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Litigation Post-Pandemic: The View From Corporate Legal Departments

For several weeks after Covid-19 made its appearance last spring, changes in the manner in which litigation matters were being prepared and tried were low priorities for most in-house counsel, whose more pressing concerns involved their employers' immediate survival needs: Could the company ameliorate losses by invoking force majeure provisions in its contracts? Could counterparties do so to the company's detriment? Would funds be available, under the CARES Act or from other emergency sources, to fill holes in the employer's income stream? Should the company immediately draw down its revolving credit line? Were layoffs in the offing, in the legal department and throughout the organization?

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