



# TECHSHOW2020

## **FORECAST-ALYTICS: UNDERSTANDING LITIGATION ANALYTICS FOR CASE EVALUATION**

Presented by: Warren Agin & Benjamin Alarie



# Agenda

- The Evolution of Legal Research
- Defining AI and Its Use Cases in Law
- Overview of Computational Methodology
- Limitations in the Technology
- How Practitioners are Benefiting
- Considerations for Organizational Rollout



## THE EVOLUTION OF LEGAL RESEARCH

DEFINING AI AND ITS USE CASES IN LAW

OVERVIEW OF COMPUTATIONAL METHODOLOGY

LIMITATIONS IN THE TECHNOLOGY

HOW PRACTITIONERS ARE BENEFITING

CONSIDERATIONS FOR ORGANIZATIONAL ROLLOUT

# HARVARD LAW REVIEW.

VOL. X.

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NO. 8.

## THE PATH OF THE LAW.<sup>1</sup>

WHEN we study law we are not studying a mystery but a well known profession. We are studying what we shall want in order to appear before judges, or to advise people in such a way as to keep them out of court. The reason why it is a profession, why people will pay lawyers to argue for them or to advise them, is that in societies like ours the command of the public force is intrusted to the judges in certain cases, and the whole power of the state will be put forth, if necessary, to carry out their judgments and decrees. People want to know under what circumstances and how far they will run the risk of coming against what is so much stronger than themselves, and hence it becomes a business to find out when this danger is to be feared. The object of our study, then, is prediction, the prediction of the incidence of the public force through the instrumentality of the courts.

The means of the study are a body of reports, of treatises, and of statutes, in this country and in England, extending back for six hundred years, and now increasing annually by hundreds. In these sibylline leaves are gathered the scattered prophecies of the past upon the cases in which the axe will fall. These are what properly have been called the oracles of the law. Far the most important and pretty nearly the whole meaning of every new effort of legal thought is to make these prophecies more precise, and to



For the rational study of the law the black-letter man may be the man of the present, but the man of the future is the man of statistics and the master of economics.”

— Oliver Wendell Holmes Jr.,  
“The Path of the Law” (1897)

<sup>1</sup> An Address delivered by Mr. Justice Holmes, of the Supreme Judicial Court of Massachusetts, at the dedication of the new hall of the Boston University School of Law, on January 8, 1897. Copyrighted by O. W. Holmes, 1897.

# The Evolution of Legal Research

## ANALOG

1800s-1970s

- Books
- Journals
- Reporters
- Loose-leaf
- Publications

### BENEFIT

Data is documented

### CHALLENGE

Scattered sources,  
incomplete data

## DIGITAL

1970s-2010s

- DVDs
- Cloud-based libraries
- Mobile applications

### BENEFIT

Data is centralized, easy to  
access

### CHALLENGE

Catch 22: increased  
explanation and regulation,  
harder to comprehend the  
system

## COMPUTATIONAL

2015-Present

- Predictive analytics
- Machine learning
- Artificial intelligence

### BENEFIT

Data is synthesized, we can  
extract meaning out of data

### CHALLENGE

Just beginning

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# **Artificial Intelligence (AI):**

Machines that automate tasks that “normally require human intelligence”

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## **Machine Learning (ML):**

A subfield of artificial intelligence that enables systems to learn without being explicitly programmed.



# Categories of AI

Billing / Spend  
Management

Contract  
(Pre-Execution)

Contract  
(Post-Execution)

eDiscovery /  
Document Review

Expertise Automation

Legal Research

Insight /  
Predictive Tools

Other Tools

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# An example of a computational methodology

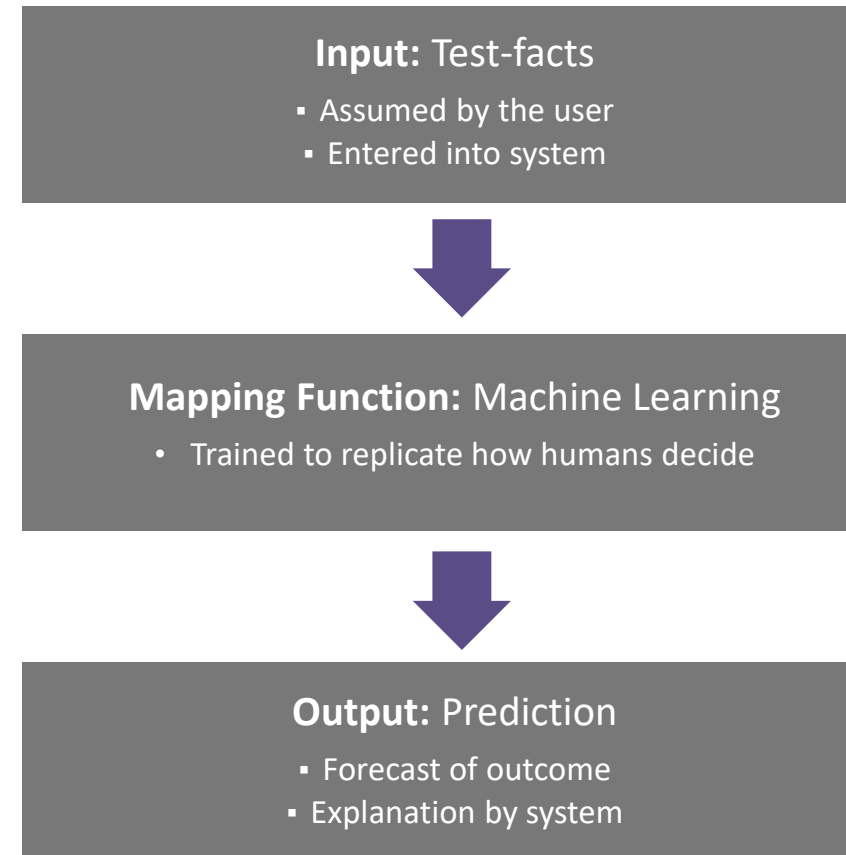
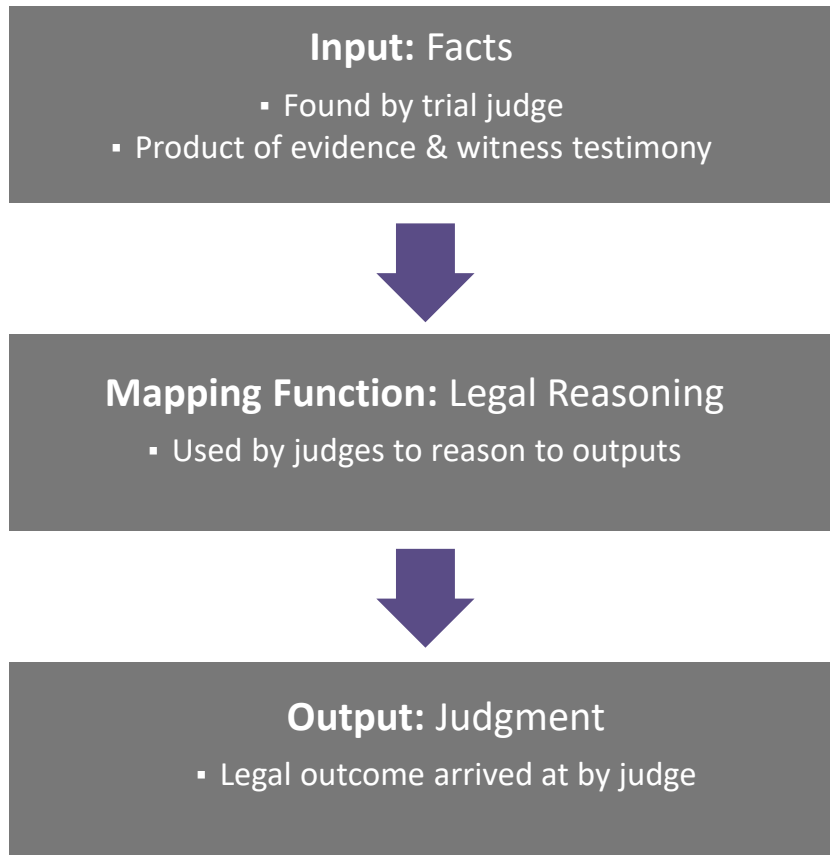
Fact-intensive question of tax law is identified.

Important factors are drawn from the case law.

**Unstructured data** is turned into **structured data**.

Machine learning is applied to generate a **predictive algorithm**.

# Shift in approach



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# Limitations in the Technology

Number of legal areas to which it can be applied

Significant customization sometimes required

Maturity of the product market

Inability to accomplish entire goal

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DEEP DIVE INTO COMPUTATIONAL METHODOLOGIES

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# The benefits of adopting AI are clear



**Increase responsiveness  
to clients.**



**Maximize your firm's  
consistency.**



**Keep up with the new  
professional standard.**



A white humanoid robot with large, expressive blue eyes and a friendly expression. It has a name tag on its chest that says "Pepper". The robot is holding a tablet. The background is a warm, wooden interior with a network of white lines and dots overlaid on the scene.

Will AI replace tax practitioners?



AI is not going to replace tax practitioners, but tax practitioners who use AI will replace tax practitioners who don't use AI.



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# Organizational Rollout

- Stakeholder buy-in and ownership
- Process integration
- Implementation timeline
- Launch announcement(s)
- User training
- Ongoing behavioral change



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**TECHSHOW 2021: March 10-13, 2021**

