COVID-19 has disrupted civil jury trials across the United States.¹ The backlog of civil and criminal cases continues to grow rapidly.² This litigation backlog will not suddenly disappear, and litigation will not magically return to a pre-COVID “business as usual.” In this environment, forward-looking clients and attorneys recognize that innovation is both possible and necessary. Outdated definitions of what is “normal” in litigation, even before shelter-in-place altered litigation, failed to produce adequate results at an acceptable cost. The advantage belongs – and will increasingly go – to the attorney, the firm, and the organization that can innovate in the management of litigation.

In March of 2020, the American court system suddenly entered a period of forced adaptation. The resulting experimentation with virtual hearings, mediations and depositions highlighted previously unrecognized opportunities, while experimentation with virtual jury trials has been far more challenging. In the midst of this disruption and adjustment, the specialized field of litigation management has emerging as a game-changer. Pressure for knowledgeable litigation management will only intensify for in-house counsel, outside firms, insurance companies, and plaintiff counsel over the next five years and beyond.

In addition to changes in how lawyers and courts work, some plaintiff attorneys see insurers using COVID-19-related court closures to leverage settlements; insurance industry representatives say those allegations are unfair.³ All parties, however, face the uncertainty of when and how jury trials will fully resume. Both plaintiffs and defendants face large backlogged dockets with looming costs ahead. Managing and financing those dockets will not just be business-as-usual, and litigation management tools and strategy will be the key to more efficient and effective resolution.


Litigation cost pressure did not arise solely from the current pandemic – escalating litigation costs have been a client concern for decades – but the pandemic certainly intensified the degree of pressure. Already, the 2008 recession had accelerated the demands on corporate legal departments to seek meaningful cost reduction from outside counsel. The current pandemic has now exponentially increased the cost reduction scrutiny in the face of overwhelming economic uncertainty. Firms unwilling to improvise and reduce costs “are going to have a really hard time justifying it to chief legal officers across the country [who are themselves] taking voluntary pay cuts,” says Alex Tolston, Hemisphere Media Group Inc., chief legal officer since 2013. The pandemic may also change the model for handling litigation. As Lee Udelsman, a managing partner and head of in-house counsel recruiting at legal consultancy Major, Lindsey & Africa notes, while the pandemic undoubtedly highlights pinch points in litigation, leading attorneys see real opportunity for better and more effective litigation management. “This is going to accelerate and catalyze what could be a real positive for legal tech and alternative providers who are looking to help companies do things more efficiently,” according to Mark Harris, founder and former CEO of legal service innovator Axiom. In response to the crisis, “Law firms are adapting and entering the alternative legal services market.... Large firms ... are increasingly embracing innovation.”

Moreover, COVID-19 is changing the way legal work can be done, highlighting the potential cost savings in a more fluid, work-from-anywhere model. Law firms had been notoriously conservative about remote work, but shelter-in-place orders forced change and upended objections to the effectiveness of remote work. Clients and firm managers are recognizing that “it is possible to have a functioning remote firm.” Remote work presents opportunities for firm overhead cost reduction that can be passed on to the client through reduced pricing.

"As during past downturns, corporate counsel facing pressure to reduce costs may bring more work in-house or adopt new vendors, such as alternative legal service providers. . . . [I]n-house counsel have more options than ever before."
Eric Shinseki, a retired Army general, once famously said: “If you don’t like change, you’re going to like irrelevance even less.” For litigators, this means you can only maintain (and ideally increase) your fitness by keeping up with the changing litigation trends and transforming with the times. Changes forced by the increasing pressure on litigation budgets, the complexity of litigation data, and the need for technological competence by attorneys have brought litigation management into its own as a recognized field. Despite this need for a comprehensive litigation management strategy, however, lawyers have had no centralized, streamlined resource for learning and applying those techniques—until now. Baylor Law – perennially ranked by U.S. News & World Report as one of the top law schools in the nation for trial advocacy – has pioneered the field by offering the nation’s first Executive LL.M. in Litigation Management.

Designed for practicing attorneys who want to lead the field – not follow and simply react – the LL.M. courses blend online and in-person education to teach litigation management. The program combines technology, business principles, and sophisticated case management techniques to produce innovative leaders in litigation management. Attorneys in the program can apply the litigation management principles immediately, reaping return on investment even during their earliest days in the program. The degree program’s 10 to 12 hours of self-paced work per week accommodate the demanding schedules of busy attorneys, and candidates can use their own cases for many of their assignments. Trial lawyers, in conjunction with the nation’s leading experts in litigation management, designed the program to help attorneys adapt these innovations to fit their own practice settings.

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10CHARLES E. HARRIS, EMERGING TRENDS IN LITIGATION MANAGEMENT (Full Court Press 2020).

Litigation management presents opportunities for those seeking to innovate and litigate with excellence, effectiveness and efficiency. While CLE programs can provide some of the needed tools for litigation management, they tend to be limited in scope rather than using a comprehensive approach. Successful litigation management demands more than ad hoc solutions; it requires a comprehensive strategic framework that can be customized and applied to specific kinds of litigation dockets. While the litigation management system for a high-volume plaintiff docket should not look like the system for managing the defense of major bet-the-company cases, both should be tailored from the foundational principles of litigation management. Both require a thoughtful, systematic view of litigation management, which Baylor offers. The Baylor R6 Framework for Litigation Management™ provides a flexible and comprehensive approach to designing the right systems for different kinds of litigation, whether viewed from the in-house counsel seat or from the defense or plaintiff perspectives. The end products look very different, but they follow a cohesive structure for outstanding management of litigation.
Baylor Law offers a simple, personalized process to apply for admission to the Executive LL.M. in Litigation Management program.

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3. Scholarship considerations and details will be provided alongside your offer of admission.

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