LITIGATION MINUTE: YEAR IN REVIEW—TRENDING TOPICS ACROSS THE 2022 LITIGATION SPECTRUM

Date: 13 December 2022

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WHAT YOU NEED TO KNOW IN A MINUTE OR LESS

In 2022, we published more than 30 editions of our Litigation Minute newsletter, with eight series featuring topics ranging from mass arbitration to cryptocurrency litigation.

In a minute or less, here are some highlights from our 2022 Litigation Minute newsletter.

ESG in Litigation Series: Red Lobster Complaint Highlights Threat of ESG Litigation

An increasingly hot topic, our June and July series covered Environmental, Social, and Governance (ESG) issues such as greenwashing litigation targeting agribusinesses, claims over companies labeling products or services with third-party certifications to market ESG efforts, litigation over companies making "carbon-neutral" or other renewable energy claims, and the Supreme Court's opinions on it all.

The topic that drew most attention, however, was a 2021 Central District of California claim against Red Lobster alleging that the chain misleadingly represents itself as a sustainable purveyor of seafood.

Data Breach Series: Creating an Incident Response Plan

In our May series on data breaches, we outlined how to best prepare for a data security incident or government agency inquiry to mitigate further risk of follow-up class-action litigation.

An ounce of prevention is worth a pound of cure, and our edition on mitigating class action risks posed by collecting and storing sensitive data offered useful guidance such as updating privacy policies, screening third-party service providers, and managing data security incidents and government inquiries should they arise.

Deal Litigation Series: Representations and Warranties in Mergers and Acquisitions

In October, we brought you insights into how a record volume of mergers and acquisitions in recent years—with both number of transactions and dollar value of these deals hitting all-time highs—has presented increased risk for deal-related litigation. The edition of this series most interesting to readers focused on representations and warranties, a facet of these transactions often heavily negotiated by the parties involved.

Also of note in this series were our editions on successfully drafting earn-out provisions to avoid post-closing disputes, avoiding uncertainty in Material Adverse Effect clauses, and drafting Choice of Law and Choice of Forum provisions in deal papers.

Stay Tuned in 2023

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As we continue to monitor the latest trends in litigation across the United States, please stay tuned for future editions of our Litigation Minute newsletter, coming to your inbox in 2023.

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