



## Launching Legal Analytics for New York County Supreme Court

View the launch of Legal Analytics for New York County Supreme Court webcast, a crucial venue for state litigation which covers Manhattan. This significant court is the latest state court release by Lex Machina and adds over 120,000 cases to bring the total number of available state cases to nearly 1.5 million.

Watch Alan Kaufman, partner at Nelson Mullins, who was interviewed by Karl Harris, CEO of Lex Machina. They discussed how attorneys can leverage insights from these New York County cases to their advantage. The webcast demonstrated how practitioners can use Legal Analytics for case strategy, in both the business and practice of law.

Watch this webcast to learn more about:

- Predicting case timing
- Analyzing trial resolutions
- Reviewing top law firms and parties
- Understanding damages awarded

Speakers:



Alan Kaufman  
Partner  
Nelson Mullins



Karl Harris  
CEO  
Lex Machina

Karl Harris ([00:05](#)):

Hello, everyone. Welcome to our webcast. Today we're celebrating an exciting milestone for Lex Machina which is the launch of legal analytics for New York County Supreme Court. Those 120,000 cases are available in our product today. Now, Lex Machina is the first and only legal analytics solution that provides analytics about damages and outcomes at trial to tell you what happened and who won in critical New York state court cases. We're fortunate today to be joined by a fantastic panelist, Alan Kaufman, a partner at Nelson Mullins, who I'll introduce in a little bit. And in the next 30 minutes, we're going to have a fun and insightful discussion about how Alan uses legal analytics in his legal practice. Thank you all for joining us. My name is Karl Harris and I'm the CEO of Lex Machina. For those of you who aren't familiar with us, I'd like to introduce Lex Machina quickly, and I'll keep it really simple.

Karl Harris ([00:57](#)):

Lex Machina is legal analytics and legal analytics help you win. If you don't remember anything else about Lex Machina, I hope you remember this. Lex Machina helps you win more business and win more cases. Specifically, we enable you to make data driven decisions to answer questions like how's a judge likely to behave in a certain scenario? What is the best winning strategy for my particular case? How has opposing counsel behaved in cases like mine? And how do I convince my client that I'm the best law firm to represent her in this case?

Karl Harris ([01:31](#)):

Now I'd like to spend a quick two minutes showing you exactly what I mean with a demo of our New York module. And before I jump into the product, I'd like to set up the scenario here. Let's imagine I'm a partner at a law firm like our panelist, Alan, and a prospective client calls him asking for help with the commercial division case at New York County Supreme Court, which is a commercial case in which at least \$500,000 is in dispute. With Lex Machina, I can quickly demonstrate a comprehensive understanding of those cases, win my client's business and kickstart a winning litigation strategy.

Karl Harris ([02:06](#)):

Now I'm going to screen share and hop into the product here. When I share my screen, you should be able to see the Lex Machina homepage, and you can make that window larger in your browser by dragging on the corner in the lower right, if you want to see a bigger view of the screen. But let's go back to our story here. Remember I'm a partner and I want to talk about commercial division cases in New York County Supreme Court.

Karl Harris ([02:38](#)):

So the first thing I'm going to do is I'm going to click on courts and judges, and I'm going to start typing New York, and I'm going to click on New York County Supreme Court. Now in Lex Machina we are looking at the 119,680 cases that we have in New York County Supreme Court. Now remember I'm only in commercial division cases. So over here on the left, I'm going to scroll down to the court specific filters and I'm going to click on case types and you can see here all of the different case types we have for New York, like torts, commercial, tax, special proceedings. But remember I'm interested in commercial division cases so I'm going to select that.

Karl Harris ([03:17](#)):

Then I'm going to do one more thing. For those of you that are familiar with litigating in New York County, I'm going to select cases that are post request for judicial intervention, which means that a judge has been requested to be assigned to this case. So I'm going to select that, I'm going to click apply and you'll see that this narrows it down to the 5,295 cases that are of interest to my client, which is those commercial division cases that are post request for judicial intervention.

Karl Harris ([03:46](#)):

Now let's take a quick look at what we can tell our client about these cases. First, I can advise my client about case volume, in particular judges. I can see for example that there are a little over 1,000 cases like these in New York County each year and that judge Sherwood has the most experience in these cases. I'm a click away from diving into any of these exact case lists for these specific judges in New York County Supreme Court.

Karl Harris ([04:14](#)):

Second, I can advise my client about timing. So for example, I can say that on average, it takes these cases 257 days to terminate, but for the 33 cases that have reached trial, it takes 655 days to terminate. Now I can set some data-driven expectations with my client around how long these cases are going to take and how much they're going to cost. Third, I can show my client which law firms are involved in these cases. So for example, if I run a law firms report, you can see that the law firm Kasowitz, Benson & Torres has the most experience in these cases, but on the defense side, the firm [Rooke & Rather 00:00:04:55] has the most experience.

Karl Harris ([04:58](#)):

And finally, for the purposes of this demo, I can show my client how those cases that went to trial resolved. For example, I can see whether there was a plaintiff win or a defendant win, at jury verdict or bench trial. And I can click into those exact 10 cases, for example, where there was a plaintiff win on a bench trial. I can also show where money changed hands. So for example, I can show the specific 23 cases that had damages awarded at trial to the tune of \$413 million. And again, I'm always a click away from diving down into a specific case to see exactly what happened. Back to our story, I'm able to do all this on the phone when my client calls me for the first time in the same two minutes, it took me to show you this demo. At Lex Machina, we call that an example of data-driven client service in the age of legal analytics.

Karl Harris ([05:50](#)):

Now I'd like to pause for a minute. I'm going to shift gears. I'm going to stop sharing my screen and you can look at the slide show and I'd like to spend a quick minute introducing our panelist and then we'll dive into a discussion about legal analytics with a real practicing attorney. So Alan Kaufman is a partner at Nelson Mullins where he litigates complex commercial cases in New York and New Jersey state and federal courts. Alan's experience ranges from business tort disputes, breach of contract, mortgage and real estate, IP and insurance cases. Alan, thank you so much for joining us today.

Alan Kaufman ([06:25](#)):

Thank you for having me. Good afternoon or good morning, depending upon where everybody may be situated.

Karl Harris ([06:31](#)):

Awesome. I've been talking a lot to start this webcast, so I'd like to turn it over to you, Alan. Let's start by talking a little bit about how you work on getting a new matter. So for example, what are you looking for when you pitch a prospective client? What data points do you use and how do you think about that process? And how do you use analytics to help give you a better chance of winning business?

Alan Kaufman ([06:53](#)):

Yeah, absolutely. I mean, I think there's two categories and I believe you touched upon them as well, to think about when using analytics. One is winning the client and then the other is winning the case, and how analytics can help in both regards. So talking with regards your question on winning the client, so to speak, I think that's a critical and important differentiator. As I think everybody knows, there are a lot of lawyers in the world, a lot of lawyers in New York and frankly, there are a lot of good lawyers. The question is how do you differentiate yourself?

Alan Kaufman ([07:30](#)):

Sometimes a specific opportunity comes up and you can [inaudible 00:07:35] that quickly. You can look up the analytics for example, that you were just referring to, to get a sense and give specific information, give specific guidance. Advice may be a legal term, you only give advice to your retained, but give specific guidance on the matter as to how it's going to shake out, how it's going to look in the relevant experience that I have. And I think those are important differentiators. I think the client likes to know that you're not going to reinvent the wheel. The client likes to know that you've been through this experience before. Another thing to think about is-

Karl Harris ([08:12](#)):

Yeah that's-

Alan Kaufman ([08:14](#)):

I'm sorry, go ahead Karl.

Karl Harris ([08:16](#)):

No, go ahead.

Alan Kaufman ([08:16](#)):

Another thing is sometimes you just have an opportunity to speak with a client generally and not with regard to a specific matter, but you've met a client for the first time and you're having a follow up meeting, or back when people had lunches together, you had a lunch so part of it would be, again, how do I differentiate myself? And I think an important aspect of that is A, understanding the client's business and also B, from a litigation perspective, understanding the client's litigation needs. So being able to pull analytics also on a particular client, or a prospective client as it were, I think is critically important. So you can look at it and say, "Oh I see you're involved in these types of cases. I see you're involved in cases that are often in these jurisdictions. And by the way, I have offices, it could be North Carolina, South Carolina, New York, [inaudible 00:09:16]," wherever it may be.

Alan Kaufman ([09:18](#)):

Say, "Look, I we can cover that. We do that very, very well." And you can look through and provide specific information. You can also look at it and say, "Hey, I also see not only are you involved in those

types of litigations or in this jurisdiction," you can get a sense of how those litigations have gone for the client so it allows you to look for particular spots of opportunity.

Alan Kaufman ([09:42](#)):

For example, if they've had a number of cases in a particular area that they really haven't had a lot of success on, and you can tell that through the use of data analytics, you can say, "Listen, I'm sure your counsel was fine, I'm sure they're great, but I see that you haven't had a lot of success there. Here's some thoughts about how you may be able to get better results." I think, again, those are powerful differentiators for potential clients as well saying, "Oh, this person understands my business," and this is really the value add to bring in my law firm. I think those are all critical pieces to help win the client.

Karl Harris ([10:24](#)):

That makes perfect sense. And one of the things that's fun is to hear about your sophisticated approach in terms of looking at the overall litigation exposure for a client and what a particular matter might look like. One of the things that we hear is sometimes in-house counsel, they just want to ask three basic questions, which is how long will it take? How much will it cost? And what are our chances of success? Maybe you could tell us a little bit about what your approach is to describing how you're going to litigate a particular matter and give the client comfort, that you have like a systematic approach to it. How would you respond when the client's asking those three types of questions?

Alan Kaufman ([11:05](#)):

Absolutely. I mean, a lot of them are really interrelated, actually all three of them, how long it will take, how much it'll cost and success. I mean, some weigh heavier on what I would put into three factors that play into that. One is my approach, two is opposing counsel's approach and three is the court's approach. And I'll say, in delving a little bit deeper into each of those quickly, my approach is I try to take it [inaudible 00:11:35] I try to give clients what I call the smorgasbord of options. We can go all in, we can choose options, A, B, C, D, E, R, F, but I also like to provide clients with what I call the bang for the buck. Yes, we can do A, B, C, D, E, R, F, and sometimes that's warranted and sometimes that's what the client wants to do.

Alan Kaufman ([12:02](#)):

But by the way, if we do A, B, D and E, we'll get pretty close to the same impact and it will cost this much less or so on and so on and that'll really give you the best value for your dollar. That's really my approach, like I said. I try not to play hide the ball with opposing counsel. I try to say, "Look, here's the strengths of my case. Here's why I think I'm going to win." I recognize that that's why they play the games, you never know what happens. But, "Here are my arguments." And hopefully that makes them say, "Okay, let's try to discuss a resolution. Let's try to figure this out and really get the best results for the client at the outset." Because for me I, I'm looking at the big picture. I'd rather get a great result, get the next phone call from a client, than worrying about just doing every single thing possible where it's not always warranted in the case.

Alan Kaufman ([12:59](#)):

So that's my approach. But that being said, that's not always opposing counsel's approach. Going to the next point is it's not likeminded trying to solve a problem, trying to find an efficient resolution, if they're very much like, "I'll get you. We're going to war on this." Well, that's a big difference and that obviously raises the cost. So being able to look at the analytics of a specific counsel and see, okay, they've done a lot of these cases. And by the way, sometimes it's important to know have they done a lot of these cases

before? Because as I said, I try to lay my cards on the table, but if the opposing counsel hasn't done a lot of those cases, they may not appreciate the fact that I'm laying my cards on the table and the strength of the arguments I'm making.

Alan Kaufman ([13:50](#)):

But again also it gives you a sense because you can look at the counsel, you can look at what their litigations tend to do. Do they settle early? Do they get through motion practice? Do they go to trial? And that gives you a sense of how they approach a case and how likely that is to get a amicable resolution earlier on in the process, and obviously those things affect budget. And you have the three factors about how long and chances of success.

Alan Kaufman ([14:22](#)):

And the same thing to a certain extent also with regard looking at the judge. Again, how often has the judge seen this kind of argument before? And what has the judge done? Some judges are more inclined, I think, to grant a motion to dismiss than others. There are some judges who are more inclined to grant a motion for summary judgment than others. So understanding what's likely going to happen, looking at the analytics for that judge, once you get assigned. I mean New York is a little bit quirky in that you don't get a judge necessarily assigned right away, unless you're talking about the commercial division, as you referenced before.

Alan Kaufman ([14:57](#)):

But once you get a sense of who the judge is, again, [inaudible 00:15:02] in a sense from the analytics perspective, it also gives you a lot of valuable information because it tells you again, how long is this going to go? Does this judge often go to trial on these types of cases? How much is it going to cost? Obviously, if you're going through to trial, that's going to cost a lot more. And then likelihood of success, you see well, what has the judge done in these types of cases before? Is he or she inclined to grant a motion or is he or she inclined to allow it to go through trial?

Alan Kaufman ([15:31](#)):

I think having those data points are critically important because it really allows you to provide specific answers rather than what I call dartboard answers. You throw a dart board at the wall and see, oh it landed in this bend and that's how much it's going to cost. Especially nowadays with more and more data that's available, I don't think clients appreciate that as much. I think they really want more specific information. I think they really want more detailed information. And when you're pitching a case, if you can come to a client and say, "Look, I've invested the time to look into this and figure this out," I think that sends a powerful message, both based upon how you approach a case, but also again, an important differentiator.

Karl Harris ([16:19](#)):

That makes a lot of sense. I really like the systematic way you described that with your approach, opposing counsel's approach, the court's approach, the judge's approach. And now I want to maybe dig in a little bit on that last point you made, which is that clients are demanding a little more sophistication, or as you put it no longer is the dartboard approach good enough. Have you seen this change happening really recently or has this been an evolution over a few years? What's the main difference that you feel like you've experienced when you're pitching clients and how quickly is that change accelerating?

Alan Kaufman ([16:57](#)):

No, actually I think that's the right word too. I mean, I think there's been somewhat of a reluctance to, when clients say, "What are the odds of me winning?" And you say, "50/50," I think a lot of clients are like, "Well, that's not ..." [inaudible 00:17:13] that may be the right answer and sometimes that is the answer. But in speaking to a lot of different clients, I think they get a sense of, well that's not the most in depth, thoughtful response. Even though it might be and you can back it up. I'm not saying that 50/50 can never be the answer.

Alan Kaufman ([17:30](#)):

I've seen that for awhile, but again, and I think accelerating the curve so to speak has been happening, because as clients understand it, the data is more and more available. Frankly, if you're not using it, our competitor's going to use it and the client will be very much aware of it. But I think they really want to dig into it more and more. I think they want to say, "Okay, so now you're saying 60/40, you're avoiding the 50/50 dartboard problem. You're saying 60/40, 70/30, why? Why do you say that?"

Alan Kaufman ([18:10](#)):

And when you can walk them through the data points that led you to that, "Well, look, here's what happens. This [inaudible 00:18:17], this is how they approach. Here's how these cases go," and by the way, in looking at that likelihood of success, chance of success, you can also look at how these cases evolve on a larger scale. You don't have to limit it to this judge. This is how the court itself also deals with it. And say, "Look, in these types of cases, looking at the data, the defendant is successful 70% of the time. This case is a little more complex because this and this, and that's how I arrived at my [inaudible 00:18:48]." I think clients will appreciate, and frankly at this point I think they are expecting a thoughtful approach to coming up with the percentages, coming up with the likelihood of success.

Karl Harris ([19:06](#)):

That's great. That's a great description of the new age of data-driven client service that we were talking about earlier. Maybe we can shift for a minute because we think about legal analytics as two phases. One is winning the client or winning the business, which we've talked about a little bit. And then the next phase is once you have that case, how do you win? So I'm curious, like I said, you've got a great structured approach for how you're giving the client comfort that you have like a strategy, that it's backed up, it's justified with data in terms of winning that business. How have you now approached specific strategic decisions in particular cases and have you seen that evolve over the last few years?

Alan Kaufman ([19:52](#)):

Absolutely. I think it's a lot of those things that we've already touched on. One aspect of it is, as I mentioned earlier, I give what I call the smorgasbord approach, saying, "Here's the sweet spot for the bang for your buck, but obviously if we think it needs it," and clients have different risk tolerances, they have different litigation budgets. "Here's how we can go," and I think using those analytics helps to reinforce that when you look at that. Again, you can do A, B, C and D, E, F, but A, B, D and E give you the best bang for the buck. Well, why is that?

Alan Kaufman ([20:30](#)):

And then you can walk them through it and say, "Look, here's why, because we know that these types of cases are successful in this number of times. And we know this and that, and although this is a strategy that we could pursue, it's a legitimate good faith strategy, F has not been successful that often. So not to say never, but in only 10% of times that motion's been brought." So again, if a client wants to go for the full gamut, that's fine of course. That's part of why I'm here, but allowing them to understand also ...



Because one of the things I always want to make sure for clients is I hate surprises in my personal life so I try never to give a client a surprise. I would never want to be in a situation, at least as best you can avoid it, where you do do that full gamut and as expected, the court denied the motion or held it over, or whatever.

Alan Kaufman ([21:38](#)):

And the client says, "Oh, what happened?" At least this way they've been informed up front. They've made an informed decision. They understand the risks and I'd much rather get the response of, "That was a strong effort, understood that played out the way we expected it to," as opposed to, "What happened? [inaudible 00:21:58] I did not understand at all that M was never going to work out or it had a low likelihood of success. What happened there?" I like them to understand that at the outset, understand what we're doing so they make those informed decisions about how to spend their litigation or legal dollars.

Alan Kaufman ([22:19](#)):

The other aspect I'll say is in terms of dealing with opposing counsel, also. As I mentioned before, my strategy is very laying cards on the table, trying to take a very pragmatic approach. And again, if you have specific data points where you could share that with opposing counsel and say, "Look, I understand this is your strategy. This is what you're going to have to prove, but understand that that kind of motion ... I'm not saying it's 0% chance, but it's only succeeded 5% of the time. So do what you want to do, but maybe it's better the clients spend their time and money trying to reach a resolution if there's one that can be had."

Alan Kaufman ([23:07](#)):

So also allowing that can be a powerful tool to provide your opposing counsel because first of all, not everybody's doing it. And I always think it's important, where possible, to have a good relationship with opposing counsel. I think it's important to establish a rapport and trust, obviously understanding that they're representing the interests of their clients. But the clients could be at odds, but the counsel should be civil and working together but that's not always the case.

Alan Kaufman ([23:37](#)):

So again, when you can provide some objective information to opposing counsel and say, "Look, here's the sheet, here's the data, look. I'm not making this up. I'm telling you your motion has a low likelihood of success." And I'm sure they'll say, "Well yes, but mine's stronger because blah, blah, blah," but at least maybe in their mind it's like, "Well, maybe Alan's right, maybe it's better that I tell the client and we engage in this discussion." So I think it can be a powerful tool both in coming up with a winning strategy and a cost effective strategy, but also sometimes helping to convince opposing counsel that you're right. And maybe their approach isn't necessarily the strongest.

Karl Harris ([24:25](#)):

It's a great overview. Maybe we'll transition to one last topic, but I will just quickly remind the audience. You can always ask questions through the Q&A tool, which you can see from the link at the very bottom here. We'll reserve a few minutes at the end to respond to questions that come in. So if you have any questions, please feel free to enter them with the Q&A tool at the end there. So Alan, maybe one forward looking topic here. One of the things that happened at Lex Machina this year is we're celebrating what we call the 10 years of legal analytics.



Karl Harris ([24:59](#)):

Lex Machina started the space about 10 years ago and analytics started out what I would say is a pretty relatively niche legal tech portion of the law. And now obviously we're here talking about it and lots of analytics are available for all sorts of different areas of the law. One of the things that we like to talk about is that this proliferation of data analytics and technology came out of the wake of the last great recession of 2008, 2009, 2010. And as we stand today, we have a different kind of challenge, which is the challenge of working from home with COVID-19 and things like that. And obviously analytics are a critical part of understanding what's happening in litigation during COVID.

Karl Harris ([25:44](#)):

But Alan, as you look forward, do you have any particular changes that you might expect to be happening in the next five years? Or how is your firm adapting to the current client and using technology and analytics to help support you?

Alan Kaufman ([25:58](#)):

Well, no, absolutely. I mean, I think a lot of the stuff, again, that we've touched upon, which is expectations of clients and the availability of data, and I think that curve has continued to accelerate. One way I'll say, and again, I think it's more important than ever to make an impact on a client because we're not getting to have those in-person meetings. We're not getting to sit down and have lunch or dinner, or a drink, or coffee or whatever. So having those differentiators come through through email, through phone calls, through documents that you send to a client, I think is more important than ever. Looking five years down the road in the future is an interesting question because I think the curve is continuing to accelerate.

Alan Kaufman ([26:51](#)):

The interesting thing will be, and we hear about this in a lot of different aspects of life, is the evolving roles of computers. As computers and data get smarter and smarter, we talk all the time about artificial intelligence and AI. Not really in the scary movie away, but in the way of analytics and the way of assisting in a litigation process. It will be interesting to see A, the capabilities evolving for ... A couple of years ago we heard that there was a lot of discussion, including court discussion, about for example predictive coding and seeing that evolve. And so A, the capabilities have to get involved, but [inaudible 00:27:36] it only really works even if available, if all the parties understand it and are comfortable with it.

Alan Kaufman ([27:44](#)):

Because at some point, in some aspects there's a relinquishment of control to a computer. And again, not trying to make it overly movie scary, but to an extent your computers are mining for data. Well then necessarily that only makes sense from a cost perspective if a human is not [inaudible 00:28:04] doing this task, right? So everybody has to understand that and be comfortable with it and I think the comfort comes from understanding it and accepting of the results that a computer is going to give it.

Alan Kaufman ([28:17](#)):

And necessarily there's always going to be certain limitations that come with a computer just because they're computers. And maybe limitations, not to give the wrong impression, computers can do a lot of things that we can't do, but humans have their own differentiators as well. So I think people have to understand and become comfortable with it and that results in acceptance. It'll be interesting to see

again, how the capabilities evolve and also the acceptance of it amongst clients and counsel to see how it plays a role in litigation.

Karl Harris ([28:53](#)):

That's great. That's such a fun answer. Who'd have thought that we'd be talking about the role of artificial intelligence in terms of helping practicing lawyers just 10 years ago? It's been really exciting to see all the changes that have happened in the legal space. Thank you for that insight. We've got about another minute or so left here and I'd like to turn it over to some Q&A. We've had a couple of questions come in and I'll read them off. One is for me and then I think one of them and the next one would be kind of a joint answer between both Alan, you and myself.

Karl Harris ([29:30](#)):

So the first one is you've added New York County Supreme Court for Manhattan. Do you have plans to add the remaining New York City borough courts as well? The answer to that is yes. Within the next month, we'll be releasing modules for the remaining four boroughs of New York. The next one that is coming out, that will be for King County, which is going to be very exciting for us as well.

Karl Harris ([29:56](#)):

The next question is a good one here. It says, I often use Lex Machina to find sample papers from mine or other firms. Is there any plans to retrieve and scan certain kinds of documents like dispositive motions so that more of them are accessible on Lex Machina? So first part, I'll answer that. The answer is yes. One of the things that's really unique about Lex Machina's approach to New York and other state courts is we are relying on the documents, like complaints and answers, to figure out who's involved in the case, so for example, which lawyer, which law firm, which party. And in a lot of state courts, including New York, the documents are really the only reliable source of getting that information. So Lex Machina's approach is unique in that we are discovering those litigation parties and law firms and attorneys from documents in a way that others are not.

Karl Harris ([30:49](#)):

But to this particular question, in addition to those complaints and answers and basic documents, are we going to allow our users to fetch other documents from the state court? The answer to that is yes. In the very near future, you'll be able to fetch courts from our state court systems in the same way that you're able to do that now for PACER in the federal district courts. The part of that question I think might be interesting for Alan, is just kind of that use case of using Lex Machina to find sample papers from your firm or other firms. And I'm curious, do you, your firm, what do you think about that use case Alan, of for example, saying, "Show me the 10 dispositive motions that this opposing counsel has written in similar cases." Is that something that you do now or that you might consider doing in the future, if not?

Alan Kaufman ([31:39](#)):

Yeah, no, absolutely. I mean, I will say I do a lot of it with looking to see how a particular judge has ruled on the motion. Because it's always good to be able to cite a similar decision by the same judge and say, "Look your honor, as your honor did in the Smith case, you found this, that same rule applies." And I think that's very persuasive when you can show that for a judge. A lot of times, we were talking before about drilling down on what a particular opposing counsel or judge has done and then going on and pulling those documents, pulling those motions to see what they argued. Again, it can be very, very persuasive.

Alan Kaufman ([32:21](#)):

And look, especially with firms with a lot of lawyers, you can sometimes say, "Well the law firm, opposing counsel argued this in this case, and now they're arguing this," and that's always in some ways a fun thing to do. I think courts generally understand that positions can be different and can be changed, but it is an interesting, fun thing to do. And fun to point out in your brief when saying, "Well, by the way, they argued my position three cases ago, and now they're arguing this." I think those can be very effective tools.

Alan Kaufman ([32:53](#)):

But it's also very important and interesting, I think to pull those briefs and documents to see like, okay what are our arguments? I always like to make sure I'm thinking of the big picture and thinking of everything. And is there another aspect to this? I always tell opposing counsel in those discussions we were talking about before, "I'm always open to hear thoughts. If you think I'm [inaudible 00:33:14] something again. [inaudible 00:33:18] I lay my cards on the table. Please, I very much welcome that." Sometimes they're not so willing to do it, but sometimes you can get a little bit of that sense by seeing what they've done in the past, both from the judge perspective, as well as from opposing counsel's perspective.

Karl Harris ([33:34](#)):

That's great. Well, we are at the end of our webcast here. First I wanted to really thank you Alan, for your time. It's been really fascinating to hear your perspectives and your insights as an actual practicing partner at a law firm, using analytics for your practice. It was super interesting for me. It's always fun to have these kinds of discussions and I hope that the audience enjoyed it as well. So thanks again, Alan. Really appreciate it and thank you all for joining the webcast.

Alan Kaufman ([34:05](#)):

Thanks so much. I had a great time. I really appreciate you including me.

Karl Harris ([34:10](#)):

Great.