Lawyering in the Information Age: Revolutionizing the Practice of Law through Data Science
Information is Everything

A lawyer’s **most essential resource** is information

It is also our **most fundamental product**
Every Company is an Information Company
Information is Overwhelmingly Electronic
And is coming from more sources than ever
Insight into Human Conduct to Unparalleled Degree
Unparalleled Market Efficiency

- The Right (Public or Private) Product or Service
  - Right time
  - Right place
  - Right consumer
  - Right cost
  - Right price
Unparalleled Potential for Disruption and Misuse
How Analytics Work

- Every point of data has characteristics about it
  - How it was created
  - When it was created
  - Who created it
  - Its transmission
  - Its content
Leveraging Analytics in the Legal Space

- Once you find an example of what you’re looking for, analytics will find more like it.
The Future of Analytics and the Law
Analytics in the Market Place
Why “The Lion King” Roars So Loud: Business Analytics at Disney

Wednesday, December 11, 2013 - 15:21 | Robert Phillips | Disney | Revenue Management | The Lion King

‘Lion’s’ rich lair
A look at box office sales over the first 15 years of a show’s life shows the exponential rise of “The Lion King” compared with other B’way stalwarts.

Long-running shows in general have seen their grosses rise over the past few years, but none as much as “The Lion King.”

*numbers not available for “Cats” from 1983-1994
Cumulative Economic Impact
Putting people into groups and offering them stuff

This is the definition of discrimination
How do we decide who gets what?

- College admissions
- Financial Aid
- Street Repair
- Snow and Trash Removal
- Electricity Distribution
- Voting Districts
- Health Care Resources
- And many many more....
Predicting Misconduct
Anything Tom Cruise can do....
Predictive Compliance

- Identify patterns associated with misconduct
- Detect these patterns in email and unstructured data
- Develop models to be used in an early warning system to detect and prevent misconduct as it develops
Predicting Misconduct

Top 10 Threats

- Julene Beckner
- Sunil Primm
- Christian Delnero
- Donte Ritzer
- Christopher Ziegler
- Newton Mower
- Contessa Viner
- Rosario Tomasello
- Jazmin Burket
- Vina Denardo

Threat Levels

Current top threats (anonymized)

- 7789
- 10091
- 1883
- 5833
- 4852
- 2189
- 1173
- 9676
- 4836

Cummulative network graph of all email communication over review period (side by side view - fraud nodes not separated vs separated)

Node disposition
- No Fraud
- Fraud

>11K nulls
Is Predictive Policing the Law-Enforcement Tactic of the Future?

A Johns Hopkins professor says it helps reduce crime and police profiling. An attorney at Electronic Frontier Foundation says it will lead to more bias.
How far can this be taken?

Asia & Pacific

China’s plan to organize its society relies on ‘big data’ to rate everyone

BEHIND THE FIREWALL: How China tamed the Internet | This is part of a series examining the impact of China’s Great Firewall, a mechanism of Internet censorship and surveillance that affects nearly 700 million users.
Current Laws and Regulations Don’t Fit Current Applications of Analytics
Facebook and Cambridge Analytica
Notice and Consent
Data Ownership
Acting in a Legal Greenfield
Hello Barbie vs. Amazon Echo

Understand the risks you are creating and act reasonably to mitigate them

value to advertisers.” - Angela Campbell, Esq. Director of Communications and Technology Clinic, Georgetown Law

#HellNoBarbie
The Way Forward

- The law is based on *reasonable conduct*
- Identify and *quantify risks* in analytics projects
- Identify *mitigation strategies*
- Include a *diversity of opinion*
Don’t Become Extinct
Become an Information Age Superhero
Questions?

Bennett B. Borden  
*Chief Data Scientist*  
*Chair, Information Governance and eDiscovery*  
Drinker Biddle & Reath LLP  
1500 K Street, N.W.  
Washington, DC 20005-1209  
(202) 230-5194  
Bennett.Borden@DBR.com