Product Review

Review: Traditional Legal Research May Not Be Enough, You Need To Incorporate Analytics
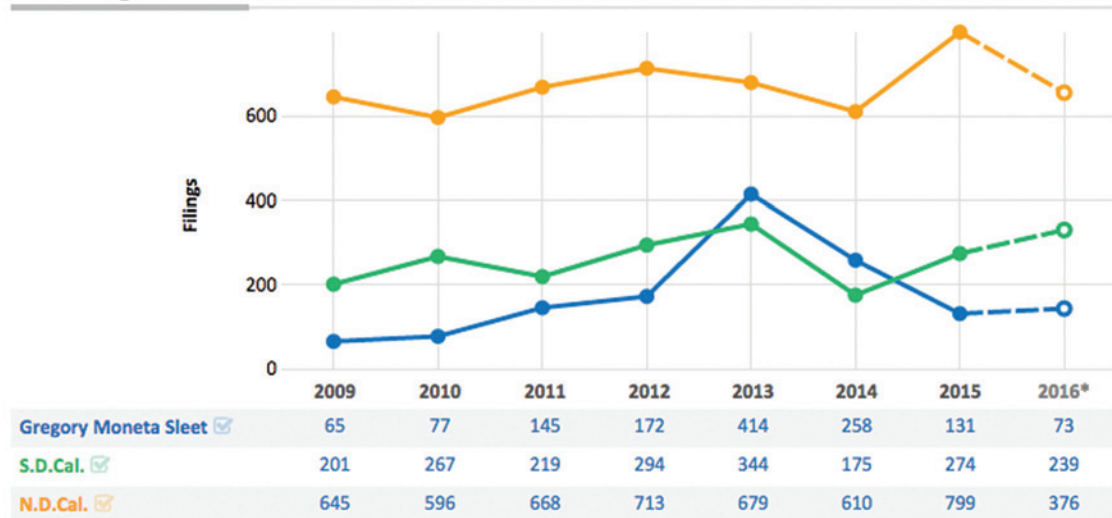
Writing for Legaltech News, legal tech expert Brett Burney reviews the Lex Machina legal analytics platform from LexisNexis, including its interface and 'Apps.'

By **Brett Burney** | July 25, 2018 at 08:00 AM

((CJ)) Courts & Judges Comparator

Showing comparison between Gregory Moneta Sleet (GMS) of D.Del., Southern District of California, and Northern District of California, for all cases filed between 2009-01-01 and 2016-08-11. [Change]

Case Filings for all Cases

	2009	2010	2011	2012	2013	2014	2015	2016*
Gregory Moneta Sleet	65	77	145	172	414	258	131	73
S.D.Cal.	201	267	219	294	344	175	274	239
N.D.Cal.	645	596	668	713	679	610	799	376

* 2016 numbers are year-to-date. Open dots are full-year estimates.

Lex Machina's Courts and Judges Comparator

You've heard a lot of talk about "big data," but what application could that possibly have in a law practice? As a litigator, you actually have to analyze a lot of data such as: What's the best court to file in? How has the judge ruled on similar matters? How many times has opposing counsel appeared before this judge? And how successful have they been? All of this information is accessible and available, but someone has to go through it all to find exactly what you need.

What if there was a service that could mine all that information for you and answer your specific

questions? How powerful would that be for your practice?

Welcome to the world of "legal analytics" that deciphers meaningful patterns from litigation information about judges, lawyers, parties, and case subjects. While legal research focuses on uncovering relevant substantive law, legal analytics helps lawyers make better decisions in their legal strategy. That is Lex Machina from Lexis.

The Machinations of Lex Machina...

All of the information available in Lex Machina is already available to you—it's just that you (or someone you assign) will need to spend hours culling through all the different online legal research platforms and records repositories, and then another several hours compiling it all into a format that makes sense for your needs.

Every 24 hours, Lex Machina captures data from PACER, the U.S. International Trade Commission information system, the USPTO, and state court data, along with data from LexisNexis since the company was acquired by them in late 2015. For every case, Lex Machina extracts information about the players involved including attorneys, law firms, parties, judges, etc. and then cross-references all that with the findings and outcomes of the cases. Lex Machina then cleans up and normalizes all this data so that it's accessible and easily searchable. And then it's your turn.

For example, let's say you have a client that's raring to file suit against their employer, but you first want to do some reconnaissance on how the suit will fare in the district court. Log into Lex Machina and click the "Courts & Judges" tab at the top and search for a specific district (e.g. SDOH). Once that's narrowed down, click "District Court Cases" to see all cases filed in that court since January 2000. Next, you can filter down to just the employment cases, and then by a specific judge to see how many similar cases they ruled on or that are currently before them.

Next, you can click the "Case Resolutions" tab to get a breakdown on how many times the plaintiff vs. the defendant won in those matters, and how many times summary judgments were awarded. You can even click the "Damages" tab to see a breakdown of how many times a plaintiff was awarded back pay, or the parties were awarded attorneys' fees, etc.

There's An App For That...

That's certainly one way to approach the immense amount of information ("big data") in Lex Machina, but they've also developed an even easier way for customers to parse through the information in the "Apps" that they've developed—some of which they call "Comparators."

The "Courts & Judges Comparator" allows you to select between two and four different courts or judges to compare against each other, which is definitely helpful if you're considering which venue may benefit your client more. Within seconds, you can see information such as how many open patent cases are before a certain judge at any time, or the average number of days for time to trial in specific districts.

The "Law Firm Comparator" is often used by in-house counsel to evaluate which law firms they should retain for representing them on select matters based on their litigation history. This information is also incredibly helpful for law firms that may be pitching their services to new clients. At a glance, you can see the number of open cases a firm is currently juggling in a specific subject area, how many cases they had terminated, the party roles, and even their success rates.

One of the first Lex Machina Apps was "Early Case Assessor" which allows you to "quickly assess the threat posed by a new case based on the plaintiff and its law firm." You can insert the name of a plaintiff, the plaintiff's law firm, and immediately receive insight into how often the plaintiff has filed similar cases, and how often their law firm has prevailed in those cases.

More recent Apps include the "Motion Kickstarter" (see what arguments and motion strategies work before your judge), "Patent Portfolio Evaluator" (evaluate the complete litigation history for an entire portfolio of patents), and "Product Liability Expert Explorer" (explore rulings on the admissibility of expert witness testimony and reports).

No Critics for Legal Analytics

Again, all of this information is already available from a variety of sources, but Lex Machina has conscientiously and beautifully pulled all that big data into an easy-to-use and cohesive platform for developing your overall legal strategy.

How do you currently find this kind of information? Do you send an email around to everyone in your firm asking if anyone has experience in front of a particular judge? Or dealing with a

particularly pushy opposing counsel? Sure there's still something to be said for checking in with your colleagues, but Lex Machina is another tool you should consider fitting into your litigator's toolbelt for thoroughness.

Lex Machina offers a tremendous power for crystal-balling your projections on how cases will fare based on all the "big data" that's available today. Once you find what you need, Lex Machina lets you export your findings into a Microsoft Excel spreadsheet or a PDF file so that you can share with your team and clients.

So take notice of how you can leverage "big data" in your practice and my recommendation is to consider Lex Machina as one of your go-to sources.

*Brett Burney helps law firms and corporations successfully navigate the troubling waters of e-discovery and information governance, and recently published the eDiscovery Buyers Guide available at **www.ediscoverybuyersguide.com**. He's also very active in the Mac-using lawyer community as the co-author of the ABA book Macs in Law – The Definitive Guide for the Mac-Curious, Windows-Using Attorney and posts video reviews at **www.appsinlaw.com**. More information at **www.burneyconsultants.com** and you can email Brett at **burney@burneyconsultants.com**.*