

A Buyer's Guide to Choosing the Right Legal Analytics

Legal analytics represents a powerful competitive advantage to legal professions, expanding research capabilities to include data-driven insights on how judges, attorneys, and parties are likely to behave in a case. With analytics, attorneys know the probability of a case winning or settling; see the argument wording that will resonate best with judges and determine which expert witnesses have the proven track record. In attorneys' hands, this new information saves time and gives you an additional advantage.

Well-designed tools are easy to use and can be integrated into your existing workflows, however it is critical to understand that not all analytics solutions are created equally. It is imperative that you are using the most accurate and comprehensive information to inform your decisions and build your argument.

If you are in the market for a legal analytics solution, here are some key considerations and questions for potential providers to help you in the selection process:

1. Require accuracy

The most critical factor to consider when choosing a legal analytics solution is the integrity of the data on which your analytics will be derived. **Your analytics can only be as good as your data: do not make assumptions around accuracy.** The data you are relying on needs to be of highest quality and should be cleansed, categorized and coded comprehensively and regularly to ensure accurate analytics that surface only the most relevant and accurate results.

For example, Nature of suit (NOS) codes are limited in practice area scope which can lead to misclassification by the courts. Companies that use only NOS codes to organize their analytics will therefore lead you to the wrong answers.

Similarly, analytics companies that rely solely on PACER data will deliver inaccurate analysis as PACER doesn't always surface all available information in the title, and if names are misspelled they won't be picked up as part of the analytics data set.

Beware of analytics companies that can't demonstrate strong data integrity as it implies they do not have the understanding, experience or rigorous processes to deliver accurate analytics.

TOP 5 USES OF LEGAL ANALYTICS

- Find how likely a judge is to grant or deny a specific motion
- Determine how long a case will take to reach summary judgement
- Know what likely damages awarded will be
- Select the best experts and impeach the opposing counsel's experts
- Know the most persuasive language and citations for your judge

QUESTIONS TO ASK REGARDING ACCURACY:

- *How do you ensure the accuracy of your data?*
- *What measures have you taken to capture and cleanse your data to make sure I get the right answers?*
- *How regularly is your data cleansed?*
- *Have you had any previous feedback that your data is inaccurate, incomplete or misleading?*
- *What is the source of your data?*

2. Experience matters

As data quality is critical, it is imperative that you partner with a vendor who has taken the time to perfect it. There are diverse levels of sophistication in the U.S. legal analytics market with a range of differing capabilities, quality and delivery on offer.

Less experienced data analytics vendors may tout their breadth of data but **use caution: it is the depth of the data that characterizes the sophistication of the developed analytics which ultimately provides greater accuracy.** So, aim for the greatest depth in your data.

QUESTIONS TO ASK REGARDING EXPERIENCE:

- *What is your specific analytics experience, as opposed to research?*
- *What is the range and size of your database?*
- *What are you offering that other analytics providers can't?*

3. Analytics for every stage of your workflow

The litigation process does not end with pretrial strategy, and neither should your legal analytics. To work that competitive advantage, you can use analytics to assist with every step of your litigation workflow.

Smart legal analytics will allow you to examine the odds of a case settling and time to trial, so you can determine your best litigation strategy. Once you've determined your strategy, you should then be able to apply analytics to evaluate experts and even predict a judge's typical motion practice.

QUESTIONS TO ASK REGARDING WORKFLOW:

- *How does your analytics support my entire litigation workflow?*
- *How can I use your analytics to build my argument as well as my strategy?*
- *What tools are available at each stage of a case?*

4. Does the tool include case law language analytics?

Judges operate on precedent. Over time, patterns surface in the language a judge uses and in the cases a judge cites. **What if you could know the exact language your judge relies on, and use that same language to persuade your judge?** And as importantly, know the phrases they detest.

A new development—language-based analytics applied to case law—can be a secret weapon in any litigation attorney's arsenal. Reviewing hundreds of different motion types in seconds, and the logic behind the judge's decision in each case gives you a unique insight into your judge and how you can tailor your argument for maximum effect.

QUESTIONS TO ASK REGARDING CASE LAW LANGUAGE ANALYTICS:

- *Can your analytics give me insight into the language a judge will find persuasive?*
- *How will your analytics help me better understand the cases and citations my judge is likely to use?*

5. Analyze expert witnesses

It can take several weeks to pull together everything there is to know about your, and your opposing counsel's, expert witnesses. Analytics can quickly deliver comprehensive records fast—that include CVs, prior testimonies and recent news coverage, allowing you to use the strengths and weaknesses of expert witnesses to your advantage.

You should be able to see where experts have testified, when they've been challenged and the critical reasons why a judge excluded or admitted their testimony in one single view.

QUESTIONS TO ASK REGARDING EXPERT WITNESSES:

- *Can your analytics give me the challenge history and outcomes for opposing counsel's expert witness?*
- *How can your analytics help me uncover competitive intel on expert witnesses?*

6. Keep it simple

Vast amounts of data are only useful if they can be turned into actionable insights, so it's critical that the legal analytics tool you purchase is easy to use and understand—both for you and for those in your firm who may be resistant to technology or change. Attorneys will have an easier time making meaningful use of legal analytics if they don't also have to change their entire workflow, so it helps to look for a tool that can be integrated into your legal research platform.

QUESTIONS TO ASK ABOUT USABILITY:

- *Is the tool easy to use and understand—even for the most technology-resistant attorney? Ask for a trial to find out for yourself.*
- *Is the tool available as an extension of my existing research platform, or am I required to move to a new platform?*

7. Know your price

Cost will understandably influence your firm's analytics buying decision. As well as the initial price, make sure you factor in the total cost of operation, including time to onboard and train attorneys. Before you decide on a legal analytics solution, first ask yourself the value you place on winning insights. Then, make sure to compare pricing models. **Interestingly, the most expensive tool isn't always the best.**

QUESTIONS TO ASK ABOUT PRICE:

- *What is the total cost of your tool?*
- *Tell me about your onboarding process. How long do you expect it will take to get my firm up to speed?*
- *What types of training do you provide?*

While analytics prove an incredible tool to uncover unknown information, patterns and data-driven insights in minutes, not all data or tools are created equally. It's critical that you can access accurate analytics with ease, and across the lifecycle of your litigation case. By using the questions above you can narrow down your potential providers to those that best fit your needs.



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