

Litigation Prognostication: Big Firm Litigators Predictions for 2022

By Ross Todd
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Litigators can be read as optimists or pessimists. Give them a scenario, and they're likely to find a dispute, or at least a potential one. Last month the Litigation Daily put out [a call to readers](#) for their predictions for 2022.

Guess what? Depending on your perspective, they read on the aggregate as either very optimistic or very pessimistic. Everywhere the dozens of lawyers who got back to us look, they see potential disputes.

Michele Johnson, the global chair of the litigation and trial department at **Latham & Watkins**, which is approaching 850 lawyers worldwide, says the firm is expecting to see an increase in all types of commercial disputes, both related to the pandemic and otherwise.

“With further COVID waves appearing around the world, we can expect to see business interruption-related and breach of contract suits across industries, with many tied to the cascading impact of supply chain challenges,” she said. But aside from the COVID-related litigation, Johnson expects upticks in major intellectual property litigation, commercial disputes and class actions, including data privacy and cybersecurity suits, and trials of all kinds.



“Taking into account the ongoing impact of COVID variants, court backlogs exacerbated by nearly two years of shifting mask and vaccine mandates, and supply chain disruptions, it is difficult to imagine any litigation practice or specialty becoming less active next year,” she said.

See. That’s optimism.

But get ready for a little pessimism.

“Preparation has always been key to a litigator’s success, but litigating in 2022 will require us to be particularly nimble and adaptable,” Johnson said. “Litigators will have to continue to hone our skills around presenting to and reading a virtual or masked judge, jury, opposing counsel, and co-counsel.”