In the evolving landscape of litigation research tools, incumbent vendors are reshaping their offerings and startups are envisioning new platforms. Buzzwords such as big data, artificial intelligence, machine learning, and legal analytics abound. The marketers are quick to declare revolution, and they are not wrong. Information professionals certainly welcome the advancements—legal information should be more accessible, easier to analyze, and more efficient to distribute. Litigation analytics tools offer solutions in this changing landscape and attorneys are beginning to recognize the potential usefulness in having access to such tools. For law librarians and legal information professionals, this often means being asked to acquire, assess, and provide input on such offerings. Despite the close alignment of these tools with traditional legal research mechanisms, some legal information professionals are challenged to find comfort and confidence when it comes to understanding and exploring litigation analytics resources.

The good news is that evaluating these new tools employs classic skills. Law librarians and legal information professionals bring deep experience to critically evaluating how information is authored, published, and summarized. Although the landscape may change quickly, the fundamental concepts and features of legal information organization can help identify appropriate tools and approaches for evaluating litigation analytics tools. With this framework in mind,
law librarians and legal information professionals can easily apply their core professional competencies to evaluating these newer tools, focusing especially on the following criteria:

Jurisdiction and Court Coverage
As the environment for electronic court information matures, there’s an increasing expectation that every filing is readily available. This is not the case. Accessing federal litigation documents through PACER (Public Access to Court Electronic Records) is unwieldy and expensive. The picture for the states is disjointed—some systems are robust but others non-existent. Litigation information vendors do a great service in streamlining access across jurisdictions and courts. As they seek to quantify and summarize, however, it becomes even more important to understand exactly which courts are included and excluded.

Topical Coverage
Some tools select cases based on topical practice areas. Docket Navigator, for example, has historically focused on patent litigation, but recently expanded to include other intellectual property topics and antitrust. Similarly, Lex Machina has incrementally added practice area classifications that impact their collection and reporting. Some vendors may have non-obvious selection criteria as well. For example, in Lex Machina the NOS code for “Contracts” only covers business-to-business, not business-to-consumer, litigation. General guidelines are useful, but if sweeping summaries are to inform decision-making, then precise understanding of the selection criteria is important.

Court Updates
Although we’re becoming accustomed to “push-button publishing,” connections to court systems and updates to intricate analytics systems understandably require some amount of maintenance and incur lag times. The PACER fee structure and associated pass-through costs make it impossibly expensive and technically challenging to get an up-to-the-minute picture of litigation. Consider, for contrast, Courthouse News Service’s emphasis on comprehensive court coverage and quick alerts to new litigation. Their teams have a history of careful attention to new dockets. Providing the same sort of attention to every filing in every case would be daunting—unless, at the least, courts overhaul the ways they provide data.

Document Access
Although the focus of many new innovations is now on analytical summary features, accessing litigation documents is still a welcome and necessary feature. A powerful benefit of analytical tools is exploring unexpected trends. Getting to the heart of those trends requires accessing and analyzing the underlying documents. Platforms that make that process easy and provide price transparency for all services have an advantage.

Field Searching and Normalization
Litigation has some natural and familiar axes of analysis (e.g., every case has a court, a judge, a plaintiff, etc.). How those fields are expressed in litigation documents and ingested digitally can introduce unexpected variations that frustrate comprehensive searching. The platforms must either normalize field value names or provide straightforward ways for the researcher to account for them.

Full-Text Search
Despite natural axes of analysis—and significant efforts to clean and normalize the data—a researcher may nonetheless have an inquiry that requires wading into the full-text of the filings. For example, Bloomberg Law is a pioneer in making dockets searchable. The company clearly separates their Litigation Analytics offering that summarizes federal litigation by discrete fields from their Dockets Search feature that allows for full-text searching of dockets and documents. Other tools and future iterations may blur results and summaries, further reinforcing the importance of information professionals’ expertise in understanding the mechanics of search processes.

Document Analysis
Whereas established tools such as West’s Drafting Assistant and Shepard’s BriefCheck automate the process of pulling citations and citator reports, newer tools such as IINTC’s Clerk, CaseText’s Cara, and Ross’s Document Analyzer take further steps and suggest related research items or qualitatively summarize issues in them. What they have in common, however, is using a document as the input for analysis. Although supremely efficient, this approach can gloss over the fact that they rely on a data set of litigation documents. The sophisticated systems that analyze text and wrangle cases are only as good as their underlying data set.

Report and Export Options
Modern data visualization tools make it easy to understand trends and manipulate the analysis in fluid ways. But those tools are largely delivered as online experiences. Some users aren’t as adept or willing to engage with the information online. Sharing that information also presents hurdles when individual accounts are required for viewing or sharing with clients or colleagues. Thus, how reports and visualizations are exported is just as important as the online presentation—maybe more so.

ADDITONAL RESOURCES

if the executive decision makers in an organization don’t engage online. Also, where report production is lacking, the ability to export the data can be key for creating better reports. If you can’t get a good “canned” visual out, then how can you get the data itself and do your own summary?

**API Access**

Litigation analytics are useful, but next-level thinking includes how to synthesize litigation information with other information needs. Whereas exporting data can be useful, connecting to the data through an API (application program interface) is more efficient. Tools such as FastCase’s Docket Alarm, CourtDrive, and CourtListener that allow API access can offer users increased ways to utilize and integrate data within their institutional environment. Legal information users are becoming more sophisticated. The tools and skills for building in-house platforms are becoming more accessible. Information professionals have the skills to be at the front of identifying sources and vendors that provide seamless, automated access to their sources and metadata.

**Customization and Follow-up Service**

If reporting tools are too inflexible, the analytical work may have to move in-house. As data management and visualization systems become more accessible, litigation analytics tools serve just as much as data sources as reporting tools. In some environments this is a reasonable outcome, but it may be important to consider whether you ask a question and get a customized answer—either from the portal or a person. Services such as LegalMetric, for example, have been providing customized reports for some time. Individual, bespoke reports are potentially expensive. But those evaluating such costs must consider the value of customization and the feasibility of creating these reports in-house.

**The Next Level**

As litigation analytics tools become more sophisticated, we expect to see them move from providing descriptive (e.g., “Judge Smith denied summary judgment motions 80% of the time last year”) to predictive results (e.g., “There is an 80% chance Judge Smith will deny the summary judgment motion you just uploaded”). New systems may use machine learning, artificial intelligence, or other as-yet-undeveloped technology to recommend actions, but the underlying litigation data will undoubtedly factor into their models. Whether suggested by a human or a piece of software, any recommendation must be substantiated by the data.

Legal information professionals are already armed with the proficiencies needed to make collection decisions on litigation analytics resources. Just like other collection development assessments, users will need to take this framework and develop a personal rubric that aligns with the unique needs of their environment and users.