Legalweek NEW YORK

B C D M T

JANUARY 29 — FEBRUARY 1, 2018

NEW YORK HILTON MIDTOWN

TAKE THE EXPRESS TO WHERE
LEGAL BUSINESS GETS DONE.

#Legalweek18 | @Legalweekshow

ALM Events

The Case for Analytics

Josh Becker | LexisNexis®

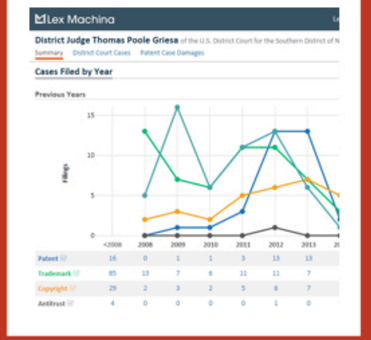
The Signs Are All Around

Analytics Has Arrived

Major law firm sets up AI and machine learning task force

Law firms hiring Data Analysts and “Chief Data Scientists”

Survey says 30% of litigators already see Legal Analytics as an indispensable MUST HAVE



66% of AmLaw100 now use Lex Machina, up from 45% last year

The Signs Are All Around

Analytics Matter

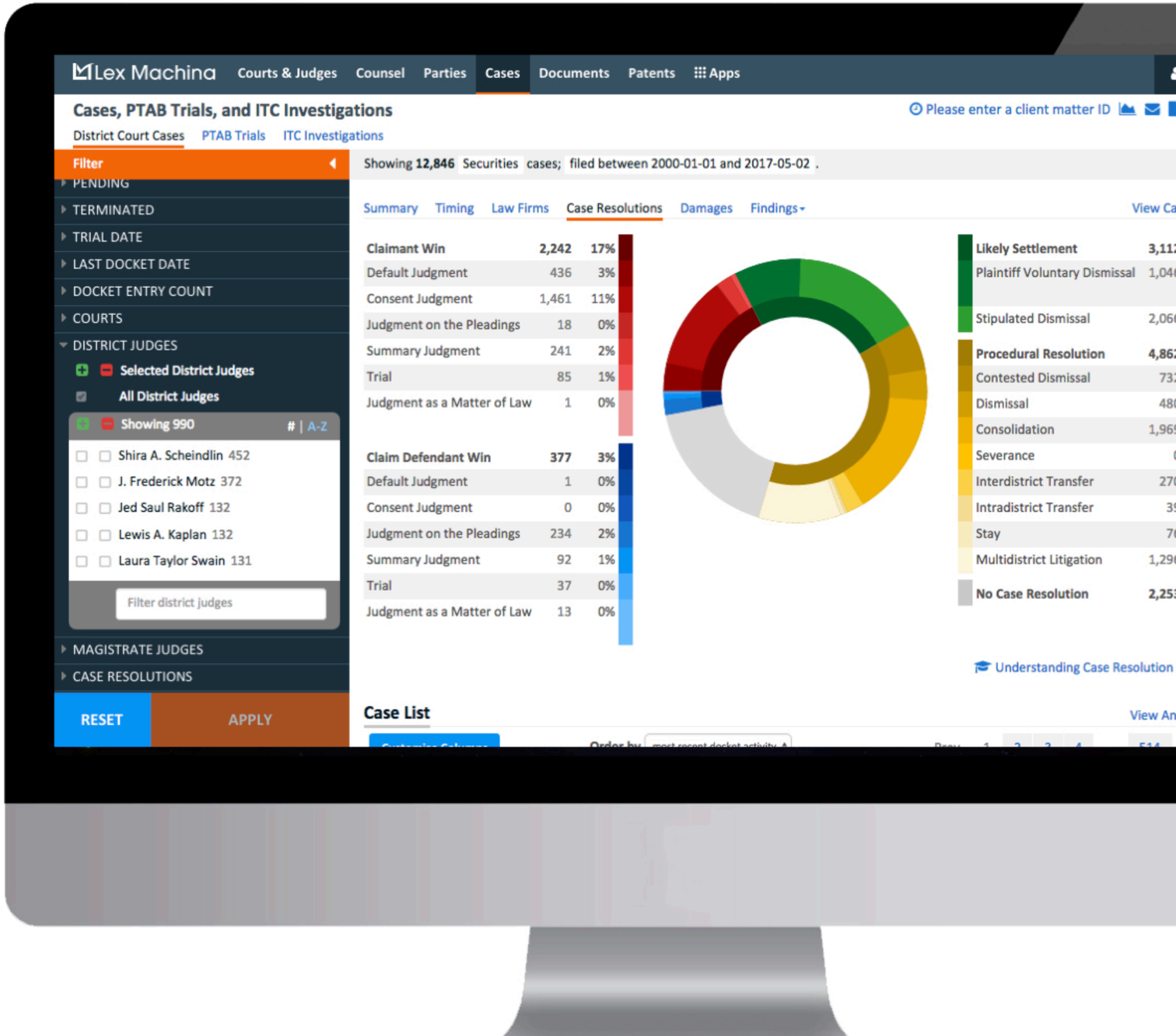
"If I was at Google today I would want all my outside law firms using Legal Analytics."

Miriam Rivera

Former Deputy GC Google

Every Law Firm and Company Needs Analytics

The application of data and data-driven analytics is increasingly mission critical to the business and practice of law.



We Are Living in a New World

Only 8% of law firms leaders are highly confident in their firm's ability to keep pace with the challenges of the new legal marketplace.

Source: Law Firms in Transition, Altman Weil, 2016

2016 Rank	2015 Rank	Firm	Lawyers
1	1	Latham	2,280
2	5	Kirkland	1,759
3	3	Baker McKenzie (verein)	4,607
4	4	Skadden	1,728
5	2	DLA (verein)	3,616
6	6	Jones Day	2,523
7	7	Sidley	1,836
8	9	Hogan Lovells (verein)	2,609
9	8	Morgan Lewis	1,844
10	10	Norton Rose (verein)	3,505
11	12	White & Case	1,957
12	11	Gibson Dunn	1,239
13	13	Ropes & Gray	1,161
14	14	Greenberg Traurig	1,884
15	15	Sullivan & Cromwell	800
16	16	Simpson Thacher	971
17	18	Cleary Gottlieb	1,204
18	19	Weil	1,083
19	17	Mayer Brown	1,586

BINGHAM HellerEhrman
DEWEY & LEBOEUF HOWREY

What Are the Drivers?

Erosion of demand is permanent

Business lost to in-house teams

Clients demand more efficiency & transparency

Clients expect technology expertise

What Are the Drivers?

Erosion of demand is permanent

Business lost to in-house teams

Clients demand more efficiency & transparency

Clients expect technology expertise

To remain competitive, law firms must:

- Lead the competition
- Differentiate their services
- Provide measurable value
- Leverage technology

Analytics Changed the Financial Industry

The FICO score made mortgages widely available by reducing lender risk

Analytics Changed the Retail Industry

Amazon makes 2.5 Million price changes every day

Analytics Changed Sports

A’s go to the playoffs with a $41M budget vs. the $125M of the Yankees

But what about the law?

Now analytics is changing the business and practice of law

WHAT IF...

You knew the sentence your judge was most likely to cite when ruling on your motion?

Now analytics is changing the business and practice of law

WHAT IF...

You could know how likely a judge was to grant a motion for summary judgement in your trademark case?

Now analytics is changing the business and practice of law

WHAT IF...

You could quantify a company's history of settlement in employment cases?

Now analytics is changing the business and practice of law

WHAT IF...

You could know what the judge thinks about your case before he/she says it?

Now analytics is changing the business and practice of law

WHAT IF...

You could find a winning brief that matched your issue and topic, previously ruled on by your judge?

Now analytics is changing the business and practice of law

WHAT IF...

You could easily evaluate clauses to what's market value?

Now analytics is changing the business and practice of law

WHAT IF...

You could predict how long a case will take to reach trial?

Now analytics is changing the business and practice of law

WHAT IF...

You could quickly show that opposing counsel's expert had been successfully challenged for being unqualified?

Now analytics is changing the business and practice of law

WHAT IF...

You could predict the outcome of legislation when the bill is introduced by a legislator?

Now analytics is changing the business and practice of law

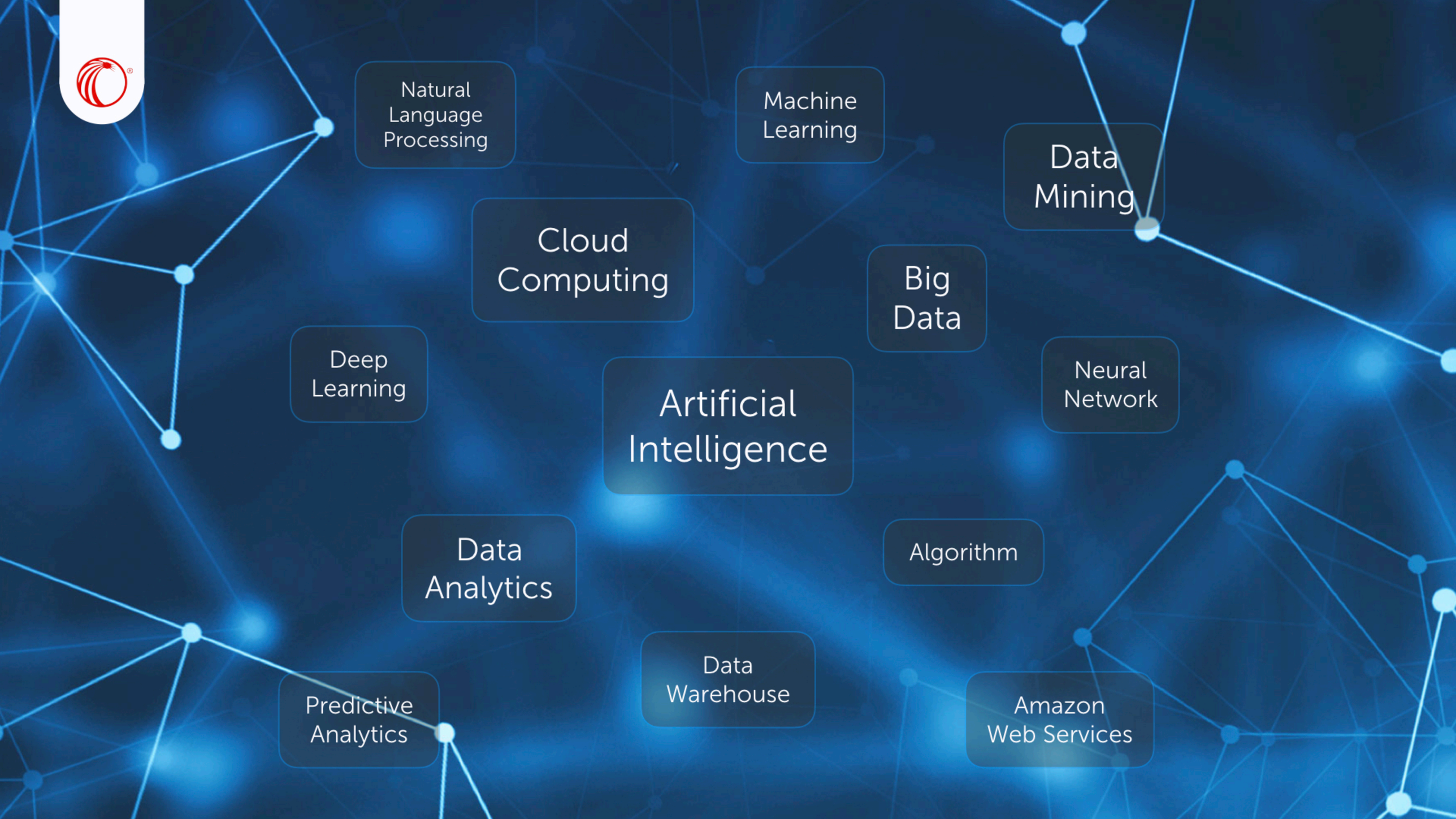
WHAT IF...

You could find the holdings, citations, and other judges your judge will rely upon when ruling on your case?

Now Analytics Is Changing The Business and Practice of Law

Analytics help you make data-driven decisions about:

- Your strategy in front of a judge
- Which clients to pursue for business
- The best argument to use for this particular judge
- The likely strategy of your opponent
- The counsel you select for your company
- Which expert to use in this case


Natural Language Processing
Machine Learning
Data Mining
Cloud Computing
Big Data
Deep Learning
Artificial Intelligence
Neural Network
Data Analytics
Algorithm
Data Warehouse
Predictive Analytics
Amazon Web Services

Analytics Is HOT

But What Does Legal Analytics Do?

On a fundamental level, it does two things:

1

Helps win business and win cases

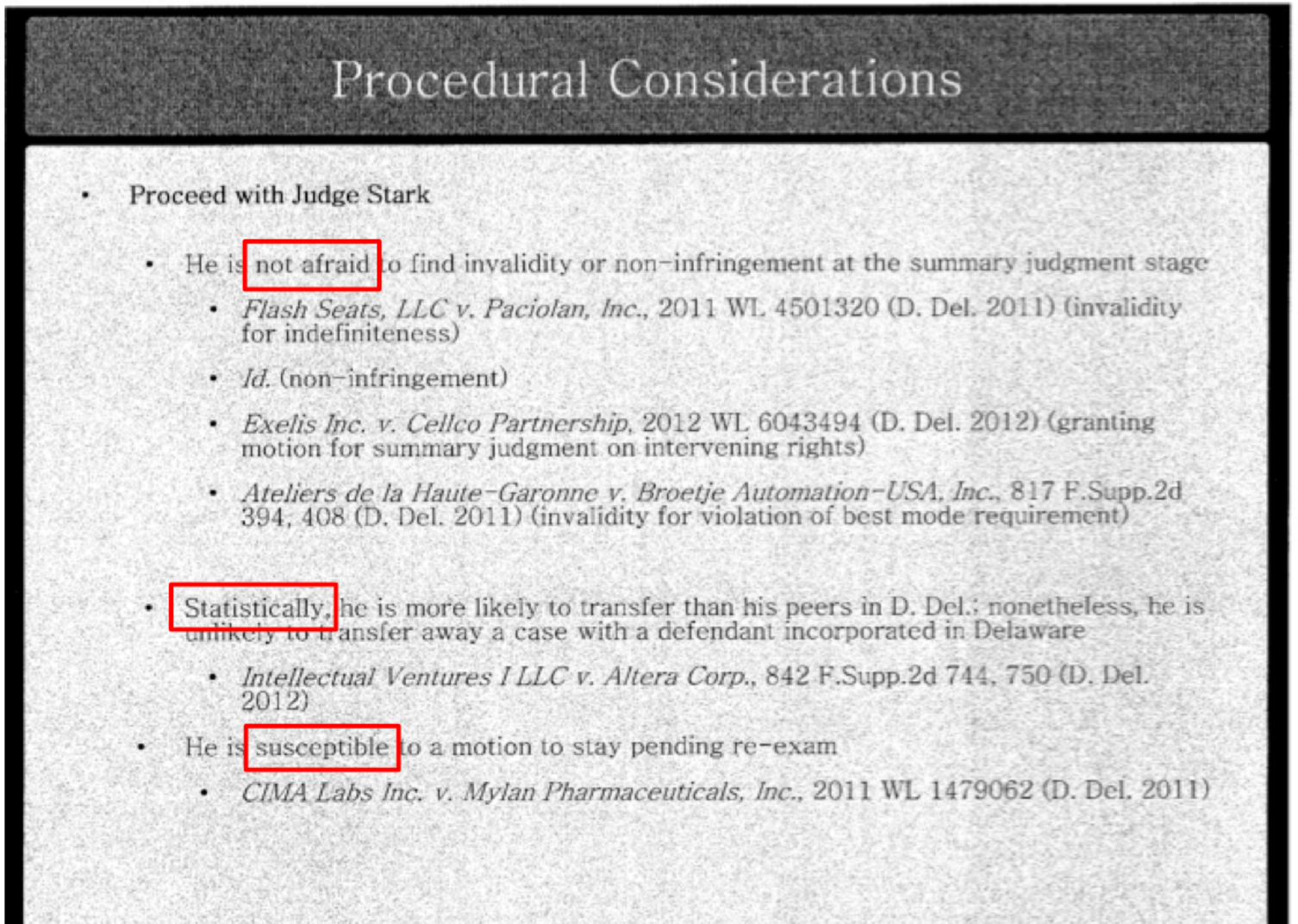
2

Lets lawyers find information more quickly and do the strategic work they want to do

WIN BUSINESS

Before Legal Analytics

Basic research that isn't statistically relevant

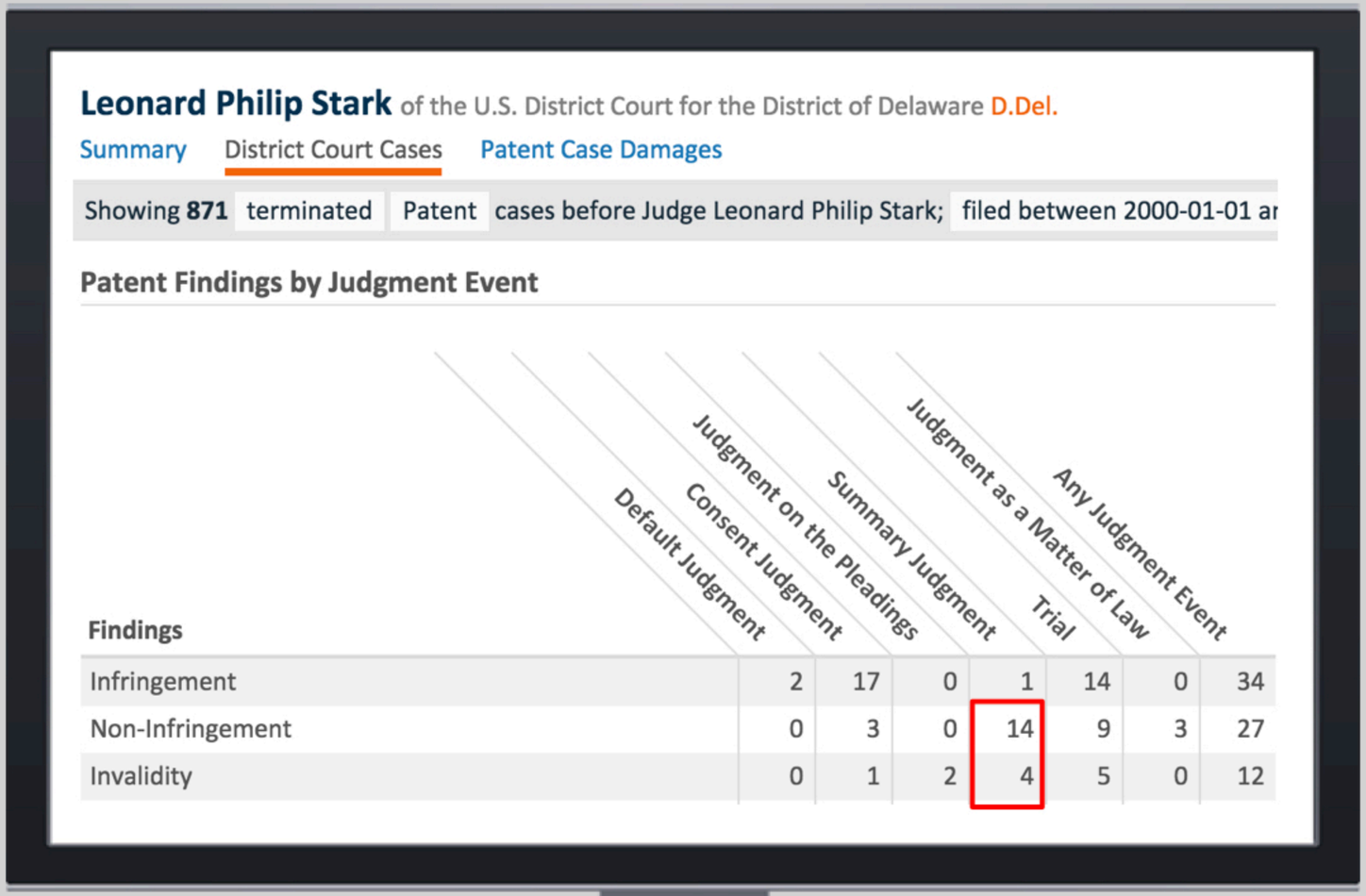


Procedural Considerations

- Proceed with Judge Stark
  - He is not afraid to find invalidity or non-infringement at the summary judgment stage
    - *Flash Seats, LLC v. Paciolan, Inc.*, 2011 WL 4501320 (D. Del. 2011) (invalidity for indefiniteness)
    - *Id.* (non-infringement)
    - *Exelis Inc. v. Cellco Partnership*, 2012 WL 6043494 (D. Del. 2012) (granting motion for summary judgment on intervening rights)
    - *Ateliers de la Haute-Garonne v. Broetje Automation-USA, Inc.*, 817 F.Supp.2d 394, 408 (D. Del. 2011) (invalidity for violation of best mode requirement)
  - Statistically, he is more likely to transfer than his peers in D. Del.; nonetheless, he is unlikely to transfer away a case with a defendant incorporated in Delaware
    - *Intellectual Ventures I LLC v. Altera Corp.*, 842 F.Supp.2d 744, 750 (D. Del. 2012)
  - He is susceptible to a motion to stay pending re-exam
    - *CIMA Labs Inc. v. Mylan Pharmaceuticals, Inc.*, 2011 WL 1479062 (D. Del. 2011)

Pitching After Legal Analytics

Solid data-driven research and predictive stats



Leonard Philip Stark of the U.S. District Court for the District of Delaware D.Del.

Summary | District Court Cases | Patent Case Damages

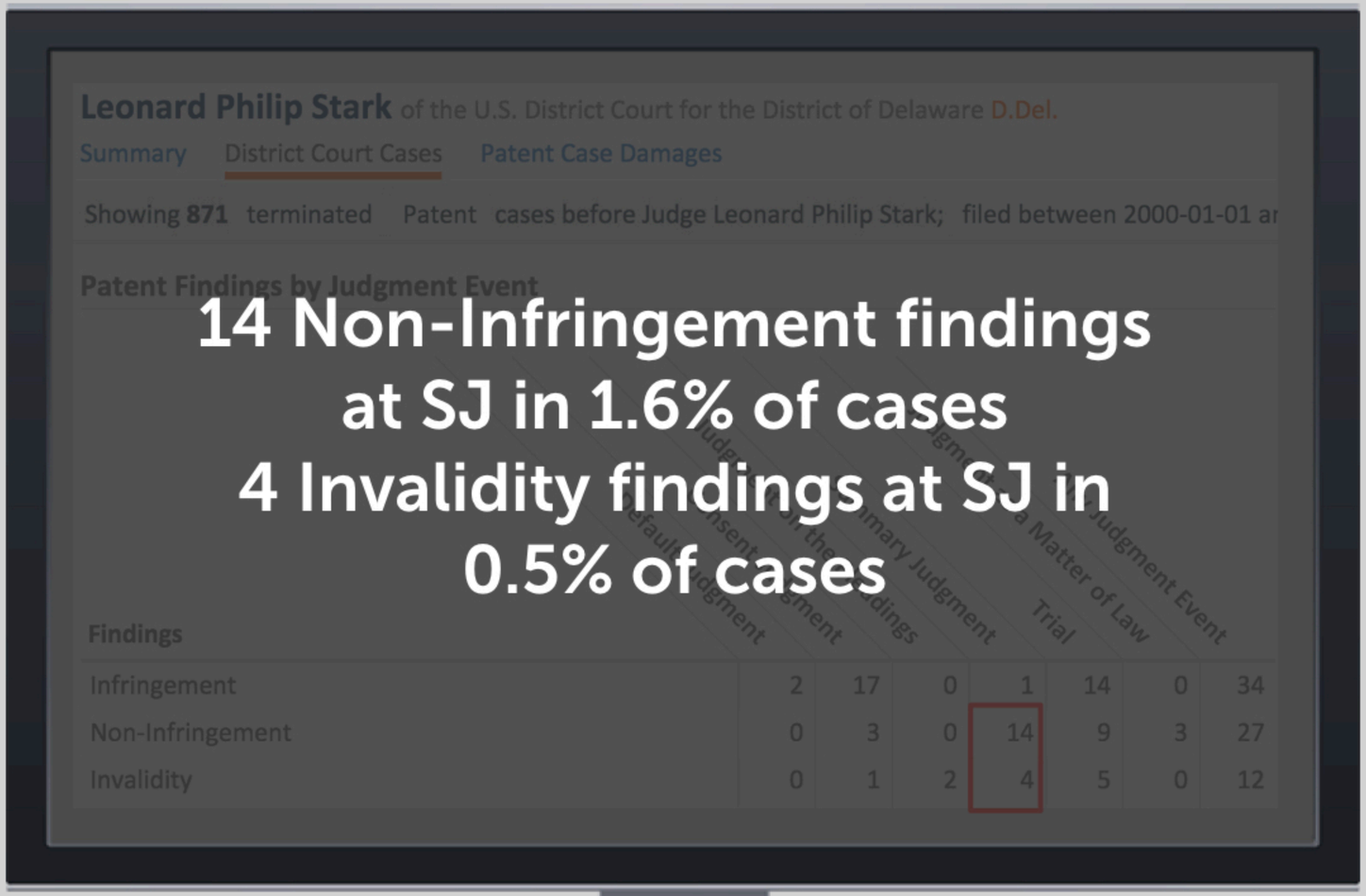
Showing **871** terminated | Patent | cases before Judge Leonard Philip Stark; | filed between 2000-01-01 ar

Patent Findings by Judgment Event

Findings	Default Judgment	Consent Judgment	Judgment on the Pleadings	Summary Judgment	Trial	Judgment as a Matter of Law	Any Judgment Event
Infringement	2	17	0	1	14	0	34
Non-Infringement	0	3	0	14	9	3	27
Invalidity	0	1	2	4	5	0	12

Pitching After Legal Analytics

Solid data-driven research and predictive stats



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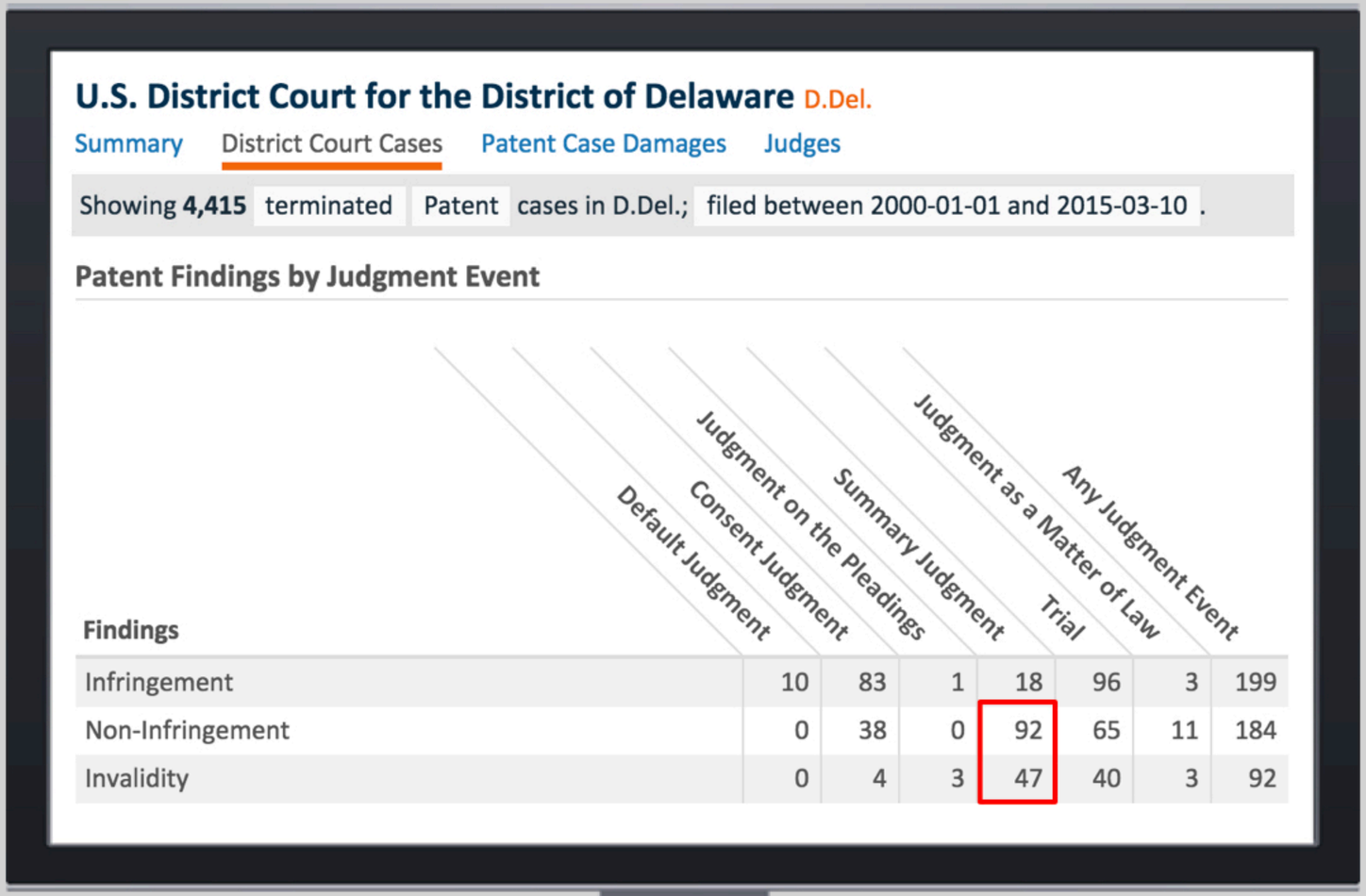


U.S. District Court for the District of Delaware D.Del.

Summary | District Court Cases | Patent Case Damages | Judges

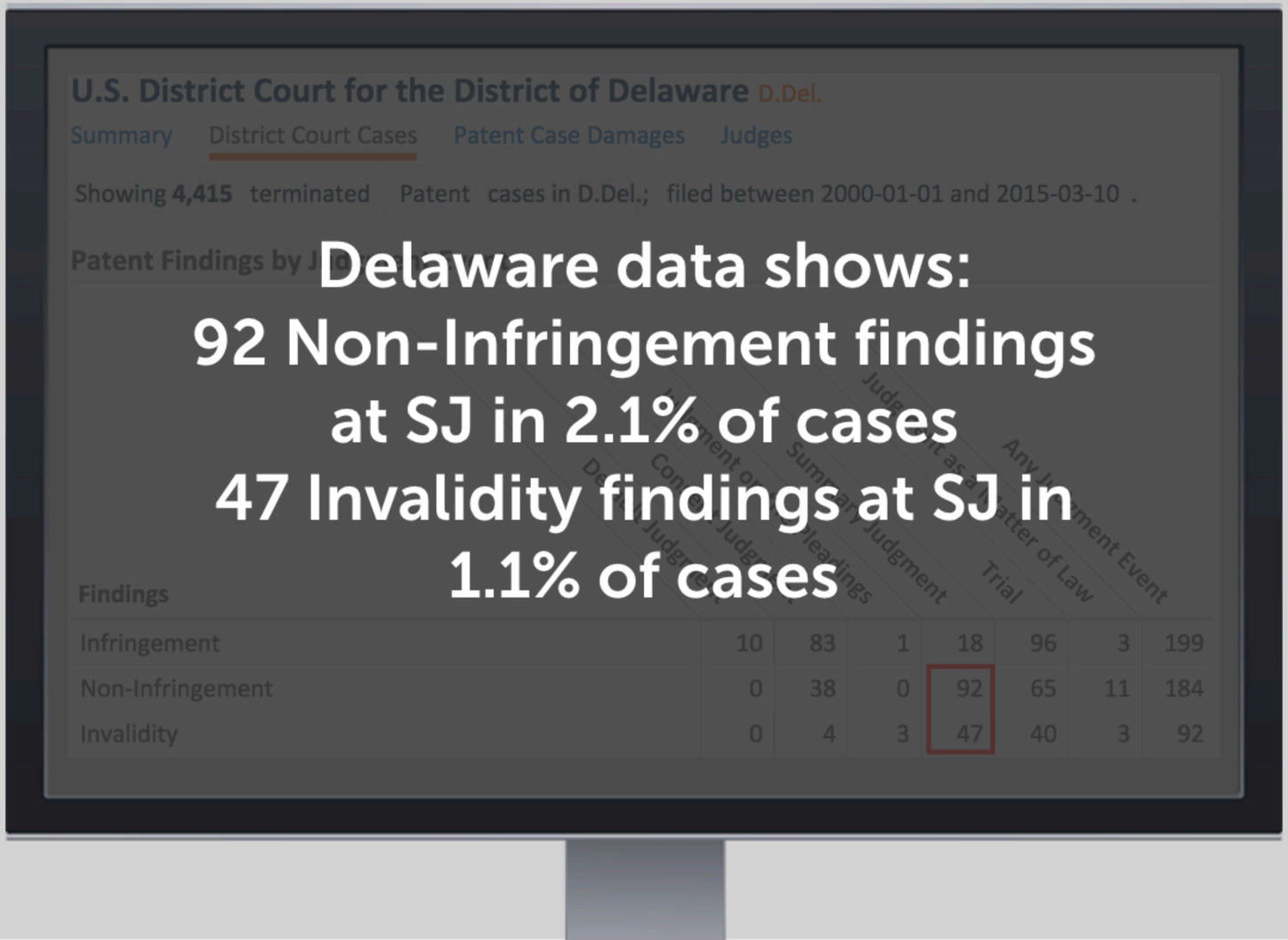
Showing **4,415** terminated | Patent | cases in D.Del.; | filed between 2000-01-01 and 2015-03-10 .

Patent Findings by Judgment Event

Findings	Default Judgment	Consent Judgment	Judgment on the Pleadings	Summary Judgment	Judgment as a Matter of Law	Trial	Any Judgment Event
Infringement	10	83	1	18	96	3	199
Non-Infringement	0	38	0	92	65	11	184
Invalidity	0	4	3	47	40	3	92

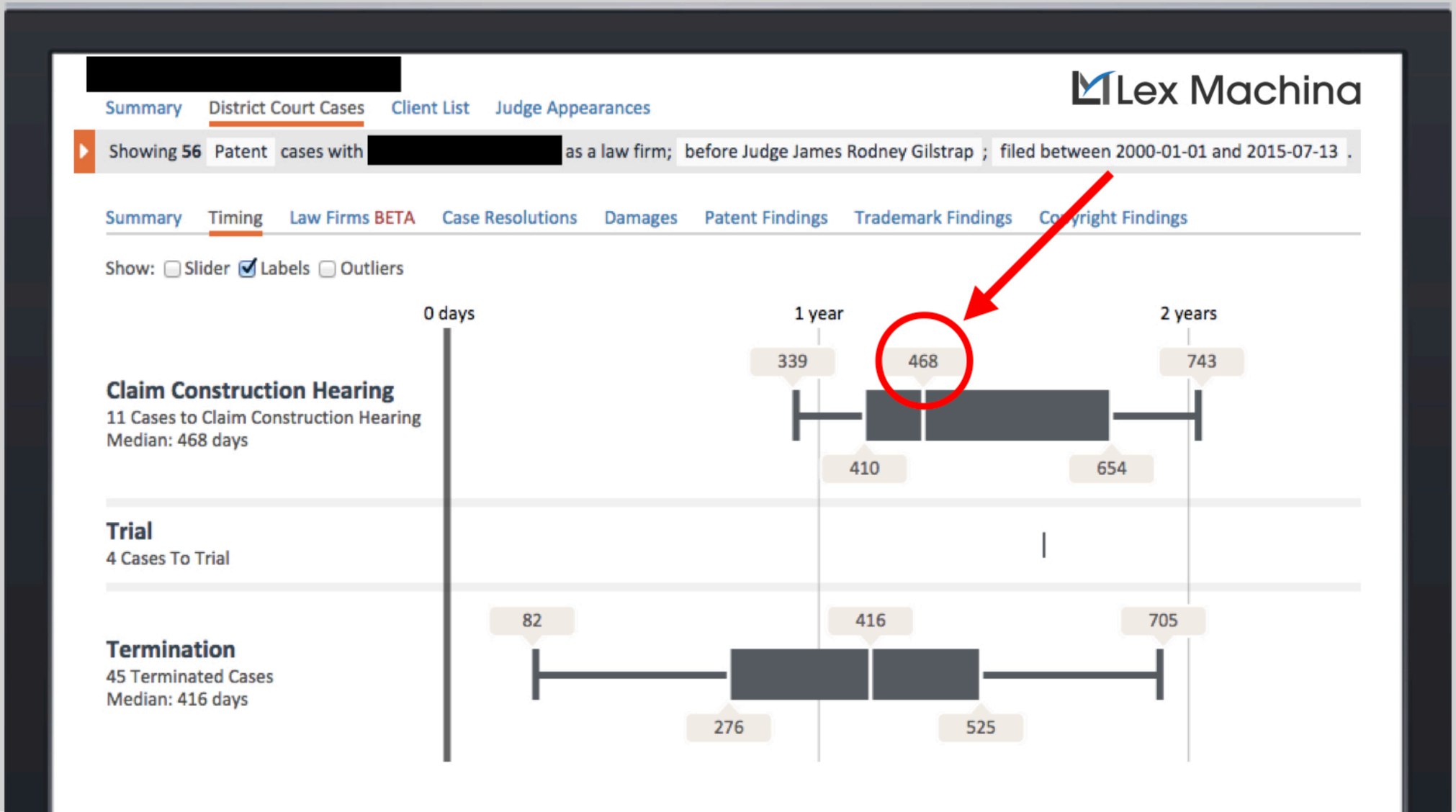
Pitching After Legal Analytics

Solid data-driven research and predictive stats

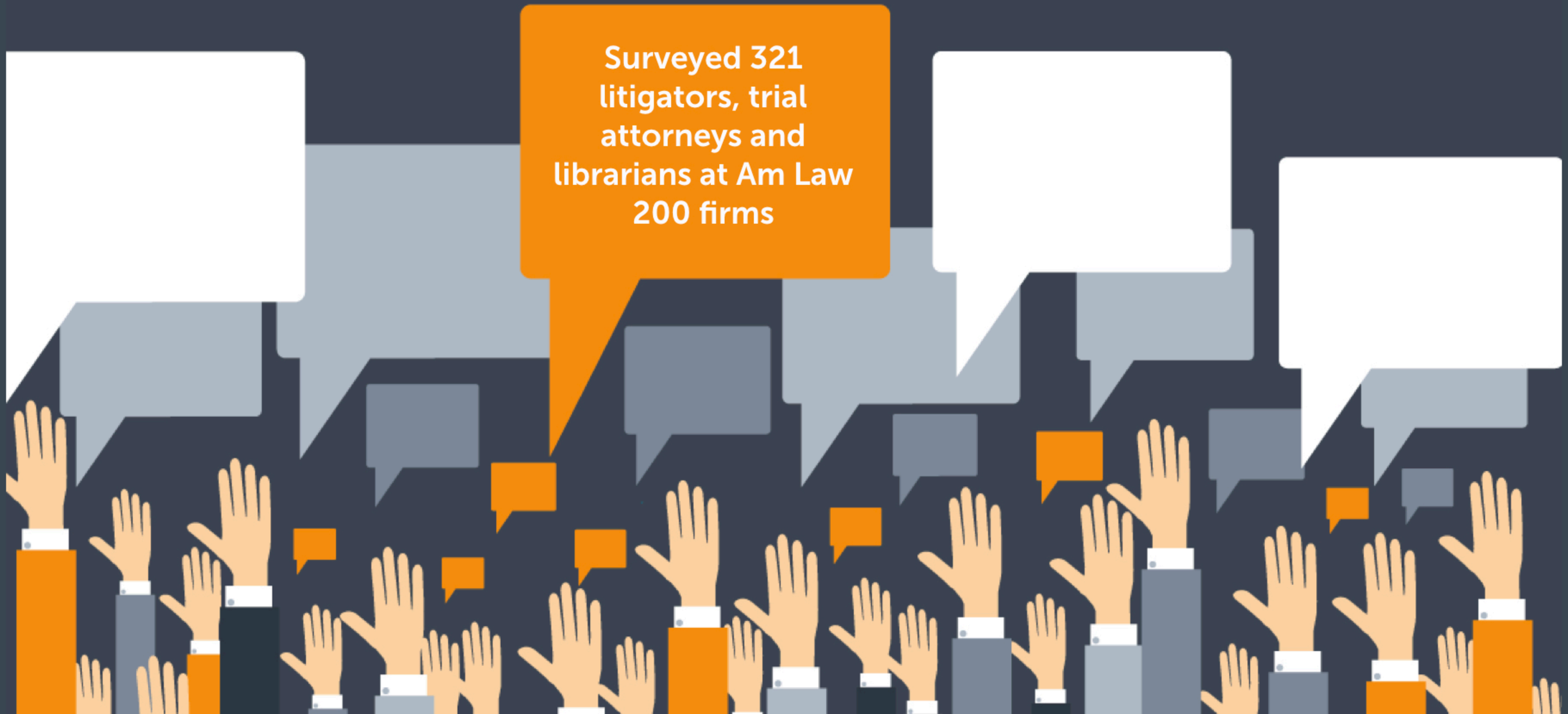


Evaluate Outside Counsel

Did you know that [redacted]'s median time to Markman in patent cases before Judge Gilstrap is 632 days, whereas [redacted]'s median time is 468 days?



INDEPENDENT SURVEY



THOSE WITH LITIGATION IN LAST 3 YRS

100%

SAID LEGAL ANALYTICS DEMONSTRATE EXPERTISE OR COMPETITIVE ADVANTAGE

WIN CASES

THOSE WITH LITIGATION IN LAST 3 YRS

98%

SAID HELPFUL FOR DETERMINING STRATEGY FOR PARTICULAR COURTS OR JUDGES

RAVEL

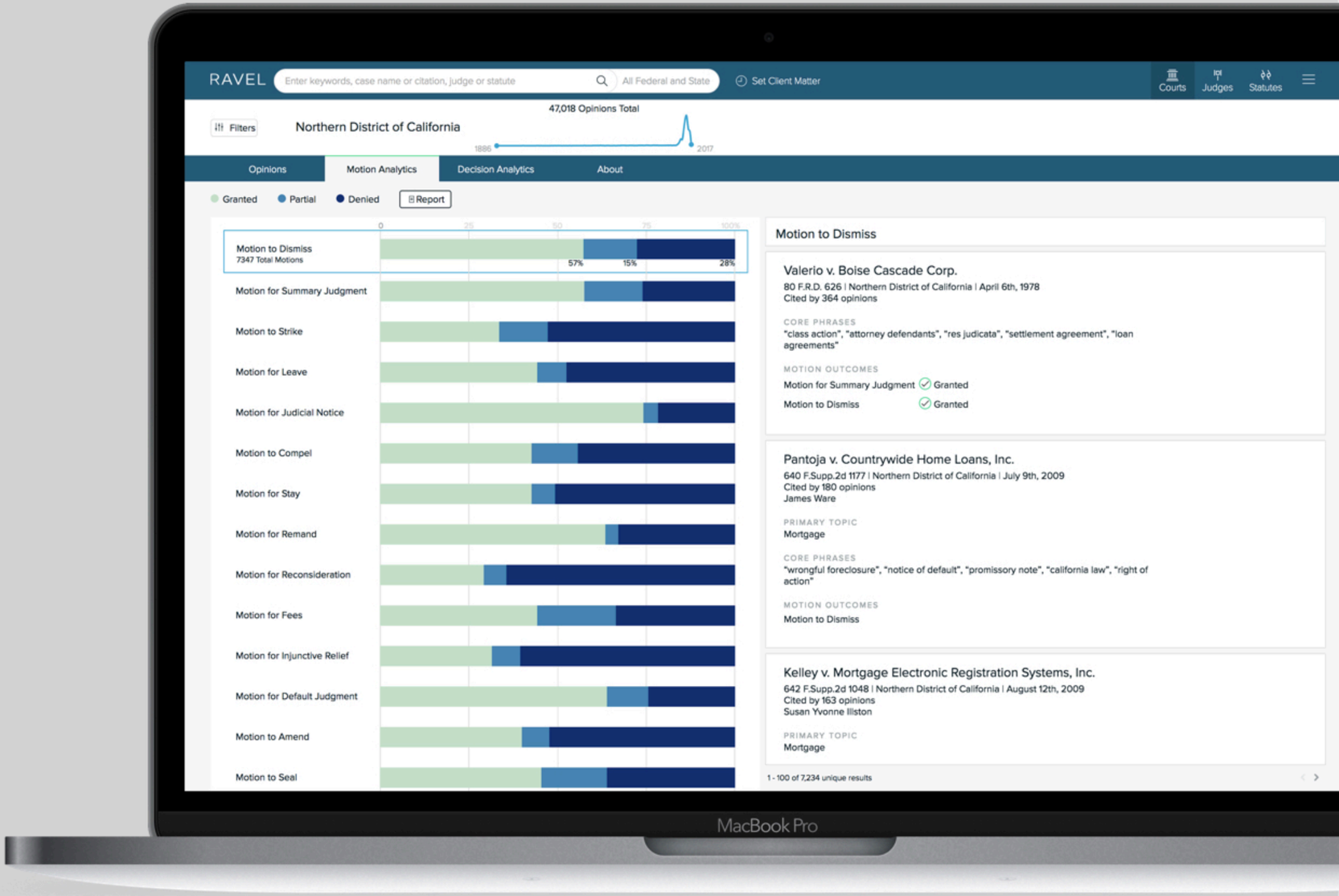
Speak with Language the Judge Will Hear

- Uncover language and cases your judge favors.
- Use grant rates on 100 motion types to drive key decisions.

RAVEL

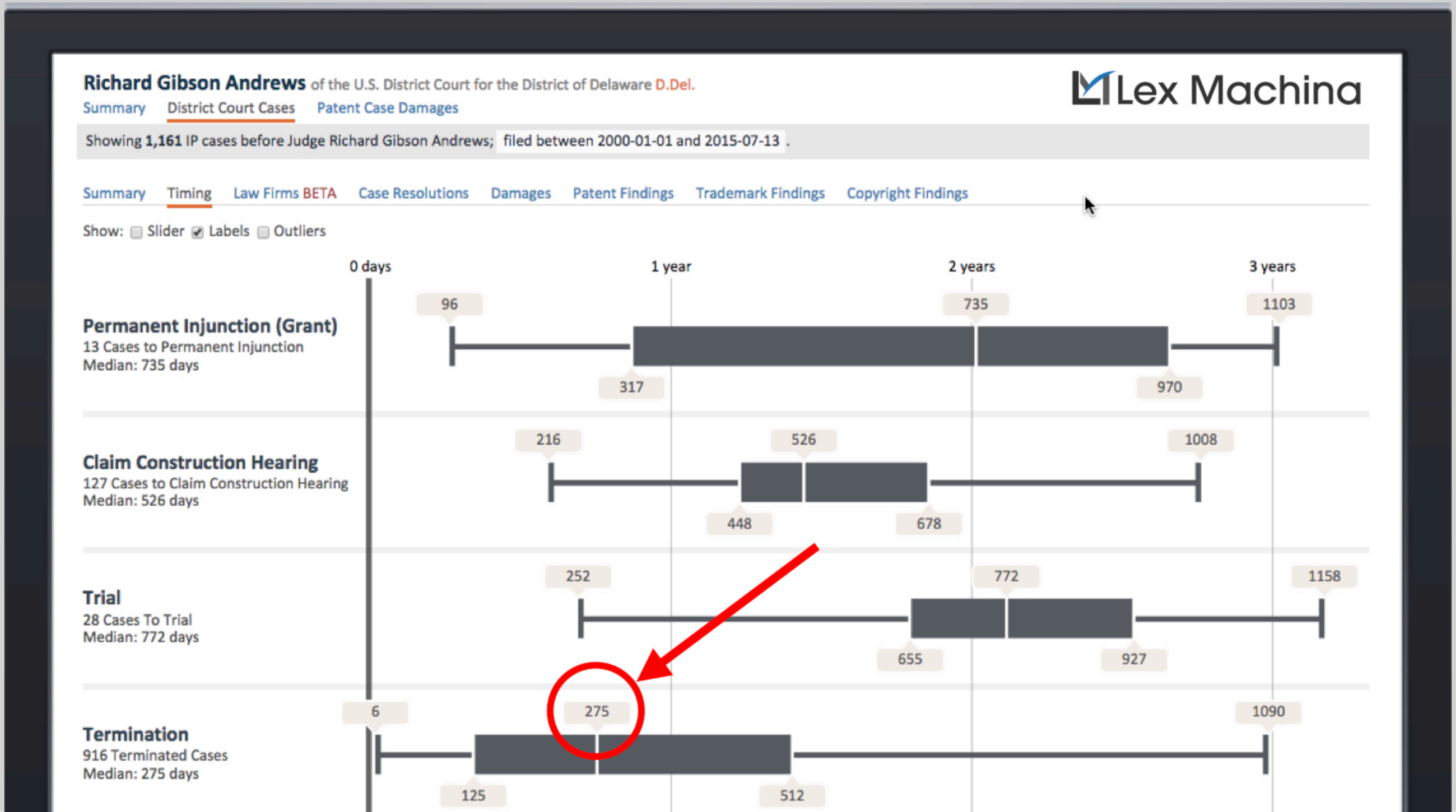
Data-Driven Research

- Analyze a judge's full career – every case, every citation
- Pinpoint distinctions and nuance that set judges apart
- Focus on key language by separating facts from law



Predict Litigation Timelines and Spend

Did you know that it takes Judge Andrews a median time of 275 days to terminate?



Determine Successful Motion Strategy

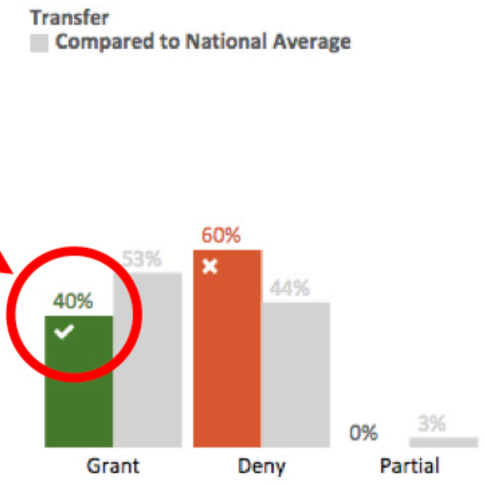
Did you know that your chance to get a transfer motion granted by Judge Robinson is only 40%?

Motion Metrics Report

Showing metrics for **2090** orders issued by Judge Sue Lewis Robinson (SLR) in 1514 cases from the Search for IP cases before Judge Sue Lewis Robinson; filed between 2000-01-01 and 2015-07-08 .

Lex Machina

Issue Type	Grant Outcome	Deny Outcome	Partial Outcome	Total Decided Orders	Grant Rate	Moot or Other Outcome
Dismiss (Contested)	107	112	34	253	42%	36
Dismiss (Uncontested)	972	2	2	976	100%	[illegible]
Stay Pending ITC	7	1	0	8	88%	0
Stay Pending PTAB	10	3	1	14	71%	0
Stay Pending USPTO	11	11	1	23	48%	1
Stay Pending Appeal / Related Matter	159	20	0	179	89%	6
Stay (Deadlines, Settlement, Other)	62	23	4	89	70%	5
Summary Judgment	102	194	89	385	26%	26
Transfer	29	43	0	72	40%	7



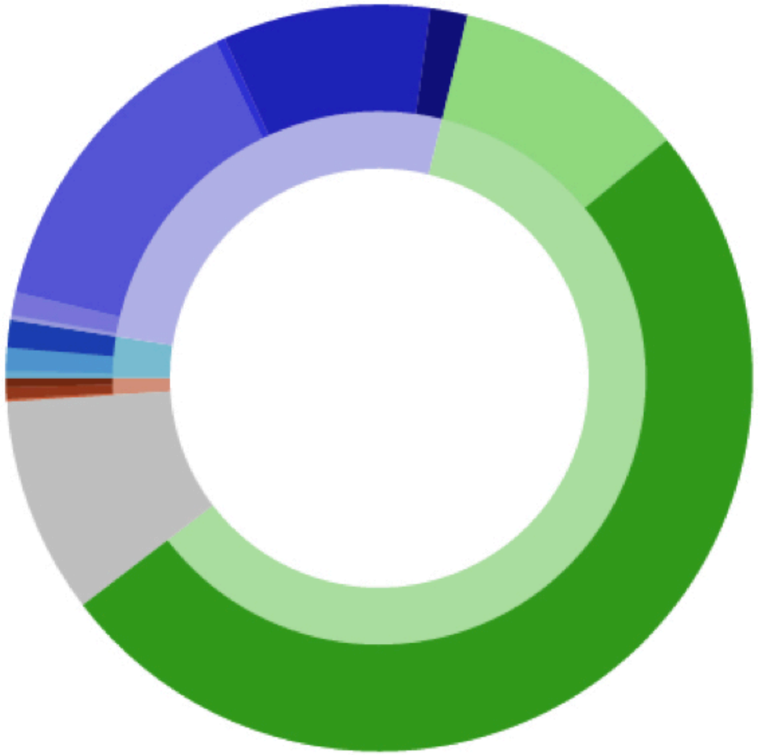
Predict Judge Behavior

Did you know that Judge Schneider tends to rule for the claimant 2.5x as often as for the defendant?

Showing **1,000** terminated IP cases before Judge Michael H. Schneider Sr.; filed between 2000-01-01 and 2015-04-13 .

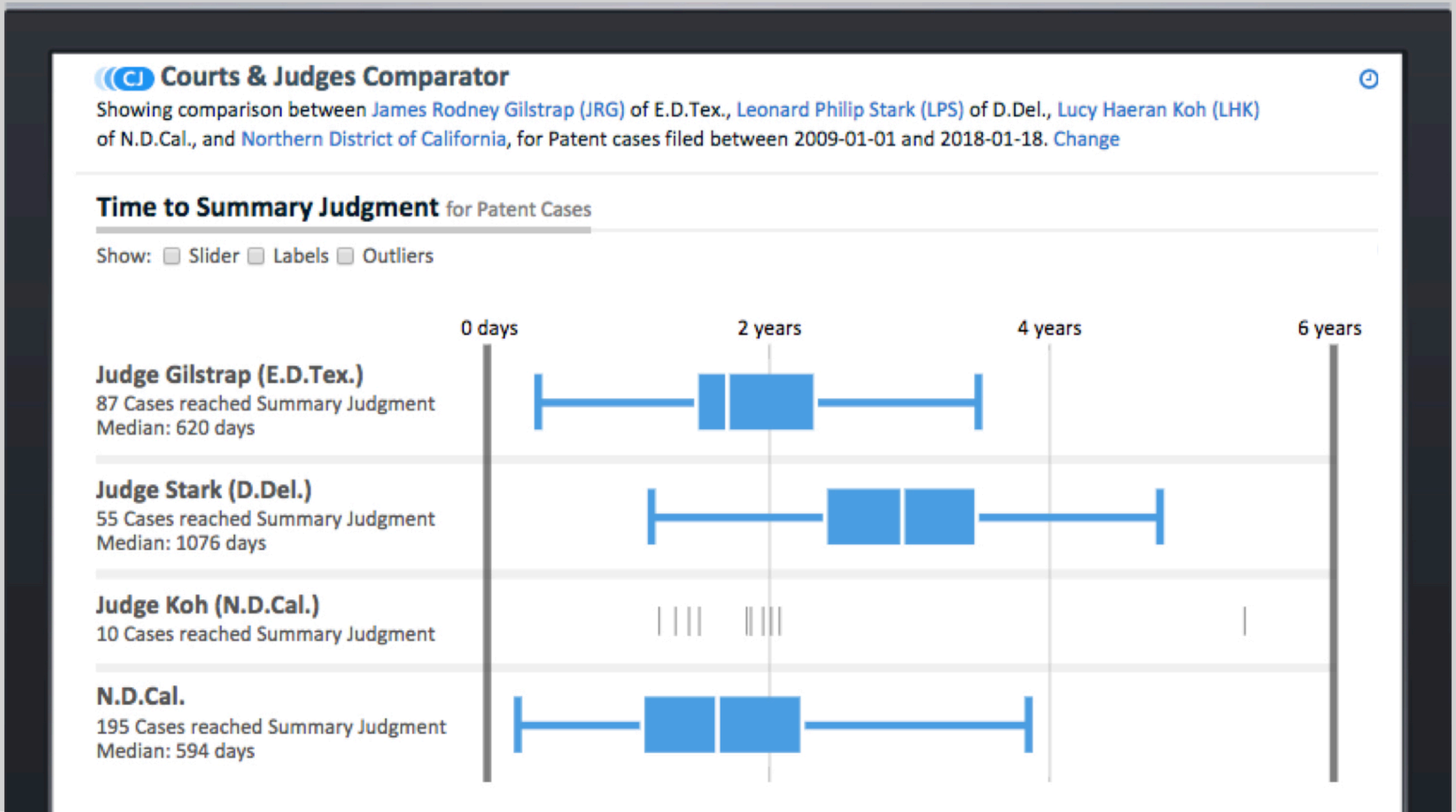
Summary | Timing | Law Firms BETA | Case Resolutions | Damages | Patent Findings | Trademark Findings | Copyright Findings

Claimant Win	**25**	**3%**
Default Judgment	3	0%
Consent Judgment	10	1%
Judgment on the Pleadings	0	0%
Summary Judgment	0	0%
Trial	12	1%
Judgment as a Matter of Law	0	0%
Claim Defendant Win	**10**	**1%**
Default Judgment	0	0%
Consent Judgment	1	0%
Judgment on the Pleadings	0	0%
Summary Judgment	5	1%
Trial	4	0%
Judgment as a Matter of Law	0	0%



Compare Courts & Judges

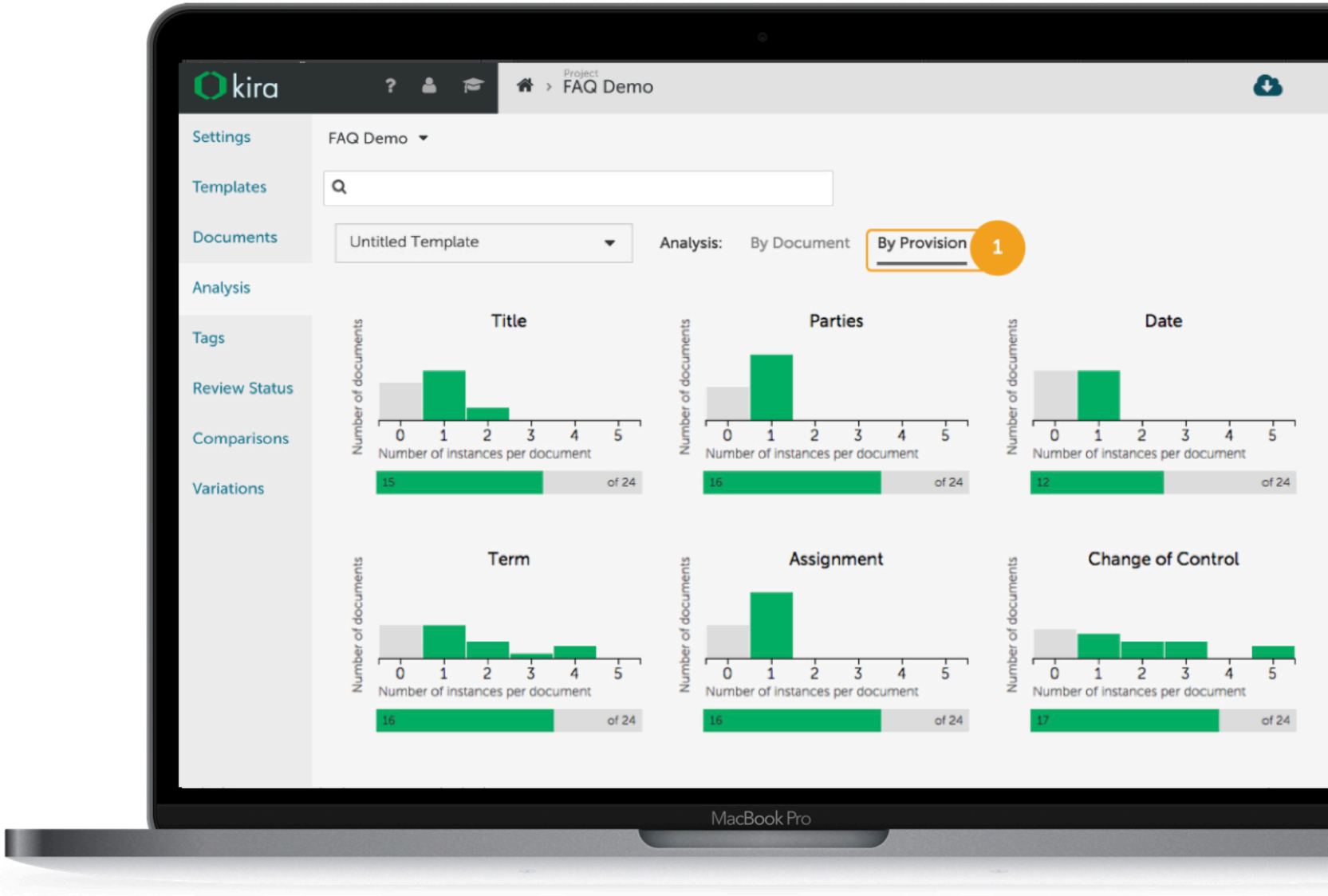
Develop the optimal litigation strategy



kira

Machine Learning Contract Analysis

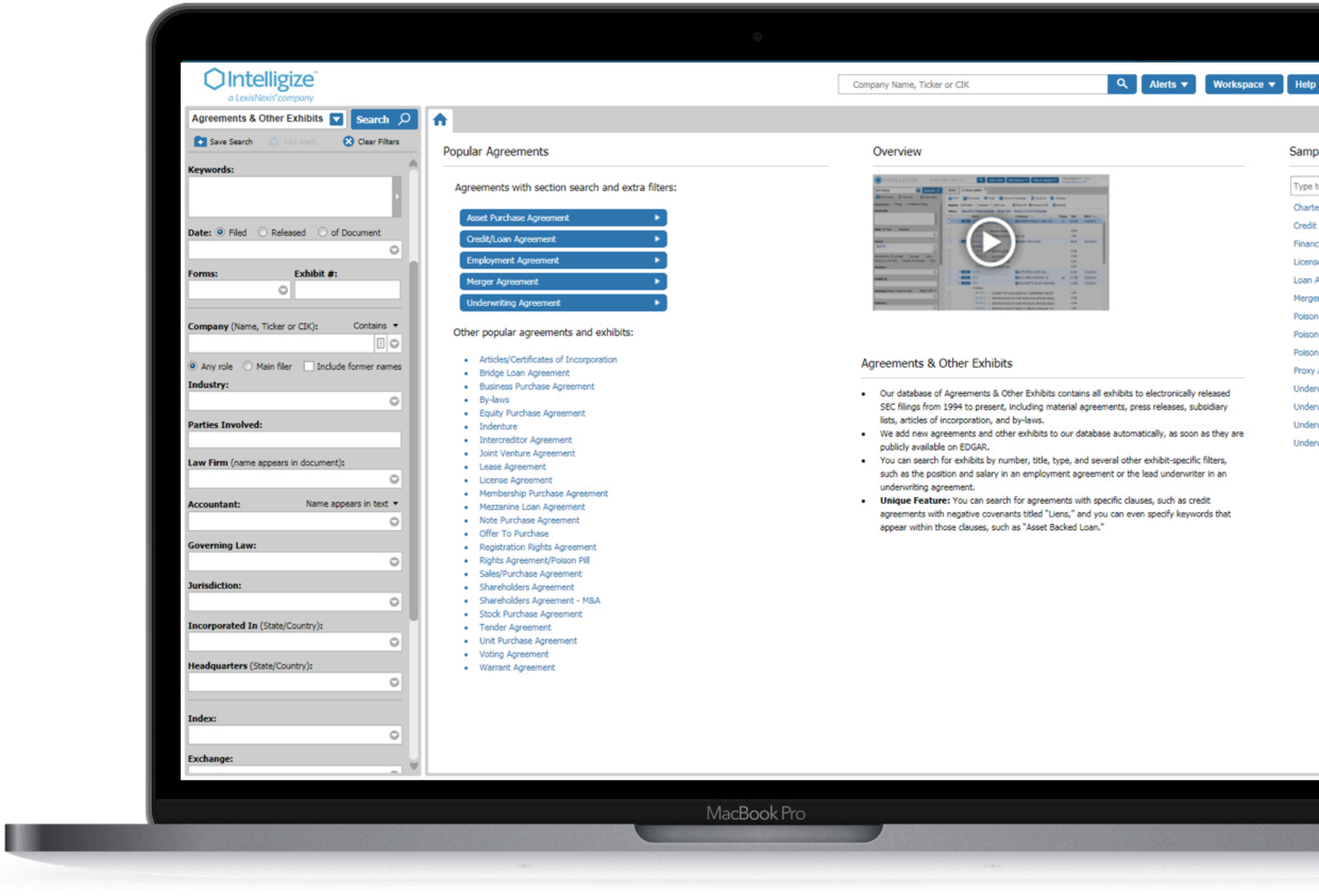
- Process contracts on upload, quickly identify language, document type
- Find legal concepts, regardless of how they are phrased
- Workflow and visualizations help spot issues 40-90% faster



INTELLIGIZE™

Deliver Deep Insights

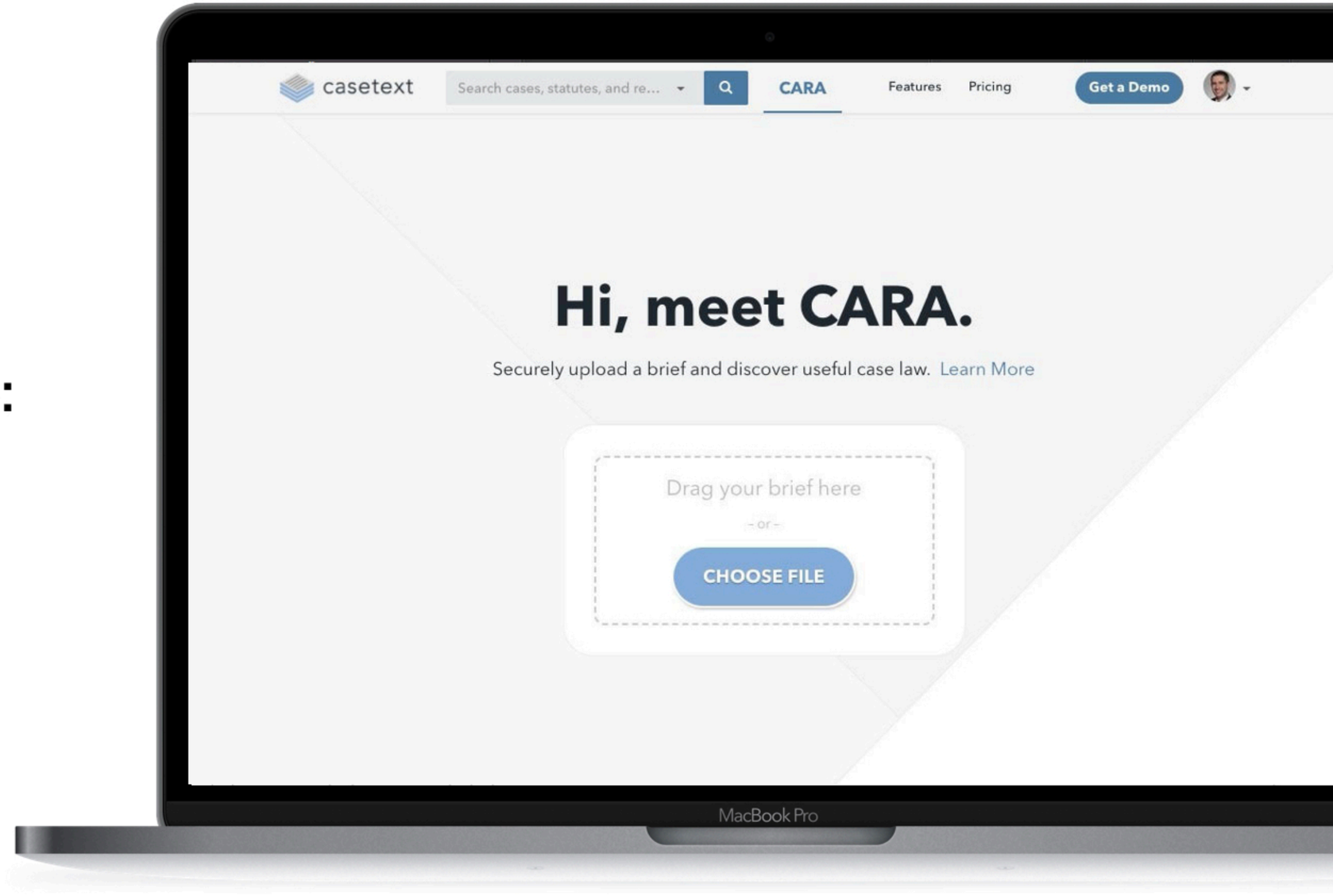
- Identify market standards
- Benchmark peer disclosures and agreements
- Track SEC correspondence and trends



casetext

Casetext's AI Technology, CARA, Allows Attorneys to:

- See the cases opposing counsel left out of their brief
- Know they haven't missed a key case
- Spend time on high-impact work
- Spend less time on work they can't bill to the client



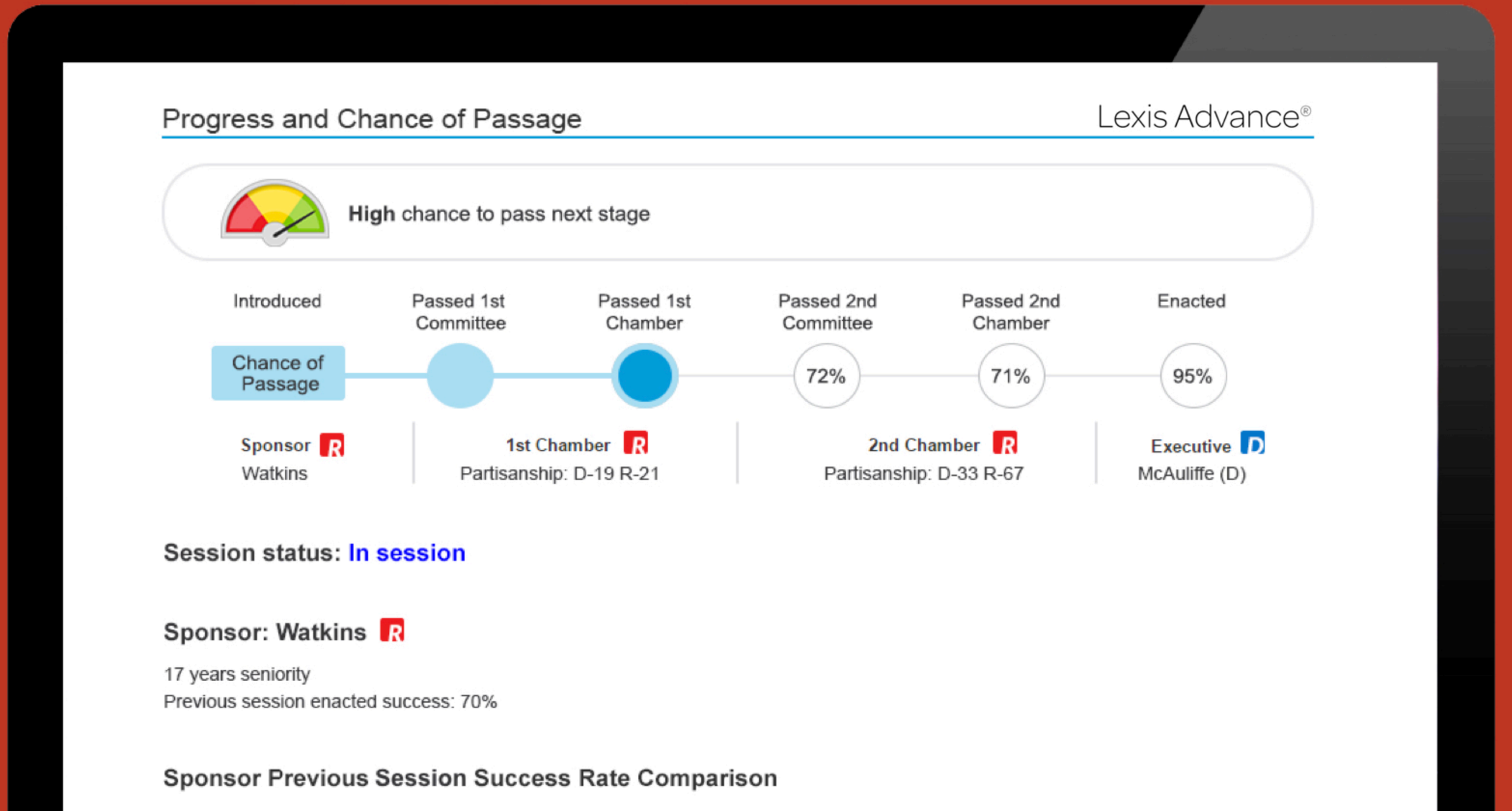
Vijilent

Automating social media e-discovery for the legal and insurance industries.

A LexisNexis 2017 LegalTech Accelerator Company

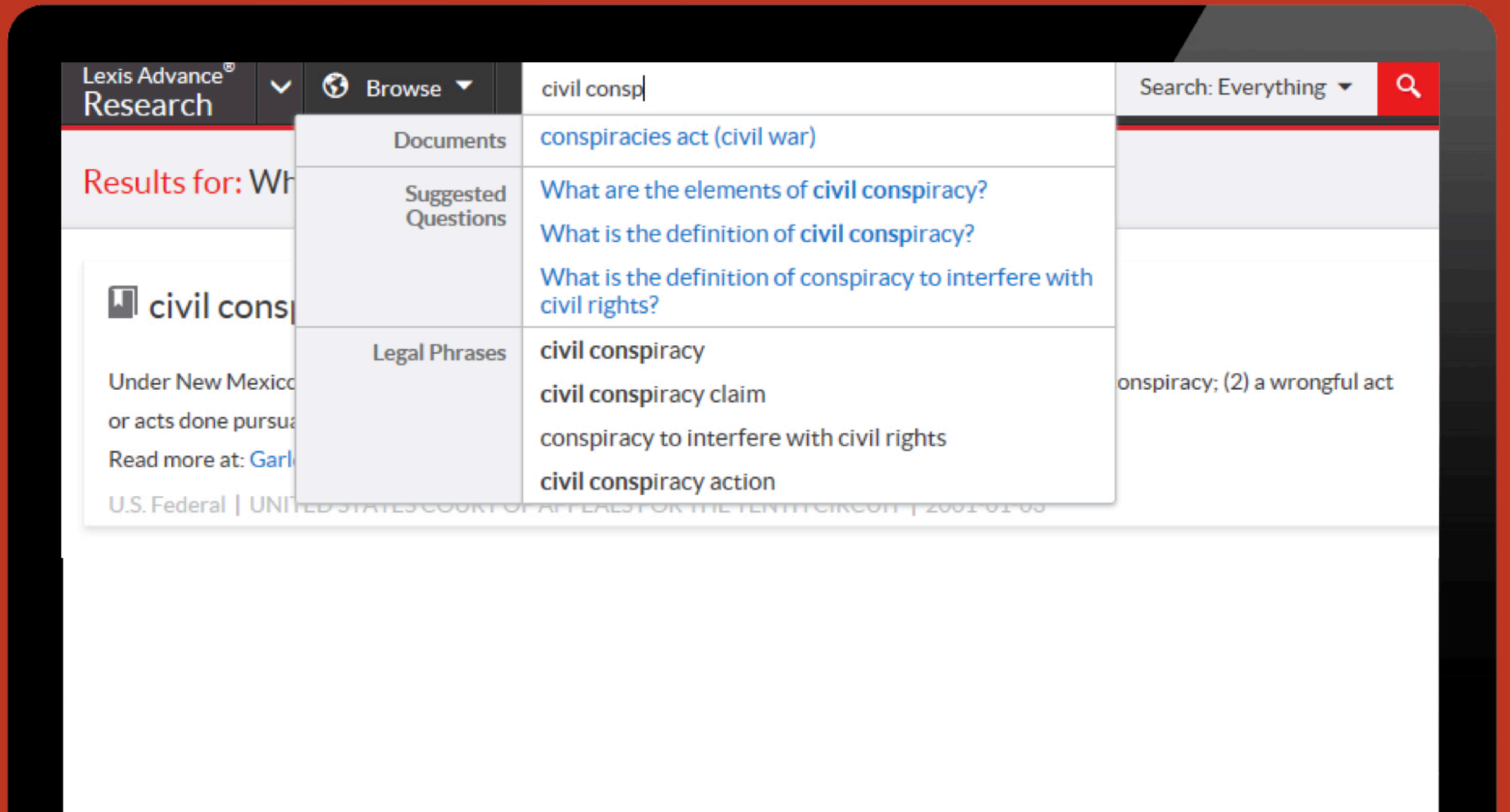
Analytics Can Predict Legislation

Tell me which bills are viable so I can focus my attention



Lexis Answers

Machine learning and cognitive computing



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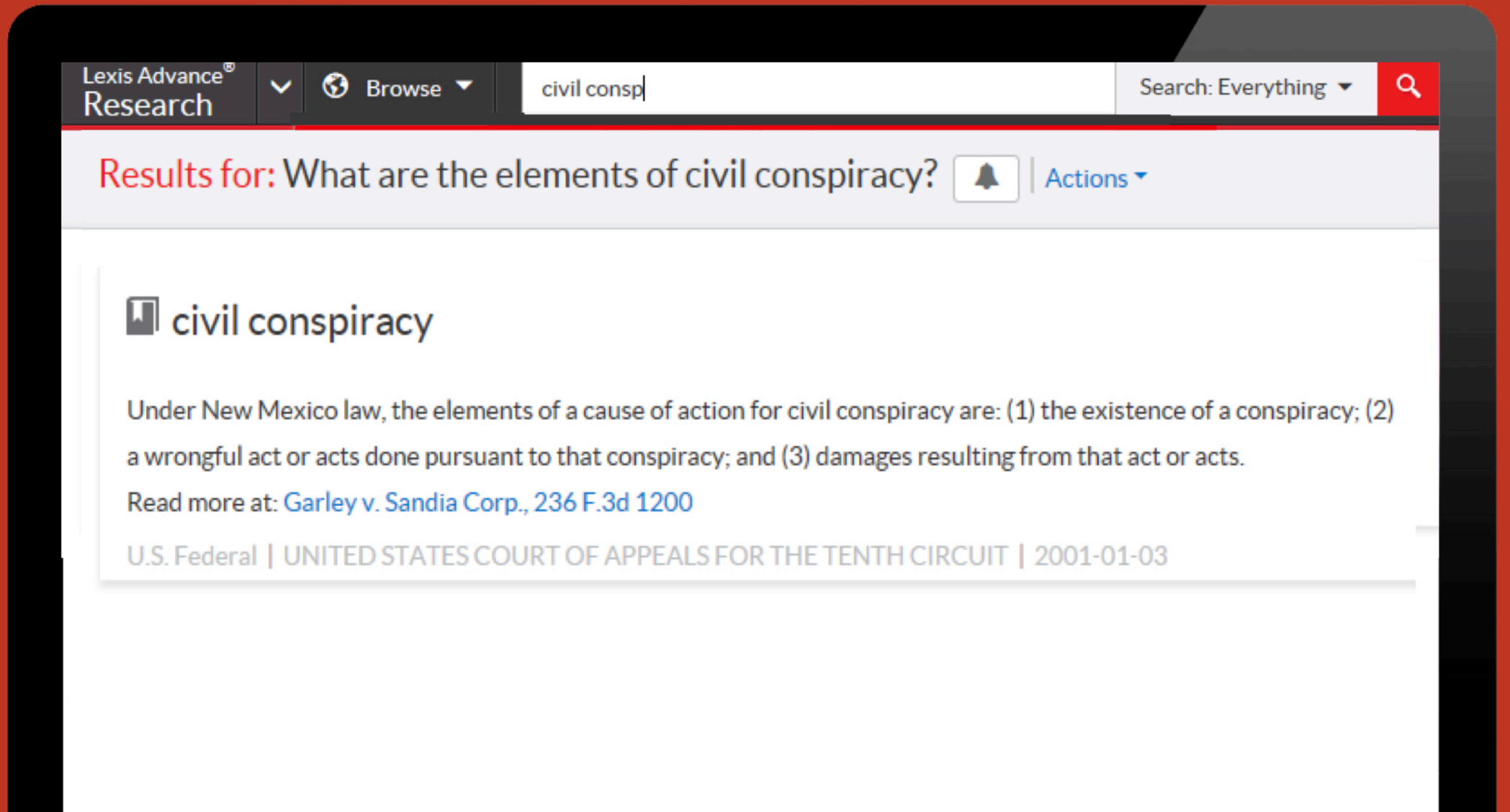
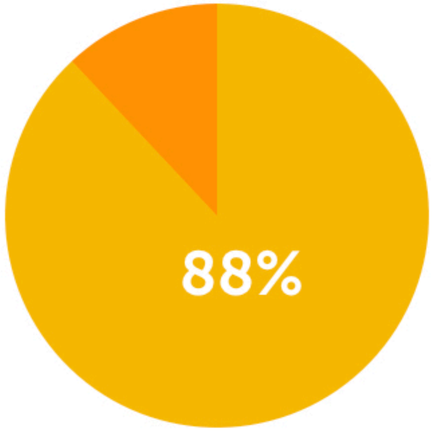
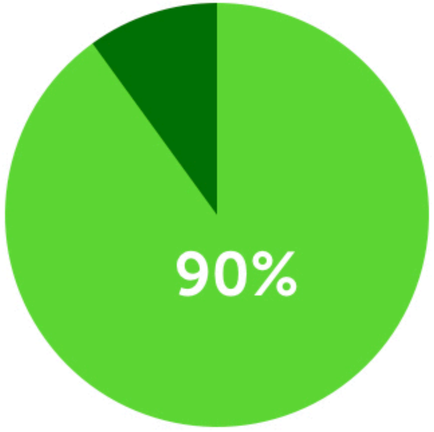


Use Increasing

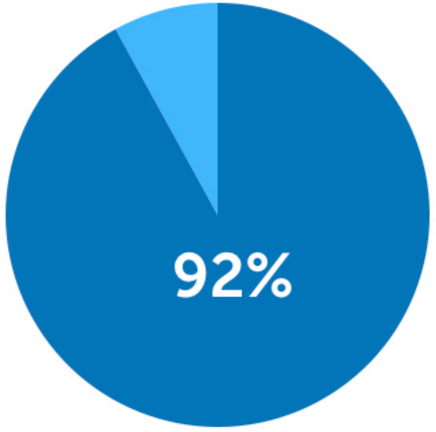
Firms project increase in Legal Analytics use



said legal analytics were very or somewhat important for **winning cases**, said their use would increase



who said legal analytics were very or somewhat important for **pricing projects**, said their use would increase



who said legal analytics were very or somewhat important for **costs savings**, said their use of analytics tools would increase

We Envision the Data-Driven Lawyer

Imagine an attorney...

Establishing Value

Access an integrated legal database of dockets, documents, published legal opinions and other analytical data – all before agreeing to take the case.

Sizing Up Opponent

Accessing comprehensive information about opposing counsel on their tablet while in court or at a client meeting

Searching for Patterns

Intuit the appropriate context for queries about concepts/ cases, help piece together the research and arguments for the attorney's brief

Preparing Motions

Anticipating the behavior of judges, lawyers, and parties

Conversing with a Bot

To begin legal research and explore legal concepts necessary to build a case

Areas of the Rule of Law Defined

The stronger each of these areas are, the greater the rule of law

Equality

All people, businesses and governments are accountable and the law applies to everyone in the same way, no matter who you are.

Independent Judiciary

An independent judiciary ensure equality and fairness of law between people and public officials.

Transparency

Laws must be clear, precise, affordable and accessible while protecting fundamental human rights.

Accessible Legal Remedy

There must be timely access to resolution in a court of law.

The Law Matters

...and bringing transparency to the law matters.

The Case for Analytics

Josh Becker | LexisNexis®