



Preparing For and Keeping Out of the Courtroom

Litigation and Dispute Resolution



Popular culture would have you believe that practicing law is all suits, juries, and judges. Lawyers can't wait to go to court and prove the other guy wrong, right?

We know this is far from the truth. Sure, many of us enjoy a good argument, and perhaps have even fantasized about yelling, "I object!" in a crowded courtroom. However, in reality, our careers usually turn out to be very different: We pride ourselves in finding solutions peacefully and keeping our companies (and ourselves) out of the courtroom.

But despite our best efforts, litigation is sometimes inevitable, especially into today's global business environment. According to the 2015 ACC Global Census, litigation tops the list of reasons in-house counsel seek the consultation of outside counsel. Outside counsel can offer critical support, but using them too early in the process can be costly. While we may need to eventually turn to external help, we are our company's first line of defense, and therefore it is our job to prepare leadership accordingly. The cover story of this Litigation Management issue focuses not only on prepping the board of directors well in advance of the possibility of litigation, but also offers tips on how you can help your company avoid litigation by identifying and managing risks sooner rather than later. One tip is to stay in tune with the compliance and litigation issues trending within your industry. If investigations are becoming more frequent, and your competition was recently facing allegations stemming from some compliance related issue that's come up more than once, chances are your company could be next. Prepare the board for this possibility as no one, especially our top leadership, likes to be blindsided.

Other articles discuss the role of general counsel's office during an internal workplace investigation, as well as the growing use of advanced text analytics and implementing Technology Assisted Reviews during litigation and litigation preparation. The paperwork involved in any litigation can be

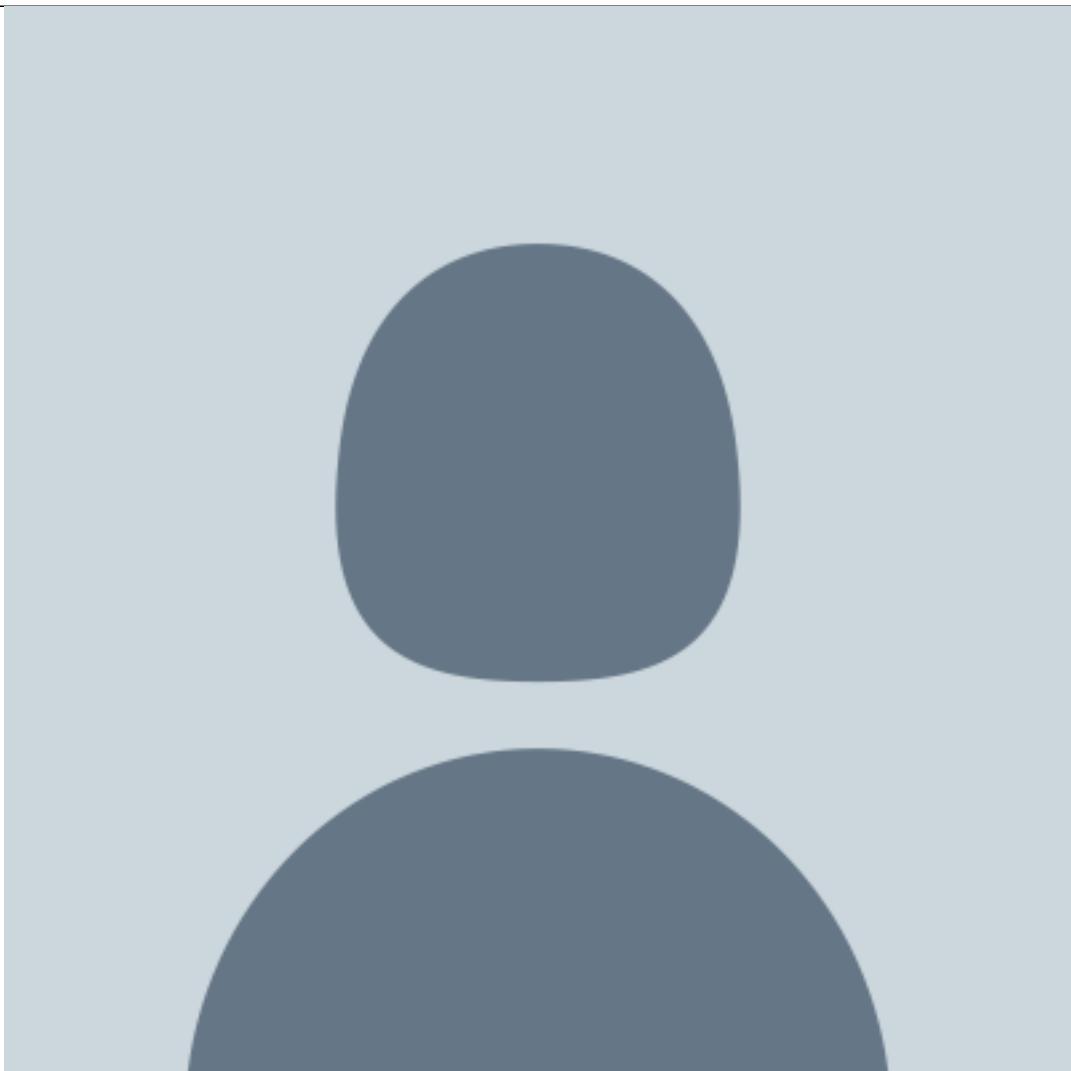
voluminous and difficult to manage, control, and protect. Read how technological advances in this space allow us to protect our data more efficiently.

In addition to this issue of the Docket, I recommend that you periodically check in on what your committees are up to. Webcasts are updated and added frequently, including the recent “Bet the Company Litigation” webcast presented in April by the Litigation Committee. Further, the Chicago Chapter recently presented a panel on the “Top 10 Litigation, Risk Management, and Compliance Trends for 2016.”

While our days (most of them anyway) are not filled with the legal drama we often see in television and film, us in-house lawyers do sometimes have to throw on that power suit, stand before a judge and jury, and prove our clients were in the right. Putting the proper policies, practices, and guidelines in place early will hopefully limit your litigation risk. However, when or if you do find yourself in a courtroom — or preparing your legal team, executive leadership, or board members to take the stand — remember that ACC has your back.

Just think of us as your dream team, providing you with the practical resources you need to prepare, and connecting you with a network of in-house counsel who've been there, done that.

[Sabine Chalmers](#)



Former ACC Board Chair