

HERBERT SMITH FREEHILLS LAWYERS TALK LITIGATION ANALYTICS, AHEAD OF LONDON INTERNATIONAL DISPUTES WEEK 2021

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Events

Herbert Smith Freehills Partners Alexander Oddy and Emma Deas are set to be involved in London International Disputes Week (LIDW) 2021, speaking at an event about litigation analytics.

They will take part in a panel event co-hosted with Brick Court Chambers on 14 May, 2021 with panellists from Solomonic and Vannin Capital. The panel will examine some of the litigation analytics tools available to the stakeholders in litigation to assist in the running and resolution of disputes. Exploring the issues from different perspectives, the session will explore how litigation analytics and business intelligence is being used today and will shape the development of dispute resolution in London in the coming years.

To register for the event please click [here](#).

LIDW, which is set to be hosted virtually from 10 - 14 May 2021, will bring together legal practitioners from around the world to celebrate the heritage of London as a disputes centre and to consider the future of global dispute resolution.

Herbert Smith Freehills is a proud founding member of this important event and has joined forces with more than 50 other firms, barristers chambers, academics, legal commentators and dispute resolution organisations to initially help launch the week.

On the lead-up to the event, Alex and Emma answer some questions related to litigation analytics.

HOW DID HSF'S INVOLVEMENT IN LITIGATION ANALYTICS COME ABOUT?

HSF was the first firm in 2018 to begin using the UK's first and only litigation analytics platform, Solomonic. We were delighted to partner with Solomonic to help develop platform functionality and lead the way in the use of litigation analytics. The product uses a 'deep learning' algorithm to process hundreds of thousands of data points, including the success rate of different types of claim and the habits of individual judges, to predict the outcomes of commercial cases by analysing previous judgments.

HOW IS HSF USING LITIGATION ANALYTICS AND WHAT BENEFITS DO YOU SEE FOR CLIENTS?

Litigation analytics provides us and our clients with a myriad of opportunities to gain insights into previous cases – the decisions and behaviour of judges, how they make decisions, the arguments they favour, which expert witnesses are viewed positively and which legal texts individual judges have found persuasive in particular kinds of case. Case law has always been available but we have not previously had the tools to do the same analysis at the speed with which analytics tools now allow. This allows us to target our resources better.

Decision making in the context of litigation and arbitration has traditionally been based on experience, judgment and gut instinct but developments in data analytics mean that we are enhancing the way we handle disputes. At its heart, it supports better insights for our clients.

WHAT ARE THE POTENTIAL RISKS OR CHALLENGES OF LITIGATION ANALYTICS?

Making analytics work in high-value, high-complexity disputes is harder than in low-value, high-volume disputes. To do machine learning and AI, you need lots of data. And it's hard to get a lot of data about disputes that are big, rare, unusual, complex and different. At the moment, none of the AI is at a level that replaces human understanding and diagnostics in the critical advice and analysis for those kinds of cases. But there are multiple opportunities to gain insights through the litigation journey which individually or cumulatively can help improve outcomes for clients.

One of the key things is to approach the data critically and thoughtfully – not to follow the numbers slavishly. Understanding the statistical significance of data is crucial in this regard. It's then about using the data as one input to the decision making process to complement the experience of the legal team.

HOW HAS IT CHANGED THE DAY-TO-DAY JOB?

When we think of our jobs as disputes lawyers in the 2020s, the key challenge is handling the vast quantity of electronic information that clients, opponents and the courts generate. We've got to acquire the skills to manage and interrogate that information, so that we bring our legal analytical skills to bear in the right place. It requires a change in mindset.

It's also about trying to find efficiency in the process. We're using litigation analytics to try and get better and more predictable outcomes for clients in what is an uncertain business. In the future, not using these tools risks clients navigating the litigation journey with less insight than their opponents, putting them at a disadvantage. Better insights allow litigants to focus on the key issues sooner and choose to settle or fight on with a clearer understanding of the risks.

DO YOU HAVE ANY PREDICTIONS FOR THE FUTURE OF THE U.K. MARKET?

We're confident that in 2030 we will have seen a change in mindset in most disputes lawyers and the use of litigation analytics in the running and resolution of disputes will be standard practice. If the lawyers don't lead, the clients will drive the discussion. There will also be new analytics tools which don't exist today creating opportunities for insight and efficiency.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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