



Responsible Use of Legal Analytics

Lex Machina hosts Kevin Miles, Manager of Library Services at Norton Rose Fulbright in conversation with Carla Rydholm, Director of Product at Lex Machina, exploring what it means to use Legal Analytics in a responsible way, including:

- Transparency - Where does data come from? Do you know how the data set is defined?
- Interpretation - How do we put data in context and use it to make decisions?
- Adoption - Who is using this technology and how can analytics help you stay competitive?

The panel is hosted by Lex Machina's head of Customer Success, Joshua Harvey. Learn how to be confident about your analytic insights and how to avoid getting snagged by misleading or inaccurate analytics.

Speakers:



Moderator:
Joshua Harvey
Manager of the Customer Success Team
Lex Machina



Speaker:
Carla Rydholm
Director of Product Management
Lex Machina



Speaker:
Kevin Miles
Manager of Library Services
Norton Rose Fulbright

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

Happy to have everyone here today. Today, we're going to cover themes regarding responsible use of legal analytics, including transparency, data interpretation, and user adoption. And before we get started just a couple quick housekeeping notes, this is going to be a 30 minute presentation, but we do plan to have questions at the end. There's a Q&A button you'll be able to click onto. If you have any questions, please hit that. And we're definitely going to try to cover as many of those as we can at the end.

Joshua Harvey ([00:29](#)):

We're also going to be running a quick poll in a couple minutes. So one of our panelists is going to put up a poll, and we asked that everyone respond candidly, and we'll kind of cover that poll throughout the session. And there will be a couple sides as well. All the speakers are going to be on video, and you'll also see some live demonstrations in the product.

Joshua Harvey ([00:47](#)):

So a little bit about Lex Machina, we're a legal analytics company that helps users win and get better outcomes. And so this includes winning cases, winning negotiations, winning business, and getting successful outcomes that you and your clients really want. Any of the live demo examples that we're going to see today in this webcast are all going to be available functions and things that you can do on our platform.

Joshua Harvey ([01:11](#)):

My name is Joshua Harvey. I lead the customer success team here at Lex Machina, and I work with my team to ensure that our customers are achieving success with legal analytics by accomplishing your litigation and business goals. And today I'm joining you from my home office here in sunny Austin, Texas.

Joshua Harvey ([01:29](#)):

We have two other wonderful speakers for this webcast. We have Kevin Miles, the Manager of Library Services at Norton Rose Fulbright, and Carla Rydholme, who's our Director of Product management from Lex Machina. Carla is going to lead the slides, and demo the rest of the webcast. Could each of you go ahead and introduce yourselves and kind of give us a little bit of background of how you got here to join us to talk about legal analytics?

Carla Rydholm ([01:55](#)):

Sure thing. So I am located at my home office in Los Gatos, California, and as a member of the product development product management team at Lex Machina, we feel an incredible weight to create analytics that should be relied on, and are aware that users and our customers are using data, incorporating data as part of their decision-making process, and so it's really important to us to have conversations about responsible use of that data. And I'm really excited to [inaudible 00:02:33] today. Kevin, over to you.

Kevin Miles ([02:37](#)):

Yes, hi, I'm Kevin Miles Manager of Library Services at Norton Rose Fulbright in Dallas, Texas. And I'm working from the home office during that pandemic, and glad to be here. I'm a heavy user of Lex Machina, and I'm happy to share any insights with you that I've developed. Back to you.

Carla Rydholm ([02:58](#)):

Alrighty. So this is a sketch of our agenda today. We'll talk about legal analytics, starting with a definition, and then we'll run a poll to check in with you all. Thanks to all the participants who've joined us. And then use some demo examples of legal analytics to keep the conversation going, and stick to themes including transparency, data interpretation, and user adoption.

Carla Rydholm ([03:28](#)):

So Kevin, how do you define legal analytics when you're thinking about this realm, or do you like one of these definitions that we're looking at?

Kevin Miles ([03:44](#)):

I like all of the definitions up there, but the one that I favor the most is legal analytics is the application of data to the business and practice of law.

Carla Rydholm ([03:56](#)):

Well, I really liked the one in the lower right hand, that legal analytics is viewing litigation history as a dataset, look to its patterns and gain insights. So folks will probably hear me, listeners, talk about this dataset. And what I mean is that collection of cases that then was used to derive patterns and insights and the analytics that we'll be looking at together today and speaking about generally.

Carla Rydholm ([04:22](#)):

So Kevin, how are law firms using legal analytics?

Kevin Miles ([04:25](#)):

Law firms are using legal analytics as a competitive intelligence tool to evaluate the emerging case, and to see how the case would go to the very end, either through settlement or battle.

Carla Rydholm ([04:44](#)):

All right, well, Lex Machina conducted a survey poll, which we want cover the whole survey, but in January, 2021, so this is a very fresh, there were over 600 respondents to a survey that went out to thousands of practitioners at law firms of all sizes. And in response to one question about how are law firms using legal analytics, there were all kinds of themes touched upon in terms of which [inaudible 00:05:11] are the firms applying data legal analytics to for both the practice of law and the business of law. So Kevin how frequently do you use legal analytics?

Kevin Miles ([05:24](#)):

And I use legal analytics every day. I start off in the morning with insights evaluating cases to push on to our teams. And then during the day I get specific requests for information about judges, or timelines, or the opposing counsel.

Carla Rydholm ([05:48](#)):

[inaudible 00:05:48] just kind of reflecting, maybe taking a step back, how has your role changed with this recent rise of legal analytics and all these ways that data and knowledge and technology are being used?

Kevin Miles (06:02):

Well in the early days, librarians were book herders, and no longer. Now we are almost like business analyst. We have to help the attorneys gather the information so that we can all stay employed.

Carla Rydholm (06:19):

It sounds pretty fun. And it's always a pleasure talking to knowledge management professionals, folks that know the law, know technology, and are very comfortable about data. And so what I'm going to do now is, we had mentioned there was a poll, and this is the question that I'm going to put up in the poll, and really reach out to the folks that joined us to ask how frequently do you use legal analytics in the practice of law, or in the business of law?

Carla Rydholm (06:50):

The answers, the options you see there, daily, weekly, monthly, annually, or never, perhaps not yet. And we'll check in with you Joshua, maybe keep an eye on what's coming in from the poll.

Carla Rydholm (07:05):

So I'm now going to switch gears a little bit and get into some demos. So I'm going to continue [inaudible 00:07:15], but now navigate over to Lex Machina, which both Kevin and I will really use as conversation about analytics.

Carla Rydholm (07:28):

But the first thing I'm going to do is a legal analytics search for a state court judge; so go over to judge search. Kevin, how often are you asked to research a judge? A particular judge that-

Kevin Miles (07:44):

I would say about twice a week people come to me either via email, or when I was in the office, come to my office and ask me, "What kind of information can we get about this particular judge so that we can form a strategy for the client?"

Carla Rydholm (08:02):

All right, well-

Kevin Miles (08:03):

... a strategy for the client.

Carla Rydholm (08:03):

All right. Well, a judge that I have in mind today is a state court judge for Alameda County Superior Court, Judge Smith. So we'll get things going, keep things interesting for the folks that joined us with results for this particular judge. Right here, we see that 926 cases, Alameda County Superior Court, for the state court judge filed from January 1st, 2016. I'm going to collapse the search asset or we could get more specific with dates and different tagging. But we'll look at the entire data set for this judge. Our purpose is just keep it big picture. So here we can see those cases as they were filed over time, and then also by case down here. And then also I just mentioned anytime we [inaudible 00:08:52] numbers always want to show the underlying cases to kind of show our work [inaudible 00:08:57] the reference of where the numbers are coming from. And I'll just mention that judge information per case, so all of these individual cases with Judge Smith was presided in probations

which incomplete or not available at all from state courts and this full case list really isn't possible without technology and documents. [inaudible 00:09:21] create a state court judge data set. We need an accurate list of active judges for that court, and then, which needs to be updated constantly as the judges come or go and then natural language processing technology is utilized to assess the dockets and in document [inaudible 00:09:41] Kevin, are you surprised at what's behind the curtain in terms of creating legal analytics for something as simple as a filing chart or a judges full case?

Kevin Miles ([09:52](#)):

Oh. Not at all. And it's good to see this because, as you know, the states are very different. Some states in their county courts require that you have a subscription to the court, or as in Dallas, you don't need a subscription. You can go to it, but they don't offer the analytics. They offer the dockets most of the time and documents some of the time.

Carla Rydholm ([10:18](#)):

Sure. Well, let's see. Well, let's look at a law firms reports. There's more information, more analytics for this particular judge climbing. And here, when I click on law firms. So now we're looking at, and I'll run this report, the law firms that have appeared in the cases that Judge Smith is on. Over here we can see the list of law firms and creating legal analytics for law firms is challenging. It's essentially creating data sets, which involves using whatever the court may provide. As you mentioned, Kevin, some courts, it varies. Some courts don't even record, in the public facing record, the law firm because they just need to know the attorney name and the bar number.

Carla Rydholm ([11:01](#)):

It's just they're not creating a data set for us, unfortunately, but whatever might be available and then connecting the party with the attorney and the law firm and the rule, plaintiff or defendant, that's where, again, that technology, natural language processing, and really relying a lot on documents and stake for, in terms of who filed what, and then from there figuring out who was on the case, and then also really important is what we call name normalization or it's just what it sounds like. You only want to see a one Gordon Reese, one Morgan Lewis in this list, and get the analytics for all of their cases. So all the different spellings or filings, depending on who submitted the documents or dockets and or which clerk entered them, got to clean up the data as well. Kevin, what are firms use, legal analytics on law firms for?

Kevin Miles ([12:01](#)):

Well, Lex Machina, in particular is very much a competitive intelligence tool. And so we use this to get backgrounds or information on every facet of the case so that we can advise the client the best course of action.

Carla Rydholm ([12:20](#)):

And that's where these numbers are. You could click through to any of these and see, for example, all of the cases underlying where that culmination of a particular firm and a litigation history with that judge. So go back to the big picture for Judge Smith and I'll keep going to kind of behind the curtain. So Lex Machina kind of creates analytics to capture who won [inaudible 00:12:48] and most of this information is created using what technology assisted review or an analysis by legal experts. And so here we see who won in particular cases. So the plaintiff won at jury verdict, defendant winning, and then settlements. Those were all confirmed by legal experts. And then likewise, the trial damages here to reveal what happened and how were damages awarded, if at all, in these cases and here I'll actually limit to the cases that had damages.

Carla Rydholm ([13:26](#)):

I'm using the [inaudible 00:13:28] now we're seven cases that Judge Smith presided over. We've got the case lists down here. So I'm getting more and more focused. Where we started with all cases. Now I'm looking at the seven cases, and I'm going to click through to one case just to take a look when I mention the technology it's a [inaudible 00:13:49] review. That's where this information comes from. Unfortunately, it's not available from the court and the nice, neat all in their database. It's something that we have, and I'm curious. Let's look at the jury verdicts. We also of that underlying document available. So, Kevin, this flow from all the cases down to the document, what do law firms do with underlying documents that are available, whether it's the complaint or the jury verdict, how is that used in the context of legal analytics?

Kevin Miles ([14:25](#)):

These documents are very vital to us because we like to look at past cases to compare the fact patterns with our new case. And we use this information to set client expectations and not to guarantee results, of course. It helps to look into what goes into the analytics and reviewing the documents helps build confidence in the numbers.

Carla Rydholm ([14:54](#)):

That makes a lot of sense. And really we understand that data, for example, what's happened before isn't really meant to supplement the practitioner's expertise, their own knowledge, and know-how, and constantly asking, well, is this dataset, is this like my case? And how does my case compare? And where are the differences? You know, every case is different. There are kinds of externalities going on outside of the courtroom as well that may not be captured in the litigation analytics. So we believe that data is really important and can help anticipate what might happen. But, yeah, we aren't holding out that what would happen in this case will necessarily happen in your case. I'm going to switch gears and take us over to a different search. So we'll go to federal and I've [inaudible 00:15:42] pre-set up a search for us to get in really into the details. So analytics can be high level looking at data representations, and then also really afford an opportunity to get into some of the details of what happens in aggregate. And so here, we're looking at all of the damage awards in patent cases.

Carla Rydholm ([16:03](#)):

... aggregate. And so here, we're looking at all of the damage awards and patent cases awarded in jury verdicts in the eastern district of Texas. I'm going to collapse the views to create this. So Kevin, the team that I lead, I mentioned Lexmark and a product team, and legal data experts firm, high-value data, like damages. I just want to ask, are all our efforts worth it and how are damages used by law firms?

Kevin Miles ([16:35](#)):

Excuse me, I was on mute.

Carla Rydholm ([16:37](#)):

That's okay.

Kevin Miles ([16:37](#)):

If there are no damages, then we may want to go forward. Or if, depending on which side of the table we are on. But it's so important to know to get the complete picture. Not long ago, I had a new associate ask me for a

report about a judge. And then when I gave her the damages report about the judge, she was stunned that it was available. So, very good.

Carla Rydholm ([17:06](#)):

Yeah, using data can create those aha moments, where you connect what's happened before with the decision or a situation that you and your client are facing right now. So speaking of new users, how do you explain what analytics is?

Kevin Miles ([17:21](#)):

The way I like to do it is, I like to show them. I don't like to just talk about it. Because if you don't see it, it's not memorable. But I'd like to direct the attention of the audience to the top right corner, where we have these four icons. One is an envelope, one is a print report. The other one is setting the alert, which is very important. And then the help button, which is very important. So what I do is, I take them through all of these images and what's behind the scene for each one.

Carla Rydholm ([17:53](#)):

So it sounds like... Josh, I can imagine you're very happy to hear of all the ways that analytics really being promoted in terms of how to use it, how to talk about it amongst teams. That I think Kevin is where you're coming from, you anticipate where I was going. And something that I wanted to share is that help center. Really, the documentation here is meant to address questions around the features that a user's looking at. So here you'd see scope of coverage, guides to search and analytics and definitions. So the idea is to be very open about what is this data and where'd it come from, what am I looking at? How do I explain it to someone else, whether it's your client or someone on your team at the law firms? So we also have some tutorials and whatnot, but really the documentation here.

Carla Rydholm ([18:51](#)):

Just for example, I'm going to scroll down to... We were just looking at patent damages. So here you see a case type definition. Not everyone in the audience might define patent cases the same way. This is the Lexmark and a definition, so you understand what cases went into that damages analytics. And you're able to understand this as well for the damages of themselves. So we have internal definitions, because we're creating these meaningful data sets and want to share how we're defining a term, so that we're just being very open and can help support use of that data and data interpretation. Kevin, I'm curious if you think transparency like this is helpful with user adoption?

Kevin Miles ([19:43](#)):

Absolutely. We get questions all the time about stats, and about graphs, and how those are created or composed. And one of the things that the people learn very quickly is that this stuff does just not fly out of thin air, and it requires people and algorithms to put this together.

Carla Rydholm ([20:08](#)):

Very well put, I'm going to keep going. There's one more example of analytics that I think can help us discuss transparency and data interpretation and user adoption, and that's really something that we're now navigated to everyone. The comparator tools we have. There are these blocks that are really designed to deliver an answer to specific questions through a few simple inputs. And the reason I took a tier, I was trying to get into the idea of using the right data for the question that you have. And so right now, I'm going to set up an

example comparison of a judge, with that judge as the entire district. So this is Judge Atlas, and the southern district of Texas.

Carla Rydholm ([20:57](#)):

And so what I'm getting at here really is that the information you can get from a comparison can help you put in context information about Judge Atlas. And so here, we're looking at, for this particular judge, compared to the district that they sit in. And I've scrolled down Kevin to look at some of their climbing metrics to get to key phases. And what I'm seeing is that Judge Atlas, the median time to permanent injunction for this particular judge is 142 days, whereas the district is 222. So a little faster when medians are compared. Same goes for time to dismissal, so those contested dismissals of Judge Atlas cases, it took 99 days. That's the median, where you look at those blue boxes.

Carla Rydholm ([21:47](#)):

I'll just open the summary of what we're looking at. These box plots, the center, the middle of the road. What happens in past cases, looking at the cases rights in the center of the dataset, that median. When we compare them, Judge Atlas is faster. And then if I scroll down, we'll actually see that time to summary judgment is much more similar. So this particular judge, the median time to summary judgment 422 days, whereas for the whole district was 462. And likewise for time to trial, very similar medians. So in terms of using data to answer a question, having the right data when you're maybe pricing or setting client expectations about how long will it take to get to different phases, understanding Judge Atlas and the context of the district they're in. So generally going by excused to benchmark expectations, where having the reference and context could be useful.

Kevin Miles ([22:58](#)):

Sorry. I was on mute again. At the dogs.

Carla Rydholm ([23:01](#)):

All good.

Kevin Miles ([23:01](#)):

Yep, yep. Well Dana will buttress a presentation, so we can speak from knowledge and also keep the client informed as to the options we have. So all of this is extremely important, it's all a big part of the competitive intelligence tool.

Carla Rydholm ([23:22](#)):

Wow. I am really excited for legal practitioners to get confident in using data that is available. And ask questions about the legal analytics that you're using, get comfortable looking at litigation history. It really has this rich source to learn from, and guide their expectations and counsel clients. So use this out there from objective sources to compliment your legal knowledge and experience. So thanks so much for the conversation today Kevin, now we'll check in-

Kevin Miles ([23:51](#)):

You're welcome.

Carla Rydholm ([23:53](#)):

We'll check in with Joshua, and see if there's any questions.

Joshua Harvey ([24:00](#)):

All right. Well, wow, that was a great conversation about legal-

Joshua Harvey ([24:03](#)):

All right. Well, wow. That was a great conversation about legal analytics. And we do have a few questions. But before I even jump into the questions, I do want to just come back to the poll. And so, we asked that poll at the beginning, how frequently do you use legal analytics in the practice of law or the business of law?

Joshua Harvey ([24:18](#)):

And we got a great turnout. About 82% of our people on the call actually respond to that, which was really great. And what we're seeing is 26% said they use legal analytics daily. Another 25% said weekly, 28% said monthly. One person said annually. And then about 20% said, at least not yet.

Joshua Harvey ([24:40](#)):

So, what I think is really interesting about this is that half of the people on the call are using analytics at least weekly. So, good to see that. And that really matches up, I think, with the survey that we did recently with ALM, Carla, that you started the session off with here.

Joshua Harvey ([24:58](#)):

So, we do have a few questions. I think the first one is a really interesting question and I guess this is probably for both Carla, you and Kevin. And I could probably add some insight as well, but what happened in terms of legal adoption of legal analytics in 2021? As there was this change in just the world as we know it and how people are using technology. How do we think that's going to continue to evolve? Maybe Kevin, we'll let you start that one.

Kevin Miles ([25:31](#)):

I think it's going to continue to evolve and it will be a standalone course in law schools. In the beginning, it may begin with a legal writing course, maybe a quarter of the legal writing course, but it will evolve into its own course.

Joshua Harvey ([25:48](#)):

[crosstalk 00:25:48] I imagine... Oh, sorry. Go ahead, Carla.

Carla Rydholm ([25:53](#)):

I was just going to say, and I'm following on what Kevin is saying. I know that med schools often include a data analysis, how to read journal articles and ask questions about data that's out there. Law school's maybe the same.

Joshua Harvey ([26:08](#)):

Yeah. All right. And during this, we've got a couple more questions. Carla, maybe you want to take this one. Is there a function in Lex Machina where you can see damages awarded in a patent infringement case where

there was a non-practicing entity as a plaintiff? That sounds like something you would probably use... Yeah, go ahead.

Carla Rydholm ([26:36](#)):

So, the phenomenon of prolific plaintiffs is well known in patents and potentially in other areas, but it was perceived, over the years it really impacts data. So, Lex Machina does have a high volume plaintiff case tag where you can choose how a case is filed with that, in that posture. And Joshua, you know all about that tag as well, and probably field questions about it now and again about how to use it.

Joshua Harvey ([27:10](#)):

I do. And I think one of the things that's really exciting about Lex Machina is just be being able to use the case tags and we do have there are practice areas specific to get more granular with the different practice areas. Carla, another one that I think the people in the call would probably love to hear from you is, what are some of the obstacles you face in getting state cases and state documents?

Carla Rydholm ([27:33](#)):

Ooh. Well, it really depends on the state court system or the particular County, but part of it is that we are assembling this dataset. So for all cases, we want to get multiple documents, which that's a big ask.

Carla Rydholm ([27:50](#)):

So, we often early on, where we're thinking about the next course, try to work with the court to make sure that we're respecting any guidelines they have. And how to interact with their website and really introduce ourselves. So, that's part of a challenge is to figure out how to get the primary dataset. This is the big one.

Carla Rydholm ([28:11](#)):

And then, determining how to create a meaningful data set. And to check anything specific. In California, there are a few rules that are different than other states. So just making sure you're being really thoughtful about anything that would be very meaningful and high value for practitioners in their different jurisdictions.

Joshua Harvey ([28:32](#)):

Great. Well, believe it or not, I think we're pretty much out of time. We're right at the middle of the hour. So Kevin, I want to thank you so much for taking the time to join with us today and sharing your insights from your experience. Carla, as always, thanks so much for walking us through the rich landscape of Lex Machina legal analytics.

Joshua Harvey ([28:53](#)):

So lastly, I want to thank everyone on the call. Everyone that joined the conversation to hear about the responsible use of legal analytics. We learned a lot today. If you're a current Lex Machina customer, want to encourage you to reach out to us. We're always here to answer questions and help you use Lex Machina.

Joshua Harvey ([29:10](#)):

If you're not a current Lex Machina customer, you can go to the website. You'll get a follow up email here. Please respond to that. We'd be happy to talk to you and help you find out how Lex Machina can help you a win business and get better outcomes. So thanks, everyone. Have a great day. We'll talk to you later. Bye-bye.