



Tips & Tricks: Master Early Case Assessment with Legal Analytics

When a new case comes in the door what is your first move? Watch our “Tips & Tricks” webcast where Lex Machina experts will show you how successful legal professionals are leveraging Legal Analytics to perform early case assessments that save time and help set client expectations. See how Lex Machina helps you to evaluate your opposing counsel, the judge handling your case, and your client’s exposure to risk. Get your questions answered and register for this exciting webcast today.

Speakers:



Joshua Harvey
Manager of Customer Success
Lex Machina



Kelli Jones
Customer Success Manager
Lex Machina



Kristin Huonder
Customer Success Manager
Lex Machina

Joshua Harvey ([00:00](#)):

All right. Well, welcome everyone to today's Lex Machina webcast presentation on mastering early case assessment with legal analytics. So in this webcast, we're going to cover getting a jumpstart on litigation on a new case as it comes in the door. And we're going to cover things like sizing up the other party and the counsel, in your case, gaining actual insights on the judge handling the case, and getting an early look on outcomes in a case by looking at things like what damages might your client be exposed to. And then lastly, really how to best deliver those insights with easily digestible analytics.

Joshua Harvey ([00:44](#)):

So before we get started, just a couple of housekeeping notes. This is part of a larger presentation series that our customer success team here at Lex Machina is going to be doing, where we're going to be covering using legal analytics to go through a case lifecycle. So be on the lookout for some of those other pieces that we're going to be doing in the coming months.

Joshua Harvey ([01:03](#)):

It's going to be a 30 minute presentation. We'll have some time for notes at the end. There is a Q&A button. So if anyone has questions, please hit that Q&A button, ask questions, and then we'll be sure to cover those at the end.

Joshua Harvey ([01:16](#)):

We are going to do a poll towards the end as well. We'll have some questions for maybe some future webcast ideas, so we want to hear from everyone.

Joshua Harvey ([01:25](#)):

And then there's going to be some sides. All the speakers here are on video, and we'll of course be seeing live demonstrations in Lex Machina.

Joshua Harvey ([01:32](#)):

So a little bit about Lex Machina itself, what we do. We're a legal analytics company. We help users win and get better outcomes. And this includes win cases, winning negotiations, winning business, and getting successful outcomes that we know you and your clients want.

Joshua Harvey ([01:48](#)):

Currently, about three quarters of [inaudible 00:01:50] 100 firms have access to Lex Machina, as well as some of the biggest and most successful companies in America as well. So we'll go ahead and introduce the other panelists that are here with me. So my name is Joshua Harvey. I lead the customer success team here at Lex Machina. My team works to ensure that our customers achieve success with legal analytics by accomplishing all of your litigation and business goals. And I'm based in Austin, Texas.

Joshua Harvey ([02:21](#)):

With me today, I have two great speakers. I have Kelli Jones and Kristin Huonder. Kelli is our customer success manager on the west coast and she handles most of our west coast clients and she's based in Southern California. Kristin handles a lot of our customers in the South and the Midwest, and she's based in the Dallas,

Texas area. Both Kelli and Kristin worked daily with the attorneys, librarians and business development professionals and so on with all of our customers to help them get legal analytics in federal and state cases.

Joshua Harvey ([02:56](#)):

So let's go ahead and jump right in. So, Kelli, you've been really working with some of our largest law firm customers all the way down to a lot of our solo practitioners that use Lex Machina for a number of years now. What do your clients tell you is really the most valuable first step to take when that new case comes in?

Kelli Jones ([03:15](#)):

Well, Joshua, I'll actually do you one better and tell you that a lot of our users are getting a jumpstart on how they even learn when a new case comes in the door, and that's by using our alerts for business development.

Kelli Jones ([03:28](#)):

So let's walk through an example. Let's suppose that you represent Live Nation and you want to know as soon as they are sued in a new case. You can simply start on the parties tab in the black header at the top of the page and then type in those two words, Live Nation, and run a search. You can see here that Lex Machina retrieves a match on all these different variations in the way that Live Nation has been named in lawsuits. And all of these variations can be selected to ensure that the alert that you run is comprehensive. So we'll select all of those parties and then go ahead and pull the analytics. Okay? And give a click on that blue button. All right.

Kelli Jones ([04:18](#)):

So here we're on an overview page that rolls up the number and type of cases in both federal and district courts and state courts. We'll go ahead and go into the federal court cases. And at this point, we have locked in our search for all of the different Live Nation entities and federal district court cases. And we would click the alert icon in the upper right-hand corner. That's the star icon. And then from this point forward, you would get a daily email with any new cases involving Live Nation.

Joshua Harvey ([04:53](#)):

All right, well, that's a great tip. I can imagine the next step is actually to go out and contact the clients to offer representation, but an attorney obviously would be a much more likely to win the business if on that phone call, they're able to provide that early case assessment on the fly. Can you show us how to do that?

Kelli Jones ([05:11](#)):

Absolutely. So once an attorney finds out about a new case involving their client, and whether that's through the Lex Machina daily alert or a call that comes in from the client to a partner or an associate that gets assigned to a new case, the attorney can pull up our early case assessment app to prepare for that client call or to start drafting an initial case evaluation letter.

Kelli Jones ([05:35](#)):

So let's go ahead and open that app now from our apps page. And by the way, the term app on Lex Machina, it doesn't mean a widget that you download to your cell phone. It's simply a shorthand way of describing an easy way to pull information using a template. You can think of it as a quick tool.

Kelli Jones ([05:54](#)):

So back here to the early case assessment app, this feature is a great way to immediately pull relevant information about your opposing party and counsel. And it's easy. You just enter in the information you have, the key pieces about your new case. So let's say your client, Live Nation, which by the way is a production company you may have heard of that produces large-scale events, let's say they've been sued by Aerotek, Aerotek, Inc, a temporary staffing agency, and the plaintiff is represented by Shook, Hardy & Bacon. So we'll plug in the second key piece of information.

Kelli Jones ([06:33](#)):

And then let's say that the complaint alleges a breach of contract for staffing related to a string of big concerts. So we'll go ahead and select a case type of contracts, hit the blue button. So we've entered three key pieces of information, the plaintiff, the plaintiff firm, and the type of case. And now let's take a look at the insights that Lex Machina can provide on this one page of data here. So based on what we entered, we can see up at the top that Aerotek has been involved and sued 50 times over a contracts dispute. We can also see that they've taken two of those cases to trial. So I can tell they're not afraid to spend what it takes to push through trial for a resolution. Beneath that, there are links to Aerotek's 10 most recent contracts disputes if I wanted to link out and take a closer look at those dockets. A little further down, we can see Shook Hardy, that they are very experienced in litigating the plaintiff's side of contracts dispute. They've been involved in 518 cases on the plaintiff's side, with 12 of those cases going to trial, and nearly \$40 million in damages has been awarded across all of those cases.

Kelli Jones ([07:54](#)):

Underneath on the right hand side, we get a heads up on the types of plaintiffs that Shook Hardy has represented in their contracts disputes. And we see that they've-

Kelli Jones ([08:03](#)):

... he is represented in their contracts disputes. And we see that they've represented Aerotek many times in the past. And then at the bottom of the page, we have some interesting resources. We have a list of attorneys and firms who are the most experienced in litigating against Aerotek. So you can always loop back later and reach out to these attorneys to learn about their experiences against Aerotek in their contracts disputes.

Kelli Jones ([08:28](#)):

So taking a step back, we pulled all of this incredible information in just a few clicks, in just seconds. And we now know that we have a plaintiff that's willing to go the distance if needed through trial. And we have a plaintiff firm that's going to be a tough opponent. And I'll tell you a short story here. These insights are so valuable that we've even had customers tell us that they open this tool when they're on the phone with a client discussing a new case so they can refer to this data right then and there on the phone. And before I turn it back to you, Joshua, just one final point I want to make is that it's only Lex Machina that offers this type of case assessment tool where you can plug in key factors about a new case, and then generate these valuable insights in less than a minute.

Joshua Harvey ([09:19](#)):

Well, that's really helpful, Kelli. I appreciate you sharing that, and I can imagine that obviously your customers really love just having this quick data right at their fingertips when they're having those really important phone calls. And so I would imagine also that the next step in this process, you're considering your opposing counsel, you're considering the opposing party, maybe you want to get more granular and actually look at the team of

attorneys. So this reminds me of a funny analogy that one of my colleagues, David Friedman, tells about the 2011 NBA Finals. So I'll take a little sidestep and do a little sports analogy here. The Dallas Mavericks, in those 2011 Finals, were facing the vaunted Miami Heat. So they had the trio of superstars, LeBron James, Dwayne Wade, and Chris Bosh, and during the series the Mavericks utilize analytics to determine who's going to be their best five man roster to play against these superstars.

Joshua Harvey ([10:18](#)):

And their analytics showed them that this unheralded point guard, JJ Berrera, who didn't play a lot, was a little guy who wasn't super active that year, but when he was on the court, they actually had their most success against the superstars of the Miami Heat. And, ultimately, the story goes, obviously, that Dallas won that championship and weren't expected to. So when we think about teams and analyzing teams, there's obviously benefit to having access to analytics to be able to do that. So, Kristin, I know you were telling me the other day that you have a customer that really loves using our Attorney Team Analyzer app to be able to look at individual attorneys as a group. Can you tell us a bit more about that?

Kristin Huonder ([11:04](#)):

Absolutely, and just as a final point to your sidestep, I'm located here in Dallas and I'm sure plenty of customers here are as well, and we all appreciate the Mavericks reference. So go Mavericks. So I've gotten a lot of questions around the attorney's name analyzer lately, and based on a lot of my trainings around them as well. We actually built this tool for in-house counsel to use to vet the attorney teams that they were hiring, but we found that our law firms are actually using this information too. So that's who I'm getting a lot of questions from. So let's get into the Attorney Team Analyzer through the apps. You'll scroll down to the bottom of the apps page and you'll find the Attorney Team Analyzer there, and you can click into it to use the tool.

Kristin Huonder ([11:45](#)):

Here we're going to just keep on trucking and use the same example, and we'll add in the names of the attorney team that we'd like to take a look at. So, for this one, we're going to look at those Shook Hardy attorneys and we'll put in Erin Laucks, Jennifer McLoone, Michael Barnett, Justin Juhl, and Jessica McKinney. Once you enter those names, you can hit the blue button and you're taken to the next page where you can see a ton of different information. At the top, you'll see the attorneys and just how many cases they have in Federal District Court. So that can give you an idea of just how much experience they have. Scrolling down, we show you the team case frequency. So, in this particular example, there are two attorneys who have worked on 12 cases together as a part of that team and three attorneys that have worked on five cases together. Next, it shows you the type of cases that they have worked on in the past for that attorney team.

Kristin Huonder ([12:44](#)):

For this example, they're mostly working together on these contracts cases, which is super helpful for this example, because we're looking at a breach of contract issue. Finally, we give you the case list and it shows you the case, which you can click in to read, and you can download the documents from and get more information so you have what you need and so you're prepared. My law firms love looking into this information when they're assessing a case early on, and this is an app that only Lex Machina has.

Joshua Harvey ([13:19](#)):

All right, and I'm getting some notes that maybe some people can't hear me and I'm not quite sure what to do about that. My phone is not on mute. It looks like some people are saying they can hear me now. Okay. Sorry about that. All right. Well, thanks for sharing that, Kristin. I appreciate it. So now we're starting to get a picture

of opposing counsel in a case. We're getting a picture of an opposing party in a case. Now, it's obviously time to start to talk about what we would expect from a judge in a case, and obviously that would be very important. So Kelli, at this point in the case assessment process, where do you find your customers going next?

Kelli Jones ([14:12](#)):

Oh, one of the most valuable things you can do in Lex Machina is extract some data driven insights about what might happen in a particular type of case in front of a specific judge. So continuing with our hypothetical, let's say the case against your client was filed in the Southern District of Texas. And it's been assigned to Judge David Hittner. Attorneys definitely want to include information about the judge in an early case evaluation for a client. And we can start by pulling up the analytics for this particular judge. And with just a couple of clicks, we can pull up an enormous amount of data, far more than just the biographical information that you may have been providing to a client in the past. Once we get into this judge's cases, the first thing we always want to do with a set of analytics is to customize the data so that it's relevant to your particular case.

Kelli Jones ([15:12](#)):

In the black panel on the left, you'll see a variety of filters that can be used. For our hypothetical, we will narrow down to obviously contracts cases, but we can even customize the data even further by leveraging all of these different filters. So let's tailor this data to Judge Hittner's commercial breach of contract cases. And while Joshua is adding these filters, I'll just mention quickly that the depth and breadth of the filters on Lex Machina can be mixed and matched to slice and dice the data in an infinite number of ways and it's really unparalleled when you compare it to other types of analytics. So now we're on the Summary page, and again, we're just in a very specific type of case that's been assigned to Judge Hittner. And on the Summary page, we can see with the blue line that this judge has-

Kelli Jones ([16:03](#)):

On the summary page, we can see with the blue line that this judge has handled a steady stream of commercial breach of contract cases over the past years. So we know right off the bat, he's experienced in this area of law, and that's information that your client will want to know.

Kelli Jones ([16:16](#)):

Next, we can go to the Timing Analytics page. This page is going to tell us how long it takes to reach key litigation milestones, which are listed on the left, and along with a visual representation of that timing data in the center. The blue boxes and the blue lines represent the range of distribution of data, while the white lines inside the blue boxes represent the median in each dataset. So let me explain this a little bit further.

Kelli Jones ([16:44](#)):

For example, we can see that from filing a complaint, it takes a median of 181 days to reach the first occurrence of a motion to dismiss order, and that's shown by the white line down the center of the blue box. And as another example, we can see that it takes a median of 244 days to completely terminate this type of case, when it's been assigned to this particular judge.

Kelli Jones ([17:10](#)):

So this type of valuable timing data, it can be used to set client expectations, and that in turn, helps your clients to prepare their own litigation budgets. I can tell you from my experience in working with our in-house counsel customers, that when it comes to estimates about litigation timing, they not only want, but these

days, they expect an attorney to provide data to support those estimates. And with Lex Machina, you can get exactly that.

Joshua Harvey ([17:42](#)):

Great, thank you. Thank you, Kelli. So Kristin, we know time is important obviously, but what actually happens in these cases is obviously super crucial as well. Which outcomes do you find your customers really the most interested in, and finding the most valuable?

Kristin Huonder ([17:57](#)):

I would say that one of the most important things that people look up when looking at judges, like Judge Hittner, they want to know what the case resolution is, because the clients are always coming in and asking what their chances of winning are. So when you click into Case Resolutions, in this example, you can see that the plaintiff wins versus the defendant wins. When you apply the filters that are applicable to this example, you'll see that Judge Hittner has typically favored the plaintiff in the past. He's actually ruled in favor of the plaintiffs 17% of the time, versus ruling for the defendant only 1% of the time. You can break that down further by clicking into the numbers next to Trial or Summary Judgment, to see what those cases were, and you can view those cases to read and get more information. You'll also be able to see similarities and differences between your case and those other cases when you take a read.

Kristin Huonder ([18:50](#)):

In this example, since you're representing the defendant and Judge Hittner has only ruled in favor of the defendant 1% of the time, you may want to look into other options. So you can also use Lex Machina to see likely settlements or procedural resolutions. Over half of these cases have resulted in a likely settlement, which shows you that it could be an option for you and your client. And while we're at it, we may as well look into the remedies and the findings in front of Judge Hittner to give you the whole picture and the whole story about the potential outcome of your case.

Kristin Huonder ([19:23](#)):

Here, we tracked three different kinds of injunctive relief, permanent injunctions, preliminary injunctions, and temporary restraining orders. And we showed the grant and denial rate for those that you can review, if that's your strategy too. Keep in mind that analytics in remedies, they're exclusive to Lex Machina too. You can also search your findings and look at practice areas specific findings. So we can look into the contract signings for this case, and we show what the ultimate finding was and where it occurred in litigation. For contracts, we look at findings like, was there a breach of contract or not? Was there a contract in existence or not? And so on. And I hate to sound like I'm beating a dead horse here and repeating myself over and over, but these analytics for findings are also exclusive to Lex Machina so you can only find them here.

Joshua Harvey ([20:16](#)):

All right. Well, good to hear. Well, obviously, we're looking at both sides of the case. If unfortunately, we're representing the defendant in this case, if the plaintiff actually did win, we know obviously our client would want to know what types of damages might be at stake, what's going to be their exposure to having to pay damages. And that's going to certainly be very important. Kelli, how important do you find it when you're talking to your customers and clients, to be able to see practice area specific damages in these assessments?

Kelli Jones ([20:46](#)):

It's really important. Attorneys need specifics on their client's exposure for certain types of damages that are relevant to their type of case. Some damages may have stronger factual underpinnings than others and attorneys need to be able to tease apart these damages in order to give their clients meaningful estimates of their potential risk exposures.

Kelli Jones ([21:12](#)):

Lex Machina is really unmatched when it comes to that type of breakdown. And here's why. Let's flip over to the Damage Awards page in the upper left-hand corner. You can see in the black panel on the left, there's a good number of filters. Once again, that allows you to quickly hone in, this time on the damages that matter to your specific case. In fact, for each practice area that we cover, we have different types of damages that are specific to that practice area. And just as a side note, we actually have a team of attorney data experts that manually read through new orders that judges issue daily to tag and code for these damages.

Kelli Jones ([21:54](#)):

You can see that for the contracts cases that have been assigned to Judge Hittner that there are four types of damages in contracts area that had been awarded. So let's narrow down to just those types of damages, contracts damages, compensatory damages, punitive damages and restitution. And then one more thing, you can also filter by the type of judgment through which the damages were awarded. This type of filter is important because you might put more weight in your analysis of risk exposure on damages that were awarded on the merits, for example, versus damages that were just awarded on a default.

Kelli Jones ([22:34](#)):

We also know that clients are always concerned about what could happen if their cases go all the way through to a jury trial. And that's because, as we know, juries are notoriously unpredictable when it comes to awarding damages. So let's add one more filter to just damages that have been awarded by juries. And again, this is in the realm of contracts disputes. We'll go ahead and update our analytics. And then what we get here on this page is this nice, neatly organized table of damages that's directly relevant to our hypothetical case. We can see the full range of damages that have been awarded in contractual disputes involving Judge Hittner starting with the largest amount at the top of \$43 million jury verdict and descending in amount from there.

Kelli Jones ([23:26](#)):

We also get columns that identify exactly which parties the damages were awarded to and against. And you can also see in the first column that we have links directly to the actual jury verdicts. And if this were a different set of damages, say those that were awarded as a matter of law, then on the merits, then you would have links directly to the judges orders on those decisions. So again, it's only in Lex Machina that you can generate this type of detail, in this case about damages that are relevant to your case, all in just a few seconds and it's data-

Kelli Jones ([24:03](#)):

... to your case, all in just a few seconds, and it's data from which you can provide a data-driven estimate of your client's potential exposure as part of giving your early case assessment to your client.

Joshua Harvey ([24:14](#)):

All right. Thanks, Kelli. Well, we're starting to get a really good picture of how a user might use this data in the [Lex Anima 00:24:21] or Lex Machina to really master their early case assessment. But I think we shouldn't forget about maybe some of the less exciting things that maybe help you deliver this. So you might have to provide these analytics to a colleague or even provide them to a client or during a pitch meeting. Kristin, what do your customers tell you that they like the most about kind of just how we can customize and share some of this data in Lex Machina?

Kristin Huonder ([24:48](#)):

Well, first of all, I wouldn't say that these features aren't exciting because you have the report, you've got to do something with it. So my customers love how easy it is to download and share these analytics. So we have a few different options that you can use Lex Machina on to deliver the reports to clients and colleagues. In the corner, you can click on the envelope to email this page to somebody. Even if that person doesn't have Lex Machina yet, you can still see the whole page, so that's a great thing. It's really easy to send a quick email over to your client this way.

Kristin Huonder ([25:23](#)):

You can also export all of this information by clicking on the page with the downturned corner, and that can go into PDF or Excel. My clients love that they can customize how they receive their reports too. So if you want to organize it and add coding, Excel is a great option. If you want to customize your report in PDF, you can just choose the parts that are relevant to you and leave out everything else. What's great is that we're always including the case list as well when you export this. So you can see the list of cases that are representing in the analytics that are included in the report too.

Kristin Huonder ([25:59](#)):

So if you want to customize your report further, you can customize the columns that are appearing in your case list before you download or print it off. I've actually talked to a lot of people lately who are looking for something really specific, like they needed to know the plaintiff's law firm, or they wanted to know what the damages were for each of the cases. Luckily, this is all customizable. You can go ahead and add any of those options and then download it the way that you want, so that you're receiving the case list exactly as you'd like to see it.

Joshua Harvey ([26:32](#)):

All right. Well, we're almost out of time and we're going to start looking at some of the questions that some of the guests, or I'm sorry, that the audience has submitted. But before we do that, I do want to put up a poll here that you should be able to go ahead and vote. And so we're trying to get an idea. Hopefully you like these Tips & Tricks webcasts. We have some ideas we might want to consider doing in the future. Please go ahead and vote there, and we'll definitely take that into consideration down the road when we do more of these types of in the practice type webcast.

Joshua Harvey ([27:05](#)):

So one of the questions we've gotten says, "In the jurisdiction where I practice, a judge who is not assigned to a case yet, or a judge isn't immediately assigned a case. Would you be able to pull up this data by a court overall?" And so I'll just go ahead and jump right in and show that when we looked at our kind of judge analytics, we also would have been able to search by courts here. We also could do that from the federal tab. So we certainly could do that.

Joshua Harvey ([27:35](#)):

We also have another question about state courts. So we have been, obviously, covering a lot of federal stuff here, but I do have a tab open here if I can get below my little ... it's in there. Actually, what I'll show for state courts, I can pull it up in our help center, and just show in our documentation. We do have quite a few state courts. We have state courts in California, all the big ones like Alameda, Los Angeles, Orange County, Riverside, Sacramento. We have state court analytics in Clark County. We have all five bureau, or burrows, excuse me in New York. We also have the Houston area with Fort Bend and Harris county, and we're continuously expanding. So our product team is doing a great job of always looking to add more state courts, building those out. And we're doing a great job of digging into those analytics and pulling out things like documents and judge analytics as well.

Joshua Harvey ([28:40](#)):

And then one of the other questions that we have here as well is we've talked a lot about really big firms and kind of [inaudible 00:28:48]. Do we have pricing packages for smaller firms? And that's the great thing about Lex Machina is, we are able to work with every size customer, every size law firm. We have some of the biggest law firms in the world all the way down to solo practitioners, and we're happy to do whatever we can to help you use analytics to improve your practice and certainly get that competitive advantage.

Joshua Harvey ([29:13](#)):

So that's actually a good segue into our wrap up here. And so I'll finish off by saying, if you do have any questions, please feel free to reach out to me directly. My email addresses here. You can also go ahead and give us a call our support line, and whether you're a current customer and have a question about how you can use Lex Machina, we'd love to talk to you and help you out with that. And if you're not a customer and you want to get a quick demo or see some of the great things you can do, we're happy to talk to you about that.

Joshua Harvey ([29:44](#)):

So, Kelli, Kristin, thanks so much for your time. I really appreciated this conversation and everyone on the phone who's listening, please look out for a follow-up email. We'll send a recording for the webcast, as well as the transcript.

Joshua Harvey ([29:57](#)):

All right. Well, thanks so much, everyone have a great day and look forward to hearing about how you're using legal analytics in the future. Bye-bye.