

Defending Multi-District, Mass Tort, and other High-Volume Litigation: Five Key Strategy Points

By Michael O'Brien, Mark Reardon, Andrew Bond, and Francesca Spinelli

When an insurance company or corporation is confronted with a large volume of complex litigation claims arising from a common issue or subject matter, effective management requires more than defending individual cases.

Instead, organizations must establish a coordinated, enterprise-wide approach that balances legal strategy, financial stewardship, operational efficiency, and risk management. Without a consistent framework, repetitive litigation can produce inconsistent outcomes, increase costs, duplicate effort, and elevate reputational and regulatory risk.

Here are five (5) key strategy points for defending multi-district, mass tort, and other high-volume litigation claims:

1. Centralize Governance and Strategy

- a. Establish a dedicated litigation management team which allows for coordinate staffing and management.
- b. Create a single decision-making structure for legal strategy, settlement authority, and communications.
- c. Maintain consistent legal positions across cases and jurisdictions to avoid conflicting arguments, testimony, and outcomes.
- d. Identify the most reliable, available corporate witness.

2. Develop a Comprehensive Fact and Data Repository

- a. Collect and organize all relevant documents, claims data, expert reports, deposition transcripts, and prior rulings.
- b. Use document management and analytics tools to identify patterns, recurring issues, and outlier claims.
- c. Implement legal holds and document preservation protocols consistently across the organization.

3. Segment and Prioritize Claims

- a. Classify cases based on exposure, liability strength, damages, jurisdiction, and procedural posture.
- b. Identify "bellwether" or test cases that may influence future litigation.
- c. Allocate resources strategically by focusing on matters that present the greatest risk or opportunity.

4. Maintain Consistent Legal and Settlement Strategy

- a. Establish standardized litigation guidelines for internal legal teams and outside counsel.
- b. Regularly evaluate whether litigation, settlement, mediation, or other alternative dispute resolution mechanisms best advance organizational objectives.
- c. Balance consistency with flexibility when unique facts warrant a different approach.

5. Continuously Monitor Risk, Costs, and Business Impact

- a. Track legal spending, reserve adequacy, settlement trends, win-loss rates, and emerging legal developments.
- b. Provide regular updates to senior management and, where appropriate, the board.
- d. Coordinate litigation strategy with compliance, underwriting (for insurers), risk management, and public relations to reduce future exposure.

Organizations that implement these practices can achieve greater consistency in decision-making, control costs more effectively, and reduce the risk of contradictory legal positions and inefficient management of large litigation portfolios.

By adopting a disciplined and proactive litigation strategy centered on information management, claim prioritization, consistent decision-making, and continuous performance monitoring, organizations can manage complex litigation more effectively while protecting their legal, financial, and business interests.



This Legal Update is intended to keep readers current on developments in the law. It is not intended to be legal advice. If you have any questions, please contact [Michael O'Brien](mailto:mobrien@eckertseamans.com) at 215.851.8532 or mobrien@eckertseamans.com, [Mark Reardon](mailto:mreardon@eckertseamans.com) at 302.552.2900 or mreardon@eckertseamans.com, [Andrew Bond](mailto:abond@eckertseamans.com) at 215.851.8443 or abond@eckertseamans.com, [Francesca Spinelli](mailto:fspinelli@eckertseamans.com) at 215.851.8407 or fspinelli@eckertseamans.com, or any other attorney at Eckert Seamans with whom you have been working.