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Analyzing Analytics: Litigation Analytics in Bloomberg Law, Westlaw Edge, and Lexis Advance

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"When someone is researching in the catalog, they can go directly to the title in Cheetah, which is far more efficient than before," says Walters. "Alternatively, our research librarians can include a proxied link from the MARC record when creating a LibGuide for students

for specific subjects, which also helps people find and access content in Cheetah." Faculty members can also provide links to Cheetah titles directly to students.

For the Harvard Law School Library, the availability of MARC records for digital content is fast becoming a mandatory requirement. "If a publisher doesn't offer MARC records, our message to them now is come back when you do," says Garewal. "It doesn't make sense to spend money on content that people can't find."

Walters agrees: "It's imperative that content is discoverable. We're very grateful to Wolters Kluwer that we're now able to make it easier and faster for people to find the content they need using our catalog."

Expanding Content Usage at Fordham

At Fordham Law School, the Maloney Library staff believe that MARC records help them fulfill their mission of supporting the scholarship of faculty and students by making access to legal information easier. Since MARC records were loaded into the library catalog, 30 percent of Fordham University Law Library usage of Wolters Kluwer titles now originates from MARC records.

Mandelstam appreciates the responsiveness and patience Wolters Kluwer has shown in working with the law library community on MARC records for Cheetah titles. "Wolters Kluwer continues to work with catalogers to improve the quality of their records," she says. "While it's difficult to know whether better-quality records will increase usage, Fordham's analysis suggests that it is worth the effort to continue partnerships with VRAG and other catalogers in order to improve standards and increase discovery."

ANALYZING ANALYTICS: LITIGATION ANALYTICS IN BLOOMBERG LAW, WESTLAW EDGE, AND LEXIS ADVANCE

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One of the hottest trends in legal research platforms today is legal analytics. This term can be applied to a number of different analytic measures, such as Ravel Law (now Ravel View on Lexis), with its graphical display of case law search results that map the citation relationships of cases in your search results; or Lexis' Search Term Maps that provide a colorful display of where and how frequently your search terms appear in each search result. This article will look at another facet of legal analytics—litigation analytics—that now appear in Bloomberg Law, Westlaw Edge, and Lexis Advance—each offering similar, yet unique, analytics products.

What They Have in Common

The areas of overlap between all three analytics products to date are Judge and Court analytics; but even within these areas, the products differ slightly in what measurements they offer.

Court & Judge Analytics

Bloomberg Law's court and judge analytics are limited to Federal District Courts. When you pull up a particular district court or judge, Bloomberg Law provides analytics by Motion Outcome, Appeal Outcome, Length of Case, and Appearance & Case Type. Looking first at Motion Outcomes, you can filter your results by Motion Type (Motion to Dismiss, Summary Judgment, or Class Certification), Motion Outcome (All, Granted, Denied, or Granted/Denied in Part), Date (up to the last five years), and Legal Topic (over 70 options, you can select up to three). Under Appeal Outcomes, you can filter your results by Appeal Outcome (All, Granted, Reversed, Granted/Reversed in Part), Date, and Legal Topics. Under Length of Case, you can filter your results by Case Type (over 80 options, you can select up to five). Finally, under Appearances & Case Types, you can filter by date (2007 - present, or the last 1, 3, or 5 years), Case Types, Law Firms, Attorneys, and Companies (up to three each). A unique feature of Bloomberg Law's court and judge analytics is the ability to compare analytics against other courts or judges. For example, you could compare the rate that a particular judge grants motions for summary judgment as compared to other judges in their district or others, or the court as a whole.

Westlaw Edge's Court and Judge Analytics, similar to Bloomberg Law, are more robust when researching the Federal District Courts. Unlike Bloomberg Law, however, Westlaw Edge does give you some information for other federal courts, as well as state, but is limited to docket information and expert challenges. Focusing on the Federal District Courts, Westlaw Edge provides analytics in four areas: Dockets, Outcomes, Motions, and Expert Challenges. Within Dockets, you can filter by Case Type (22 options), Judge, Party, Law Firm, Attorney, and Date. Within Outcomes, you can filter by Case Type (19 options), Outcome (settled, uncontested dismissal, dispositive motion, other, docketed elsewhere, or verdict), Judge, Party, Law Firm, Attorney, Role (defendant, plaintiff, respondent), Date, and Time to Outcome. Within Motions, you can filter by Motion Type (26 options), Case Type (21 options), Motion Outcome (granted, denied, granted in part, denied as moot, struck, vacated, or withdrawn), Case Event (response, brief, reply, sur reply, memorandum, opposition, or oral argument), Filing Role (defendant, plaintiff, respondent, other, appellant, appellee, movant, or creditor), Judge, Party, Attorney, Filing Law Firm, and Order Date. As with other areas of Westlaw Edge, you can also Search within Results within any of these analytics to narrow your dataset.

Within judge analytics, Westlaw Edge includes additional analytic measures for Precedent, Appeals, and References. Precedential analytics is one of the newest features of Westlaw's product, looking at the judges and opinions a particular judge cites most often in their rulings, as well as the legal issues they have dealt with in highest frequency. The Appeals tab allows you to see both how often the judge's opinions have been appealed, the results of those appeals, and frequency over time, as well as cases that have been appealed to that judge, again by type, results, and date. The References tab provides a list of all documents within Westlaw that refer to the judge, from cases and court documents to secondary sources and dockets.

Similar to both Bloomberg Law and Westlaw Edge, Lexis Context's court and judge analytics are most robust for the federal district courts. You can see citation patterns for state appellate and other federal courts, but motion language is only available at the federal district court level. Analytics offered for a federal district court or judge are related to Motion Language and Citation Patterns. Within Motion Language, Context provides data on 100 different types of motions, showing how often each has been granted, denied, or partially granted or denied. You can filter the results

by keyword, practice area, or date. Prior to Westlaw's release of Precedential Analytics, Context was already offering citation pattern data, for both judges and courts. Citation Patterns show which case opinions or judges a court or judge most frequently cites, as well as the specific language most commonly cited. You can filter here by keyword, motion type, practice area, or date.

Partial Cross-Over: Law Firm & Attorney Analytics

Both Bloomberg Law and Westlaw Edge offer attorney and law firm analytics as well. When you look up a law firm or attorney in Bloomberg Law, you can filter by Company (i.e., the companies the firm represents), Attorney (law firm analytics only), or Case Type, Jurisdiction, and Litigation History. You can view results from 2007 to present, or restrict to the last 1, 3, or 5 years.

Westlaw Edge's law firm and attorney analytics provide data on Dockets, Outcomes, and Motions. Within Dockets, you can filter by Case Type (30 options), Court, Role (15 options), Parties, Attorney, Office Location, Judge, and Date. Attorney analytics also include Dockets, Outcomes, and Motions, with very similar filtering options. Here you also get a References tab, where you can see a variety of documents that have referenced that particular attorney, including Cases, Court Documents, Secondary Sources, Arbitration Awards, and Dockets.

Partial Cross-Over: Expert Witness Analytics

A stand-out feature of Lexis Context is the ability to generate analytics on expert witnesses. You can search by expert witness name or area of expertise. Once you select an expert to view, the Overview page tells you how many cases the expert has participated in, whether hired as an expert for the plaintiff, defense, or other, the number of cases they have appeared in by year, and their experience by area of law. The Analytics tab further provides information on the times the expert has been challenged in court, the outcome of those challenges (admitted, excluded, admitted/excluded in part), and the types of challenges that have been raised (methodology, qualification, relevance, or procedural). Finally, the Documents tab provides a list of all documents in the Lexis system that mention the expert, everything from cases and court documents to directories and news.

While Westlaw's Litigation Analytics does not appear to have a standalone search for expert witness analytics, when searching court analytics, an Expert Challenges tab appears. There, you can analyze expert witness challenges of that court by area of expertise, case type, judge, or year.

Unique Features

Bloomberg Law: Company Profiles and Litigation Analytics

By virtue of its origins, a particular strength of Bloomberg Law has always been its company data. It comes as no surprise, then, that one standout feature of Bloomberg's analytics are Company Analytics. These come in two flavors. First, within Litigation Analytics, you can view analytics by company. For example, you can look up a company such as Apple or Target, and see what firms or attorneys represent them most often, their most frequent case types, and the jurisdictions where their litigation most commonly occurs. It is also worth noting here that you can look up the profile for a particular company on Bloomberg Law to dig further into the business side of their data as well.

Westlaw: Analytics by Case Type

Unique to Westlaw's Litigation Analytics are analytics by case type. If your research is focused on specific types of cases, rather than the litigation of a particular firm, attorney, or judge, Westlaw offers interesting insight. For example, if you were interested in patent cases, you could search by this case type in Westlaw's Litigation Analytics, and view Docket, Outcome, and Motion data. This would tell you the number of

patent cases by year, 2001 to present; the top firms or judges that have participated in patent litigation; and the courts most likely to hear patent cases. You can also examine the most frequent outcomes of patent litigation; the parties most heavily involved in patent litigation; and the frequency with which a variety of motion types have succeeded or failed in patent cases. Bloomberg Law and Lexis Context both offer case type as a filtering option, but not as a standalone analytic.

What Can We Glean from This?

First, each service offers a significant amount of data that could be helpful to practitioners and researchers alike. All three services offer analytics on courts and judges; however, it is interesting to note that even at this level of overlap, the results you get can vary by service. For instance, if we were to look at the Southern District of Indiana, focusing on motions to dismiss and not restricting by date or outcome (granted/denied), the numbers come out differently in each service. Bloomberg Law shows 2,029 motions to dismiss in 1,946 cases. Lexis Context shows 2,896 motions in 2,579 cases. Both appear to draw from case law from 1933 to present. Westlaw Edge shows a staggering 7,885 motions in cases from 2002 to present but does not provide an easy means of determining the number of cases this represents. Some of this difference across platforms can be accounted for by differences in their case law collections. Lexis and Westlaw, for example, may draw from more unpublished opinions than Bloomberg Law. Other explanations could include how the platforms gather their data to create these analytics, for example, whether drawn strictly from docket sheets or analyzed and corrected by an editorial team. Further research on the similarities and differences between the products would be an asset to the consumer. In the meantime, we can expect further developments and refinements of these products as usage builds. What can certainly be said of the existing products is that they each bring something unique to the table and provide data that can be helpful for a variety of consumers, from students to researchers to practitioners. At least, that's my analysis.

DEEPFAKES, CHEAP FAKES, AND THE INFORMATION PROFESSIONAL

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Many people have become concerned about the proliferation of Deepfake videos. A year ago the editorial board of *The Washington Post* ran a headline for its "The Post's View" opinion column declaring "**A Reason to Despair About the Digital Future: Deepfakes**," and **CNBC** recently ran an article naming Deepfakes one of the two "major cybersecurity threats in 2020." As information professionals, it is important to understand what Deepfakes are, and what resources are available to deal with them.

Faked videos are nothing new. Hollywood is adept at mixing movie magic with the latest technology to trick us into seeing things that did not happen, be it inserting Tom Hanks as *Forrest Gump* into old news footage or *Star Wars* using existing footage of the late Carrie Fisher to create one last Princess Leia performance. So, what are Deepfakes, and what makes them different? According to a **report** by Deeptrace, an Amsterdam-based company combatting artificial intelligence (AI)-generated fake media, in late 2017, a Reddit user operating under the pseudonym u/deepfakes created a forum on Reddit to develop and use software that would use deep learning principles to create doctored videos. These videos normally involved swapping the face of a female celebrity onto the body of a performer in a pornographic movie. Hollywood movies are created at great expense by teams of professionals; Shirley Li wrote for ***The Atlantic*** about how it took 500 artists two years working on the processes used to de-age Will Smith for *Gemini Man*. These new Deepfake videos, and the codes used to