

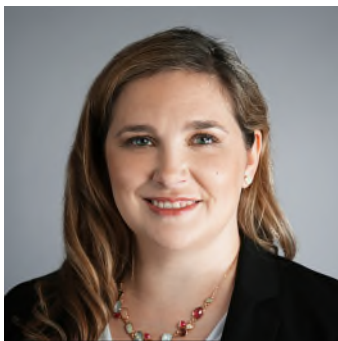
**AALL**

**YOUR LEGAL  
KNOWLEDGE  
NETWORK™**

# The New “State” of the Litigation Analytics Market

August 23, 2022

# Panelists / Moderator



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# Focus of Today's Program

# Primary Caveats of Analytics

- Analytics tell you what happened not why it happened.
- Analytics are a good *companion*, not a *replacement* for traditional case law research.
- Judges aren't fans of analytics for good reasons. It's not all about ego (see the "what vs. why" point).
- Whenever possible, check analytics results against traditional docket searches.

# State Court Analytics

## Core Challenges

1. Availability of Data
2. Availability of Documents
3. Case Type Tagging

# Agenda

- Defining Analytics
- State Court Analytics - Comparing Platforms
  - Functionality
  - Court Coverage
- Evaluating Analytics Platforms
- “Build Your Own”
- Stats!
- For Vendors: Recommendations
- Comparison Charts (Excel Workbook)

# Platforms Covered

- Westlaw Edge
- Monitor Suite
- Lex Machina
- Trellis
- Docket Alarm
- *LexisNexis Context*



# DEFINING LITIGATION ANALYTICS

# Defining Litigation Analytics

- Important to distinguish document analytics from docket analytics.
- How many times has a judge ruled on Y type of motion (and how) vs how many times has a firm handled X type of case?
  - Data on rulings may be most important to litigators
  - Data on caseloads may be most important for competitive analysis

# Defining: Motion Analytics

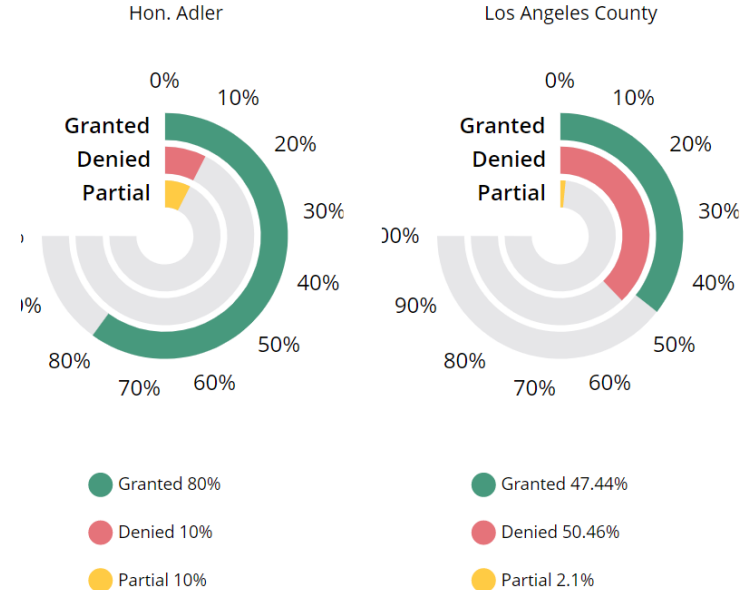
## Outcomes

- Granted/Decided/Partial
- Some Remedies/Damages Coverage (Lex Machina)

## Timing

- How long to issue a ruling?
- Are these truly indicative of anything?

Hon. Adler's grant rate is **68.63% higher** than the county's average



# Defining: Data Volume Analytics

- Representation
- Experience
- Comparison  
*(very limited in state court analytics)*

← Snell & Wilmer L.L.P. · Phoenix, Arizona · <http://www.swlaw.com>

Overview Experience Outcomes Motions

Include multidistrict litigation

Filter by category

Case type

Start typing to find Case type

- Administrative & Government 1
- Antitrust 2
- Arbitration 5
- Banking & Finance 50
- Business Organizations 5
- Civil 395

## Experience

Top 5 state case types

Dockets

Contracts	613
Torts & Negligence	544
Practice & Procedure	512
Civil	395
Labor & Employment	128

Top 5 state courts

Dockets

California Superior Court, Los Angeles County	485
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**FUNCTIONALITY**

# Functionality

- Case type tagging
- Exporting reports
- Authority Control/Name Normalization/Name Variations
- Filters & Keyword Searching
- Outcomes/Timing
- Party Searches: subsidiary and custom party options
- Comparison tools (Judge v. Judge, Judge v. Court, Firm v. Firm)

# Functionality: Case Types

## Biggest Challenge for National Analytics

Two Approaches:

- Court-Specific Case Types (each court has its own case type tags)
- Normalized Case Type List (mapped from each court's case types)

If a platform chooses to create a central – normalized – case type list, there is opportunity to build further nuance, especially if analysis of complaint text is utilized.

# Functionality: Case Types

STATE COURT ANALYTICS	Docket Alarm	Lex Machina	Lexis Context	Trellis	Westlaw Edge	Westlaw Monitor Suite
Defined by Individual Courts	Yes	Yes	No	No	No	No
Mapped to Normalized List	No	No	Yes	Yes	Yes	Yes
If Mapped to Normalized List, can you see what's mapped to what?	??	??	??	??	??	??



## Browse all case types



Narrow:

Case types	Number of dockets	
	Federal	State
<input checked="" type="checkbox"/> <input type="radio"/> Family Law	1	22397.2k
<input checked="" type="checkbox"/> <input type="radio"/> Health Law	20.9k	9.2k
<input type="radio"/> Medicare Act (NOS 151)	4.9k	0
<input checked="" type="checkbox"/> <input type="radio"/> Public Health Emergencies	16.0k	9.2k
<input type="radio"/> AIDS & HIV	49	57
<input type="radio"/> Coronavirus/COVID-19	15.6k	8.4k
<input type="radio"/> Epidemics/Pandemics	2.1k	1.1k
<input type="radio"/> Influenza & Viruses	95	114
<input type="radio"/> Opioid Litigation	55	60

Lex Machina Courts & Judges

Product Update: Analyze your judge's grant rates w

State Court

Cases Documents Motion Metrics

Filter

Case Tags

- Trial 52,593

Filed On

From 2016-01-01 To

Terminated

Trial Resolutions

Trial Damage Types

Trial Rulings

Courts

**Court-Specific Filters**

Select and apply a court to view court-specific filters.

Filter

INCLUDE:

CA: Los Angeles County Superior Court 970,214

**Court-Specific Filters**

CA: Los Angeles County Superior Court

Case Types

- Contracts 604,563
- Torts (Vehicle) 152,865
- Torts (Non-Vehicle) 72,986
- Other Civil 63,435
- Employment 41,026
- Real Property 25,822

Case Tags

Judges

Filter

CA: Los Angeles County Superior Court

Case Types

- Contracts 604,563
- Torts (Vehicle) 152,865
- Torts (Non-Vehicle) 72,986
- Other Civil 63,435
- Employment 41,026
- Real Property 25,822

Case Tags

Judges

CA: San Diego County Superior Court

Case Types

- Contracts 144,540
- Other Civil 34,803
- Torts (Vehicle) 22,340
- Torts (Non-Vehicle) 18,138
- Employment 7,184
- Real Property 2,921

**Filter By:** Clear Filters

Only cases with documents

**Practice Area** ▼

Filter by Practice Area

- Administrative (2)
- Antitrust (2)
- Arbitration (1)
- Civil (62)
- Commercial (68)
- Creditor (16)
- Family (17)
- Insurance (4)
- Labor And Employment (37)
- Probate (2)

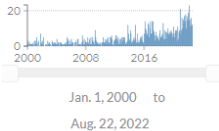
## Analytics for the Party Profile - Pepsico

### Jump to Section

#### Top Case Types

Top Case Types  
 Result 1  
 Result 11

#### Case Filed Filter



Year-To-Date

Last Year

Trailing 12 Mos.

Trailing 5 Years

#### Jurisdiction Type

- All Proceedings
- All Litigation
- State and Federal Litigation
- Federal District Court Litigation
- Federal Appellate Litigation
- IP Litigation
- Federal District IP Litigation
- State Court Litigation**
- Patent Prosecution

### Top Case Types

Jurisdiction Pepsico Entity party:(name:Pepsico)

Select Only party\_obj.name\_exact:"Pepsico" Jurisdiction Type Filter is:state

#### NO. OF PROCEEDINGS ▼

##### Civil

123

##### Continuing Garnishment

118

##### eFile Continuing Garnishment

114

##### SC - Small Claims

72

##### CC - Civil Collection

38

##### Transcript Judgment

25

##### Tax Certiorari

20

##### CONTRACT

17

##### Torts - Motor Vehicle

16

##### DO - SELLER PLAINTIFF (DEBT COLL.)

15

# Functionality: Reports & Exports

STATE COURT ANALYTICS	Docket Alarm	Lex Machina	Lexis Context	Trellis	Westlaw Edge	Westlaw Monitor Suite
PDFs: Comprehensive	Yes	Yes	Yes	Yes	Yes	Yes
PDFs: Customizable (select sections)	No	Yes	Yes	No	Yes	Yes
Export Case Lists as Raw Data (spreadsheet)	Yes	Yes	No*	No	Yes	Yes

\*Lexis Context allows downloads of case lists to Microsoft Word but not Excel.

# Functionality: Filtering Analytics

STATE COURT ANALYTICS	Docket Alarm	Lex Machina	Lexis Context	Trellis	Westlaw Edge	Westlaw Monitor Suite
Date Range	Yes	Yes	Yes	No	Yes	Yes
Jurisdiction	Yes	Yes	Yes	Yes	Yes	Yes
Case Type	Yes	Yes	Yes	Yes	Yes	Yes
Motion Type	Yes	Yes	Yes	No	Yes	Yes

More filter types covered in full comparison charts.

# Functionality: Name Variations

STATE COURT ANALYTICS	Docket Alarm	Lex Machina	Lexis Context	Trellis	Westlaw Edge	Westlaw Monitor Suite
Company Name Variations Supplied by Platform	Yes	Yes	Yes	No	N/A	Yes
Option to Combine Company Name Variations	Yes	Yes	No	No	N/A	Yes
Firm Name Variations Supplied by Platform	Yes	Yes	N/A	No	Yes	Yes
Option to Combine Firm Name Variations	Yes	Yes	N/A	No	Yes	Yes
Boolean search (custom combinations?)	Yes	No	No	Yes	No	No

Westlaw Edge does not yet have Party Analytics.  
Lexis Context does not have Firm Analytics.

“N/A” refers to “not applicable,” (rather than “not available”) as the category may be moot if the platform doesn’t have firm analytics (Context) or company analytics (Westlaw Edge).

# Functionality: Subsidiary Options

STATE COURT ANALYTICS	Docket Alarm	Lex Machina	Lexis Context	Trellis	Westlaw Monitor Suite
Are subsidiaries <u>automatically</u> included?	No	No	Yes	No	No
If subsidiaries <u>automatically</u> included, view list of subsidiaries?	N/A	N/A	Yes	N/A	N/A
If subsidiaries can be included, can only specific ones be included?	N/A	N/A	No	N/A	Yes
Build custom group of parties with advanced search?	Yes	Yes	No	Yes	No

\*Westlaw Edge is not in this table as party analytics are not yet available.

“N/A” refers to “not applicable,” (rather than “not available”) as the category may be moot if the platform doesn’t have firm analytics (Context) or company analytics (Westlaw Edge).

# Functionality: Comparison Tools

STATE COURT ANALYTICS	Docket Alarm*	Lex Machina	Lexis Context	Trellis	Westlaw Edge	Westlaw Monitor Suite
Law Firm vs. Law Firm	No	No	No	No	No	Yes
Judge vs. Judge	No	No	No	No	No	No
Judge vs. Jurisdiction	No	No	No	Yes	No	No
Party vs. Party	No	No	2023	No	No	Yes
Attorney vs. Attorney	No	No	2023	No	No	No

\*Docket Alarms shows “Top Firms” and “Top Judges” by motion count, but you can not directly compare two firms or other combinations as listed in this chart.



# COVERAGE

# Coverage

Dockets v. Opinions/Orders

What does “covered court” mean?

# Court Coverage: Dockets v. Opinions/Orders

Find the 'coverage' page and examine it.

Start asking questions.

## Industry Leading Coverage

With more than 500 million legal records in its database, Docket Alarm has information that can't be found elsewhere.



**550M+**

Searchable documents  
and dockets



**300k+**

New documents and  
dockets added each day



**34**

U.S. states covered in  
state court litigation



**100%**

Coverage of PTAB, ITC,  
TTAB, and trademark and  
patent prosecution

# Comparing State Court Analytics: Opinions

- Different beast – part of docket data – more limited but in some ways more substantive for structuring arguments.
- Westlaw Edge, Context
- Not focus of our comparison

# “Covered Courts”: What Does That Mean?

- Main courthouse? Satellite courthouses? Probate court? Family Court? Criminal Court?
- All case types for a court or just specific ones?
- Just dockets or full-text documents too?
- Same date range for dockets and documents?
- Frequency of updates (might be ruled by what court allows)

# “Covered Courts”: What Does That Mean?

WESTLAW EDGE

## Litigation Analytics Coverage

[Coverage list by court name](#)

[Coverage maps](#)

[Explanation of coverage](#)

[Coverage summary by state](#)

Filter by category

Clear all filters

State court



### Coverage summary by state

This page contains a count of the counties where we do, and don't, have state-court coverage in each state

Viewing 1-51 of 51 results:

Litigation Analytics Coverage Summary by State	Courts with Dockets Coverage that is Current	Courts with Dockets coverage that is Not Current	Courts with Motions & Dockets Coverage that is Current	Other Counties Dockets Covera
Alaska Superior & District Courts	29	0	0	0
Alabama Circuit Courts	0	0	0	67

State



< Back



California

COURT NAME

YEARS COVERED

TOTAL CASES

SUPPORTED FIELDS

LAST 7 DAYS

JUDGE

FIRM

ATTORNEY

TYPE

STATUS

CONTACT

DOCS

CASES

DOCS

Appellate



610k



3190

164

County



20.93M



42,293

27,771

< Back

California > County

COURT NAME	YEARS COVERED	TOTAL CASES	SUPPORTED FIELDS							LAST 7 DAYS	
			JUDGE	FIRM	ATTORNEY	TYPE	STATUS	CONTACT	DOCS	CASES	DOCS
California State, Alameda County, Superior Court		477k								652	262
California State, Butte County, Superior Court		267k								994	942
California State, Calaveras County, Superior Court		142k								93	192
California State, Contra Costa County, Superior Court		492k								30	0
California State, Fresno County, Superior Court		1.20M								677	0
California State, Glenn County, Superior Court		24,540								34	0
California State, Kern County, Superior Court		175k								246	0



## State Courts

State	Counties	Civil Cases	Family Cases	Probate Cases	Documents	Verdicts	Judge Bios	Judge Analytics	State Law	Motions & Issues	Tentative Rulings
Arizona	15	✓					✓		✓		
California	34	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Connecticut	8	✓		✓	✓		✓		✓		
Delaware	3	✓	✓	✓	✓		✓		✓		

Product Update: Analyze your judge's grant rates with **Motion Metrics for state court**, now available for selected state courts. [Learn more.](#)

## CA: Los Angeles County Superior Court

[Help Center](#) / [Documentation](#)

CA: Los Angeles County Superior Court

CA: Orange County Superior Court

CA: Riverside County Superior Court

CA: Sacramento County Superior Court

CA: San Bernardino County Superior Court

CA: San Diego County Superior Court

DE: Court of Chancery

DE: Superior Courts

GA: DeKalb County State Court

GA: DeKalb County Superior Court

GA: Fulton County State Court

GA: Fulton County Superior Court

NV: Clark County District Court

NY: Bronx County Supreme Court

NY: Kings County Supreme Court

### Case Types

We provide six general case types for Los Angeles: Contracts, Torts (Vehicle), Torts (Non-Vehicle), Real Property, Employment, and Other Civil. The general case types are derived directly from the specific case type that the court provides for each case on its case summary page under the heading "Case Information." For example, a case that is shown to have a specific case type of "Other Breach of Contract/Warranty (not fraud or negligence) (General Jurisdiction)" on the case summary page will be categorized into the general case type of "Contracts."

### Case Tags

#### General Jurisdiction

Cases in which the complaint alleges an amount in dispute that i

#### Limited Jurisdiction

Cases in which the complaint alleges an amount in dispute that i

#### Collections

Cases involving recovery of money owed in connection with tra money were acquired on credit.

#### CRC 3.4 Complex

Cases in which the court has made a determination on whether California Rules of Court 3.400.

### Document Tags

CCP 170.6 Challenge

## Automatically Fetched Documents

See [State Court Overview](#) for more information about Documents and Fetch. In this court, Lex Machina automatically fetches documents with the following tags:

- Initial Complaint (only for cases tagged "General Jurisdiction" in the "Employment" or "Contract" case types)
- Jury Verdict
- CCP 170.6 Challenge

For cases that reach the trial phase, we also fetch documents with the following tags:

- Initial Complaint
- Answer
- Judgment

# Documents Included: What Does That Mean?

- What docs are always pulled (not requiring crowd-sourcing)?
- Are documents crowd-sourced (available to all once downloaded)?
- Are those documents analyzed to enhance analytics or just available to access? (different than what we expect in Federal)

# Pick the Right Tool Based on Type of Coverage and Task

- **Party Searches Across Large Number of State Courts**
  - Monitor Suite, Docket Alarm
- **Specific Court or Judge Analytics**
  - Westlaw Edge, Lex Machina, Trellis, Lexis Context
- Still important to have a strong docket platform to back up analytics findings even though many of these platforms are built on top of existing docket data.

# Coverage – Largest Counties

STATE COURT ANALYTICS	Docket Alarm	Lex Machina	Trellis	Westlaw Edge	Westlaw Monitor Suite
Los Angeles (CA)	D&D	D&D	D&D	D&D	Dockets
Cook (IL)	Dockets	No	Dockets	Dockets	Dockets
Harris (TX)	D&D	D&D	D&D	D&D	Dockets
Maricopa (AZ)	D&D	No	Dockets	Dockets	Dockets
San Diego (CA)	D&D	D&D	D&D	D&D	Dockets
Orange (CA)	D&D	D&D	D&D	D&D	Dockets
Miami-Dade (FL)	D&D	No	D&D	Dockets	Dockets
Dallas (TX)	D&D	No	D&D	D&D	Dockets
Riverside (CA)	D&D	D&D	D&D	D&D	Dockets
Kings (NY)	D&D	No	D&D	Dockets	Dockets

**D&D = Dockets AND Docs**

# EVALUATING PLATFORMS

# Evaluating State Court Analytics

- Macro Level: “Big Picture” (national searches)
- Micro Level: Targeting a court of most interest to your organization
- Pick courts that are available in each platform you are considering (provide recommended list) for a better apples to apples view
- Ask about data sets – same as corresponding docket platform or separate?
- Compare analytics results to reliable docket searches
- Ask about product roadmaps – what courts are coming next? (options to include new courts in current contract?)

# Evaluating State Court Analytics

## Stage 1: Start with easy questions (and most common)

- Examples
  - *How many cases your firm had in a specific court or before a specific judge?*
  - *What is a company's experience in a particular court?*
- Note any limits like date range (based of filing date or pending date?)
- Document each step, noting any confusion for users.
- Verify results with basic docket search and/or internal data.



# Evaluating State Court Analytics

## Stage 2: Narrow question with murkier elements (case types, outcomes)

- Examples:
  - *How often does Judge \_\_\_\_\_ grant Motions for Summary Judgment?*
    - *Narrow again: How often does Judge \_\_\_\_ grant MSJs in employment cases?*
  - *What is your firm's experience in \_\_\_\_ State Court with product liability cases?*
- Build your list of judges or parties that you know are good examples for your team to use (saves time).
- Do you know where to get good internal data on firm experience (docket department; experience management systems, marketing)?

**BUILD YOUR OWN**

# “Build Your Own” Analytics

## API Options

- Likely requires in-house developer or outsourced developer assistance
- Tie in with in-house data (CRM, experience management system) for enhanced analytics
- Analytics Platforms with API options: Docket Alarm, Lex Machina, Unicourt, Westlaw

## “Old School” Still Works - Case List Data Exports

- Spreadsheet format or some other raw data
- May have to manually add some data points for calculations
- Docket Platform Options: Courtlink, Westlaw Dockets, BLAW Dockets, others...
- Easy to Miss Options: Lexis Verdict & Settlement Analyzer (one example)

**STATS**

# Why It's So Hard to Run Comprehensive State Court Searches & Analytics

# Stats!

- Counties (or equivalents): 3,143
- State with most counties: Texas (254)
- State with fewest counties: Delaware (3)

# Stats!

## Federal Courts

- District Courts: 94
- Appellate Courts: 13
- District Court Judges: 677
- Appellate Court Judges: 179

## State Courts

- Trial Courts: 1,808
- Appellate Courts: 157
- Trial Court Judges: 27,750
- Appellate Court Judges: 1,336

# States Without Coverage

## No Coverage (7 States)

- Alabama
- Kentucky
- Maine
- Montana
- Nebraska
- North Carolina
- South Dakota



# Platform Dockets Coverage: State, D.C., and Territories Count

**Docket Alarm: 35**

**Lex Machina: 8**

**Trellis: 16**

**Westlaw Edge: 38**

**Westlaw Monitor Suite: 38**

# ADVICE TO VENDORS

# Advice to Vendors

## Keep Customers Apprised of Updates

- Newly added courts
  - Highlight on coverage page
- Courts experiencing technical problems
- New features or enhanced functionality
- What's coming next? (helpful for budget planning)

# Advice to Vendors

## Develop for What's Needed, NOT What's Shiny

- Analytics most in demand
  - Representation
  - Judicial Experience
  - Time to Rulings/Case Length
- Analytics least in demand
  - Motion outcome percentages by judge
    - Attorneys do not trust this to be predictive
    - Attorneys are interested in outcome analytics that focus on language and citation patterns (Lexis Context and Westlaw Edge Analytics)

# Advice to Vendors

## Clarify the Coverage

- Not just the county name, specify which court
- Dates for docket availability vs. dates for document availability
- Export options for list of courts covered to help customers make informed comparisons

# Advice to Vendors

## Reports

- More options to customize
- Printing to PDF is not good enough (images get cut off)
- Developing for viewing in platform only is not useful

# Advice to Vendors

## Exports for Build Your Own Analytics

- No limits (or higher limits) on number of cases to download at a time
- More fields in downloaded data
  - Judge
  - All parties
  - Case filed date
  - Case closed date
  - Hyperlinks back to case in platform

# PLATFORM COMPARISON CHARTS



# Platform Comparison Charts

- The Excel Workbook will be sent with slides and webinar recording link to attendees later this week.
  - Includes functionality and coverage comparisons for Federal and State Courts and (some) Federal Agencies.
  - New features in the Federal Platforms since the 2019 comparison have been added (but not re-tested).
- The workbook will be posted to AALL's Open Forum and PLLIP-SIS (feel free to re-post to other AALL list-servs).
- Please do **NOT** post the file to the open web or social media (represents too much volunteer work by AALL members; remember, non-librarians can join AALL too!)
- Feel free to share the workbook with colleagues at your organization if the org has at least one AALL member or an attendee of this webinar.
- **USE ONLY AS A STARTING PLACE FOR YOUR COMPARISON.**

**QUESTIONS?**

# Contacts

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