

Legal Analytics Enable Mid-Market Law Firms to Win Clients and Cases

By Owen Byrd

How can law firms with fewer attorneys and smaller budgets beat larger firms when competing for clients or in the courtroom? One answer is to employ data-driven insights into the behavior of courts, judges, parties, law firms and lawyers.

Legal Analytics involves the discovery and communication of meaningful patterns in litigation data. Unlike traditional legal research, which seeks to uncover controlling authority that lawyers then apply via legal reasoning to the facts of a case, Legal Analytics seeks to uncover patterns in the behavior of people and organizations in the litigation ecosystem for competitive advantage. Practice-specific data about case timing, motions, findings, remedies and damages can provide the winning edge in the business and practice of law.

Dozens of mid-market firms—with practices spanning disputes about contracts, intellectual property, employment, insurance, securities, tax, antitrust, product liability, environmental matters and more—now employ Legal Analytics to:

- Identify growing practices and prospective clients
- Create winning pitch decks
- Conduct early case and risk assessment
- Assess parties and opposing counsel



- Develop winning case strategy and tactics
- Set accurate litigation budgets
- Create profitable alternative fee arrangements

Analytics for the Mid-Market Business of Law

Law firms of all sizes often face big decisions about how to grow a specific practice area, along with short time frames to demonstrate their expertise to a new client or to an existing client with a new matter. Large law firms often have a competitive intelligence or speed advantage, with dedicated business development professionals available to track trends in practice areas, as well as all recently filed cases.

Legal Analytics can level the practice and client development playing field between large and mid-market firms.

For example, a patent litigation boutique used Legal Analytics to discover that suits by non-practicing entities against operating companies over patent infringement were on the decline after many years of growth. The firm then mined the data to discover that suits over pharmaceutical patents were increasing. The partners shifted their marketing efforts and grew their business by targeting drug companies.

One regional mid-market firm with a strong employment litigation practice got a scare when a Legal Analytics query revealed that one of their long-standing clients was starting to shift

more routine employment disputes to a big national employment firm. Armed with this insight, partners were able to negotiate an alternative fee agreement that preserved and expanded this key practice group's caseload.

Legal Analytics also reveals law firm client lists along with total case counts. These lists enable mid-market firms to track how prospective clients use their existing outside counsel—insight that can inform business development strategies to win that work away from larger firms. Firms can even investigate the caseload of a specific attorney with whom they compete. For example, one mid-market firm was able to land a new client by showing that their competitor was too busy to provide the high-touch service demanded by the client.

Regardless of whether a pitch opportunity results from tracking trends or recent case filings, speed and actionable insights are key to winning the client. Legal Analytics enable mid-market firms to quantify their experience with a particular venue or judge, opposing party or law firm in data that speaks directly to the prospective client's needs with the same level of detail that a larger firm can provide. The era of "anec-data," or anecdotes substituting for insights, has passed. Clients want to see pitch decks containing data-centric information:

- How have similar parties with similar cases fared in the past before a specific judge?
- How long will it take to get to key case milestones?
- Which motion strategy will have the greatest chance of success?

- What strategies have the opposing party and their counsel employed in similar prior cases?

Clients also want to see accurate case budgets grounded in data. Knowing the median time to a granted injunction, summary judgement, trial or contested dismissal in front of a specific judge for a specific case type greatly increases litigation budget accuracy. For a mid-market firm competing with a heavily staffed big firm, a budget grounded in data can make the difference between landing the client or losing the client to the competition.

Analytics for the Practice of Litigation

Once a mid-market firm has landed a new client or a new case from an existing client, it can use Legal Analytics to out compete against opposing counsel, whether it is a big firm or a mid-market competitor.

Traditional early case assessment starts with accurate legal research and sound legal reasoning. But Legal Analytics now enables data-driven attorneys to supplement traditional lawyering with insights into how the judge, opposing party and opposing counsel have behaved in prior cases.

Lawyers at mid-market firms who use Legal Analytics can conduct early case assessment, set case strategy and execute on specific case tactics informed by actual litigation data. The size of the firm no longer limits access to actionable insights.

For example, what is the judge's specific experience with product liability cases? How often do they go to trial? Does the opposing counsel in a con-

tract dispute engage in motion-heavy pre-trial practice? Do they seek remedies such as injunctions in trademark disputes? Does the opposing party in an insurance case put all its effort into prevailing on summary judgement?

Motion practice has been transformed by Legal Analytics. Motion metrics reveal rates of grant and denial of specific motions by specific judges in specific case types. Do you want to know the rate at which a judge has granted a contested dismissal in prior copyright cases in order to evaluate a client's likelihood of prevailing on such a motion? In the past a lawyer could only advise a client facing this kind of tactical decision by applying the law to the facts. Now, lawyers using Legal Analytics can combine insights gleaned from bottom-up data with traditional top-down controlling authority to help clients make decisions with a higher level of confidence.

Conclusion

Mid-market firms face economic and time pressures unique to their size, especially when competing with larger firms for clients and in court. Legal Analytics provides mid-market firms with access to information that was previously unavailable, or available only to big firms that could deploy a squad of associates to crunch docket data with brute force. Mid-market firms that use Legal Analytics will find themselves better able to land the client, win the case and succeed in the business and practice of law.

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