Legalweek NEW YORK
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NEW YORK HILTON MIDTOWN

TAKE THE EXPRESS TO WHERE LEGAL BUSINESS GETS DONE.

#Legalweek18 | @Legalweekshow
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
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
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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
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
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
    - *Id.* (non-infringement)
  - 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
  - He is susceptible to a motion to stay pending re-exam
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 and

Patent Findings by Judgment Event

<table>
<thead>
<tr>
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<td>4</td>
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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 and

14 Non-Infringement findings at SJ in 1.6% of cases
4 Invalidity findings at SJ in 0.5% of cases
Pitching After Legal Analytics

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**U.S. District Court for the District of Delaware**

<table>
<thead>
<tr>
<th>Summary</th>
<th>District Court Cases</th>
<th>Patent Case Damages</th>
<th>Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Showing 4,415 terminated cases in D.Del.; filed between 2000-01-01 and 2015-03-10</td>
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</table>

**Patent Findings by**

**Delaware data shows:**

- **92 Non-Infringement findings at SJ in 2.1% of cases**
- **47 Invalidity findings at SJ in 1.1% of cases**

<table>
<thead>
<tr>
<th>Findings</th>
<th>10</th>
<th>83</th>
<th>1</th>
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<td>3</td>
<td>47</td>
<td>40</td>
<td>3</td>
<td>92</td>
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</table>
Evaluate Outside Counsel

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

Surveyed 321 litigators, trial attorneys and librarians at Am Law 200 firms
THOSE WITH LITIGATION IN LAST 3 YRS

100%

SAID LEGAL ANALYTICS DEMONSTRATE EXPERTISE OR COMPETITIVE ADVANTAGE
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.

“While using Ravel I learned a judge made it clear she did not like sports analogies. I definitely would never use ‘moving the goal post’ in front of her.”

– Eric Olson, Partner, Bartlit Beck
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%?
Predict Judge Behavior

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

<table>
<thead>
<tr>
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<th>Case Resolutions</th>
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<tbody>
<tr>
<td><strong>Claimant Win</strong></td>
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<tr>
<td>Default Judgment</td>
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<td>Consent Judgment</td>
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<td>Summary Judgment</td>
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<td>Trial</td>
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<td>Judgment as a Matter of Law</td>
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<td>Judgment as a Matter of Law</td>
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Compare Courts & Judges

Develop the optimal litigation strategy

Courts & Judges Comparator

Showing comparison between James Rodney Gilstrap (JRG) of E.D. Tex., Leonard Philip Stark (LPS) of D.Del., Lucy Haeran Koh (LHK) of N.D. Cal., and Northern District of California, for Patent cases filed between 2009-01-01 and 2018-01-18. Change

Time to Summary Judgment for Patent Cases

Show: □ Slider □ Labels □ Outliers

Judge Gilstrap (E.D.Tex.)
87 Cases reached Summary Judgment
Median: 620 days

Judge Stark (D.Del.)
55 Cases reached Summary Judgment
Median: 1076 days

Judge Koh (N.D.Cal.)
10 Cases reached Summary Judgment

N.D.Cal.
195 Cases reached Summary Judgment
Median: 594 days
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
Deliver Deep Insights

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

Progress and Chance of Passage

- **High chance to pass next stage**

  - Introduced
  - Passed 1st Committee: 72%
  - Passed 1st Chamber: 71%
  - Passed 2nd Committee
  - Passed 2nd Chamber: 95%
  - Enacted

- Sponsor: Watkins
  - 1st Chamber Partisanship: D-19 R-21
  - 2nd Chamber Partisanship: D-33 R-67
  - Executive McAuliffe (D)

Session status: In session

Sponsor: Watkins  
17 years seniority  
Previous session enacted success: 70%

Sponsor Previous Session Success Rate Comparison
Lexis Answers

Machine learning and cognitive computing

Results for: What are the elements of civil conspiracy? What is the definition of civil conspiracy? What is the definition of conspiracy to interfere with civil rights?
Under New Mexico law, the elements of a cause of action for civil conspiracy are: (1) the existence of a conspiracy; (2) a wrongful act or acts done pursuant to that conspiracy; and (3) damages resulting from that act or acts.

Read more at: Garley v. Sandia Corp., 236 F.3d 1200

U.S. Federal | UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT | 2001-01-03
Use Increasing

Firms project increase in Legal Analytics use

- 88% said legal analytics were very or somewhat important for **winning cases**, said their use would increase
- 90% who said legal analytics were very or somewhat important for **pricing projects**, said their use would increase
- 92% 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