



Releasing Legal Analytics for Federal Appeals

Want to know a federal district court judge's reversal rate on appeal? Or how often a circuit court has affirmed a decision in your practice area? Lex Machina is excited to launch Legal Analytics for appeals to answer these questions and so many more. Lex Machina's appeals data covers all civil cases heard by the 13 federal courts of appeals, as well as enhanced district court data vetted through final appeal.

Highlights include:

- comprehensive outcome analytics for circuit court cases
- analytics on timing & appealability rulings
- easy links between federal district and court of appeals cases
- one consistent experience for greater efficiency and effectiveness

Speakers:



Carla Rydholm
Sr. Director, Product Management
Lex Machina



Wade Malone
Director, Product Management
Lex Machina



Darren Schleicher
Director, Sales and Strategy
Lex Machina

Carla Rydholm ([00:00](#)):

Welcome to Lex Machina's presentation on releasing legal analytics for federal appeals. Today, we'll be discussing legal analytics for appeals litigation and see a live demo of Lex Machina. Before we get started, just a few housekeeping notes. This will be a 20-minute presentation followed by answers to any questions submitted by attendees, for up to 30 minutes total. Please share your questions at any time and we'll review them together at the end. We're using slides and we'll screen share and all of the panelists, the three of us will be on video.

Carla Rydholm ([00:38](#)):

Today's discussion will follow an agenda that starts with an overview of Lex Machina and why legal analytics are so important. Then, we'll review the major phases of litigation including appeals. And see how Appellate Analytics fits into Lex Machina and really the framework of Lex Machina's platform and via a live demo.

Carla Rydholm ([01:02](#)):

My name is Carla Rydholm and I'm Senior Director of Product Management at Lex Machina. I'm pleased to introduce my two colleagues also from team Lex Machina, who each have unique insights into Appellate Analytics. I've been with the company since 2010 and this is the biggest change I've ever seen to Lex Machina, and it's such a treat to do this presentation together.

Carla Rydholm ([01:27](#)):

As I introduce you, I'll ask you to state the year you joined the Lex Machina team, and share your reaction to the release of legal analytics for federal appeals. Wade Malone is Director of Product Management at Lex Machina. Good day Wade and thank you for being here.

Wade Malone ([01:46](#)):

Hello everyone. Thank you. I've been at Lex Machina since 2013. I was thrilled to help lead the team of engineers, data scientists, and product managers that created the Appellate Analytics we're going to show you today.

Carla Rydholm ([01:59](#)):

Darren Schleicher is Director of Sales and Sales Strategy at Lex Machina. Good day Darren and thank you for being here.

Darren Schleicher ([02:07](#)):

Hi, Carla. Thanks for inviting me. Thanks everyone for joining. I also joined in 2013. Wade edges me out by a couple months but in terms of interacting with customers, I probably have more experience than anyone.

Darren Schleicher ([02:18](#)):

This is a really exciting moment for Lex Machina. Because if we just think about the timeline of our company a little bit, when we started and I was having my first conversations with customers and prospective customers back in 2013, all we did was patent. People loved it but what was the question

that'd always come at the end of the demo? They'd say, "Okay, can you show me appeals? What about appeals?" Back then we said, "Well, we can't help you with that."

Darren Schleicher ([02:41](#)):

Then when we built Trademark, the trademark litigators loved it but again, what was the same question? "Can you help me with appeals?" And so on, with securities and employment and all the areas of federal litigation that we've built out.

Darren Schleicher ([02:51](#)):

Now that we've built out full coverage for all commercially-relevant civil litigation in [USS 00:02:56] or court, the appellate layer is layered on top and it is incredibly exciting. Because we can go back to all those people that were using us and getting value out of just the district-court data, give them the appellate data and show them how it impacts it. It's really a watershed moment for Lex Machina and our customers.

Carla Rydholm ([03:12](#)):

That's awesome. Can you elaborate a little more on what you mean by watershed and why appeal's spending the whole data set is a big deal?

Darren Schleicher ([03:22](#)):

I think it's important to give a reminder of what Lex Machina has been doing for the past 10 years, because it all plays into what we've just built with appeals. For all the areas that we've built to date and people have been using, Lex Machina is the only available source for comprehensive outcomes. Which side won? Did they win at [Jamal 00:03:41]? Did they win a summary judgment? Comprehensive damage awards? How much money did someone win? What type of damage award was it? How frequently do these happen for my quarter, my judge?

Darren Schleicher ([03:50](#)):

We're the only source for rates of injunctive relief, for example, and things like findings of law. With an employment we pinpoint, you could show someone when there's a finding of discrimination based on race or gender. Or in securities litigation we have findings of Securities Act violations or in patent, findings of infringement.

Darren Schleicher ([04:06](#)):

This is what we've been doing to our data for the whole life cycle of Lex Machina that's made our data unique. Now that we have the appellate on top, we're not just showing you the appeals, the outcomes of those appeals are trickling down to any district-court case that they impact, and it's really revolutionizing our entire data set.

Darren Schleicher ([04:26](#)):

The other thing that's worth noting is it's not just the graphs and charts and percentages, it's showing who is actually involved in litigation. A huge benefit of Lex Machina is the fact that we go beyond who PACER says is in the case. Because we found that about 30% of cases are missing firms and attorneys that actually did work.

Darren Schleicher ([04:44](#)):

It could be that the court only shows the local council and leaves off the lead council, or it could be that someone entered pro hac vice. We actually mind the names of who did work on the case from the signature blocks. Which is critical because if you need to demonstrate, here's all of our experience in CD Cal or this is what we know about our opponent. If you don't have Lex Machina you're going to have large blind spots into who did what work. The same technology that does this for district court is now doing at the appellate level as well.

Carla Rydholm ([05:13](#)):

Got you. Wade, can you fill us in? Let's see how the new appeals analytics really are being incorporated into what Lex Machina is doing.

Wade Malone ([05:25](#)):

Yeah. Well, Darren emphasized a lot of the really cool data, things that Lex Machina does and I want to put that in context of the life cycle of a case. At the pre-filing stage of a case, you would use legal analytics to answer questions. Hey, what's likely to happen in this case? Who should we hire?

Wade Malone ([05:43](#)):

To the pleadings phase, how often does our judge dismiss this kind of claim? Through discovery, pre-trial, how often do we get an infringement claim at summary judgment decided? Legal analytics is used throughout the life of the case. The thing let's focus on today, Darren, where have you heard that Appellate Analytics would be helpful?

Darren Schleicher ([06:05](#)):

Everywhere. Obviously everyone's thought process goes immediately to the appeal itself where our data's very relevant now, but it goes down to the law firm counseling the company if they even should file the suit first place. What are our odds of winning? If it gets appealed, what are our odds then?

Darren Schleicher ([06:21](#)):

Same thing for the defense side. The data shows that we probably have an 80% chance of winning, but then the next question is if it goes to appeal, what do the numbers say then? Now we can answer it from even thinking about the case, to the very beginning stages and all the way through the end.

Wade Malone ([06:38](#)):

Thanks Darren. And so to wrap up with our last slide before we go to the live demo, I wanted to bring together what you've heard here and emphasize the two key points of value for Appellate Analytics. Number one, we're bringing legal analytics to a new, important court system. This lets us do the Lex Machina strategy, the Lex Machina use cases that we've been doing for years about craft successful strategies, win cases and close business. Which firms should I hire? How successful have they been in front of this judge? To do that, we added almost 400,000 new court of appeal's cases to the system and applied our industry-leading analytics to them.

Wade Malone ([07:19](#)):

The part two I want to emphasize, is that we've enhanced the story of our existing district court litigation. Darren talked about the trickling down of the appeals outcomes. All of the district court

outcomes, the damages, the findings, the remedies, they're all now vetted all the way through final appeal and they'll show you when they were reversed.

Wade Malone ([07:40](#)):

Also, reversal rates for district judges. This has been a top request. Overall, just this now lets you better understand the story of a litigation matter as it moves from the district court to the court of appeals and back.

Carla Rydholm ([07:55](#)):

Well, let's switch gears and take a look at Lex Machina together. Darren, what's been the top request for Appellate Analytics in terms of what customers have been asking for?

Darren Schleicher ([08:07](#)):

100% hands down, "Can you show me the reversal rate for my judge?" No question.

Wade Malone ([08:14](#)):

Yes Darren, I can do that. Let's imagine you're litigating an environmental case before Judge G. at the district court and you get an unfavorable ruling. Your first question is, "How likely am I to get this overturned? Like what is Judge G's reversal rate?" Let's see that in Lex Machina.

Wade Malone ([08:38](#)):

Let's go look up Judge G. This is Judge G's overview page with high-level stats about what's going on in district court and as of last week we have this new section. What's the reversal rate for Judge G? It's 19% and we're big believers at Lex Machina of showing our work. How did we get that? Well, it's the reversed or partially reversed cases out of all of the appeals cases that got affirmed or reversed and we'll click in to see some detail on that.

Wade Malone ([09:11](#)):

But first we wanted to put the 19% in context. Is a lot or a little? That's this next chart. Here's the reversal rate compared to all the other judges in the Central District of California. Here's Judge G. over here. Each one of these bars represents a different judge.

Wade Malone ([09:26](#)):

You can see that some judges get reversed more often up to the Central District of California median of about 29%. Some judges go all the way up into the forties or even fifties. And so this was one of the things that surprised us was the level of variation among judges of how often they get reversed. The data is really helpful to inform your strategy.

Wade Malone ([09:52](#)):

And so next, let's dive in. This 19% is Judge G's overall rehearsal rate, but we mentioned we were wanting to look at specifically, we were litigating an environmental case so ideally we'd like analytics specific to that.

Wade Malone ([10:07](#)):

We've jumped into now is Lex Machina's search and analytics. You're seeing the 162 appeals court cases originated from Judge G that got affirmed or reversed. Let's narrow this down to environmental. Now we're down to only six cases. The rate probably wants a bigger sample size but anecdotally, hey that's great, three reversed out of three affirmed.

Wade Malone ([10:36](#)):

But more importantly, you can now drill down into the cases themselves to look at these six cases. For example, let's take a look at California Sea Urchin v. Michael Bean. Just a quick side note, like Lex Machina's other case pages, we emphasize the entities involved. You can see all of the parties, you can see the law firms that represent those parties, and you can see the attorneys that work at the law firm representing that party.

Wade Malone ([11:05](#)):

As we scroll down here, again, this is a Ninth Circuit case. Where did it come from? Well, we wanted to provide that easy link for customers as well, it came from this case. Quick detour over there just to show you. When we list out the findings, Darren mentioned this earlier, originally we would just tell you, "Hey, there was a statute of limitations defense finding here." Now we've layered on top. Hey, this particular finding got reversed and here's how you can go read more about it. That's what we mean by enhancing our district-court outcomes.

Wade Malone ([11:40](#)):

Back up to the Ninth Circuit case, last thing I wanted to show you was the case resolution. For all terminated appeals court cases, we'll tell you what happened to them. What I wanted to point out here is you can drill down to the docket entry and eventually to the underlying document itself, the PDF from the court with the opinion.

Wade Malone ([12:02](#)):

Again, we want to show our work and that's all I have about reversal rates. You can start with the high-level stats. You can drill down and customize and get all the way down to the underlying PDFs to help you with your specific question.

Carla Rydholm ([12:17](#)):

Thanks Wade. Now for circuit courts, Darren, why is having legal analytics valuable?

Darren Schleicher ([12:23](#)):

Well, I think when people think of legal analytics, they immediately think about what's my judge like? But I think savvy litigators want as much information as possible when making key decisions and recommendations to clients.

Darren Schleicher ([12:34](#)):

And so what about what's the opponent like, what's their track record? What about let's show what our track record is and why we should be hired? What about how long is it going to take, which correlates directly to what could it cost? We just give people more information now at the appellate level to make the best decisions possible.

Wade Malone ([12:55](#)):

All right. Well again, let me show you some of that. Let's imagine you are litigating an appeal in the Second Circuit from a securities case. What we're looking at here is the universe of all 392,000 court of appeals cases in Lex Machina's system. I'm going to start by narrowing to the Second Circuit. We'll get back to securities here in just a second, but I just wanted to show you, you can now get a quick volume estimate. All right, the Second Circuit is seeing about 3,500 appeals a year.

Wade Malone ([13:28](#)):

Looking at timing, let's focus on termination. The average appeal in the Second Circuit takes 180 days from being docketed to termination. Now I want to layer on securities, so we mentioned we'd like, we're litigating an appeal that came from a securities case.

Wade Malone ([13:49](#)):

I want you to watch what happens to this timing. It went up dramatically. The average appeal from a securities case in the Second Circuit takes 307 days to terminate, we're almost double. I wanted to emphasize here why you need to be able to customize the analytics to your situation, so you get insights that are really relevant to you.

Wade Malone ([14:18](#)):

Moving along, we can look at law firms. Which law firms have the most experience with securities appeals in the Second Circuit, when you see some familiar names here. Robins Geller, Paul Weiss, Thatcher and we split it up into the law firms that represented appellants versus appellees. You can get much more detail by running this report. You can look at all the top 1,000 law firms and dig into those cases. Very similar for parties, what parties tend to litigate here? Again, with the appellants and appellees you see some familiar names as well.

Wade Malone ([14:53](#)):

I want to spend a little bit of time on the resolution analytics. Again, resolutions are how did the case end? That helps you understand what happened in these cases. In our previous Judge G. example, we focused in the top left here on the reversed or affirmed. That's the marquee thing people think of when they think of cases ending but appeals cases end in a lot of other different ways.

Wade Malone ([15:18](#)):

This is one of the big advantages of Lex Machina's use of dockets. We get the whole universe. You'll see a lot of green and yellow over here, that correlates to a lot of settlements and procedural dismissals. Appeals cases settle just like any other kind of case. It's important to keep this whole universe in mind when you're trying to make accurate assessments about what is likely to happen in litigation.

Wade Malone ([15:45](#)):

My last point about resolutions, you can use these filters to filter to different resolutions to customize even further. For example, if you want to find the law firms that were most successful in getting appellants a reversal or in getting an appellee's an affirmed ruling, you can do that as well.

Wade Malone ([16:04](#)):

Speaking of filters, last thing I want to show you here in this demo is walk through some of the different ways you can slice and dice the data, again, to get at the analytics relevant to your situation. I'm going to take off securities for this example. Looking at the Second Circuit and this applies to all our appeals cases, we've got some case tags.

Wade Malone ([16:27](#)):

So you can know which cases went to the Supreme court, which cases had a panel rehearing or en banc rehearing, which cases had an appealability ruling. This is mostly for interlocutory sorts of things. We'll talk about this in a little bit. Some various kinds of date filters. If you're familiar with the court, we'll come back to judges. Case resolutions you're looking at over here.

Wade Malone ([16:52](#)):

Supreme Court decisions. We'll show you which cases got impacted by a Supreme Court decision. Originating venues. Most appeals cases come out of federal district court, but there are plenty of other venues that feed cases into the court of appeals so we'll show you those as well. Board of immigration appeals, other agencies, PTAB and the federal circuit.

Wade Malone ([17:15](#)):

You can also filter by a specific district court if you only want to see the appeals coming out of SDNY. We looked at case type before when we did securities. And originating judges, this would've been like Judge G. and district court, if you want to see all the appeals that come out of a specific district judge's order.

Wade Malone ([17:36](#)):

The very last thing I wanted to show you was the circuit judges. One of the things our customers asked for was oftentimes when they get their panel, there's a bit of a scramble to find the track record of, hey, what has this panel done together? We make that really easy for you.

Wade Malone ([17:52](#)):

For example, if you had a panel of Livingston, Carney and Cabranes. There you go, they've done 103 cases together. Again, you can slice and dice further to understand more about that panel. In sum, we provide a lot of ways to filter the data to get the actionable analytics you need for your particular situation.

Carla Rydholm ([18:26](#)):

Thanks, Wade. That was really fun to see the whole thing and navigating alongside. I want to make a point here around so taking a step back. To create Appellate Analytics, Lex Machina collected data sets of key documents for all of these cases and used our technology and know-how to analyze these documents.

Carla Rydholm ([18:48](#)):

Which this is crucial into how Lex Machina going to create entity data sets, analyzes those high-value case data and organize its search options based on proprietary document tagging. Now those documents are available in Lex Machina's platform. Darren, why is access to documents valuable to our customers?

Darren Schleicher ([19:10](#)):

Well number one, I would say that because we get the documents, that's what enables us to provide the insights that no one else has about the damages and the findings and whatnot. But I think when most people think of Lex Machina, they think of the colorful graphs and charts, which is fantastic.

Darren Schleicher ([19:24](#)):

But what's not to be overlooked is the fact that going back to that Judge G. example, the very beginning of Wade's demo. Now that we know how often Judge G. has reversed an environmental litigation, the next step is to dig into those specific documents to read what were the arguments that led to this outcome? What were the fact patterns? What could I learn from this that I could possibly repurpose to get a win for my client?

Wade Malone ([19:47](#)):

Yeah, thanks Darren. We'll just do a brief demo of some of our document-searching capability here. What you're looking at is a all nine million docket entries from the court of appeals. Over here on the filter, similar to our case example you can filter this down to the documents of interest.

Wade Malone ([20:07](#)):

First one is a keyword. What's the hottest topic ever? Cryptocurrency. Over here on the right, you can see that docket entry 37 in Ox Labs v. Bitpay in the brief, here's the docket entry, we have downloaded the actual document itself. You can see that cryptocurrency had a keyword hit here and you can go look at the underlying document itself.

Wade Malone ([20:40](#)):

As a separate example, we have other filters that would let you further sort this, courts, originating venues like you saw earlier. Then I wanted to do an example with document tags. As Carla mentioned, Lex Machina has done a lot of work figuring out how to tag all these different docket entries so you can find the ones you want.

Wade Malone ([21:04](#)):

You can see this list. Some of these tags you've seen before like the Supreme court decisions, the rehearings and I wanted to focus on appealability. Our customers noted interlocutory appeals were things they would like it to be easier to find information about.

Wade Malone ([21:24](#)):

In district court, that is done using the permission to appeal. So if you want to see when was the permission to appeal granted in the Fifth Circuit, you can pull that up and you can drill into these documents. Like Darren said, understand why this tends to get granted, things like that. As Darren mentioned, the analytics will help you with high-level strategy questions, and we let you drill all the way down to the underlying documents. Back to you, Carla.

Carla Rydholm ([21:54](#)):

I'm so excited about bringing federal appeals to our customers. It'll be really great to take questions now about this exciting addition to Lex Machina's legal analytics. Thanks to the folks who've already sent in some questions, and please feel free to add some more at this point.

Carla Rydholm ([22:14](#)):

We have a variety of questions and some are very specific data questions and others are big picture. I'll start with this is a big picture question. "Can I get appeals data for a company?" The answer is yes. Wade, would you mind pulling that up? With Lex Machina's appeals analytics you know who's involved and can start your search with the company but Wade can show us.

Wade Malone ([22:42](#)):

Sure. Just a few clicks we can get you to Apple's overview page and boom, there you go. 600 cases mostly in the Federal Circuit, not too surprisingly.

Carla Rydholm ([22:57](#)):

Wade, while we've got you in the product, this question, this next one might also be best answered with just a navigation if you don't mind. "How does Lex Machina handle a federal case that has multiple appeals?"

Wade Malone ([23:13](#)):

Yes. We show you both of them but I actually have an example for that. Here, we're looking at a district court case page. This is the District of New Jersey. Here in the appeals section you will see that here there was an appeal to the Third Circuit filed January, 2015 where this was an interlocutory question. It was an appealability. Hey, can we appeal this? That was granted so then they filed the actual appeal, which had a different civil action number filed on a later date. It was ultimately reversed.

Wade Malone ([23:52](#)):

Again, the thing to point out is we've linked all these cases together for you. If you were looking at the district court case, it's very easy to get links out to the one, two, three, twelve cases, twelve appeals that spawn from this one district court case.

Carla Rydholm ([24:07](#)):

All right. A data question Wade. "Does reversed include vacated on appeal?"

Wade Malone ([24:15](#)):

Yes, it does. The Help Center does go into a little more detail on what those different resolutions mean.

Carla Rydholm ([24:22](#)):

"How far back does the appeal data go?"

Wade Malone ([24:25](#)):

It goes back to all appeals cases filed 2012 or later, January 1st, 2012.

Carla Rydholm ([24:35](#)):

A question around Supreme Court analytics. "Does this include Supreme Court analytics?"

Wade Malone ([24:44](#)):

The answer is sort of. We do not have all the Supreme Court dockets, so you can't do the full analytics about which judge has agreed with this other judge, that kind of thing. But our court of appeals outcomes that flow down to district court as well, we do update those for Supreme Court rulings.

Wade Malone ([25:05](#)):

If a court of appeals decision is affirmed and you get a Writ of Certiorari granted, we've got a tag for that and the Supreme court, reverses it, we will reflect that in the case page. And show you, hey, this got reversed by the Supreme Court and the ultimate decision is actually reversed.

Carla Rydholm ([25:25](#)):

This is a product question about the broader LexisNexis ecosystem. "Is information you mine shared with any other Lexis products?" This attendee just mentions that they're asked who represented a company and litigation matters, and wonders if the representation info is also in, for example, CourtLink?

Carla Rydholm ([25:48](#)):

I can chime in and then Wade and Darren, feel free as well. The information that Lex Machina shared documents, we do share documents with other really broadly and LexisNexis legal and professional. So the documents that we were mentioning that we collected, briefs and opinions would be shared. But in terms of the representation info, Wade, how would you answer that?

Wade Malone ([26:17](#)):

I would say specifically, no we don't. Our data is not shared into court-length strategic profile, but we are in all the Lexis group of companies like this are in discussions about how better to share this and where we can make better use of this kind of thing.

Carla Rydholm ([26:41](#)):

There are a few more questions on data and then even more questions sort of big picture. I'm going to just choose maybe one more. Wade and Darren, you all can see the many questions. Any we didn't get to, we will respond directly to the attendee if their identity was shared. Any you want to grab, Wade or Darren?

Wade Malone ([27:06](#)):

Sure. I'll take, "Do you capture reductions? Example, so a \$40 million verdict awarded at the district court could be reduced to 5 million on appeals." Yes, and the way we would capture that is you would see the original \$40 million damage award and it would say, "Reversed." With that little pink reverse tag that you saw an example of earlier. Then we would have a new award at the new date for \$5 million. That is threaded together on the case page and we also have separately, damage awards search, where you can specifically search for damage awards that got reversed.

Carla Rydholm ([27:46](#)):

All right. Well with that, thank you to all of the questions that came in. Darren, if you want to take us home.

Darren Schleicher ([27:53](#)):

Yeah. Just thank you for everyone who's attending. Thank you for everyone who attended who's a customer. Speaking of that, if you're a customer already on our enterprise subscription, I guess [What Appeals 00:28:02] is already live. If you log into Lex Machina you can and access everything that we did today.

Darren Schleicher ([28:07](#)):

If you'd like to arrange any type of training or follow up, please don't hesitate to reach out to your assigned customer-success manager. If you are a non-customer or a customer that does not yet have enterprise, please don't hesitate to reach out to me and we could answer any questions you might have. I think that concludes our webcast. Thank you everyone and have a wonderful day.

Wade Malone ([28:25](#)):

Thank you all.

Carla Rydholm ([28:27](#)):

Thanks.