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Lawyers For Civil Justice (LCJ), Goals And Achievements

The Editor presents a panel discussion focusing on the goals, initiatives and achievements of Lawyers for Civil Justice (LCJ). The moderator for this discussion is LCJ Associate Member H. Mills Gallivan of Gallivan, White and Boyd, P.A. in Greenville, South Carolina, and the panelists are: current LCJ President Wayne B. Mason, a Partner with Sedgwick LLP in Dallas, Texas; LCJ President-Elect Marc E. Williams of Nelson Mullins Riley & Scarborough LLP in Huntington, West Virginia; Jeffrey W. Jackson, Senior Vice President and General Counsel of State Farm Mutual Automobile Insurance Company; and Thomas H. Hill, Associate General Counsel, Environmental Litigation & Legal Policy, General Electric Company.

Since 1987, LCJ has fought tirelessly for civil justice reform, with its mission focused on three principal goals: promoting balance and fairness in the civil justice system; reducing costs and burdens of litigation; and promoting predictability and fairness in litigation. In order to achieve these goals, LCJ seeks to form coalitions among defense trial lawyers associations, law firms and businesses; to actively participate in the judicial, rulemaking and legislative processes at the federal and state levels; and to monitor and provide input on initiatives impacting the civil justice system.

Gallivan: Please start the discussion by talking about why U.S. corporations need and support civil justice reform.

Mason: The goals of LCJ are threefold: first, to promote fairness and justice in the civil justice system; second, to reduce costs and burdens of litigation; and third, to promote predictability in litigation.

Williams: One of the key initiatives that LCJ has focused on is the implementation of the Predictable Litigation Approach (PLA). This approach aims to reduce the predictability of litigation outcomes and to promote fairness in the civil justice system.

Jackson: LCJ has also been involved in efforts to reduce the costs and burdens of litigation. One such initiative is the Best Practices Project, which seeks to identify and promote best practices for reducing cost and burden in civil litigation.

Hill: LCJ has also been active in the area of environmental litigation, which presents unique challenges for the civil justice system.

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Mason: For corporations conducting business in America, the soaring cost of litigation is having a direct and significant impact. Litigation costs are in fact so high that some American companies may soon be unable to compete effectively in the global marketplace.

Lawyers for Civil Justice (LCJ) is addressing this issue head on. As a partnership of leading corporate counsel and defense bar practitioners, LCJ forges alliances among its members and leverages the strength of those alliances to help restore and maintain balance in the civil justice system. By uniting the business and defense bar communities in propelling reasonable reform initiatives, LCJ protects the interests of America’s corporations and delivers tremendous returns to its member defense litigants.

LCJ membership provides organizations with an amplified voice in civil justice reform and strengthens ongoing civil justice programs, which will save millions in defense costs.

With regard to pleadings, LCJ supports implementing heightened pleading “plausibility” standards that would change the legal system’s “plead nothing, discover everything” approach to litigation. For discovery, LCJ is striking at the heart of overly broad discovery practices by encouraging the limitation of discovery and e-discovery to relevant, material information. And regarding preservation, LCJ advocates adopting preservation rules that limit the scope of preservation obligations, that define the triggering of preservation duties and that permit spoliation sanctions based only on willful destruction of information. In addition, LCJ seeks rule amendments that require each party to pay the costs of the discovery it seeks.

Gallivan: Please outline some of the specific reforms LCJ is seeking, particularly with respect to e-discovery.

Mason: LCJ is leading efforts to improve the Federal Rules of Civil Procedure in several ways. They include uniform e-discovery, preservation and cost allocation.

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Gallivan: How about e-discovery reform at the state level?

Williams: LCJ’s State E-discovery Program is a program that is essential to improving the quality of justice at the state level. Through the use of nationwide surveys and state-specific pleadings, that define the triggering of preservation duties and that permit spoliation sanctions based only on willful destruction of information. In addition, LCJ seeks rule amendments that require each party to pay the costs of the discovery it seeks.

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