytics solution. Our subscribers, our Lex Machina subscribers, have access to these insights as well as literally an infinite number of additional invaluable insights at their fingertips. Literally in just a handful of clicks. The next thing I'd like to cover up is we'd love to be able to share the law firms report with you.

Todd Regenold ([02:04](#)):

There's three ways that you can get access to the actual report after today's webcast. The first is that you will be receiving an email within about 15 minutes of the conclusion of the webcast. There'll be a button, you can hit that button, one of our sales directors will reach out, engage with you, help you to understand a little bit more about Lex Machina and be able to provide you with the report. You can also hit that same button by going to our website. And then lastly, if you are a Lex Machina subscriber, it's super easy. Just go into the help center in Lex Machina, you can download a copy of the report there. So super happy to have Natalie Rodriguez joining us today. Natalie is assistant managing editor with Law360. She is broadcasting from her home in New York City. We also have Rachel Bailey. Rachel is data relations manager with Lex Machina and Rachel is joining us from her home in New Orleans.

Todd Regenold ([03:03](#)):

2020 was of course a very unique year, really a crazy year. And what Rachel and Natalie are going to do is they're going to begin with a new section that we've added this year to the law firms report. And this section covers COVID related litigation. So I'll go ahead now and turn it over to Natalie and Rachel, take it away.

Rachel Bailey ([03:24](#)):

Thanks Todd. Thanks everyone for joining us this morning. We're going to jump right in. We've got a lot to cover today. So bear with us. Right now you are looking at the most active law firms representing plaintiffs in cases caused by COVID-19. So breaking this down a little bit and giving you some information about the report. This report is a series of tables and they all have the list of law firms based on various

categories. And so right now we're talking about cases caused by COVID-19. That is a special thing that we have added this year, given the situation to our database. And we have a team of attorneys who look at pleadings and decide whether the case was filed, but would not have been filed but for COVID-19 or the circumstances were exacerbated by COVID-19. And so it's a way to track litigation caused by COVID-19.

Rachel Bailey ([04:24](#)):

And so what we're seeing is Gottlieb and Associates filed the most cases. And so we've got the firm, the number of cases, they had 230 cases in 2020 caused by COVID-19. They filed them all in one district, and then they don't have a Lex Machina case type. They're actually in our remaining federal case type. But you can see some of these other law firms have various case types there. And again, this is on the plaintiff's side. So right now I want to throw it over to Natalie to tell us a little bit about what you're seeing with the legal landscape and COVID-19.

Natalie Rodriguez ([05:01](#)):

Sure, thanks so much, Rachel, and thanks Todd for having me here today. So I'm going to hopefully try to sprinkle in some business of law insights that we're seeing, as how it intersects with the data that you have. And I will say I think there's a bit of an intersection in that COVID-19 hasn't hit law firms in the way they may have first expected. Just the same way we aren't seeing necessarily the litigation numbers we may have first expected months ago, early in the pandemic from the law firm side, early on firms instituted several dexterity measures, lay off, salary reductions, et cetera, but a lot of the worst expectations for how the pandemic could hit the industry just didn't come to pass.

Natalie Rodriguez ([05:47](#)):

And actually many law firms are doing very well in higher than average profits, several law firms, just Greenberg Traurig, a name that know we will see pop up several times in this report recently posted record revenues. Obviously COVID and just the multitude of court closures that happened because of the pandemic has significantly impacted litigation work, but courts and more firms have broadly adapted and I think we're going to be seeing some interesting and some pent up demand for litigation across the board in the industry.

Rachel Bailey ([06:27](#)):

Interesting, definitely looking forward as well, the data informs what's happening in the future. This is cases caused by COVID 19, but on the defense side. So Department of Justice, no surprise there, the government is defending a lot of cases with challenges related to COVID-19. It's really a widespread of cases from environmental cases about things with the Endangered Species Act that were put on hold because of COVID-19 and challenges to that, to bankruptcy and trade secret. And so the Department of Justice is just seeing everything as you can imagine. And then as far as law firms go on this side, 210 cases for Steptoe & Johnson is the largest on the defense side. These law firms on the defense side are more dealing with business issues. You can see contracts, insurance, and employment are the biggest issues businesses are facing as far as COVID-19 litigation goes. Natalie, is there anything on the defense side that sticks out to you?

Natalie Rodriguez ([07:35](#)):

So a lot these names are not unfamiliar, right? I think the Department of Justice, obviously, kind of an obvious player here, Steptoe, Jackson Lewis, Dentons, Greenberg, again, just major names that we see

often. And I think contracts and employment are the two big areas as well as a consumer protection that we're seeing a lot of interest and concern about litigation on that front.

Rachel Bailey ([08:07](#)):

Definitely. Switching gears a little bit, another unique table in our report is this overall table. And so we've added this this year as Lex Machina expanded, our database now covers all nature of suit coats in pacer, except for prisoner petitions and social security. And so we've taken this massive database that we've got now, we excluded multi-district associated cases and so we want to look at things where it's either the multi-district litigation master case or unique litigation. And so now we're looking at law firms or counsel representing plaintiffs in any case overall, excluding those multi-district associated cases. And no surprise, the Department of Justice on health on top for plaintiffs. And then there's a lot of specialty here, specialty law here, Morgan and Morgan is an employment firm, Atlas Consumer Law, consumer protection, So Cal Equal Access Group is ADA, and Cohn & Mizrahi also does a lot of ADA work and Liebowitz Law Firm does a lot of copyright work. So Natalie, anything in the overall that sticks out to you?

Natalie Rodriguez ([09:23](#)):

Yeah, I think I'm just taken by just the variety that we see in this area. I know Atlas Consumer Law has long been on our radar as a very active player in the consumer protection area, particularly in states involving the Telephone Consumer Protection Act. But to see just the mix of consumer protection, ADA, I think it speaks to how there's just a lot of different threats bubbling up in litigation.

Rachel Bailey ([09:59](#)):

Definitely. Look at the defense side. The story here is just the massive amount of litigation that the Department of Justice is doing. So when we put together the report, we figured out that this 27,000 is about 5.5% of all cases filed in the last three years the Department of Justice is defending. And so it's just a huge number of cases. And so with Lex Machina, what you can do is you look up what has happened in their previous cases. And so it's just so important to see what has happened before. And then of course on this defense list, we see all the big employment players here. And so employment is just a huge area of the defense. Natalie, what sticks out to you here?

Natalie Rodriguez ([10:54](#)):

Yeah, I was about to say these names are just no big surprise. Littler, Ogletree, Jackson Lewis. These are just the names you see over and over again when it comes to corporate law and especially employment. So I think it's interesting to see a bit of the dip in some of the case numbers in 2020, but I think we'll probably get to this later. I think there's going to be a lot of pent up demand where we will see those numbers potentially rise up this year.

Rachel Bailey ([11:29](#)):

Jumping into a few of our practice areas. So we're not going to cover all of them today, but we're going to jump into our practice areas. And each of these tables are going to look the same across all the practice areas. And so what we did is we pulled the numbers on the left-hand side for each year, the total for the three years, and that determines the rankings. And that's why it's bold and highlighted. And then the districts. So Quinn Emanuel filed 102 cases on behalf of plaintiffs in antitrust last year. And those were in 23 districts. And then we've got something a little bit unique here with our cases with activity in damages. We wanted to give some other proxy for activity or what the law firms are up to

other than case filings alone. And so cases with activity are any case in the last three years, so not necessarily that 102, but anything in the last three years where there was a finding a remedy like an injunction or damages.

Rachel Bailey ([12:33](#)):

And so those are Lex Machina annotations specifically. And so then that's a way to see whether or not a case just settled or consolidated or something like that, versus some where there was some type of activity, which could be anything from a consent judgment to a trial. And then damages, which the antitrust damages are, of course, one of the biggest areas. So Quinn Emanuel has the highest filings of the last three years. And particularly in the last two years. What are you seeing with antitrust law firms these days?

Natalie Rodriguez ([13:10](#)):

So this is such an interesting area for us to watch right now. We're seeing a lot of movement, a lot of recruiting competition in antitrust. I think as these numbers show and bear out, there has just been increasing interest in antitrust litigation. You see the numbers generally swerving towards an upward trend here. And I will say, outside of this data, there's been a lot of signaling from lawmakers on both sides of the political divide, even before the election that they want to get more aggressive about antitrust before the post election, we've seen that increasing, there's been legislation introduced aimed at strengthening antitrust legislation. And what we're seeing play out is firms bulking up in anticipation of more work ahead.

Natalie Rodriguez ([13:58](#)):

It's one of the handful of practice areas that during 2020, during the pandemic, we saw head count numbers increasing either because of recruiting or attorneys pivoting their practice areas towards antitrust. We've seen a lot of movement in terms of practice leaders getting poached and other hires. Quinn Emanuel just earlier this month brought on a former Austin & Burr partner to head its new office in Atlanta who has antitrust litigation. So definitely an area that we've been keeping an eye on.

Rachel Bailey ([14:29](#)):

I did flip over to the defendants, the defense side as well. So we saw Skadden is the top law firm for antitrust and then for defendants. And now I'm going to go over to securities, which is also a big interest right now, and no surprise, the Securities and Exchange Commission files mostly security fraud claims, and big numbers in those three years. But otherwise we're seeing some specialty law firms here as far as representing plaintiffs. On the other side, Skadden again is top for defendants for both anti-trust and for securities. And then we've got Latham and Wilson Sonsini. So what are you guys seeing as far as law firms moving around with securities?

Natalie Rodriguez ([15:26](#)):

Also another area that we're seeing more movement, especially with the change administration and expecting shifts of more enforcement. Also the opportunity to just get new key hires from the outgoing administration. I know Morsom Foster recently hired a DOJ veteran, Brian Kidd, who spent the last four years very focused on security matters, and that was a big hire for them. I know from our reporting that the last few months securities litigation has largely centered around industries hard hit by COVID. Travel, pharmaceutical, other industries, but securities attorneys have been telling our reporter teams that they're expecting a new wave of litigation tied to the pandemic in the months to come. Things dealing

with issuer disclosure actions and targeting companies who might be trying to blame losses on the novel coronavirus though investors might argue otherwise. So it's definitely an area where there's a lot of movement going on.

Rachel Bailey ([16:32](#)):

Definitely. Well we'll see what's to come in 2021, for sure. Looking at contracts cases. And so law firms, the interesting thing about contracts is that it's a massive dataset. And so the last three years from 2018 to 2020 in our database, there was nearly 34,000 cases in this dataset, but there is not a huge player taking on contracts, which is the nature of law. And so we all learn contracts in law school. And so yeah, it can crop up anywhere, but it is interesting to see these big business law firms aren't necessarily filing a huge number of cases on either side. And actually a lot of these offerings are showing up on both sides.

Rachel Bailey ([17:27](#)):

So the top law firm representing plaintiffs in contracts cases is Kohrman Jackson & Krantz. And they filed most of their cases on behalf of a company called NOCO, which makes batteries and jumpstarters for cars. And then Fox Rothschild, Gordon Rees, Greenberg Traurig, these are all law firms that are on the defense side. So Greenberg Traurig had the most cases with 273, but interesting to me that this is ultimately pretty small number compared to the overall number of contracts cases out there. When you say 273 contracts cases versus 200 antitrust cases, that means something different as far as just the proportion there of who's seeing what litigation. Natalie, what are you seeing?

Natalie Rodriguez ([18:16](#)):

Well I think I'm quite taken in the data there that you just see, again, a bit of a bump up in 2020. I think contracts issues, obviously with COVID have been top of mind for a lot of both in-house and outside counsel. Force majeure, adverse events, these are things that are being discussed, and I know even just a few cases can make a significant bump in this arena. But I think we're seeing a lot of the focus obviously on COVID related contractual litigation right now.

Rachel Bailey ([18:57](#)):

Definitely. Yes. And I know that we have seen an uptake in the past, earlier in the decade, depending on what the economy is doing as well. So definitely watching contracts as an area of the law to watch. Let's see, employment is next. These are law firms representing plaintiffs in employment cases. Morgan & Morgan was the top law firm. Employment cases are a bit bigger numbers overall, but specialty law firms. And then we've got the EEOC at the bottom there. And what's interesting to me is that the EEOC takes its cases and does something with them. And so we see 403 cases with activity. We just had a question to go over again, what the activity means.

Rachel Bailey ([19:51](#)):

And so it's a finding in the Lex Machina database, which is some sort of court enforceable determination, a remedy, or an injunction. And so it's just a proxy to say something happened in this case, anything from a consent judgment to summary judgment trial versus just settling or procedural dismissal. And so, yeah, we see the EEOC and these specialty law firms, the defense side, no surprise here. We've already talked about Littler and Jackson Lewis and Ogletree, just massive numbers of cases every year.

Natalie Rodriguez ([20:31](#)):

Yeah, definitely. The big players in the industry and the big players that we're seeing right now doing more hiring in this arena. I know last month Littler picked up a workplace safety expert actually in part to augment spilling the deal with coronavirus issues, which are just the big threat. There's so much of this, but especially with employment. I see the EEOC numbers and I can't help but wonder if we'll see those numbers rise up in the next year, amid the pandemic, amid the changing administration, there's been changes in guidance from the EEOC from the Department of Labor that I think will just eventually snowball in and steep into these litigation numbers.

Rachel Bailey ([21:24](#)):

The last practice area that we are going to cover today is trademark. That is my practice area. So I love talking about it. The big story here, Greer, Burns, & Crain, they're filing a huge number of mass counterfeiting cases. And so they file in the northern district of Illinois, just a large number of cases every year on behalf of big brands against an attached schedule, which is just a list of usually websites or usernames or things like that that are counterfeiting various brands. And they've started doing this thing recently where they have doe plaintiffs. And so it's like ABC corporation suing and then it's revealed later in the case. And we've seen Nike revealed, Harley Davidson revealed, things like that. And so I think they're just trying to go after counterfeiters online in a very unique way that is just really impacting the landscape of trademark litigation. A few of these other law firms do something similar or they represent one specific brand. On the defense side is a little bit different. We've seen big business law firms and a little bit smaller numbers as well.

Natalie Rodriguez ([22:36](#)):

I'd be interested, what you mentioned about Greer Burns is so spot on, I'll be interested to see if just their novel strategy seeps into other cases more and more and more. This is an area where we're seeing a lot of movement in litigation. Trend changes in part because there was a big Supreme Court case involving trademarks, booking.com case, Nom just last term. Also the Trademark Modernization Act was signed into law at the end of the year and aims to resolve a circuit split basically on presumption of irreparable harm. But again, impacts the litigation trends, how these firms are litigating these cases for their clients. So definitely I think a place also just keep watching as this data's showing here.

Rachel Bailey ([23:31](#)):

Definitely. We will show you the other practice areas in the report. And so you can't cover everything, Natalie and I could sit here all day talking about data.

Natalie Rodriguez ([23:43](#)):

I wish we could.

Rachel Bailey ([23:46](#)):

And what law firms are up to. And so we're excited for you all to check out the report as well.

Todd Regenold ([23:55](#)):

Awesome, so that was just fantastic. Some great insights there, Natalie and Rachel and great delivery. Let me mention right now to the folks who should have covered this at the top of the hour, but if you do have questions, please go ahead and submit them. I'm going to take just a minute to tell folks again how

you can get a copy of the report, but if you want to enter a question quickly, we've got a few minutes here and we'll certainly do our best to answer that. Again, we'd love to be able to share a copy of the law firms report with you. We'll have a small ask in return, and that is to get a little bit of your time to show you the value of Lex Machina and how our solution works.

Todd Regenold ([24:28](#)):

And again, to get a copy of the report, you can either go to our website, you can hit the button in the email that you're going to receive very shortly, or if you're a Lex Machina customer, you can simply go to the help center. Also, if you don't have an opportunity or can't type fast enough to get your question in now, please by all means request a copy of the report and whatever questions you have, we'll be sure to get them answered. So again, thanks so much, Natalie, for joining us. We really appreciate it. Appreciate the dialogue and the insights and Rachel, fantastic job and wish all of our attendees an absolutely wonderful afternoon. Thank you again. Appreciate it.

Rachel Bailey ([25:10](#)):

Well, let's see if we get a question. Let's see, let's see, Natalie, what do you think is going to happen in 2021? Can you give us a little prediction?

Natalie Rodriguez ([25:21](#)):

Where to even start? So I think the first thing that comes top of mind is just that we're going to see COVID continue to be the big thread in a lot of litigation. I think we're going to see a lot of employment matters, a lot of issues related to vaccine, vaccine rollouts and vaccine policies. [inaudible 00:25:42], things that we're watching, but I think that's just going to continue to be the big thread. And I think as we've briefly discussed, there's pent-up demand here. In-house counsel have expressed that they have pent up litigation to get into the system. And on the other end, courts are scrambling with ways to dig out their backlogs.

Natalie Rodriguez ([26:10](#)):

So I think we're going to see some hopefully novel approaches to dealing with the backlog of cases that's here and to come. I think we might see more efforts toward mediation, but also just more efforts to try to get these cases through the system. On the business of law side, I know we've seen a couple of plaintiff's side mergers, so a plaintiff's firm bulking up doing mergers to try and get a bigger foot basically in the landscape. And that's something that we're keeping an eye on. And we're thinking and experts are thinking we might see more of those in 2021.

Rachel Bailey ([26:57](#)):

Well it's definitely an exciting time for all law firms out there and we're keeping an eye on everything. And I did want to mention that so Natalie is an editor at Pulse, at Law360 Pulse, and so there is going to be an article about the report. And so if you want to dig in more, you can check out Law360 Pulse and then come talk to us as well if you have questions. A lot of them also make it to my desk. So you can feel free to ask after you get the report too, we're here for you. Say thank you to Natalie.

Todd Regenold ([27:37](#)):

Excellent. Yeah, thanks so much, Natalie. Thank you, Rachel. Thanks very much to our audience. Appreciate it.

Natalie Rodriguez ([27:43](#)):
Thank you so much.