

## Researching Attorneys in PACER: A Comparison with Lex Machina

Lex Machina is proud to introduce its new Attorney Data Engine. Leveraging Lex Machina's experience with natural language processing techniques, this feature processes docket text and the signature blocks of individual case documents to create a level of detail never before possible.

These attorney data improvements are essential in light of the current state of data available to attorneys, especially those relying on the federal court's website, PACER (an abbreviation for Public Access Court Electronic Records). Although many would be surprised to know, the attorney data found on PACER frequently misrepresents the reality of a case – often associating lawyers with the wrong law firms or omitting them entirely. Moreover, these errors differ by district – in some the errors are significant enough to skew any statistics on firms in the district.

This blog post outlines three key features being released to improve Lex Machina's attorney data. For each key feature, we will compare the attorney data publicly available through PACER with Lex Machina's view of the case. The differences will show what kinds of problems to watch out for in PACER data, and how you can easily address these problems with Lex Machina.

### 1. PACER omits lawyers admitted pro hac vice (PHV) from its attorneys page

Particularly in the districts of Delaware and New Jersey, the PACER system often omits attorneys who have been admitted to the case pro hac vice because they are not members of the court's bar, listing instead only local counsel. In many of these cases, these attorneys admitted pro hac vice are the primary counsel in the case. This error causes underrepresentation of national firms doing business in those districts – a particular problem for those in the ANDA world, which is heavily concentrated in exactly those two districts.

For example, in *Boehringer Ingelheim Pharma GmbH et al v. Kremers Urban Pharmaceuticals, Inc.* (D.N.J., 1:13-cv-01580), lawyers from Foley & Lardner represented the defendant, Kremers Urban. Yet they do not appear on PACER's attorney page – only Jeffrey Cohen of Flaster Greenberg does.

| PACER   | Lex Machina  |
|---|--|
| Representing Boehringer Ingelheim Pharma  |  |
| Paul Hastings   | Paul Hastings  |
| <ul style="list-style-type: none"><li>○ Angela C. Ni</li><li>○ Eric W. Dittmann</li><li>○ Jason T. Christiansen</li></ul> | <ul style="list-style-type: none"><li>○ Angela C. Ni</li><li>○ <b>Bruce M. Wexler</b></li><li>○ Eric W. Dittmann</li><li>○ Jason T. Christiansen</li><li>○ <b>Joseph M. O'Malley Jr.</b></li></ul> |
| Saul Ewing  | Saul Ewing   |
| <ul style="list-style-type: none"><li>○ Charles M. Lizza</li></ul>  | <ul style="list-style-type: none"><li>○ Charles M. Lizza</li></ul>   |

|                                    |  |
|------------------------------------|--|
| ○ Sarah A. Sullivan                | ○ Sarah A. Sullivan                    |
| ○ William C. Baton                 | ○ William C. Baton                     |
| Representing Kremers Urban Pharma: |  |
| Flaster/Greenburg                  | Flaster/Greenburg                      |
| ○ Jeffrey A. Cohen                 | ○ Jeffrey A. Cohen                     |
| ○                                  | <b>Foley &amp; Lardner</b>             |
|                                    | ○ <b>Liane M. Peterson</b>             |
|                                    | ○ <b>Matthew Jae Yong Shin</b>         |
|                                    | ○ <b>Rebecca J. Pirozzolo-Mellowes</b> |

Excerpt showing the portion of PACER's attorney page with data for *Boehringer Ingelheim Pharma GmbH et al v. Kremers Urban Pharmaceuticals, Inc.* (D.N.J., 1:13-cv-01580) (See <https://ecf.njd.uscourts.gov/cgi-bin/qryAttorneys.pl?286807>)

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**KREMERS URBAN PHARMACEUTICALS, INC.**  
*(Counter Claimant)*

**KREMERS URBAN PHARMACEUTICALS, INC.**  
*(Defendant)*

Lex Machina's attorney page for *Boehringer Ingelheim Pharma GmbH et al v. Kremers Urban Pharmaceuticals, Inc.* (D.N.J., 1:13-cv-01580)

## Parties & Counsel

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### Plaintiff

#### Boehringer Ingelheim International GmbH

■ Paul Hastings

■ Angela Cheryl Ni  
■ Bruce Matthew Wexler  
■ Eric William Dittmann  
■ Jason T. Christiansen  
■ Joseph M. O'Malley Jr.

■ Saul Ewing

■ CHARLES MICHAEL LIZZA  
■ SARAH ANN SULLIVAN  
■ William Charles Baton

#### Boehringer Ingelheim Pharma GMBH & Co. KG

#### Boehringer Ingelheim Pharmaceuticals, Inc.

### Defendant

#### KREMERS URBAN PHARMACEUTICALS, INC.

■ Flaster/Greenburg

■ Jeffrey Andrew Cohen  
■ Foley & Lardner  
■ Liane Marie Peterson  
■ Matthew Jae Yong Shin  
■ Rebecca Jan Pirozzolo-Mellowes

The savvy user of PACER may notice that these attorneys admitted PHV occasionally appear on the PACER Parties page. However, this does not happen reliably and when it does, no indication is provided of which party each attorney represents.

The lack of easy information on attorneys admitted by PHV can make it hard to locate the cases a particular lawyer has worked on, or frustrate the attorney trying to figure out who represented a particular party in a case of interest, but it also makes it difficult to know accurately, for example, how often a particular firm represents plaintiffs in a district.

By processing the PHV admission motions and orders, and then matching the attorneys to the appropriate parties, Lex Machina enables users not only to quickly understand cases, but also to generate their own aggregate insights grounded in more accurate data.

## 2. PACER misreports lawyers who have changed firms

Another trap for the unwary lies in how PACER handles changes in attorney data, such as when a lawyer changes law firms. Attorneys moving between firms often retain their PACER login and simply update the information in the account to reflect their new law firm affiliation. However, this often causes PACER to reflect the new affiliation even in cases the lawyer worked on before moving law firms.

Over time, this historical error compounds, leading PACER to show highly misleading results. For example, in *Catch Curve Inc v. Callwave Inc* (C.D.Cal., 2:05-cv-04819), PACER erroneously reports five law firms and two private parties as being involved in the case. In actuality, five of the lawyers in this case moved firms (and two in-house), causing PACER to misreport that Catch Curve was represented by Wet Enterprises Inc., Singularity LLP, and Warren Lex (a firm founded years after this case terminated) and that Callwave was represented by Kasowitz Benson, Latham & Watkins, Sidley Austin, and Vinson & Elkin.

| <b>Attorney</b>           | <b>PACER law firm</b>       | <b>Lex Machina law firm</b>      |
|---------------------------|-----------------------------|----------------------------------|
| <b>Carla Bedrosian</b>    | <b>Wet Enterprises Inc.</b> | <b>Loeb &amp; Loeb</b>           |
| Norma Bennett             | Weil Gotshal & Manges       | Weil Gotshal & Manges            |
| <b>Frank L. Bernstein</b> | <b>Singularity LLP</b>      | <b>Kenyon &amp; Kenyon</b>       |
| <b>Steven C. Carlson</b>  | <b>Kasowitz Benson</b>      | <b>Weil Gotshal &amp; Manges</b> |
| Brandon D. Conard         | Weil Gotshal & Manges       | Weil Gotshal & Manges            |
| Brian R. England          | Sullivan & Cromwell         | Sullivan & Cromwell              |
| Brian M. Hoffman          | Fenwick & West              | Fenwick & West                   |
| Edward E. Johnson         | Sullivan & Cromwell         | Sullivan & Cromwell              |
| Brian A. Kohm             | Fenwick & West              | Fenwick & West                   |
| <b>Joseph Hyuk Lee</b>    | <b>Latham &amp; Watkins</b> | <b>Weil Gotshal &amp; Manges</b> |
| Matthew D. Powers         | Weil Gotshal & Manges       | Weil Gotshal & Manges            |
| Robert A. Sacks           | Sullivan & Cromwell         | Sullivan & Cromwell              |
| <b>Matthew S. Warren</b>  | <b>Warren Lex</b>           | <b>Sullivan &amp; Cromwell</b>   |
| <b>Vernon M. Winters</b>  | <b>Sidley Austin</b>        | <b>Weil Gotshal &amp; Manges</b> |
| <b>Darryl M Woo</b>       | <b>Vinson &amp; Elkins</b>  | <b>Fenwick &amp; West</b>        |

Additionally, PACER often omits attorneys or law firms that have withdrawn from a case from its display. This too can lead to misleading information, both about specific cases and in aggregate.

### **3. PACER does not recognize lawyers listed in signature blocks**

Often attorneys working on a case are not listed in PACER, despite their names appearing in the official “signature blocks” that appear at the bottom of every filing. Here’s an example of such a signature block.

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/s/ *Stephen J. Kraftschik*

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*Attorneys for Defendant*

May 5, 2015

These attorneys may be associates who worked on the case but were never officially entered into PACER, or perhaps an attorney who pitched in for a particular brief and only appeared on a few documents.

As you can see below for the case *Preservation Technologies LLC vs. NFL Enterprises LLC* (D. Del., 1:14-cv-01295), Lex Machina's data reflects two lawyers (shown in bold) that do not appear on PACER's attorneys page. The involvement of these lawyers was gleaned from signature block data.

| PACER  | Lex Machina  |
|--|--|
| Representing Preservation Techs. LLC   |  |
| The Farnan Firm:   | The Farnan Firm:   |
| <ul style="list-style-type: none"><li>○ Brian E. Farnan</li><li>○ Michael J. Farnan</li></ul>  | <ul style="list-style-type: none"><li>○ Brian E. Farnan</li><li>○ Michael J. Farnan</li></ul>  |
| DiNovo Price Ellwanger & Hardy   | DiNovo Price Ellwanger & Hardy   |
| <ul style="list-style-type: none"><li>○ Nicole E. Glauser</li><li>○ Victor G. Hardy</li><li>○ William M. Parrish</li><li>○ Stefanie T. Scott</li></ul> | <ul style="list-style-type: none"><li>○ Nicole E. Glauser</li><li>○ Victor G. Hardy</li><li>○ William M. Parrish</li><li>○ Stefanie T. Scott</li></ul> |
| Representing NFL:  |  |

|  |  |
|--|--|
| <p>Morris, Nichols, Arsh &amp; Tunnell LLP :</p> <ul style="list-style-type: none"> <li>○ Jack B. Blumenfeld</li> </ul>    | <p>Morris, Nichols, Arsh &amp; Tunnell LLP :</p> <ul style="list-style-type: none"> <li>○ Jack B. Blumenfeld</li> <li>○ Stephen J. Kraftschik</li> <li>○ <b>Jeremy A. Tigan</b></li> </ul> |
| <p>Vinson &amp; Elkin:</p> <ul style="list-style-type: none"> <li>○ Syed K. Fareed</li> <li>○ Hilary L. Preston</li> </ul> | <p>Vinson &amp; Elkin:</p> <ul style="list-style-type: none"> <li>○ Syed K. Fareed</li> <li>○ Hilary L. Preston</li> <li>○ <b>Matthew J. Ricciardi</b></li> </ul>                          |

PACER's attorney page for *Preservation Technologies LLC vs. NFL Enterprises LLC* (D. Del., 1:14-cv-01295)

## Attorneys

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Lex Machina's attorney page for **Preservation Technologies LLC vs. NFL Enterprises LLC** (D. Del., 1:14-cv-01295)

## Parties & Counsel

---

### Plaintiff

#### ▼ Preservation Technologies LLC

■ DiNovo Price Ellwanger & Hardy

■ Nicole E. Glauser

■ Stefanie Tina Scott

■ Victor G. Hardy

■ William Morrison Parrish

■ Farnan

■ Brian E. Farnan

■ Michael J. Farnan

### Defendant

#### ▼ NFL Enterprises LLC

■ Morris, Nichols, Arsh & Tunnell

■ Jack B. Blumenfeld

■ Jeremy Alexander Tigan

■ Stephen J. Kraftschik

■ Vinson & Elkins

■ Hilary Lovett Preston

■ Matthew Joseph Ricciardi

■ Syed Kamil Fareed

Seeing lawyers involved in a case, beyond what PACER reports, gives counsel armed with this knowledge an advantage over those without. From searching potential conflicts for an outside counsel hire (or a law firm associate hire), to monitoring litigation, knowing which attorneys are working on the case can make all the difference.

### Conclusion

Lawyers could dig around in the underlying documents in the case to more accurately determine which law firms were involved (and which attorneys worked for them). But Lex Machina's Attorney Data Engine makes it easier, greatly reducing these errors by combining our historical data with systems that cross reference other sources of attorney data in a case. Regardless of whether you're quickly assessing a related case or evaluating a law firm's experience in aggregate, blocking out this false data is crucial to reaching a meaningful result.