Norton Rose Fulbright's 21st Annual Litigation Trends Survey

U.S. corporations faced heightened exposure to cybersecurity, data privacy, and employment litigation in 2025. Those risks expected to grow in 2026 amid shifting enforcement priorities and rising jury verdicts, according to a new survey released Tuesday by Norton Rose Fulbright.

The law firm's 21st Annual Litigation Trends Survey, based on responses from more than 400 general counsel and in-house litigation leaders, found that 38% of organizations reported increased cybersecurity and data privacy exposure last year, the largest single area of rising risk. Employment and labor disputes followed, cited by 31% of respondents.

Overall dispute exposure remained elevated in 2025, consistent with levels seen the year before. Corporate counsel surveyed said they expect litigation pressure to intensify this year, particularly in technology, consumer markets, and retail. Respondents identified regulatory investigations, antitrust, and intellectual property disputes as key risks for technology companies. At the same time, employment matters were highlighted for retail businesses.

Regulatory proceedings declined in 2025, with 56% of organizations reporting involvement in at least one, down from 70% in 2024. The report attributes the decrease to reduced federal enforcement activity, though respondents described a more fragmented outlook ahead. More than 8 in 10 said state enforcement increased as priorities diverged from those of federal regulators.

Use of artificial intelligence in litigation continues to expand, according to the survey. Seventy-eight percent of

respondents support AI use by outside counsel, up from 73% a year earlier, and more than 60% said their organizations use customized generative or agentic AI tools. At the same time, 59% said managing litigation risks related to AI remains a challenge.

Confidence in litigation preparedness declined, with 29% of respondents saying they feel “very prepared” to handle litigation over the next 12 months, down from 46% the prior year.

Concerns over extensive jury awards also grew: 77% cited increasing worry about verdicts exceeding $10 million. In comparison, 58% expressed concern over awards topping $100 million.

The survey found that 28% of respondents experienced class actions in 2025, up from 25% in 2024, with cybersecurity and data privacy class actions accounting for 40% of those cases. ESG-related class actions nearly doubled year over year. Average litigation spending among companies with at least $1 billion in revenue fell slightly to $4.1 million.

The full report is available at litigationtrends.com.