

THE ALM LAW LITIGATION DAILY

Latham's New Global Litigation Chair Sees Clients More Willing to Push Cases to Trial

By Ross Todd

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Let's start this morning with a little news from **Latham & Watkins**, where Boston litigation partner and former executive committee member **BJ Trach** has taken on the role of global chair of the firm's litigation and trial department. Trach is essentially swapping roles with **Michele Johnson**, who oversaw a roughly 60% increase in lawyer headcount in the department from 750 at the end of her first year as chair in 2019 to 1,200 as of June 1 of this year, and now will serve an advisory role on the firm's executive committee.

"We've partnered on many of the critical decisions that we needed to make for the department. We would talk all the time," Trach said of Johnson when I spoke to him for about an hour this week, his first interview since becoming litigation chair in June. "Michele went onto the executive committee where she had been before, and I came and took the global chair, but I think that we're sort of the same kind of village of senior folks who are helping work together to manage the department."

Trach joined Latham as a partner in 2012 from Goodwin Procter after a prior stint as

federal prosecutor in Boston. He previously served as vice chair and global chair of what was previously known as Latham's Diversity Leadership Committee (now known as the Inclusion, Opportunity & Community Committee). In 2019, he was elected to the firm's executive committee, Latham's top governing body, where he served two two-year terms. He served in an advisory role to the committee before transitioning to the litigation chair position in June.

Trach takes over one of the world's largest litigation departments at a moment when litigation demand remains strong across the industry. Growth in demand for litigation services has kept pace with growth in transactional practices during recent upticks in deal work, after previously keeping many-a-firm afloat during other shakier times in the broader



BJ Trach, Global Chair of the Litigation & Trial Department with Latham & Watkins.

Courtesy photo

market. I asked Trach if what's been going on in the broader industry mirrored Latham's litigation growth curve.

"The data don't lie, and they certainly show that litigation growth in the last several years has been, as you said, at or near the top of really any of the practice groups and disciplines across large law firms," he said. "The global economy is getting more and more complex, and the increased complexity for large companies means that both the scope and the scale of the disputes that they have are also increasingly complex."

Here Trach echoed something his predecessor Johnson noted to me coming into this year, when she said she expected 2026 to be a year of "more" in litigation. Johnson said she expected disputes to become more complex, technology-driven and cross-border, as well as "more strategically embedded in business operations." This week, Trach added that in virtually every company there's a growing focus on planning for and then executing on litigation when it arises, but that's especially the case with large public companies that Latham often represents.

Perhaps Trach's most striking observation was that corporate clients increasingly view litigation through a broader business lens, leading some to fight cases longer and take more disputes to trial rather than settling them.

"You're also seeing an increase in companies' willingness to fight them for longer and to take them to trial," he said.

I asked him why he thinks that's the case.

Trach said although the approach varies from client to client and case to case, he sees in-house decision-makers analyzing the costs and benefits of how and when to resolve litigation to maximize value to the business.

"If you have a one-off litigation, not to be repeated, and you just need to figure out how to resolve that matter in a way that'll maximize the value of your business, it may make perfect sense to resolve that via settlement at the point at which you have a decent understanding of the value of that litigation," he said. If, however, you're in a litigation over a product that is going to be an important part of your business model for decades to come and you could be subject to the same kind of litigation in the future, resolving that matter isn't the same "one-off proposition," he said.

"It can have implications for how often you're going to get sued in the future, how you're viewed by the plaintiffs bar, and it therefore changes the calculus of whether you want to resolve that matter," he said. Doing that analysis, Trach said, has caused more and more clients to see real value in fighting litigation and taking matters to trial where they believe they haven't done anything wrong or have valid defenses.

The shift, according to Trach, stems from a more nuanced view of litigation's long-term impact on business strategy.

"It's just a much more complicated calculus, and I think as our base clients have gotten more and more sophisticated about how they evaluate the impact of litigation on the future of their business, they're seeing that it makes sense to fight these matters longer and often take them to trial," he said.

If more clients are concluding that certain disputes are worth fighting through trial, the obvious next question is what that means for the law firms they hire to handle those matters. Trach argues that the current environment places a greater premium on actual trial capability.

He noted that over a recent two-year stretch, Latham took 75 matters to trial or arbitration.

“We’re seeing clients increasingly turn to us in part because of our trial expertise really across all of our major disciplines,” he said.

While some firms have recently ramped up litigation hiring to ride the wave of litigation demand, Trach contends Latham’s litigation practice has had a steady upward trajectory. He pointed back a couple of decades to the firm’s stated goal to build the “number one global law firm”—a phrase that might come off as cheesy, ridiculous or borderline Dr. Evil for folks unfamiliar with Latham’s overall story arc. The phrase didn’t make me blink any of the three times Trach said it during our conversation.

“When clients are facing bet-the-company litigation, it almost always involves multiple disciplines and multiple jurisdictions,” he said. “There are very few, if any, firms that have that, and I think none at the scale we have it.”

For all of Trach’s talk about shifts in the litigation market, however, he presented his own appointment as a continuation of Latham’s existing strategy rather than a sharp change in direction.

So, what changes in the transition from Johnson to Trach?

Not much, if Trach is to be believed. While he described litigation as becoming increasingly important to both Latham and its clients, he repeatedly framed his elevation as an exercise in continuity rather than reinvention.

“It’s kind of an embarrassment of riches in terms of what I’ve inherited from Michele,” he said.

“A lot of what I’m focused on is ensuring that we protect the thing that has allowed us to get where we are,” he added. “Latham has always seen it as a critically important strategic priority. What we do in litigation has become even more important and even more front and center to the value proposition, both for us and for our clients.”