

# ANALYTICS AND INSIGHTS

IT'S ALL ABOUT ASKING THE RIGHT QUESTIONS

Law librarians are uniquely qualified to help lawyers use and draw insights from data analytics tools to improve client service and satisfaction.

BY JEAN P. O'GRADY

Law librarians have been quietly driving the adoption of analytics in business and the practice of law for some time now. They possess the core professional competencies for information assessment that are essential for law firms seeking to leverage analytics for strategic awareness.

Analytics tools enable lawyers to ask completely new questions and gain insights that are virtually unavailable in a text-based research world. Law

librarians possess the skill set that enables them to ask the right “data quality” questions when firms are assessing the dozens of analytics products competing for a share of lawyers’ desktops or an organization’s information resource budget.

According to the 2017 Gartner Magic Quadrant Report for BI and Analytics Platforms, “by 2020, organizations that offer users access to a curated catalog of internal and external data will realize twice the business

value from analytics investments than those that do not.”

There is a wide variety of use cases for analytics, including: pitch strategy, alternative fee arrangement responses, litigation strategy, deal negotiation strategy, managing client expectations, driving process efficiency, internal benchmarking, and developing peer metrics.

One pioneering advocate of data analytics in law has been Chicago Kent Law School professor Daniel Katz. When Katz spoke at the July 2017 Private Law Librarians & Information Professionals Summit, his message was clear: “The lawyer of the future will need to be data literate.”

Law librarians are also positioned to play an important role in the transformation of legal practice with analytics, because analytics is evolving out of traditional legal research processes and being developed by both traditional legal research providers and innovative startups.

### The Challenge of Introducing Analytics

Most lawyers view law as a text-based profession. Professor Katz points out that it is not uncommon for lawyers to dismiss analytics with the comment, “I didn’t go to law school to do math.” Since lawyers are inherently competitive, the best method of getting them to embrace analytics may be warning them that clients are already embracing analytics to evaluate law firms and litigation strategy. Lawyers who ignore the analytics resources available in their own firm may find themselves confronting the same data presented by a client across the table at a pitch meeting.

### The Evolution of Analytics for Litigation and Business Strategy

Over the past five years, there has been an explosion of products and features offering analytics for legal practice insights. These products cover litigation, transactional work, and other specialties, including intellectual

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property and government affairs work. Many products for litigators are built on the most mundane of data sets: court dockets. However, litigation analytics products have been around for more than a decade. Below are some of the products that have appeared in the last 10 years.

**Monitor Suite.** Thomson Reuters launched the first interactive legal analytics product in 2005 with the release of Firm 360, which was subsequently rebranded as the Monitor Suite and Intelligence Center. This product was marketed to librarians and competitive intelligence professionals as a stand-alone product for mapping a business development strategy, and it was not offered directly to lawyers on Westlaw. The product offers a robust suite of maps, charts, and competitive data reports that can be used to compare law firms, judges, companies, and industries.

**Lex Machina.** Lex Machina, which debuted in 2010 as an intellectual property analytics platform, offers the most sophisticated features for interacting, comparing, and filtering results. Lex Machina uses a combination of algorithms, human curation, and tagging to optimize results. Following Lex Machina’s acquisition by LexisNexis in 2015, the rollout of new modules has accelerated. Recent modules include securities and commercial and employment law. Lex Machina also offers dozens of standard filters. Each practice module has custom facets and filters to address unique statutory issues, such as damages and remedies related to specific types of

litigation. All the modules offer the ability to compare judges, courts, motions, outcomes, remedies, and law firms. Lexis Advance now offers some basic Lex Machina analytics within the research experience.

**Bloomberg Law Analytics.** In 2016, Bloomberg Law launched their litigation analytics product and became the first major vendor to integrate litigation analytics into an attorney’s legal research desktop. Bloomberg leveraged their data on more than 3.5 million companies, 7,000 law firms, and all active federal judges to build their analytics tool. Bloomberg Law analytics is positioned as a strategic planning tool for litigators that offers an analysis of past patterns of judges behavior, such as motion grants/denials and time to trial. The product also covers all types of litigation in federal courts.

### Case Law Insights

Fastcase, Ravel Law, and CARA all use analytics and algorithms to provide unique insights into case law.

**Fastcase.** Fastcase, which launched in 1999, offers several unique features driven by analytics and algorithms. Fastcase was the first product to offer an interactive timeline that provides a visual litigation history map of an issue in various court systems across a selected time period. Their “forecite” feature recommends cases related to the search that do not specifically match the keywords. The “bad law bot” uses an algorithm to identify and flag negative treatment of a case.

The age of analytics and algorithms is upon us. A new and important role is emerging for information professionals. They will help lawyers ask new questions and gain new insights using analytics.



**Ravel Law.** Ravel Law initially offered a radically reimagined “constellation-like” visualization of case law results. In 2015, they launched Judge Analytics, which used an algorithm to analyze cited cases in a judge’s or court’s precedential history. The tool offers unique insights for litigation strategy by allowing lawyers to see patterns in how a judge ruled on an issue, and also by highlighting the specific cases and language they use to support a ruling. Ravel Law has subsequently released modules for generating comparative analytics for motions, courts, and law firms.

**Casetext.** Casetext has offered an open case law system since 2013. In 2016, they launched CARA (Case Analysis Research Assistant). CARA is designed to be used at the end of a drafting process and uses a technique that CARA executives refer to as “brief as query.” CARA data-mines the brief by extracting both the text and the citations from the document. The CARA

algorithm analyzes direct and “implied” relationships between the cited cases in the brief and related opinions in the Casetext database, and employs latent semantic analysis to sort the results. The CARA results report includes a list of “suggested cases,” which are not included in the original brief, and a CARA-generated analysis of those cases. Recently, they have added a feature that analyzes and recommends related law firm briefs.

### Can Predictive Analytics Be Far Behind?

Several predictive analytics products are already on the market or getting ready for launch. In 2016, Lexis added a predictive legislation feature to Lexis Advance. The Legislative Outlook Gauge appears with the text of all federal bills and bill-tracking documents. A special Lexis algorithm analyzes historic and current legislative patterns and key probability indicators (e.g., who is the sponsor), to forecast the probable outcome. The algorithms assessment is displayed using an icon that looks like an automobile gas gauge signaling the likelihood of passage.

Manzama, which offers a news monitoring platform to law firms, is working on a predictive platform called Signals. Signals employs data-driven models to inform decision-making by tracking key indicators related to a business or industry that will signal that a trend is forming. Companies and industries will be assigned risk indicators, and Signals subscribers will have a dashboard allowing them to interact with and model the data elements themselves.

### The Critical Role of Information Professionals: Asking New Questions About the Data

Although analytics products have some very different qualities than bibliographic resources, the assessment of analytics products involves many of the same fundamental questions of information quality that are second nature to librarians. Librarians are educated to be critics and curators of information resources. Core questions involve the

reputation of the source, the provenance of the data, understanding content limitations (dates covered), scope of data (federal vs. state), and the frequency of updating (real-time or delayed). New issues need to be considered, such as whether data elements have been normalized (have law firm and company name variations been corrected?). Are case outcomes classified by keywords or by using semantic analysis? How does the system account for cases with split outcomes such as partial grant, partial denial? What are the assumptions or biases of the algorithm? Does the vendor offer transparency into the algorithm?

These are not easy questions and they are not the only questions. The age of analytics and algorithms is upon us. A new and important role is emerging for information professionals. They will help lawyers ask new questions and gain new insights using analytics. They must demand that vendors clearly define the parameters of the data they are ingesting, analyzing, and displaying in order to help law firms select the best products and gain the best insights for client support and business strategy.

### The Future

Analytics are still in their infancy. Products will continue to evolve and improve. Law librarians can have an important impact on encouraging vendors to provide transparency regarding issues related to data and algorithms. ■

### AALL2go EXTRA

Watch the 2016 AALL Annual Meeting program “The Power of Legal Analytics: Delivering Advantages in Marketing, Competitive Intelligence, and Successful Client Pitches,” at [bit.ly/AM16Analytics](http://bit.ly/AM16Analytics).



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