



2026 Business Litigation Practice Group Seminar

June 3-5, 2026

General Counsel 101:

What You Don't Know (YET)

Edward Hayes

Moderator

LEAKE ANDERSSON

New Orleans, Louisiana

ehayes@leakeandersson.com

Christopher Schaefer

STOLL KEENON OGDEN PLLC

Louisville, Kentucky

christopher.schaefer@skofirm.com

Introduction:

In-house counsel confronts enormous challenges in the evolving and increasingly complex world of legal discipline. Traditional legal departments with corporate and litigation silos are consolidating. Legacy business and legal boundaries are eroding. This outline and the accompanying in person panel presentation focus on a myriad of new developments challenging in-house legal departments and their relationships with outside counsel. This paper serves as an introductory guide and outlines recent issues with a focus on new opportunities for collaboration and added value between in-house and outside counsel.

Topics:

Artificial Intelligence

Introduction: AI is moving through the legal marketplace like a quiet tsunami, impacting nearly every aspect of the practice. Whether legal counsel is cognizant or not, virtually everything involves some aspect of AI. We explore how AI is currently being used by In-House legal departments and how it might be implemented by those without it. We also address in-house legal expectations for AI by outside counsel.

Current AI Usage

- Our In-House counsel panel members will address how AI fits into their current practice with a discussion of uses and challenges associated with same. Moreover, our panel members will address areas where AI use is specifically not allowed or discouraged.
- Outside counsel panel members will provide input on how their firms and individual attorneys utilize AI to better serve their corporate clients. Our panel members will also address sample directives from clients regarding AI.

AI Policies: Our panel will discuss internal policies within their organizations regarding AI usage and external guidelines or policies regarding use by outside counsel or professional support experts, vendors, etc.

AI Liability Issues

- US courts are increasingly sanctioning attorneys for use of AI resulting in hallucinated citations or other improper briefing. *See, e.g., Benjamin v. Costco Wholesale Corporation*, 779 F. Supp.3d 341 (E.D.N.Y. 2025) (sanctioning attorney for use of AI hallucinations in brief). Our panel will address experiences related to improper AI use and the potential legal liabilities associated with same. Our panel will also discuss its views on the potential future development of liability in this area, including the potential for sanctions reaching through lawyers to law firms and clients.

Additional Considerations

- What about clients that supply information based upon AI that is misleading or false?
- Impact on efficiency of outside attorneys and expectations of clients.
- Costs of use of AI

Data Privacy

Introduction: Data privacy and securing personal information is a must for almost all clients and law firms. There

General Counsel 101: What You Don't Know (YET)

is a patchwork of varying state, federal, and international laws governing data privacy. We will explore how business organizations are handling data privacy issues and provide insights on how attorneys and clients can work together on data security issues.

Current Client Data Privacy Issues

Private Practice Data Privacy

- Increase in number of putative class action lawsuits arising under state laws in states where the client is not located because of the operation of the client's website. See, e.g., *Mitchener v. Curiositystream, Inc.*, 2025 U.S. Dist. LEXIS 155489 (N.D. Cal. Aug. 6, 2025) (noting a "rash of similar actions" related to alleged trap and trace technology used on commercial websites)

ALFA's jurisdictional coverage

- Discussion of ALFA jurisdictional breadth providing quick guidance on data issues
- Potential compendium(s) from ALFA firms to provide general primer for data privacy issues.

Liability and Litigation Related to Data Privacy

- Class Action Litigation
- Potential data breaches and actions related to the same

Data Protection Practices & Expectations from Outside Vendors/Counsel

- Insurance coverage
- Internal policies and guidelines
- Training programs
- Auditing
- Additional considerations

Rapid Response Programs with Outside Counsel Role(s)

- Discussion of what ALFA firms can do to help with these programs.

International Trade, Tariffs, and Geopolitical Issues

Introduction: US businesses are confronting the impact of recent changes to the US tariff and customs system. These issues are no longer nuances left to specialists and all counsel should have a working knowledge of how tariffs impact business, including company valuation, liabilities, and sourcing decisions

Tariff Reimbursements & Liability Issues

- Contractual allocation and coverage
- Customer reimbursement and class action lawsuits. See e.g., *Reiser v. Federal Express Corp.*, Case No 1:26-21328 (SD FL 2/27/2026); *Ward v. Essilor Luxottica SA*, Case No. 1:26-01133 (SD NY 2/26/2026); *Stockov v. Costco Wholesale Corp.*, Case no. 1:26-02734 (ND IL 3/11/2026).

General Counsel 101: What You Don't Know (YET)

In-House Coordination with Procurement

- Supply chain reviews for social, labor and environmental compliance
- Diversification and supply issues

Current Tariff Regime

- Sections 122 and 301

Internal Investigations and Preservation of Privileges

Introduction: Organizations routinely conduct internal investigations regarding various incidents and accidents. The preservation of privilege and work-product is a key concern when conducting internal investigations. The panel will review how organizations efficiently manage internal investigations while also preserving key rights.

Internal Policies and Governance. See generally *Upjohn v. United States*, 449 U.S. 383 (1981) (seminal case addressing attorney-client privilege and work-product doctrine in the context for corporate clients and investigations)

- Internal policies for conducting reviews
- How to ensure investigations are “led by counsel” to create maximum protection
- Role of outside counsel
- Corporate Miranda warnings
- Safeguards to ensure privileged content not shared with individuals outside of the organization

Use of Experts

ALFA's Jurisdictional Coverage

VSDs

Insurance/Litigation Costs

Introduction: Insurance is a cost leader for organizations. Our panel will briefly touch on issues related to insurance coverage and litigation.

SIRs and Captive Insurers

- Impact and increased burden on in-house counsel
- Outside counsel role
- Types of coverage
- Punitive damages, large verdicts and increased settlements