



# Annual Litigation Trends Survey

PERSPECTIVES FROM CORPORATE COUNSEL



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# Foreword

**Over the past two decades, the litigation landscape has undergone profound changes, driven by technological advancements and cultural shifts. From the digitization of legal workflows to the rise of cybersecurity and data privacy concerns, these transformations have reshaped the daily operations of corporate counsel and the broader corporate environment. As we present the 20<sup>th</sup> edition of our Annual Litigation Trends Survey, we reflect on these developments and their implications for the future.**

Digital transformation has significantly altered the day-to-day lives of litigators. Stacks of bankers boxes packed with discovery materials have given way to electronic files stored in online databases, which themselves have evolved to encompass first simple keyword searches and now sophisticated artificial intelligence tools. The ubiquity of smartphones and video conferencing has streamlined legal work, making it easier to connect with parties around the world at all hours of the day for everything from strategy sessions to court hearings.

Cultural transformations have also created a different litigation landscape. The sheer amount of information litigators must absorb and process has exploded, as have pressures to respond immediately to developments. Many corporate counsel feel that legal claims against their organizations are becoming more extreme and sensationalized – a fact made apparent in this year’s survey – while skeptical juries have become a common cause for concern.

Dockets, too, have shifted over the last two decades. While employment and labor matters and contract disputes remain constants, our two decades of research demonstrate the more recent emergence of cybersecurity and data privacy claims – which are now among the top three most widespread litigation concerns for organizations.

Norton Rose Fulbright also anticipated early on how environmental, social and governance (ESG) issues would become a litigation focus as well as politically polarizing.

At the same time, litigation costs and budgets have increased over the past 20 years. Many corporate counsel feel they are expected to do more with less, leading them to seek innovative solutions beyond standard alternative fee arrangements and the perennial insourcing and outsourcing of legal work.

We have tracked these shifts, both subtle and seismic, for 20 years, offering quantitative benchmarks and qualitative analysis to help corporate counsel prepare for what comes next. As we look to the future, we hope these insights will continue to prove useful for years to come.

## Executive summary

**Corporate counsel confronted a difficult litigation environment in 2024 – and many expect even bigger challenges in 2025, from an aggressive plaintiffs’ bar and heightened regulatory scrutiny to increasing difficulty settling disputes before trial. The US presidential election results add further complexity to the litigation outlook for the coming year, potentially shifting litigation priorities and areas of focus.**

Nearly half of corporate counsel expect the number of lawsuits (48%) and regulatory investigations (46%) impacting their organizations to increase in the year ahead, including a rise in legal disputes as plaintiffs seek to limit regulators’ authority in a post-*Chevron* landscape. The Trump administration may bring sharply different regulatory priorities that could lessen burdens in areas such as antitrust while fueling new legal actions on ESG initiatives, consumer protection frameworks and other issues.

However, more corporate counsel feel very prepared to meet the challenges ahead compared to last year, thanks to strong legal teams, proactive risk management and the growing adoption of artificial intelligence (AI) tools to spot risk. Legal departments also support the use of generative AI by outside counsel, recognizing its potential to drive cost efficiencies, time savings, scalability and improved accuracy to help them manage the growing demands to do more with less.

These are just several of the key findings from Norton Rose Fulbright’s 2025 Annual Litigation Trends Survey,

which highlights the experiences and perspectives of legal professionals across organizations of all sizes. For 20 years, our research has tracked and identified key changes and trends impacting the litigation landscape, from emerging dispute categories to landmark developments in legal technology.

We surveyed more than 400 general counsel and in-house litigation leaders in the United States and Canada in September 2024, with respondents from a wide range of industries including financial services, technology, retail, healthcare, real estate and construction, energy, logistics and transportation, consumer markets, and food and beverage. In addition, we conducted in-depth interviews with in-house counsel to garner unique insights into corporate counsel concerns, approaches and predictions for 2025.

In what follows, we explore how corporate counsel are responding to this shifting litigation landscape and preparing for what comes next, with insightful and timely analysis from lawyers across Norton Rose Fulbright.

***“Marking two decades of in-house disputes research, our latest report highlights the evolving challenges faced by legal professionals. From the rise of ‘nuclear verdicts’ to the widespread use of AI by legal departments, these developments emphasize the importance of strategic litigation planning.”***

**Steven Jansma**  
Head of Litigation and Disputes, United States

## Highlights of findings

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### Regulatory proceedings grew substantially in 2024

The median number of regulatory proceedings commenced against organizations doubled compared to last year and seven in 10 respondents report involvement in at least one regulatory proceeding in 2024. With the *Chevron* doctrine overturned, 73% of respondents subject to US regulations anticipate greater uncertainty in regulated industries. Overall, 32% of respondents expect increased exposure to regulatory proceedings and investigations in the year ahead, though areas of exposure may shift under the Trump administration.

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### High-stakes litigation and aggressive plaintiffs are impacting pre-trial settlement

Eight in 10 respondents said they were increasingly concerned with the growing prominence of “nuclear verdicts” – unexpectedly high jury awards – over the past 12 months, heightening the importance of pre-trial settlement. However, 82% said that reaching a settlement has become more difficult due to factors such as increasing legal costs, regulatory changes and high settlement demands.

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### Legal is entering the generative AI era – with caveats

Nearly three-quarters of respondents are supportive of outside counsel’s use of generative AI to help with litigation work, but more than half say it has been challenging to manage the surrounding legal risk. While respondents believe it holds potential for cost efficiencies and time savings, others are skeptical about whether the benefits outweigh the very real risks.

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### Corporate counsel are more confident in their litigation preparation despite anticipating more lawsuits in 2025

The share of respondents who say they are “very prepared” to address litigation over the next 12 months jumped to 43% from just 29% last year. This sentiment likely reflects rising litigation budgets, larger in-house teams and more buttoned-up contracts, among other factors. At the same time, however, just 14% predict that the number of lawsuits will decrease in 2025 – highlighting the need for strategic litigation planning.

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### The top litigation areas in 2024 are likely to remain a concern for organizations in 2025

Employment and labor and cybersecurity, data protection and data privacy remain the top two most common types of litigation in 2024, extending trends from the previous year, and are still the areas of most widespread concern for 2025. Yet last year also saw notable jumps in the share of respondents who experienced banking and finance dispute litigation, which doubled to reach one in five respondents; even more (23%) experienced antitrust, trade and competition lawsuits.

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### Class action frequency remains consistent, but new hot spots emerge

Nearly a quarter (24%) of respondents reported class action litigation over the past 12 months, with the most common areas being employment and labor, consumer protection, and cybersecurity, data protection and data privacy. Signaling an ongoing trend, these are also the top class action concerns for 2025, as in 2024. ESG and environmental and toxic tort claims also saw a jump in activity, impacting 15% and 21% of those who experienced class actions last year, respectively.



# Key statistics



**US\$4.3 million:** The average litigation spend for companies with US\$1 billion or more in revenue; up from US\$3.9 million in 2023.



**2x:** The share of companies reporting banking and finance litigation in 2024 doubled compared to 2023 (to 20% from 10%).



**61%:** The share of respondents expecting an increase in the number of in-house litigators, up from 52% in 2024.



**Half:** The proportion of those expecting class action litigation who say consumer protection is an area of concern (49%), nearly as high as employment and labor selections (51%).



**82%:** The percentage of companies involved in at least one lawsuit in 2024, which is on par with 2023 (81%).



**73%:** The share of respondents who say overturning the *Chevron* doctrine will result in greater uncertainty across regulated industries.



**Two:** The median number of regulatory proceedings commenced against respondent organizations in 2024 – which is double the median number reported the previous year – with 70% reporting at least one action in 2024.



**92%:** A large majority feel settling disputes before trial is important (92%), but more than half (56%) say it has become moderately or significantly more difficult to do so over the past year.



**73%:** Nearly three-quarters of respondents support generative AI usage by outside counsel to assist their company's litigation work, a two-fold increase over the 36% indicating the same in 2023.

## Major trends

**The number of lawsuits that respondents experienced remained relatively steady – 62 on average in 2024, compared to 63 in 2023 – but there were notable areas of growth. For example, 73% of organizations commenced at least one lawsuit as a plaintiff, compared to 68% the year prior.**

The share of respondents involved in banking and finance litigation also doubled year-over-year, to 20% in 2024 from 10%, and there was a seven-percentage-point uptick (to 23% from 16%) in the number of respondents who dealt with antitrust, trade and competition lawsuits. These appear to be ongoing concerns, with nearly three in 10 (29%) concerned about banking and finance litigation and one in five (20%) worried about antitrust lawsuits over the next 12 months.

As expected, employment and labor and cybersecurity, data protection and data privacy remained top litigation areas, experienced by 45% and 44% of respondents, respectively. These overarching issues, which touch organizations across a wide spectrum of industries, remain the top two litigation concerns for the year ahead.

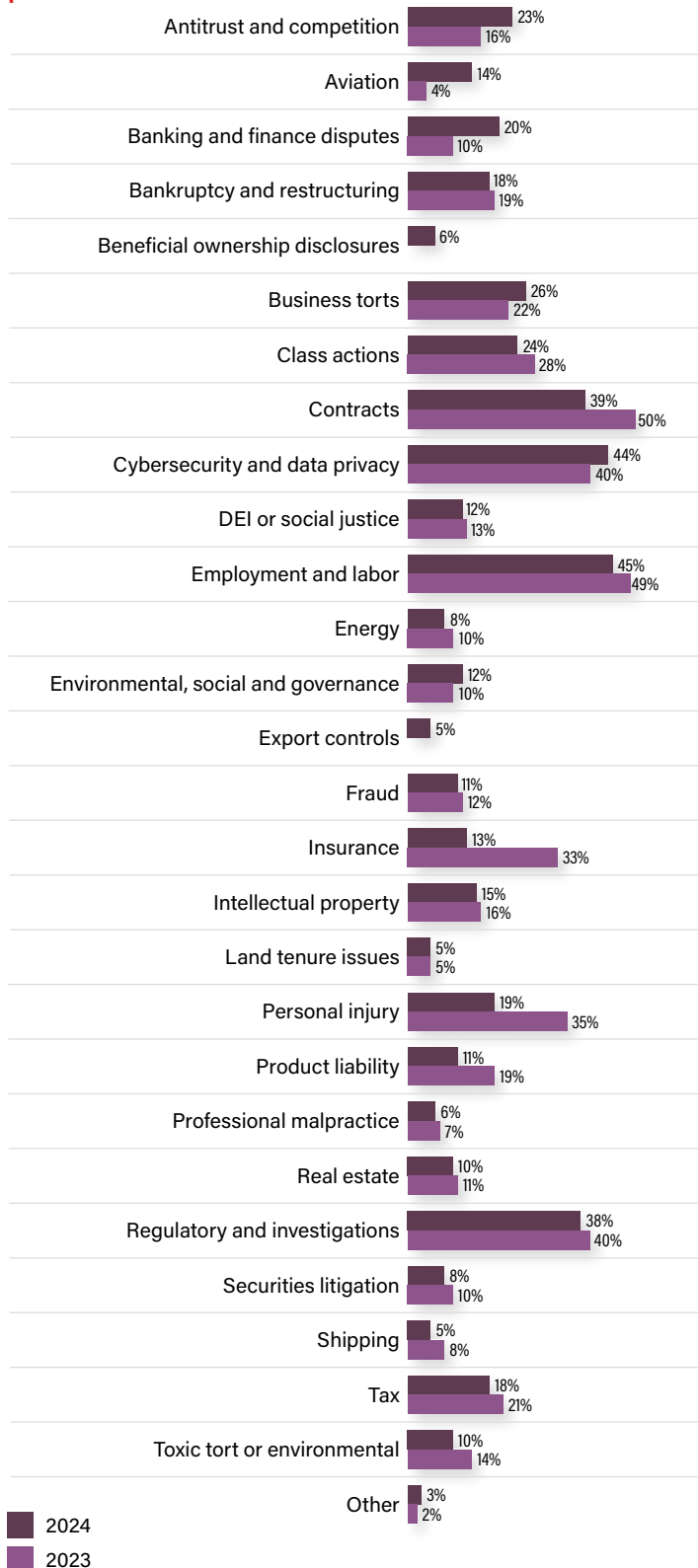
Overall, nearly half of respondents are expecting more litigation in 2025. The technology and consumer markets industries in particular are bracing for heightened litigation, with 39% and 38% anticipating significantly more volume, respectively. “Consumer sentiments have evolved negatively,” said a vice president and chief counsel at a food and beverage company. “Consumers have higher expectations for companies and are more willing to litigate when they feel companies are falling short.”

Nearly half of respondents are expecting more litigation in 2025.

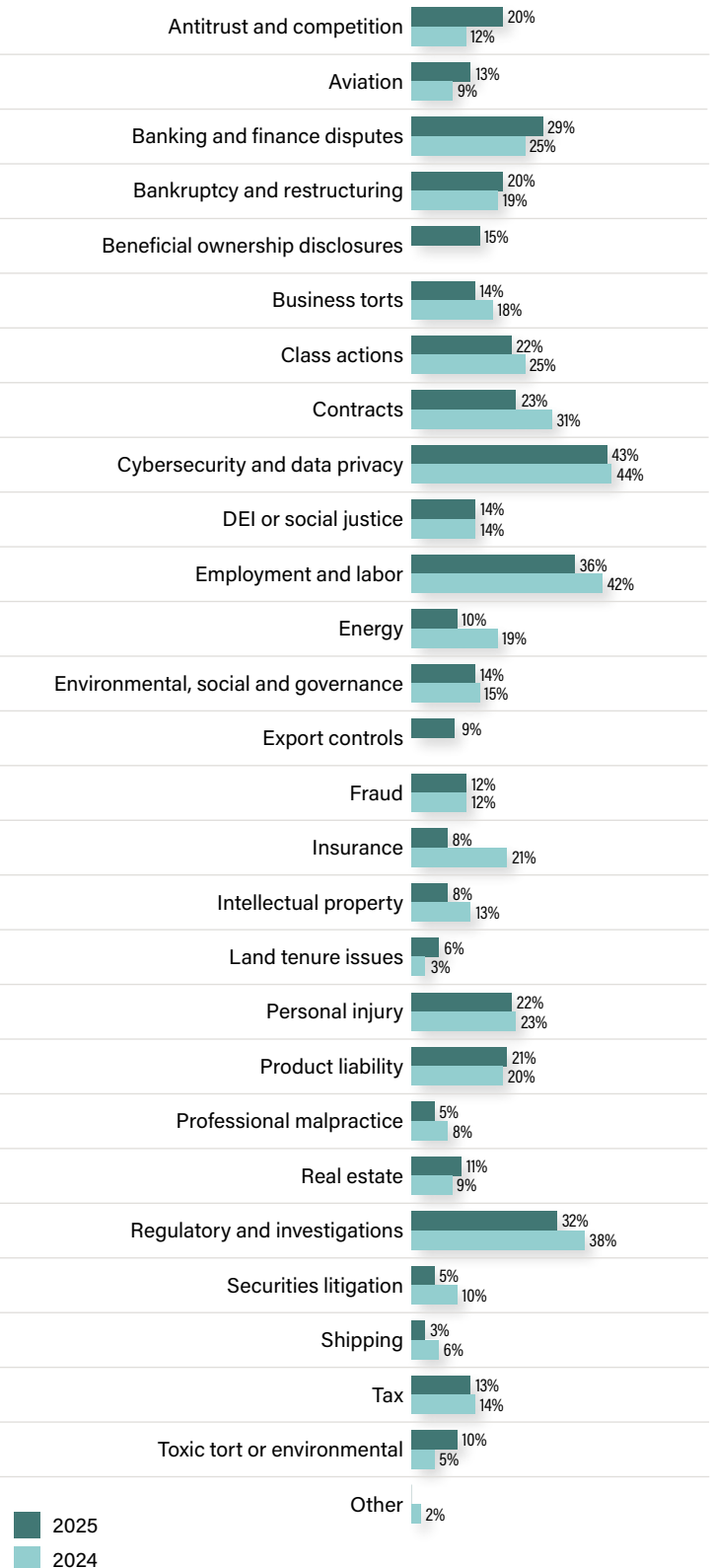
The share of organizations commencing an arbitration increased last year, with nearly a third (31%) of respondents initiating at least one in 2024, compared to just a quarter (24%) the year before.

Overall, the share of respondents engaged in arbitration in 2024 held steady, with 38% involved in at least one compared to 39% the year prior. Respondents experienced 14.8 arbitrations on average last year, and the majority (57%) say it is unlikely that the number of arbitrations commenced against their organizations will increase in 2025. Technology is an exception, however, as 64% are predicting an increase in arbitrations in 2024, potentially reflecting the industry’s more widespread use of class action waivers favoring arbitration in user agreements.

**Litigation areas experienced over the past 12 months**



**Areas in which litigation is expected over the next 12 months**



Q. In which of the following areas did your organization experience litigation matters over the past 12 months? Please select all that apply.

Q. In reviewing the full list of litigation areas below, what are the most concerning areas for your organization over the next 12 months? Please select all that apply.



## Settlements and verdicts

**56%** of respondents say reaching a pre-trial settlement has become moderately or significantly more difficult over the past 12 months.

Nearly all (92%) respondents say that settling disputes before they go to court is important, reducing spending while also eliminating the risk of large jury awards. Yet this is proving tough to put into practice, as more than half (56%) of respondents say reaching a pre-trial settlement has become moderately or significantly more difficult over the past 12 months.

Corporate counsel attribute this shift to multiple factors, including a growing unwillingness to compromise by both parties, high settlement demands, increasing legal costs, regulatory changes and a more aggressive stance from plaintiffs.

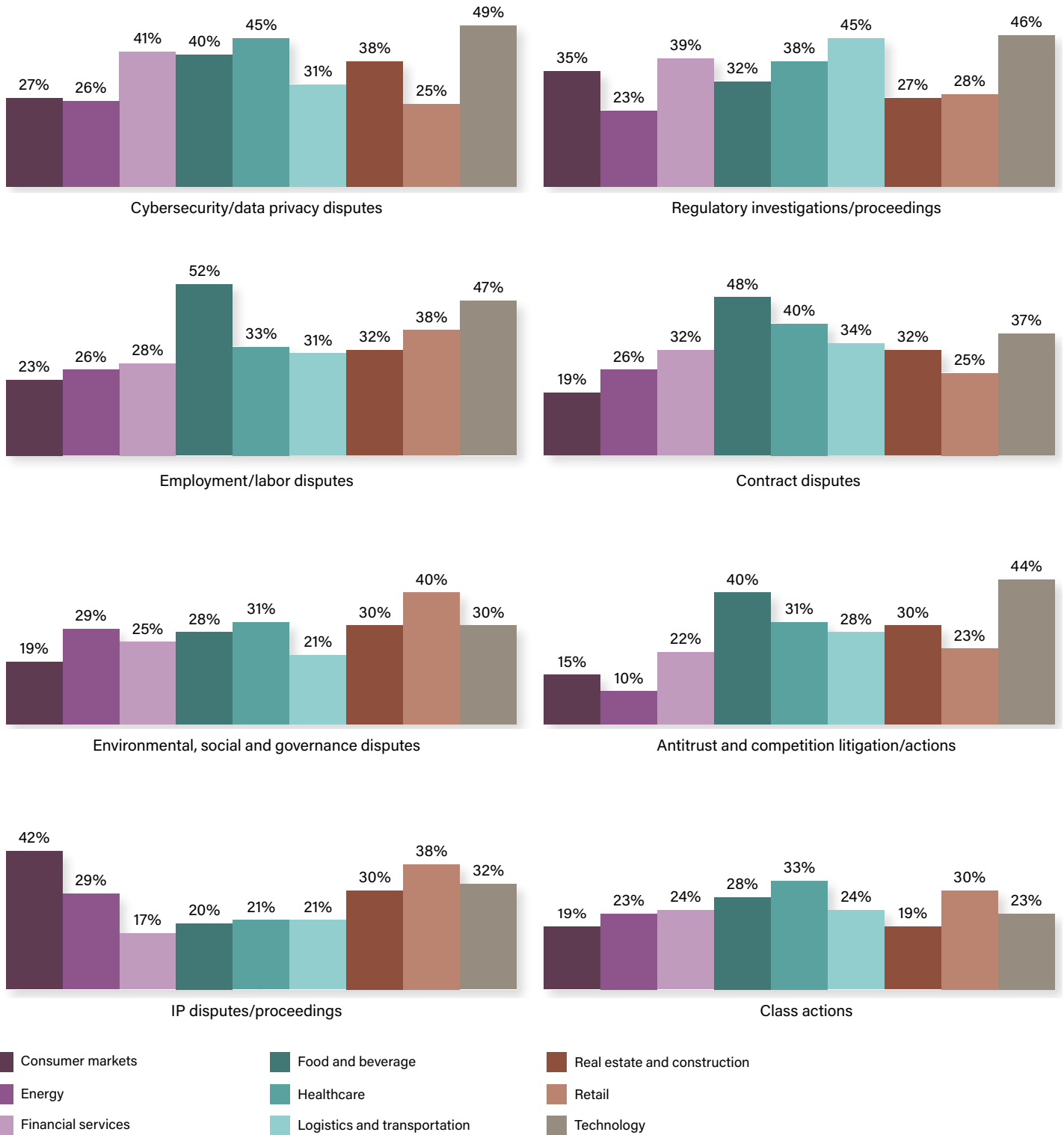
“Litigation costs are through the roof because of more aggressive plaintiffs’ counsel playbooks, and defense counsel haven’t caught up yet,” said a chief legal officer at an insurance company. He said they’re seeing very high-dollar settlement demands “with very little information up front” on what information the plaintiffs have or their lawyers’ approach to the case.

In response, half of respondents expect to see the average settlement amount increase over the next 12 months. Respondents in the technology industry are anticipating an even greater shift, with 47% predicting a slight increase and one-third expecting a significantly higher average. “With large verdicts coming out of the tech space recently, plaintiffs’ settlement demands seem to be increasing significantly in response, especially when they have a good story for the jury that gives them greater leverage in settlement negotiations,” said Norton Rose Fulbright partner Stephanie DeBrow.

Challenges relating to pre-trial settlement are particularly notable. More than eight in 10 corporate counsel are at least somewhat more concerned about “nuclear verdicts” in the event cases end up in court, with more than half saying they are moderately or significantly more concerned. This is an acute concern among high-revenue companies, with 31% significantly more concerned as these organizations face skeptical juries and ever-increasing damages awards.

Corporate counsel expect this trend to extend into 2025. Approximately a quarter (24%) of respondents anticipate significantly higher average verdicts or damages amounts. Concerns are heightened for the technology industry here as well, with 56% predicting significantly higher verdict amounts in the year to come.

Change in dispute exposure experienced over the past 12 months: "More exposed" responses



Q. Please indicate any change in dispute exposure that your business experienced over the past 12 months.

# Key dispute areas

## Cybersecurity and data privacy

Cybersecurity and data privacy issues continue to be a challenge for organizations amid escalating cyberattacks, growing disclosure burdens and uncertainty stemming from AI tools. More than a third (36%) of respondents say their organizations were more exposed to cybersecurity and data privacy disputes over the past 12 months – the greatest increase in any dispute category for the second year in a row. This issue is unlikely to abate any time soon, as the majority of respondents expect their exposure to stay the same (46%) or grow even more (33%) in 2025.

“Cybersecurity is certainly front and center for us,” said a general counsel of an energy company. “We get hit all the time with phishing and attempts to breach our data. It’s something we’re highly concerned about.”

Disputes are a particular concern to industries like healthcare and financial services that amass large volumes of highly sensitive data. Forty-five percent and 41% of respondents in these industries, respectively, report increased exposure. Such critical infrastructure appears to be a favorite target for cybercriminals.

The increase in dispute risk is a significant concern for technology respondents as well, with approximately half (49%) saying their exposure deepened over the last year. Major technology companies have faced backlash and legal action due to data privacy concerns involving AI training data, including those around feeding personal and copyrighted data into proprietary AI systems for training purposes. In fact, 61% of respondents across all industries who anticipate more exposure to cybersecurity and data privacy disputes expect the increasing use of AI and corresponding data issues to be a contributor to these disputes going forward – a nine-percentage-point increase compared to last year and the most selected contributing factor.

***“The increasing exposure to cybersecurity and data privacy disputes remains a critical concern for our clients. With increased use and advancement of AI technologies, managing these emerging risks and complying with evolving regulations becomes even more important and requires a proactive approach.”***

**Andrea D’Ambra**

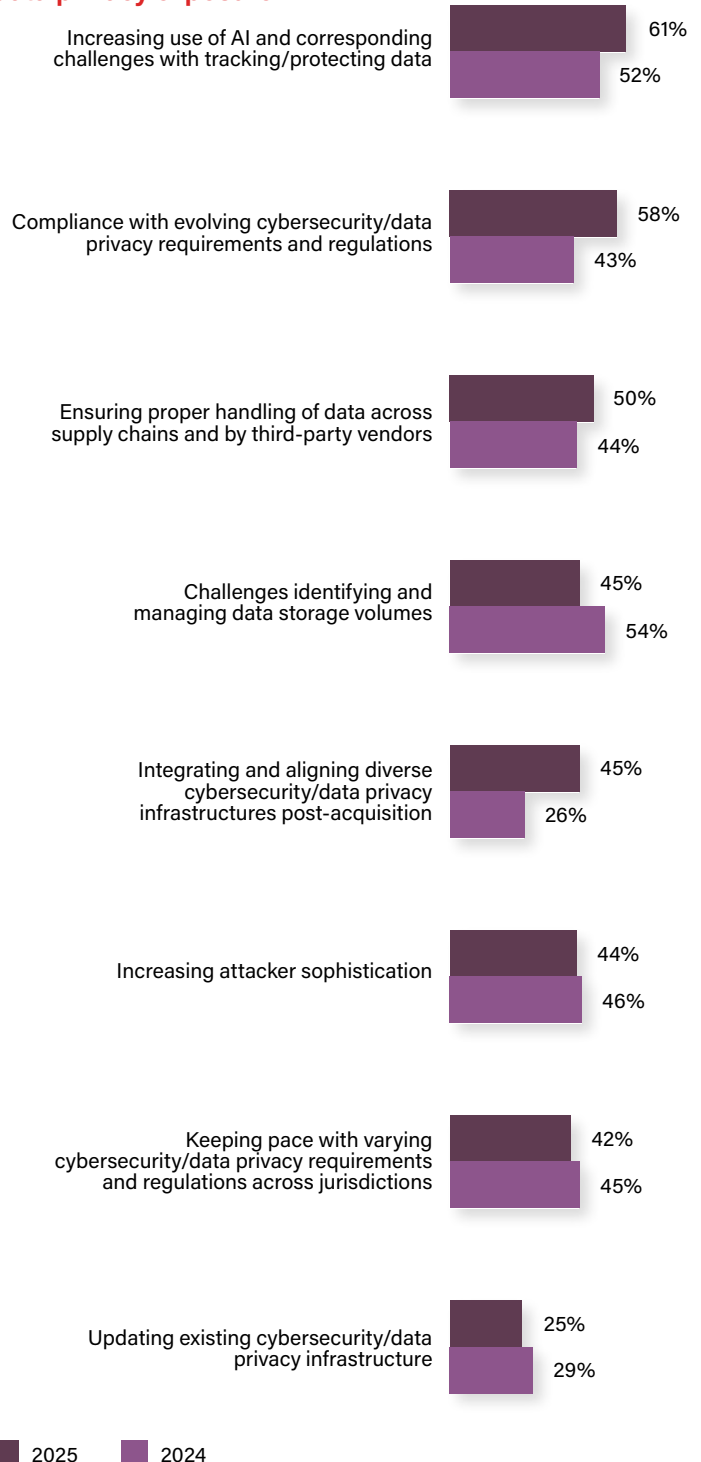
US Head of Technology and US Head of eDiscovery and Information Governance

Navigating the shifting patchwork of data privacy regulations is also a challenge. More than half (58%) of these respondents also said compliance with evolving cybersecurity and data privacy regulations and requirements is an issue that could heighten their exposure in the coming year, compared to just 43% who said the same in 2024. This comes as lawmakers made major changes to cybersecurity and data privacy frameworks in 2024, with the US making progress on key components of the National Cybersecurity Strategy, which was launched in March 2023, and Canada overhauling major elements of its Consumer Privacy Protection Act (CPPA).

Half of respondents expecting heightened cybersecurity and data privacy exposure in the coming year also point to data handling across supply chains and by third-party vendors as a dispute driver in 2025. One key reason? The majority (86%) agree or strongly agree that working with third-party vendors and suppliers increases the likelihood of a cyberattack or data breach and related disputes – with just 1% strongly disagreeing. Indeed, vulnerabilities introduced by outside vendors were front and center in 2024 when a cybersecurity company distributed a faulty update that triggered a worldwide IT outage, with one general counsel at a food and beverage company noting that “the CrowdStrike incident brought the risk into plain view for everybody,” ultimately serving as a reminder that vendor security lapses “can cripple all industries, even if temporarily.”

**86%** agree or strongly agree that working with third-party vendors and suppliers increases the likelihood of a cyberattack or data breach and related disputes.

**Trends contributing to increased cybersecurity and data privacy exposure**



Q. Asked to those who expect to be more exposed to cyber/data protection disputes over the next 12 months. Which of the following trends or issues do you expect to contribute to this increase in exposure? Please select all that apply.

## Employment and labor

Signaling that employment and labor disputes represent a key business issue for a range of industries, more than a third (34%) of respondents saw their employment and labor dispute exposure increase over the past 12 months. Even more respondents predict their exposure to grow (37%) or remain the same (50%) in 2025.

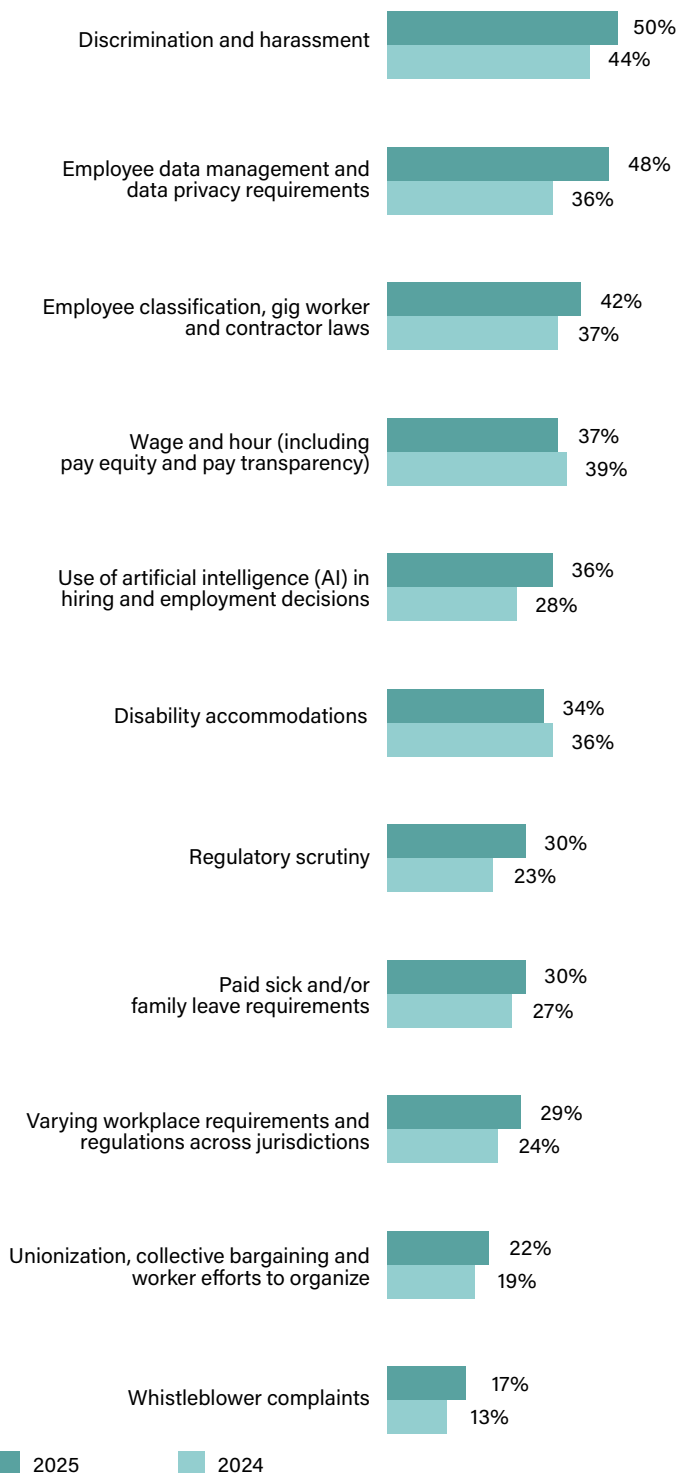
Notably, there was a significant jump in dispute exposure among respondents in the food and beverage industry. More than half (52%) say their dispute exposure grew in the last year, potentially due to labor shortages and supply chain issues, while between 20% to 30% say the same for most other industries. Nearly half (48%) anticipate even more exposure in the year to come, with one associate general counsel at a food and beverage company noting that “you can’t reduce labor and employment risk to zero.”

Other corporate counsel echoed this sentiment, characterizing employment and labor issues as unavoidable and instead focusing on mitigating the fallout of inevitable disputes. “Employment litigation is rather consistent,” said a chief litigation counsel at one manufacturing company. “So, a main focus for our organization is ensuring individual claims don’t turn into a class action.”

Respondents expecting increased employment and labor disputes identified a number of factors increasing this exposure across industries, with half pointing to discrimination and harassment issues – an increase from 44% in 2024. Employee data management and data privacy requirements were also a concern for 48% of respondents, compared to just 36% last year, due to many of the trends identified in the previous section.

Additionally, after the Department of Labor instituted more complex employee classification rules in January 2024, 42% of these respondents identified employee classification, gig worker and contractor laws as factors heightening dispute exposure.

**Trends contributing to increased employment and labor exposure**



**42%** of respondents expecting increased employment and labor exposure identified employee classification, gig worker and contractor laws as factors heightening dispute exposure.

Q. Asked to those who expect to be more exposed to employment/labor disputes over the next 12 months. Which of the following trends or issues do you expect to contribute to this expected increase in exposure? Please select all that apply.

## Intellectual property

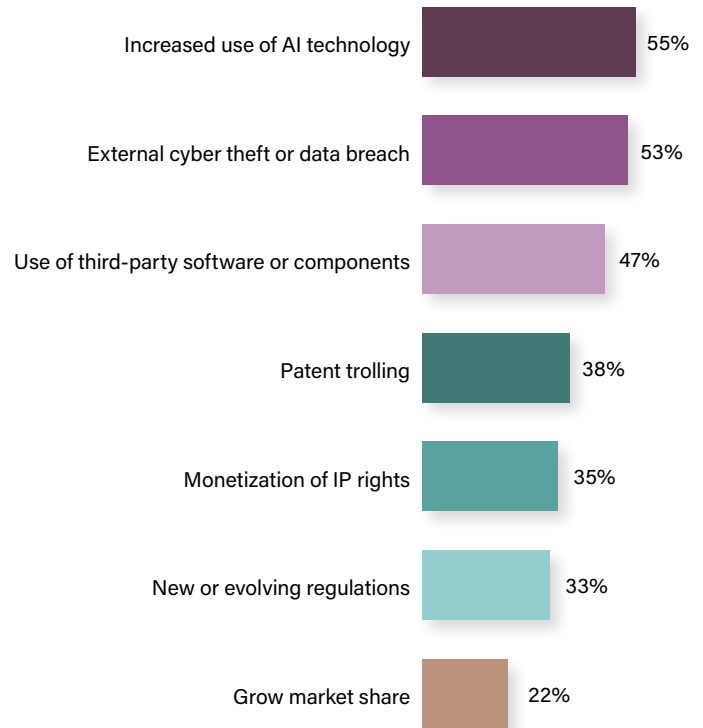
As intellectual property (IP) disputes become more complex, a quarter of respondents say their IP dispute exposure grew over the last year, with approximately the same share (26%) expecting to be more exposed in 2025.

Patents once again appear to be fueling this trend, with nearly half (46%) of those who saw their IP exposure grow last year reporting greater vulnerability to patent disputes over the past 12 months. Trade secrets trailed close behind at 44% as organizations hunt for ways to protect proprietary information in the potential absence of noncompete agreements.

“If you can’t protect your innovations, you can’t succeed,” said a general counsel and chief legal officer at a biopharmaceutical company. “IP is the most significant concern in the pharmaceutical industry, because it costs about \$3 billion to develop a drug, and you can’t invest billions if you can’t be sure your investment is safe. Patents are the bedrock of our business.”

The majority of respondents expecting to see their IP exposure grow in 2025 say they are somewhat (33%) or very likely (55%) to engage in IP enforcement litigation over the next 12 months. More than half of this group say they would be more likely to move forward with an enforcement lawsuit to protect their IP rights (68%), maintain brand integrity (55%) and retain a competitive advantage (51%). Significant segments also point to monetizing their IP rights (48%) and deterring future infringement (45%) as other factors that would push them toward litigation.

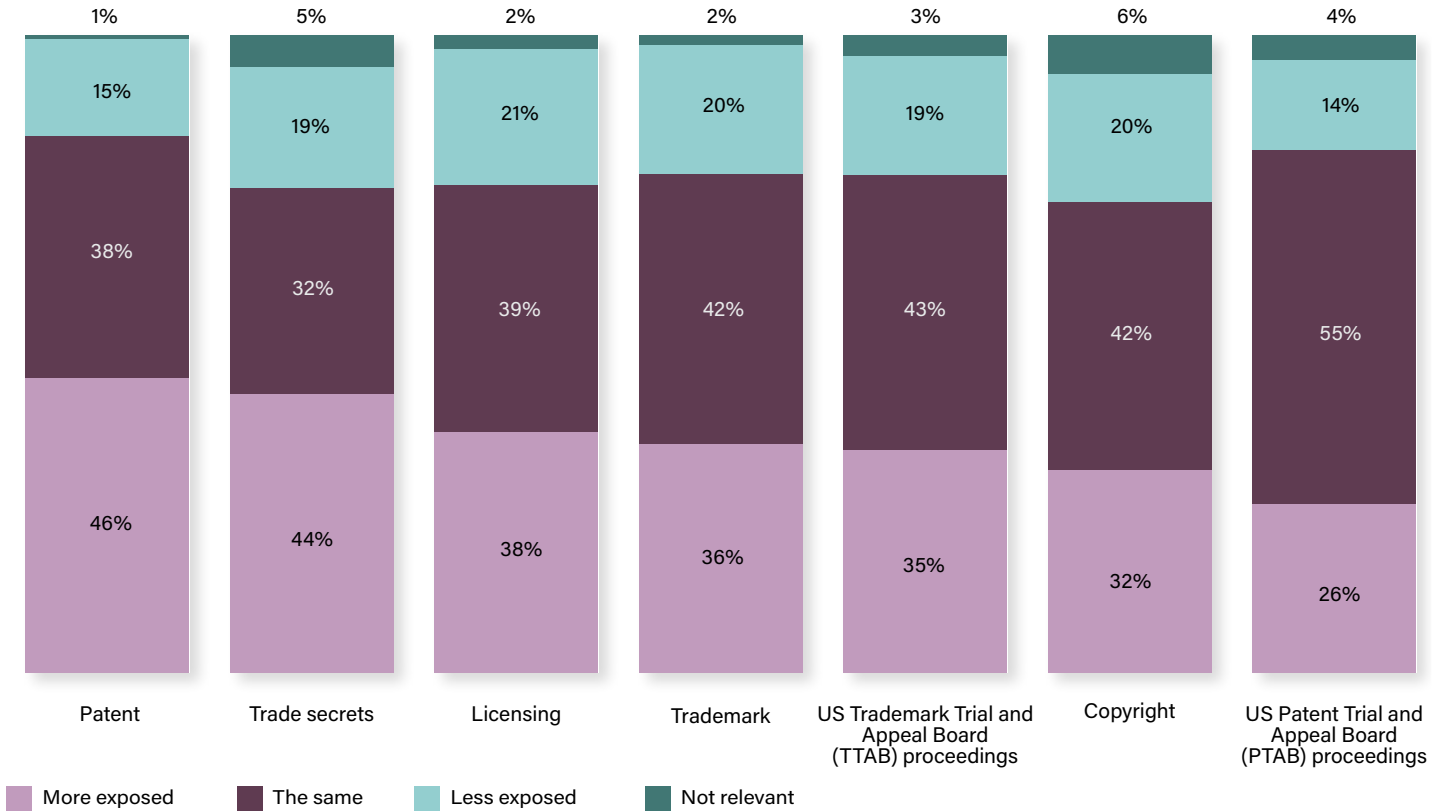
## Trends or issues contributing to increased IP disputes or proceedings



*Q. Asked to those who expect a change in intellectual property dispute/proceeding exposure over the next 12 months. Which of the following IP disputes/proceedings trends or issues do you expect to contribute to this increase in exposure? Please select all that apply.*

The majority of respondents expecting to see their IP exposure grow in 2025 say they are somewhat (33%) or very likely (55%) to engage in IP enforcement litigation over the next 12 months.

Change in level of exposure in specific IP areas over the past 12 months



Q. Asked to those who expect a change in intellectual property dispute/proceeding exposure over the next 12 months. Specifically, how will the following areas of IP change in exposure?

This comes as AI tools unleash a wave of IP concerns and spur critical questions about the nature of ownership, with plaintiffs filing dozens of lawsuits last year alleging copyright infringement in AI training data. In fact, more than half (55%) of respondents expecting their IP exposure to grow over the next year say the increased use of AI technology will be a contributing factor – a greater share than any other issue for the second year in a row.

In addition to concerns with user data being used without authorization to train a machine learning algorithm, AI can also jeopardize IP rights when users intentionally input sensitive data or proprietary information into these tools. Though not exclusive to AI, use of third-party software or components (such as free AI tools) is also a major factor driving dispute exposure, selected by almost half (47%) of respondents who anticipate an increase in IP exposure in the year ahead.

**55%** of respondents expecting their IP exposure to grow over the next year say the increased use of AI technology will be a contributing factor – a greater share than any other issue for the second year in a row.



## Environmental, social and governance

ESG initiatives face continued scrutiny from consumers, investors and regulators alike, deepening the risk of litigation. Twenty-seven percent of respondents saw their ESG dispute exposure grow over the past 12 months – higher than the 24% who saw their exposure increase the year before. The same share (27%) also expects the exposure to expand in the coming year.

Respondents expecting their ESG exposure to grow point to both pro-ESG and anti-ESG pressures as among the leading trends contributing to this increase. Pro-ESG regulatory pressure was the most selected factor, at 46%. There were significant developments in ESG disclosure regulations in 2024, like the climate disclosure rules enacted by the Securities and Exchange Commission (SEC), which were adopted in March and then stayed by the SEC a month later, California's climate disclosure laws, new greenwashing provisions in Canada through the passing of the Competition Act, and the EU's Corporate Sustainability Due Diligence Directive.

However, the effects of these new regulations and requirements are still being determined given uncertainty about their interpretations and pending legal challenges. This uncertainty may create fertile grounds for disputes. Indeed, 41% of respondents expecting increased ESG dispute exposure pointed to the lack of established ESG metrics and requirements as a source of this risk.

In the months leading up to the US presidential and legislative election, respondents noted that ESG was a highly politicized issue. "ESG disputes are a political hotspot," a general counsel at a manufacturing company said, adding the industry "is going to see more activity and broader review" of ESG issues in the coming year. The second Trump administration and Republican control of Congress may give momentum to anti-ESG federal regulation and put federal policies at odds with the policies of pro-ESG states.

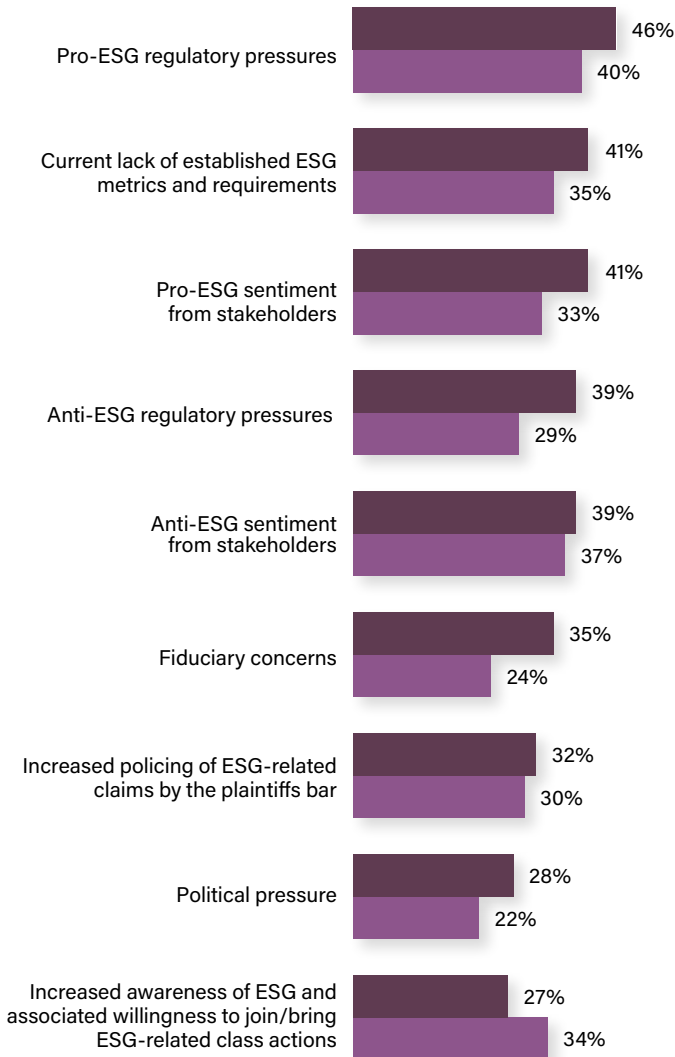
Organizations have already experienced conflicting pressures from pro-ESG and anti-ESG stakeholders. "We're getting sued by parties on both sides," a vice president and assistant general counsel at a technology company said of ongoing diversity, equity and inclusion (DEI) and ESG pushback in an interview before the election.

Amid ongoing DEI backlash, 79% of ESG-concerned respondents predict that in 2025 they will be more exposed to disputes involving the social aspects of ESG – encompassing DEI policies and practices, labor rights, and product and workplace safety – compared to 58% who said the same the previous year. This 21-percentage-point jump led social exposure concerns to surpass environmental (selected by 75%), marking a notable departure from historical trends. This increase may be due, in part, to the Supreme Court's mid-2023 decision in *Students for Fair Admissions v. Harvard*, which overturned Harvard University's race-based affirmative action admissions program and caused many institutions to reexamine their DEI programs.

***“ESG disputes have become a political hotspot, especially in the wake of recent US elections. The potential for conflicting federal and state policies necessitates a nuanced approach to ESG strategy and litigation.”***

**Rachel Roosth**  
Partner

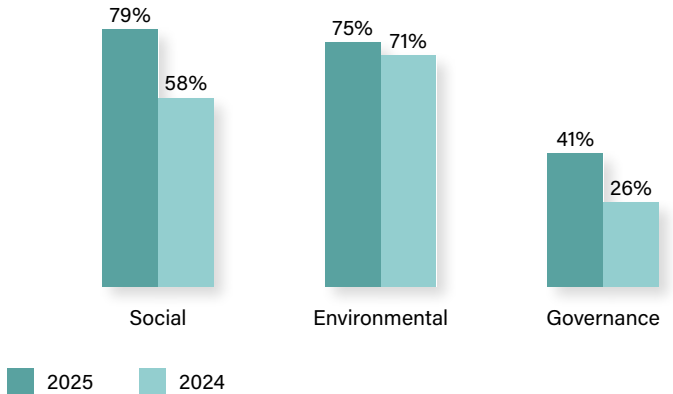
**Trends or issues driving ESG exposure over next 12 months**



2025 2024

Q. Asked to those who expect to be more exposed to ESG disputes over the next 12 months. Which of the following trends or issues do you expect to contribute to this increase in exposure? Please select all that apply.

**ESG areas expected to drive disputes over next 12 months**



Q. Asked to those who expect to be more exposed to ESG disputes over the next 12 months. Which of the following areas that comprise ESG do you expect to be more exposed to disputes over the next 12 months? Please select all that apply.

**73%** say they are considering or already adjusting their environmental or sustainability claims to mitigate exposure to greenwashing issues.

Still, three-quarters of respondents expecting more ESG disputes say environmental issues could pose challenges in the coming year as organizations face greater scrutiny over sustainability claims. Reflecting these concerns, 73% say they are considering or already adjusting their environmental or sustainability claims to mitigate exposure to greenwashing issues. This is an especially common sentiment among energy industry respondents, nearly half (46%) of whom say they are considering or actively revising such claims to a large extent, as the plaintiffs' bar and regulators set their sights on the sector's carbon footprint.

# Regulation and investigations

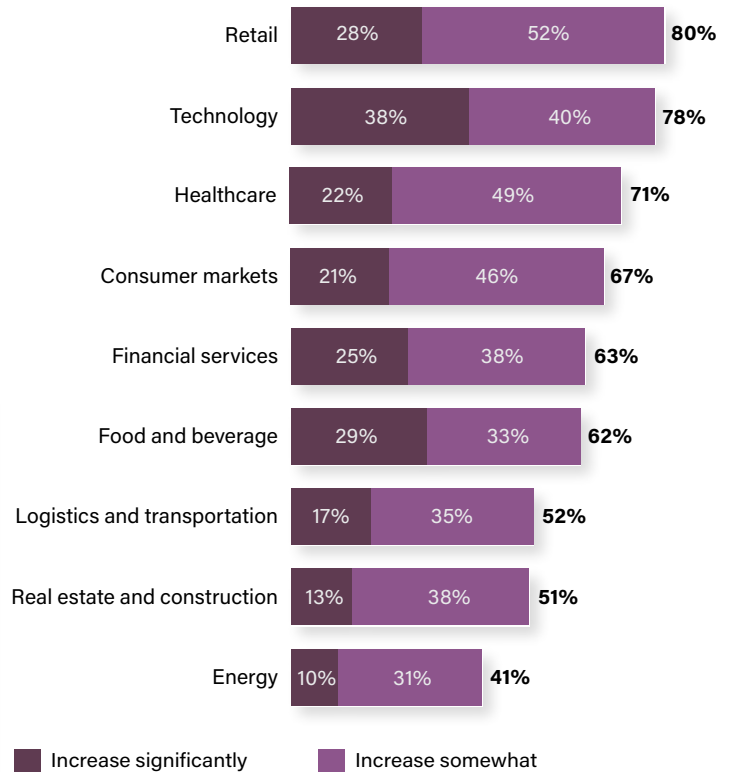
Regulatory activity increased significantly over the past year, with 70% of respondents involved in at least one regulatory proceeding in 2024, compared to 61% who said the same in 2023. The average number of proceedings per respondent grew to 4.4, up from 3.9 in the year prior, while the median number went from one to two. Reflecting this bump in activity, 35% say their regulatory dispute exposure grew in 2024.

Given potential changes in the regulatory environment, 45% of respondents expect regulatory investigations and proceedings against their organization to increase slightly or significantly over the next 12 months, while more than a third (38%) expect it to stay the same in the months ahead. This is an even more pronounced concern among high-revenue companies, with the majority of those with more than US\$1 billion in revenue anticipating a slight (33%) or significant (27%) increase. Approximately one third (32%) of respondents expect to see regulatory and investigations-related litigation in 2025, too – making it the third most widely anticipated category.

The average number of regulatory proceedings per respondent grew to **4.4**, up from **3.9** in the year prior, while the median number went from one to two.

In the US, respondents who anticipate increased regulatory exposure are relatively evenly split on whether federal (45%) or state (46%) regulatory changes will most impact their businesses in the next 12 months. A second Trump administration, new governors and shifting statehouse majorities all promise to bring significant regulatory and legislative departures from the 2024 environment.

**By industry: Impact of DOJ whistleblower program on corporate misconduct reports**



*Q. Asked to those whose organizations are subject to US regulation, litigation or disputes. How do you expect the DOJ's new whistleblower program to impact the number of corporate misconduct reports?*

***“As the technology industry continues to see astronomical growth and development, we’re also seeing hypervigilance among regulators looking to root out noncompliant organizations.”***

**Mayling Blanco**

Deputy General Counsel, Compliance

“The biggest challenge from a legal perspective is the regulatory environment,” said a vice president and chief counsel for a US-based food and beverage company.

“On both the state and federal levels, regulation is dynamic and changing.” Many in-house counsel agree, with four in 10 of the US and Canada respondents who anticipate more exposure concerned that recently passed or potential laws and regulations could heighten their company’s litigation risk in 2025.

One such example is the new [whistleblower program](#) from the Department of Justice (DOJ), which offers financial incentives to persons who provide information that aids DOJ investigations. Nearly two-thirds of respondents subject to US regulations expect the number of corporate misconduct reports to increase somewhat (41%) or significantly (22%) as a result of the program. The impact could be even more pronounced for those in retail and technology, with 80% and 78% of respondents, respectively, expecting increased whistleblower reports.

“As the technology industry continues to see astronomical growth and development, we’re also seeing hypervigilance among regulators looking to root out noncompliant organizations,” said Norton Rose Fulbright partner Mayling Blanco. “Companies in this space are seeing policy shifts and increased enforcement activity – including the DOJ’s updated guidelines for evaluating corporate compliance programs – as indicators of future regulatory activity.”

Corporate counsel also note a growing trend of cooperation among regulatory bodies and even across borders to strengthen regulatory and enforcement actions. “Over the past five years, we’ve seen an increased willingness among regulators to join together and share information, or even bring joint actions,” said the head of litigation at a financial services company.

## Chevron deference impacts

Corporate counsel across industries expect more litigation to result from the Supreme Court's overturning of the *Chevron doctrine* – the 1984 precedent that led courts to defer to an administrative agency's reasonable interpretation of ambiguous statutory language. The majority of respondents subject to US regulations predict that the decision will cause the number of lawsuits to increase somewhat (39%) or significantly (22%) over the next 12 months, with 42% of those in consumer markets anticipating the number to grow considerably.

Nearly three-quarters of these respondents concur (and approximately a third strongly agree) that the move will result in greater uncertainty in regulated industries as the post-*Chevron* landscape takes shape. "Post-*Chevron*, who knows what enforcement is going to look like," said an associate general counsel for a water treatment company. "This is a setback for regulators, to be sure."

As regulators stake out the limits of their interpretive authority, 70% predict that federal agencies will be more cautious and deliberate when developing new regulations. Lawmakers may shift their approach, too – 64% of respondents agree that the overturning of *Chevron* will result in more specific or narrowly written laws.

"With greater uncertainty and more opportunities to challenge regulators, we are likely to see more litigation involving federal agencies in 2025," said Blanco. "Especially given the Trump administration's focus on deregulation, regulators may take a less activist approach moving forward."

More broadly, US corporate counsel perceive a range of established legal doctrines to be vulnerable as the Supreme Court upends precedents like *Chevron*. Respondents are predicting major changes to legal precedents and regulations involving employment, intellectual property, tax, data privacy, immigration, antitrust and environmental law in the near future, all with potentially significant impacts on their businesses.

## Legal precedents: What could change?

### **Auer Deference (*Auer v. Robbins*):**

"Precedents like *Auer v. Robbins* could be challenged. This case allows agencies to have broad authority to interpret their regulations. If this principle is overturned, our company may face more uncertainty when following administrative rules, increasing the complexity of compliance."

***Roe v. Wade*:** "Although [*Roe*] primarily deals with individual rights, a re-examination of the law could affect our employment policies, especially in terms of benefits and employee rights."

***Obergefell v. Hodges*:** "*Obergefell* confirmed the legality of marriage. If this policy is overturned, it will affect employee benefits, anti-discrimination policies and social responsibility."

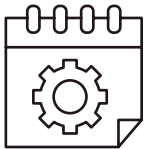
***Citizens United v. FEC*:** "A re-examination of campaign finance laws could change how corporations engage in political advocacy and donations, potentially requiring stricter compliance with campaign financing rules."

***Massachusetts v. EPA*:** "This case affirmed the EPA's authority to regulate greenhouse gases, and if overturned, it could weaken the enforcement of environmental regulations and negatively impact our sustainability programs."

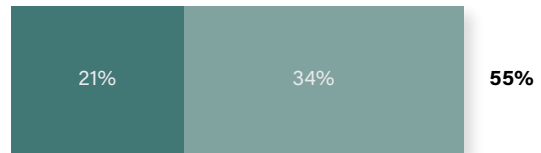
Level of agreement: The overturning of *Chevron*...



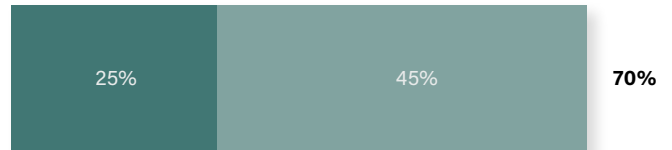
Will result in greater uncertainty in regulated industries.



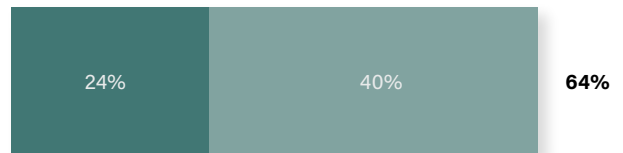
Will result in more predictable regulatory interpretations.



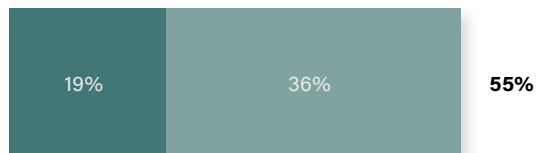
Will result in federal agencies being more cautious and deliberate when developing new regulations.



Will result in more specific or narrowly written laws.



Will result in clearer standards for judicial review, streamlining litigation strategies.



Strongly Agree      Agree

Q. Asked to those whose organizations are subject to US regulation, litigation or disputes. To what extent do you agree with the following statements?

## Class actions

**Nearly a quarter (24%) of all respondents experienced class action litigation in the last year, remaining essentially flat versus the year prior. Employment and labor actions – a perennial pain point for organizations – were the most common variety, experienced by approximately half (52%) of those who saw class action litigation over the past year, with nearly the same share (51%) voicing concern about future class actions in this area. This risk is accentuated for organizations in more employee-friendly jurisdictions. “In California,” a chief legal officer at a biopharmaceutical company said, “you can call them employees, or you can call them plaintiffs.”**

Notably, there was a significant increase in personal injury cases among respondents that experienced class actions, jumping to 29% from 16% in 2024. Product liability also saw a notable jump, with the share of respondents experiencing this litigation growing to 30% from 24%. Yet despite this escalation, respondents may still be underestimating the risks in this area – only a third of those who say class actions are a concern in the next 12 months cited product liability (33%) as an area of concern. New technologies like AI could amplify these risks further, prompting new questions about liability when an AI platform piloting a vehicle injures a pedestrian, for example, or misdiagnoses a patient in a clinical setting.

“As artificial intelligence technologies bring cyber risks into the physical world – whether through autonomous vehicles or integrations in a wide array of consumer products – it raises new legal liabilities for companies, especially as courts apply product-liability type standards to automated products,” said Josh Lee, Norton Rose Fulbright’s Co-Head of Litigation and Disputes, Chicago. “I think many companies are unprepared for what’s coming down the pike in the next few years.”

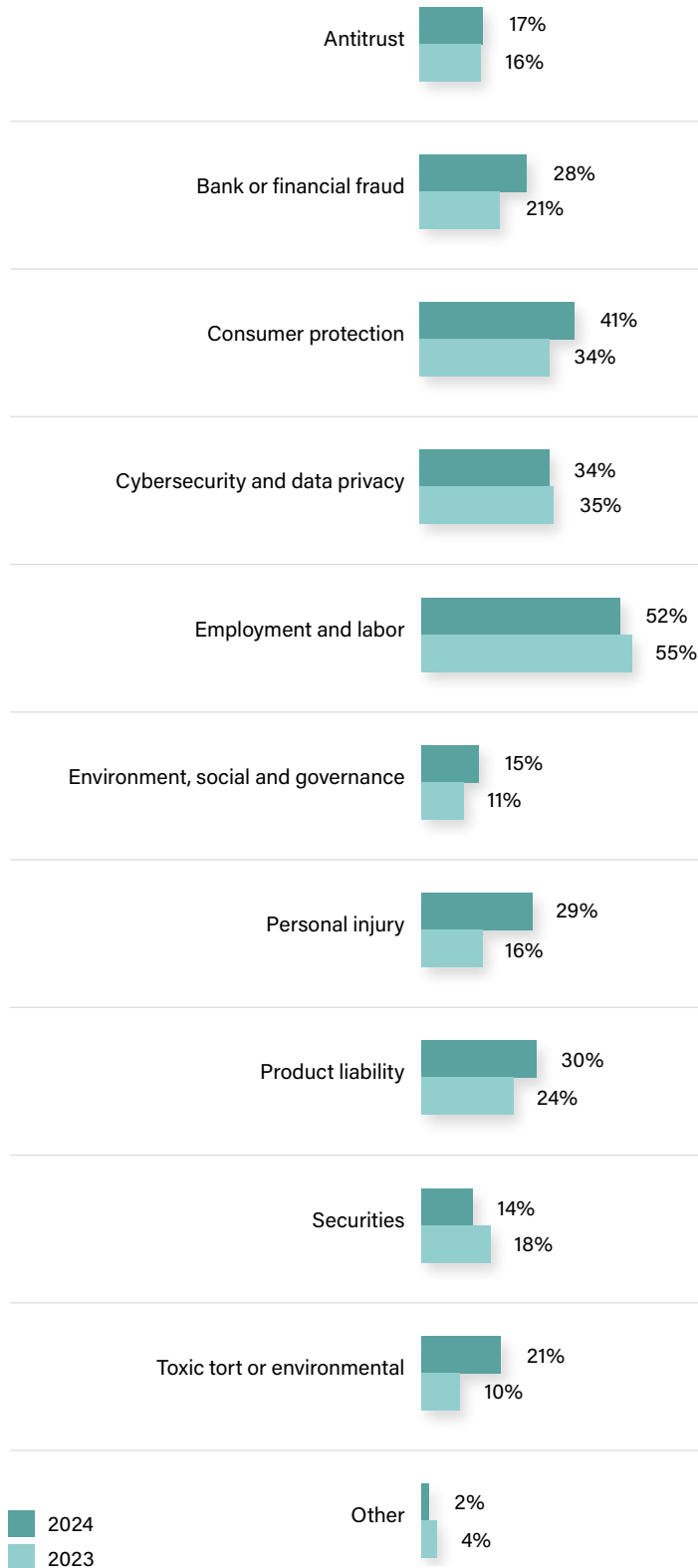
ESG is another growing issue, cited by 15% of respondents who experienced class actions (compared to 11% last year). Major class action cases concerning socially conscious investing and involving tens of thousands of plaintiffs could be a potential harbinger of what’s to come as ESG remains in the political crosshairs. Relatedly, the share of respondents involved in a toxic tort and environmental class action doubled, growing to 21% from 10% of those that experienced some type of class action.

“Taken together, the upward trend in toxic tort, product liability and personal injury litigation aligns closely with shifting attitudes toward science and a general distrust of safety mechanisms,” noted Lee. “This is a phenomenon likely to continue in 2025.”

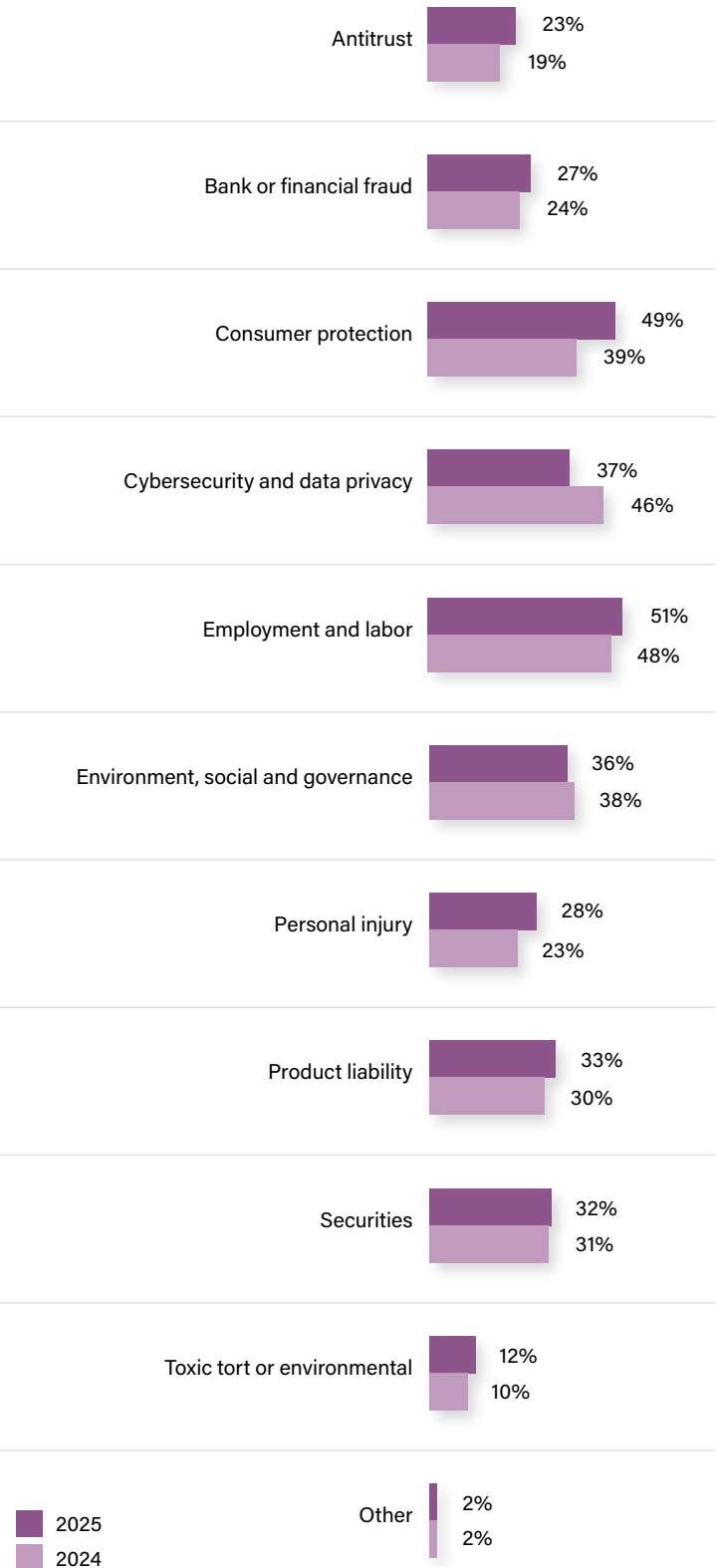
As organizations deal with the fallout from cyberattacks and data leaks, approximately one-third of respondents involved in a class action over the past 12 months cited cybersecurity, data protection and data privacy litigation.

“After several years of handling these cases, both the courts and lawyers have a better understanding of the legal issues and acceptable defenses in cybersecurity and privacy cases. As a result, we are seeing a decrease in the number of actions being brought and an increase in the quality of the claims being asserted,” said Norton Rose Fulbright partner Annmarie Giblin. “This has somewhat stabilized the class action litigation landscape for cybersecurity and data privacy, while also increasing the risk, as easily dismissed claims are no longer being asserted as frequently.”

**Class action involvement over the previous year**



**Class actions of future concern**



Q. Asked to those who experienced class action litigation over the past 12 months. Specifically, in which type(s) of class actions was/were your organization involved? Please select all that apply.

Q. Asked to those who identified class action litigation as a concern over the next 12 months. Specifically, which type(s) of class actions is/are of future concern? Please select all that apply.



## Consumer protection class actions

Consumer protection was the second most common type of class action, cited by 41% of respondents who experienced them in 2024 – comparable to the previous year. This area was also cited by about half (49%) of respondents concerned about class actions in 2025.

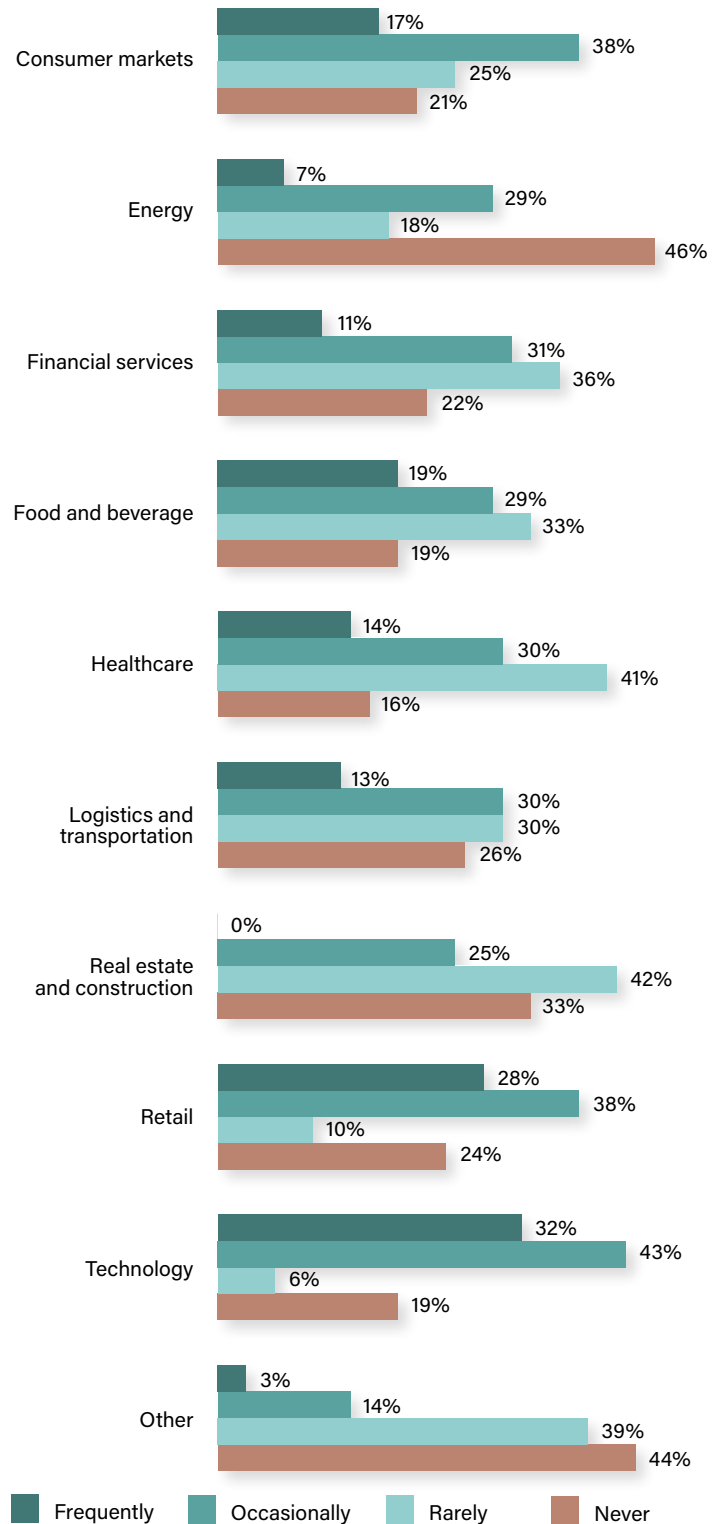
“For consumer packaged goods, marketing class actions are always front and center,” said an associate general counsel at a food and beverage company. Claims related to statements about products that are healthy or free from harmful chemicals “are trending upward,” she noted.

**46%** of all respondents subject to US regulation say they occasionally or frequently faced mass arbitration fees to circumvent class action waivers over the past year.

Mass arbitration fees may play a role. As companies started to incorporate class action waivers into their terms of use, the plaintiffs’ bar adopted an alternative strategy of filing thousands of individual arbitration claims. Defendant companies, faced with filing fees for individual claims that could collectively cost millions of dollars – potentially more than class action alternatives – are incentivized to settle these claims and consider removing such waivers.

It’s a common phenomenon. Just under half (46%) of all respondents subject to US regulation say they occasionally or frequently faced mass arbitration fees to circumvent class action waivers over the past year. Technology and retail companies have been hit especially hard, with 75% and 66%, respectively, encountering this strategy at least occasionally over the past 12 months.

## By industry: Frequency organizations faced mass arbitration fees to circumvent class action waivers



Q. Asked to those whose organizations are subject to US regulation, litigation or disputes. Over the past 12 months, how often has your organization faced mass arbitration fees as a strategy to circumvent class action waivers?

## Differences in Canada

### Canada's evolving regulatory landscape shaped several key differences between US and Canadian respondents.

Overall, a greater share of Canadian respondents anticipate regulatory investigations and proceedings against their organizations to increase at least somewhat in 2025 (50%, compared to 44% in the US). In fact, 37% of those Canadian respondents expect to see their regulatory and investigations dispute exposure grow over the next 12 months, compared to 30% in the US. Respondents say this exposure is coming more from activity at the federal level (48%) than at the provincial (38%), with a smaller share (14%) predicting the greatest impact at the local level.

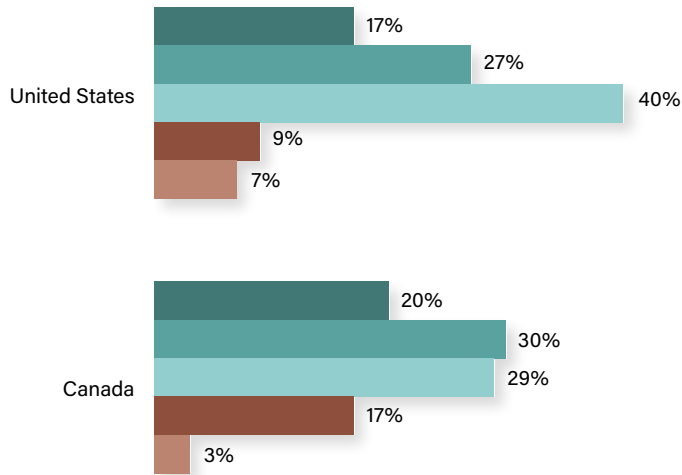
A greater share of respondents in Canada also predict increased cybersecurity and data privacy dispute risk compared to their US counterparts (43% versus 31%, respectively). This comes as Canadian lawmakers propose changes that would transition the country's national privacy policy away from the Personal Information Protection and Electronic Documents Act and toward the new and more stringent CPPA. The CPPA, which would impose new rules for handling personal data, could lead to heightened penalties for companies that fail to comply.

"In recent years, Canada has been moving toward implementing tougher privacy laws federally and provincially," said Imran Ahmad, Norton Rose Fulbright partner and Co-Chair of the Data Protection, Privacy & Cybersecurity practice group. "Starting with the coming into force of Law 25 in Quebec – a privacy law modeled on the EU's General Data Protection Regulation – Canadian privacy laws have been moving from an ombudsman model to one of strong enforcement by regulators. In addition to modernizing Canada's federal privacy law, the CPPA provides greater powers to the federal privacy commissioner, introduces a right of private action and contemplates significant fines for noncompliance. These changes, along with others, are likely to result in greater enforcement in the years to come."

Another regulatory change, this one amending the Competition Act, is also heightening ESG dispute exposure for companies operating in Canada. Nearly two thirds (63%) of respondents subject to Canadian regulation expect the change – which classifies misleading environmental claims within deceptive marketing practices frameworks – to increase greenwashing claims against their organizations over the next 12 months.

**63%** of respondents subject to Canadian regulation expect changes to the Competition Act to increase greenwashing claims over the next 12 months.

### By country: Expected change in regulatory investigations and proceedings over the next 12 months

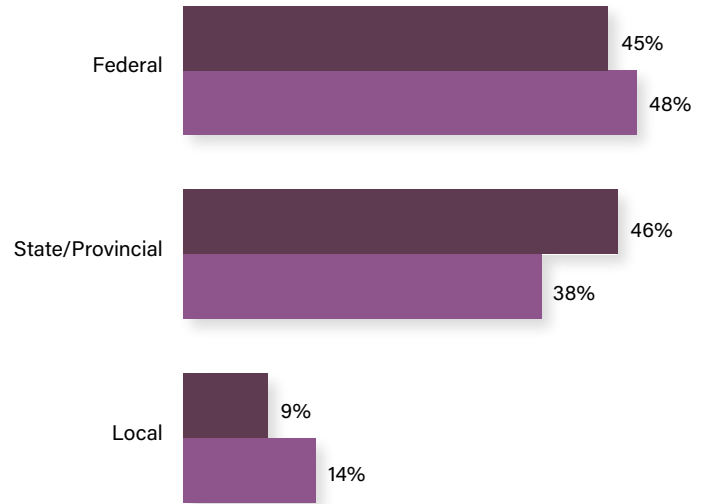


- Will increase significantly
- Will increase slightly
- Will stay the same
- Will decrease slightly
- Will decrease significantly

Q. What is your expectation for Regulatory investigations/proceedings over the next 12 months? Regulatory proceedings commenced against your organization.

“These regulatory changes will increase companies’ potential exposure to ESG-related legal claims,” said Ray Chartier, senior partner and Canadian Co-Head of Responsible Business and Sustainability at Norton Rose Fulbright. “In Canada, new greenwashing provisions will enable private parties, which may include climate activists and environmental advocacy groups, to bring cases alleging deceptive advertising practices directly before the Canadian Competition Tribunal as of mid-2025.”

### Source of regulatory exposure

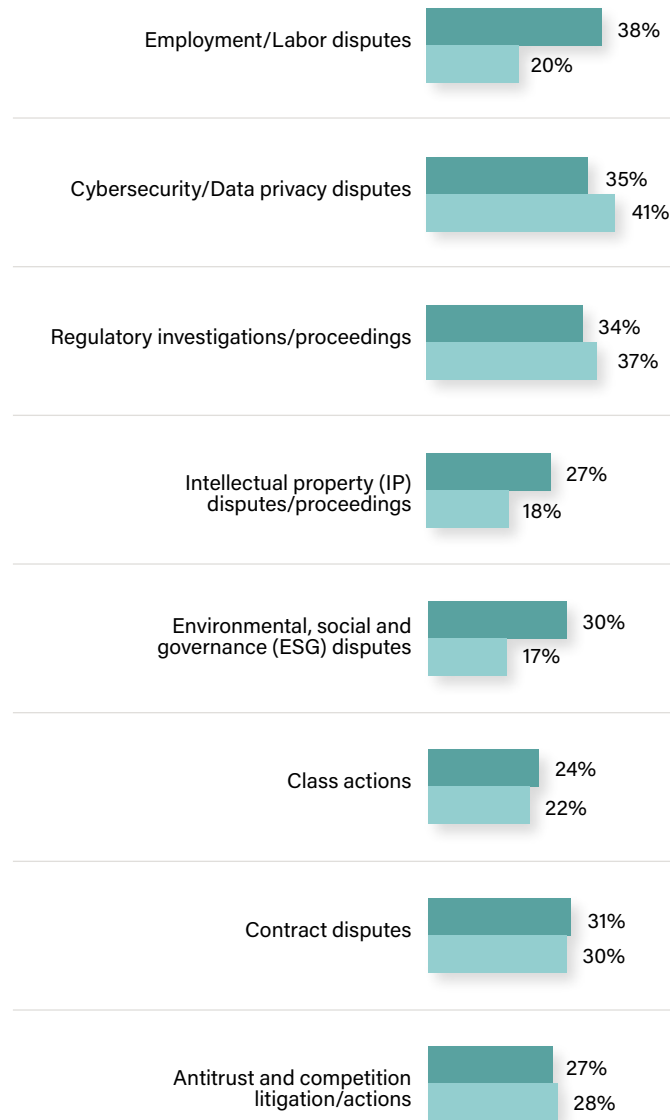


- United States
- Canada

Q. Asked to those who expect to be more exposed to regulatory disputes over the next 12 months. Do you expect your company to be most impacted by local, state/provincial or federal regulatory changes? Please select one.

“Because we expect ESG-related disclosures and statements to be to be highly scrutinized by the Tribunal and specifically targeted by activists, it is critically important that companies carefully review, assess and, if necessary, modify their public-facing environmental benefits claims, particularly around ESG targets and issues, to ensure that they comply with the new provisions,” added Chartier. “Failing to do so will increase exposure to risks that include potential claims of greenwashing.”

**By country: Change in dispute exposure over past 12 months: "More exposed" responses**



United States Canada

Q. Please indicate any change in dispute exposure that your business experienced over the past 12 months.

**By country: Expected change in dispute exposure over next 12 months: "More exposed" responses**



United States Canada

Q. Please indicate any change in dispute exposure that your business expects to experience over the next 12 months.

# Preparedness and tools

Respondents feel equipped to address a greater volume of litigation in the year ahead. The share that say they are “very prepared” increased by 14 percentage points over the last year, to 43% from 29%, returning to 2023 report levels. This share is even higher among companies with over US\$1 billion in revenue, at 49%, potentially reflecting their larger litigation budgets.

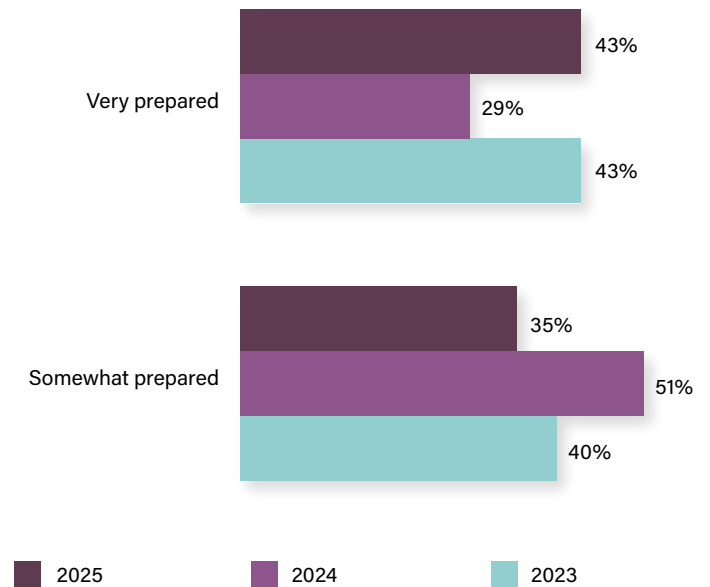
This confidence reflects a number of preparation factors, from proactive planning and robust risk management to strong legal teams and sophisticated technology. Some respondents point to extensive scenario planning and implementing regulatory compliance frameworks as among the most important elements of preparedness, while others cite having adequate insurance coverage for several categories of legal risks.

Those who feel less than fully prepared, on the other hand, point to limited or flat legal budgets as the primary impediment. With budgetary restraints top of mind, 45% of respondents say that keeping litigation spend down or flat year-over-year is a high priority for their legal departments.

To avoid litigation, approximately half (51%) of respondents say that over the next 12 months they plan to bolster and tighten their contracts, including supplier agreements, transfer of liabilities, jurisdiction clarification and alternative dispute resolution clauses. Forty-six percent say they will embed lawyers into business operations to monitor risk exposure, while 44% intend to conduct risk analyses to forecast areas of high litigation potential.

Neary half (**49%**) of companies with over **US\$1 billion** in revenue say they are “very prepared” to address litigation over the next 12 months, potentially reflecting their larger litigation budgets.

## Litigation preparedness



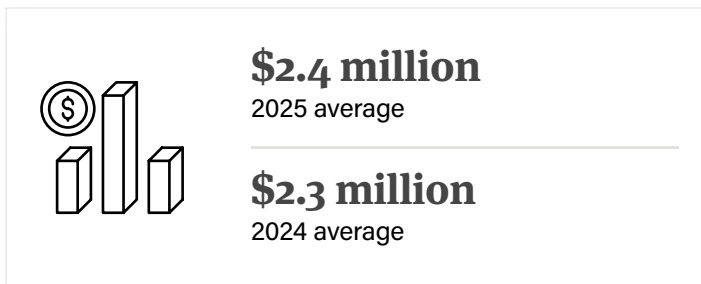
Q. What is your level of preparedness in addressing litigation over the next 12 months?

Reason for feeling less than fully prepared	2025 Rank	2024 Rank	2023 Rank
Limited or flat legal budgets	1	N/A	N/A
Rising cost of outside counsel fees limit engagement	2	1	1
Not enough staff in our legal department	3	3	2
Uncertainty of macroeconomic factors	4	2	3
Lack of necessary technology or tools	5	5	N/A

Q. Asked to those who did not feel "very prepared" to handle litigation over the next 12 months. Specifically, what are the reasons for why you feel less than fully prepared to address litigation over the next 12 months? Please select all that apply.

## Litigation spending

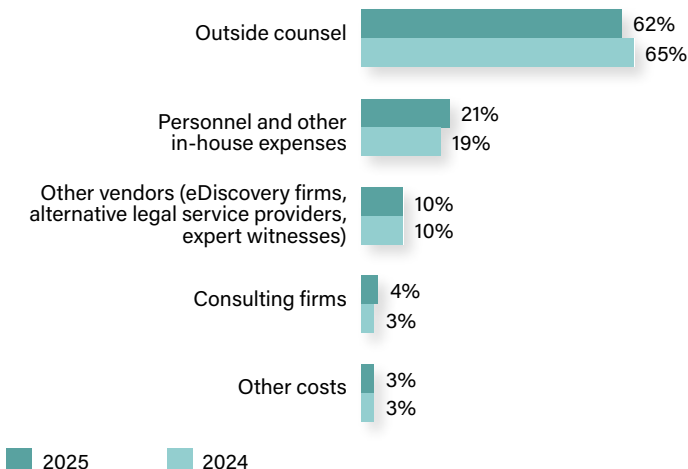
Corporate counsel report spending more on litigation in 2024, with the average amount rising to US\$2.4 million – a 6% increase over last year. Organizations with revenue over US\$1 billion saw their litigation costs grow substantially, spending an average of US\$4.3 million just on litigation last year compared to US\$3.9 million the year before.



Within litigation budgets, organizations are spending a slightly greater share on personnel and other in-house expenses than they did last year (21%, up from 19%). Spending on outside counsel has dropped accordingly, decreasing to 62% from 65% last year, as legal departments look to bring work in-house.

“It’s a constant challenge to manage costs,” said a chief counsel at a food and beverage company. “We are dealing with flat budgets, but the cost of litigating is going up, whether it’s the price of law firms, vendors or experts.”

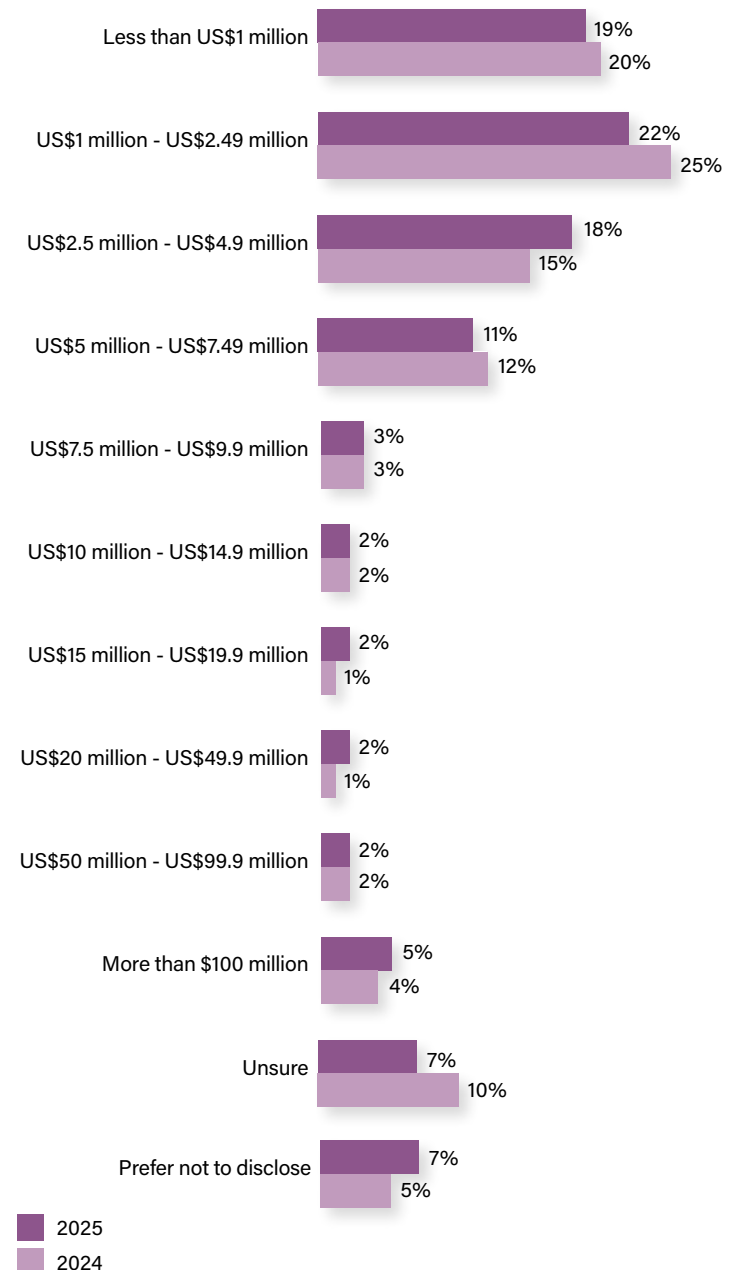
### Total litigation spend allocation



Q. Approximately what percentage of your annual litigation spend (excluding cost of settlement and judgments) is allocated to the following areas? Figures should add up to 100%.

### Annual litigation spend

2023 Gross revenue	Average litigation spend
Under US\$100 million	US\$705,000
US\$100 million - US\$999 million	US\$1.8 million
Over \$1 billion	US\$4.3 million



Q. Please estimate the specific annual litigation spend in US\$ for your entire organization, excluding cost of settlement and judgments.

## Staffing

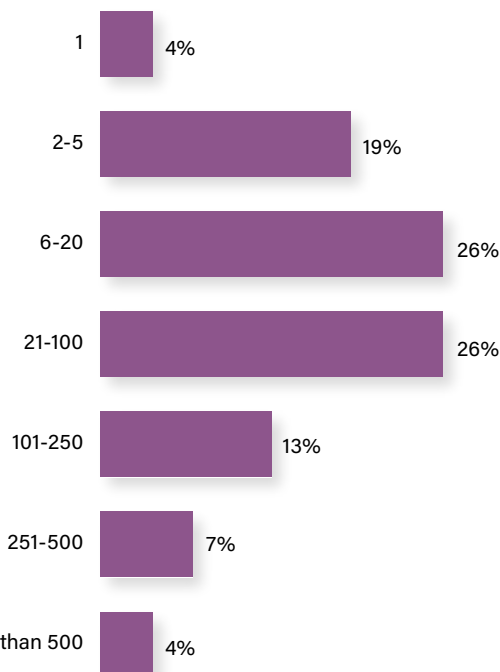
As organizations spend more of their litigation budgets in-house, 61% of respondents say they are planning to increase the number of lawyers within their company who manage or conduct litigation in 2025, compared to just 52% in 2024. Half attribute this growth to an increase in litigation matters, while roughly a quarter say it is because they expect to decrease their outside counsel engagement. Another quarter say they are simply planning ahead.

### Expected changes in legal department staffing

Expectation	For 2025	For 2024
Increase	61%	52%
Stay the same	35%	40%
Decrease	4%	8%

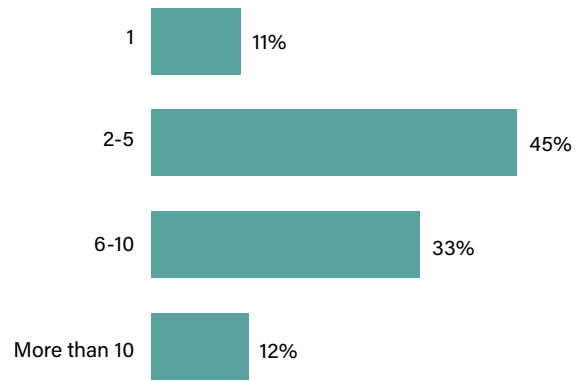
Q. Over the next 12 months, do you expect the number of in-house lawyers within your company who manage and/or conduct litigation to increase, decrease or stay the same?

### Number of in-house lawyers handling disputes



Q. How many in-house lawyers does your organization currently employ to manage and/or conduct disputes?

### Outside law firms employed

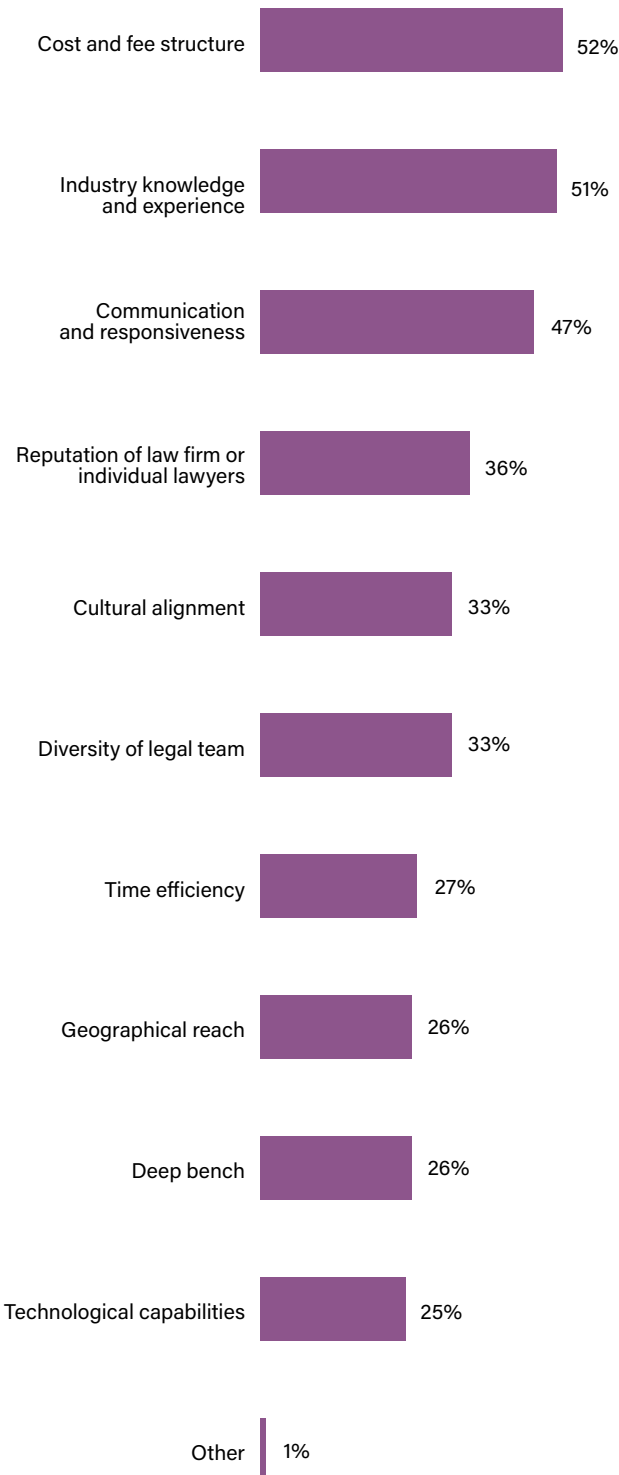


Q. How many outside law firms does your organization currently employ to represent you in litigation?

**45%** of legal departments engage between two and five law firms and **33%** work with six to 10.



### Most important attributes in hiring or working with outside counsel



More than three-quarters of respondents already employ at least six in-house lawyers to manage or conduct disputes, though only about a quarter (24%) have more than 100. Organizations also tend to spread litigation work among a handful of outside firms, with 45% engaging between two and five firms and 33% working with six to 10.

Most respondents are also using (43%) or exploring (27%) the use of contract lawyers or lawyers on secondment to address litigation. That approach is gaining traction – of those who already rely on such support, 84% say they will increase their use in 2025. Organizations are looking to non-lawyers for help with litigation, too, with three-quarters using or considering hiring external advisors or consultants and 71% planning to do this more in the year ahead.

Most respondents are also using **(43%)** or exploring **(27%)** the use of contract lawyers or lawyers on secondment to address litigation.

Q. Which of the following attributes are most important to your organization when hiring and/or working with outside counsel? Please select all that apply.

## AI and legal technology

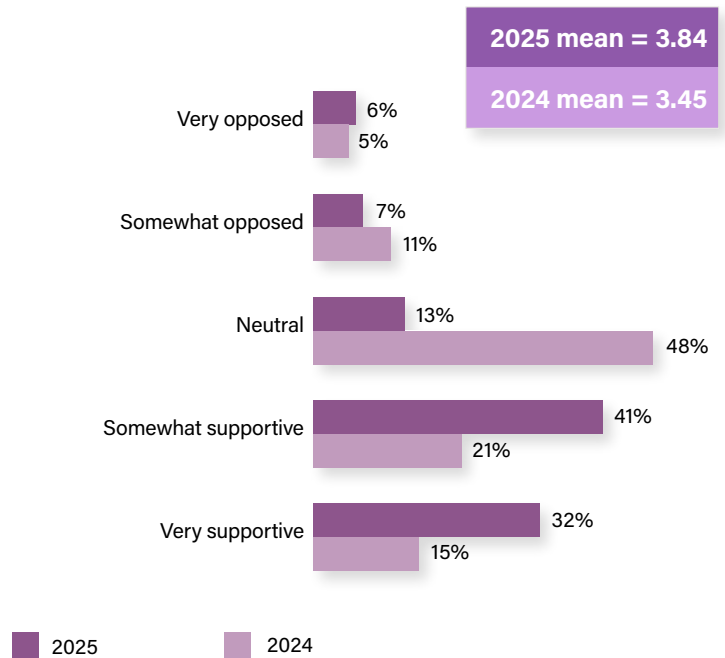
As generative AI tools continue to evolve and attract attention in the legal world, more organizations are grappling with whether – and how – to incorporate these tools into their litigation work.

More than half (59%) of respondents say their organization allows employees to use free or publicly available generative AI tools like ChatGPT, and the same share use generative AI tools that have been created for or customized to their business needs. About a third (31%) are using AI or predictive analytics to spot risk or as a means of addressing litigation (35%), with 78% of the latter group expecting that use to increase in 2025. Roughly a third (34%) say the use of AI-powered legal technology is a high priority in 2025.

Further, a similar proportion (56%) of respondents also say that managing the litigation and legal risks of these tools has been a challenge. As uncertainty persists, nearly half (49%) say their organizations want to use generative AI tools, but don't know where to begin and how to address potential litigation and other risks.

Organizations are increasingly supportive of outside counsel's use of AI to augment litigation work despite those concerns. Nearly three-quarters (73%) are somewhat or very supportive of such efforts, double the 36% who said the same last year. Cost efficiencies are the most popular cause for support, at 45%, though respondents also pointed to time savings (32%) and scalability in workflow (27%) as key benefits.

## Organizational support of generative AI by outside counsel to support your company's litigation work

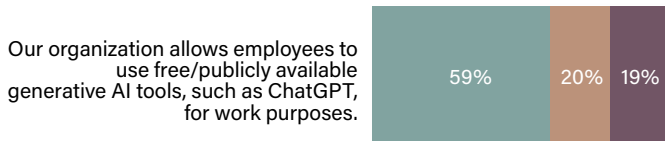
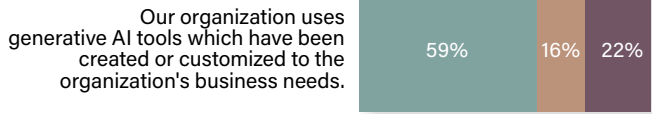
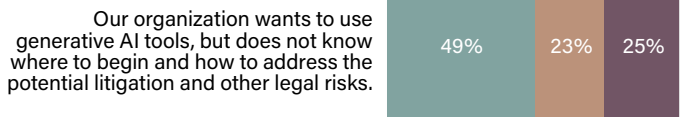


Q. On a scale of 1 to 5, where 1 = Very opposed and 5 = Very supportive, how does your organization feel about the use of generative AI by outside counsel to support your company's litigation work?

"We are leaning on AI and requiring a lot of our outside counsel to use it," said a chief counsel at a food and beverage company. "It definitely brings efficiencies that result in cost savings, but we also just want to take advantage of the technology. Mandating it with outside counsel forces them to align with our efficiency and risk management goals."

Others had more tempered outlooks, noting that AI tools could have advantages but are still largely unproven and limited in scope. "I am okay with AI use by outside counsel if it is used in a way that is defensible and explainable to a court," said a chief litigation counsel for a manufacturing company. "I don't think it replaces the lawyer, but it's a great tool to maybe save some money"

**Level of agreement**



■ Agree   
 ■ Neither agree nor disagree   
 ■ Disagree

Q. To what extent do you agree with the following statements?

**74%** of respondents at companies that allow access to free generative AI tools are also concerned with the associated legal risks.

Still, for some organizations, AI is totally off limits for both in-house and outside counsel. "I consider AI-assisted legal work to be a billing violation," said the head of litigation at an energy transport company. "I'm not paying for a computer. There are a lot of problems with AI, too. Unless you have an enterprise platform that is proprietary, everything you upload is not confidential, so firms could be breaching confidentiality and that would be a huge problem."

# Conclusion

**As we move into 2025, organizations face a host of new litigation challenges. The evolving regulatory and business environment demands a proactive and strategic approach to compliance and risk mitigation. Alongside an uptick in antitrust, banking and finance disputes, corporate counsel must navigate a steady stream of employment, cybersecurity and contract litigation. Further, emerging threats, such as “nuclear verdicts” and greenwashing claims, add new layers of complexity.**

The rise of AI-enabled tools offers a promising avenue to enhance efficiency and accuracy, allowing legal teams to better manage the increasing demands of their roles. By embracing digital transformation while carefully mitigating the associated risks, corporate counsel can adapt to new challenges and drive innovation to navigate today's dynamic legal landscape.

## Litigation and disputes

Our global litigation and disputes lawyers advise many of the world's largest corporations and financial institutions on complex, high-value and sensitive multijurisdictional disputes. With more than 50 offices across the globe, we have one of the largest disputes legal practices in the world, with significant experience resolving domestic and cross-border mandates, international arbitrations and investigations and enforcement for clients across all the key industry sectors including financial institutions; energy, infrastructure and resources; transport; technology; life sciences and healthcare; and consumer markets.

Our lawyers both prevent and resolve disputes by providing clients with practical, creative legal advice that focuses on their strategic and commercial objectives. Our experience includes the full spectrum of dispute resolution and litigation mechanisms ranging from negotiation, mediation, conciliation and conflict resolution to vigorous courtroom strategy, multiparty and class action lawsuits and appellate proceedings. We have acted on some of the world's highest profile domestic and multijurisdictional investigations, including regulatory inquiries, regulatory enforcement, criminal investigations and prosecutions, and related civil disputes and litigation.

[Contact us](#) to learn more about how to stay ahead of litigation trends and prepare for what comes next.

# Methodology and demographics

## **Norton Rose Fulbright's 2025 Annual Litigation Trends Survey draws from both qualitative and quantitative research findings.**

On the qualitative side, we conducted 14 interviews with corporate counsel. Interviews completed prior to the survey were used to develop this year's survey questions as well as update some of the year-over-year questions. The interviews that occurred after survey fielding provided additional context for the results.

Over the last two decades, Norton Rose Fulbright has used quantitative research to track litigation trends over the previous year and gauge perceptions of litigation leaders regarding what the next 12 months may bring.

This year's survey was fielded online in September 2024 and the more than 400 respondents – 74% of whom play a leading or co-leading role in litigation – answered a mix of quantitative and qualitative questions. Respondents come primarily from the US and Canada and represent a wide array of industries.

# Key trends through the years



## eBilling

Just a few early adopters (26%) were experimenting with eBilling, with 88% of those finding it effective in controlling costs.



## Social media

42% of organizations blocked employees from accessing Facebook and other social media sites of the day, like Myspace and Bebo.



## Cloud computing

47% of US companies reported using cloud computing (up from 27% in 2011).



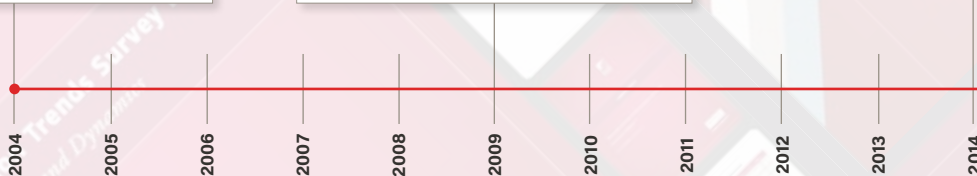
## Digitalization

Although only 35% were experimenting with electronic document review, more than half (48%) were already utilizing “scanned document databases.”



## Social media

Insurance and financial services were the most active blockers of social media websites, and technology and telecommunications was the most liberal sector.





### Regulatory

Nearly all (97%) respondents agreed that regulators had become more interventionist in the past year.



### Remote work

Most respondents were involved in remote hearings or court proceedings, discovery conferences and depositions. Over a third actually litigated in a remote environment (virtually unheard of pre-pandemic).



### Artificial intelligence

Those supportive of outside counsel use of Generative AI doubled to 73%.



### Mobile discovery

The proportion of US companies preserving data on employee mobile devices rose to 62%.

2015

2016

2017

2018

2019

2020

2021

2022

2023

2024

2025

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# NT Analyzer



## Companies are buried in digital privacy risk.

### NT Analyzer empowers you to manage that risk at every level.

NT Analyzer is a unique compliance tool that identifies privacy risks associated with apps, websites and IoT and generates actionable reports through the lens of applicable privacy requirements.

#### Existing legal obligations

Today, almost all companies have a consumer-facing app or website. Under privacy laws around the world, companies are obligated to know the full range of data collected from users and transmitted to third parties. Violating these laws can result in large fines, brand-damaging publicity and potential litigation.

#### The problem

Our experience has shown that many companies are unaware of data leakage from their apps and websites because their traditional cybersecurity solutions are focused on the company data center, not the user's devices, such as smartphone, computer or tablet.

Teams sometimes miss data leakage due to a necessary reliance on external code and aggressive development cycles, which are the norm for most industries. This leads to inadvertent third-party data sharing that is difficult to detect and mitigate.

Companies are forced to rely on unverifiable statements from vendors regarding data sharing and collection.

There are also communication gaps between the marketing, development and legal teams due to the broad definitions of "personal information" or "personal data" under relevant law, which not only include traditional identifiers like name and email address, but can also include technical identifiers like device IDs, cookies, localStorage and fingerprinting.

#### Privacy regulations addressed by NT Analyzer:

- ePrivacy Directive
- CCPA/CPRA
- GDPR
- GLBA
- HIPAA
- COPPA
- VPPA
- EU/US data transfers
- Schrems II Analysis
- Mobile App Store Requirements

#### The solution

NT Analyzer steps into the shoes of a user and removes the blind spots, allowing a company to both catalog all of the collected and disclosed data as well as identify relevant risk.

The tool detects and tracks the full range of data, including personally identifiable information, that is collected and shared and then generates actionable reports through the lens of applicable privacy requirements. NT Analyzer also detects hashed, encoded and obfuscated data, as well as categorizes the relevant third parties receiving the data. All legal findings are protected by attorney-client privilege.

From there, the development or information technology team can see an objective picture, empowering companies to mitigate their most glaring data protection issues and facilitate the conversation between development and legal departments.

For more information, please contact:

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