

Highlights of the 2026 Edition

Highlights of this **2026 Edition** of *Litigation Management Handbook* include new material discussing the following topics:

Chapter 2. Analyzing Case Risks and Goals

- Scope of chapter (§ 2:1)
- The purpose of a case analysis (§ 2:2)
- The purpose of a case analysis—Strategies for outside counsel (§ 2:3)
- Who should conduct the case analysis (§ 2:5)
- Factors in analyzing case risks—The underlying facts (§ 2:7)
- Factors in analyzing case risks—Damage potential (§ 2:9)
- Factors in analyzing case risks—Cost of litigation (§ 2:15)
- Regulatory problems presented by the litigation (§ 2:22)
- Checklist—Risk factors to analyze (§ 2:24)
- Creating a written case analysis (§ 2:29)

Chapter 3. Retention of Outside Counsel

- Scope of chapter (§ 3:1)
- Major rules in choosing outside litigation counsel (§ 3:2)
- Aligning case goals with panel and portfolio strategies (New § 3:4)
- Major rules in choosing outside litigation counsel—Choose the lawyer, not the firm (usually) (§ 3:5)
- Partnering in a data-driven, technology-enabled environment (New § 3:7)
- Convergence programs and panel counsel (New § 3:9)
- Use of alternative legal service providers (ALSPs) and hybrid staffing models (New § 3:24)
- Technology, cybersecurity, and data privacy in counsel selection (New § 3:25)
- Metrics, reporting, and performance management (New § 3:26)
- ESG, diversity, and reputational considerations (New § 3:27)

- Integrating new practices without over-complexity (New § 3:51)

Chapter 4. Innovative Possibilities in Pricing Arrangements

- Scope of chapter (§ 4:1)
- Factors to consider in arriving at pricing arrangements (§ 4:2)
- Factors to consider in arriving at pricing arrangements—Type of case (§ 4:5)
- Factors to consider in arriving at pricing arrangements—Law firm marketing goals (§ 4:9)
- Factors to consider in arriving at pricing arrangements—Enabling comparison among different outside counsel (§ 4:10)
- Whether to discard hourly pricing (§ 4:12)
- Whether to discard hourly pricing—Client's pricing goals (§ 4:14)
- Pros and cons of various pricing methods—Contingency Fee (§ 4:21)
- Pros and cons of portfolio and program pricing (New § 4:26)
- Impact of AI and automation on litigation pricing (New § 4:38)

Chapter 6. Reporting and Staying Abreast of Cases

- Scope of chapter (§ 6:1)
- Information essential to case management (§ 6:2)
- Establishing a reporting system by outside counsel (§ 6:3)
- Essentials of good case reporting—Is in quickly retrievable form (§ 6:11)
- Contents of regular reporting by outside counsel—Present and predicted cost (§ 6:18)
- Contents of regular reporting by outside counsel—Illegal conduct discovered (§ 6:21)
- Computer assistance in managing case information—Case management software (§ 6:22)
- Client collaboration platforms (New § 6:25)
- Efficient communication links between inside and outside counsel—Ethical rules on e-mail confidentiality and copying clients on e-mails (§ 6:26)
- Efficient communication links between inside and outside counsel—Extranets and intranets (§ 6:27)
- Electronic billing (§ 6:28)

Chapter 8. Issues Unique to Plaintiff Cases

- How managing plaintiff cases differs from defendant cases—Differences in financial planning (§ 8:5)

HIGHLIGHTS

- Common mistakes in filing plaintiff cases—Underestimating the cost and disruption (§ 8:8)
- Common mistakes in filing plaintiff cases—Underestimating factual disclosures you will need to make (§ 8:13)
- Analyzing whether you can and should sue—Legal impediments to suing (§ 8:15)
- Analyzing whether you can and should sue—Cost issues (§ 8:18)
- Major decisions before filing suit—Timing of the lawsuit (§ 8:27)
- Litigation funding agreements (§ 8:51)

Chapter 9. Steering Cases Toward Early Resolution

- The importance of exit plans (§ 9:2)
- Exit points in a case (§ 9:3)
- Exit point—Early motion to dismiss on procedural or nonmerits grounds (§ 9:4)
- Exit point—Summary judgment motion or partial summary judgment motion (§ 9:6)
- Exit point—Diversion to alternative dispute resolution (§ 9:8)
- Exit point—Mid-case settlement or partial settlement (§ 9:10)
- Exit point—Interpleader or tendering of defense (§ 9:11)
- Exit strategies—Why do cases end? (§ 9:15)
- Exit strategies—Your timing (§ 9:16)
- Exit strategies—Controlling the pace (§ 9:17)
- ADR strategies—Arbitration (§ 9:18)

This 2026 Edition fully replaces the 2023-2024 Edition. Please recycle or discard the previous volume.