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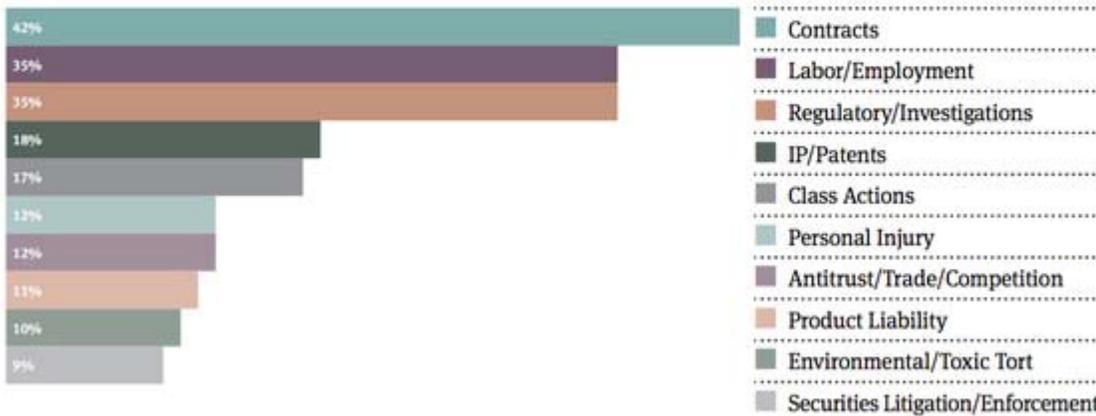
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# As Litigation Rises, A Glimpse of What Keeps Corporate Counsel Up at Night

By John Council  
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## Types of legal disputes that most concern companies

### Top concerns



SOURCE: Norton Rose Fulbright 2016 Litigation Trends Survey

Businesses are experiencing a rise in litigation and the main areas of concern for legal departments are contract disputes, labor and employment claims and regulatory investigations, according to a recent survey of in-house lawyers and executives of more than 600 companies.

The 2016 litigation survey released by Norton Rose Fulbright polled attorneys working for 606 companies located all across the world—more than half with annual revenue of at least \$1 billion. Topping their collective litigation worries were contract disputes at 42 percent, and a tie between labor and employment claims and regulatory investigations at 35 percent.

The survey noted that contracts and labor are most concerning to corporate counsel because of their prevalence and financial risk. Regulatory investigations also spark concern because of their complicated nature and reputational risks to the companies.

“We have seen continually reported contracts as number one and labor as number two,” said Saul Perloff, a partner in the San Antonio office of Norton Rose Fulbright who has overseen the firm’s litigation survey for the past 11 years.

The litigation concerns were borne out by the types of cases filed against the companies over the last 12 months, according to the survey.

“Now, some of it does depend on the industry,” Perloff noted. “In an industry like health care and technology you would expect more concern about intellectual property. But contracts and labor and employment is kind of across the board in what we see as the major concern. And it is kind of across borders too.”

While the statistics don’t back it up, 97 percent of the corporate counsel interviewed believed that regulators tended to be more interventionist over the past year.

“Part of it is our clients are more sensitive to regulatory investigation—they don’t want to be on the front page of *The Wall Street Journal*,” Perloff said. “Also the number of regulatory matters isn’t the whole story—it’s the extent of them and the expense of resolving them. There is an expectation that they will increase in the coming year and that the matters themselves are becoming more onerous and difficult.”

Lawsuits and proceedings commenced against the companies over the past year also increased according to the survey. For example, the number of companies that reported no lawsuits or other disputes commenced against them over the last year dropped from 25 percent in 2015 to 19 percent in 2016.

“Unfortunately, I do think for a variety of reasons we’re becoming more litigious and a lot of it might not be in the United States. Almost half of our respondents are from outside of the United States,” Perloff said. “And for better or worse their litigation systems are beginning to look a lot like ours and there is more exposure and more concerns.”

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