

Mark Born JD '99 Launches Court Analytics Website

"I came to realize after practicing law for a few years that obtaining a quick trial date could make a huge difference in how a case was resolved," says Mark Born JD '99, founder of Court Analytics. "There is an old saying, 'Justice delayed is justice denied,' and in some courts there are backlogs of over three years."

"As we started to look into things we realized the differences between courts ran deeper than just timelines — actual outcomes of cases varied considerably depending on where you filed and what type of case it was. We've found you can't really fully advise your client without taking into account these facts," explains Born.

A principal at the Ware Firm in Austin, TX, Born's career spans over ten years in litigation, first at Fenwick & West in Palo Alto, CA, and later at McKool Smith in Austin. In 2005, he decided to design a system that lawyers could use to understand how the Federal Court system worked from a purely empirical standpoint — how things are rather than simply how they are perceived to be. And today, Court Analytics and its statistical research engine is the outcome of years of research and analysis.

Court Analytics (www.courtanalytics.com) provides statistical analyses of the United States Federal Court System. Using Court Analytics' Statistical Research Center, users can analyze individual district courts or circuits, compare up to ten courts at a time or obtain in-depth analysis of particular types of cases. Currently, the system draws from more than 25 years of Federal Court data.

Where did Born come up with the idea for Court Analytics?

"The idea for this project came when I was reading the book, *Against the Gods, The History of Risk*, which describes the use of probability and statistics in shaping decisions throughout human history. I hadn't really seen anything like that in the legal field," says Born. "There were not a lot of analytical measurement tools out there that lawyers could use to make better decisions, such as whether to settle a case or where to file. Also, I was repeatedly asked such questions by my clients. Most decision-making in the legal field is based on word-of-mouth and case law analysis. It was clear to me that we needed to augment this toolset," explains Born.

According to Born, the Federal Courts, using the Internet, began to allow access to their docket sheets so that people could, for the first time, obtain court records for huge numbers of cases. In addition, the Federal Judicial Center collects useful data and makes it available in very raw form. These data sources allowed Born to build an extensive database of Federal Court cases, including data for all 94 district courts and all types of cases.

"Using Court Analytics, attorneys can now find specific information about how many cases were filed, where they were filed, how many went to jury trial, how many were won by the plaintiff, and how many were won by the defendant," explains Born. "Attorneys can also find information about the possible outlook for a case

that may have been filed over a year ago or more. For example, the probability that a case will end in a jury trial for a newly filed case is substantially different from that of a case over two years old."

In addition, Court Analytics also enables attorneys to select up to ten different courts for specific types of cases, such as patents, and see a comparison between the courts and how to handle such cases. Details regarding jury outcomes, bench trials, time to trial, and transfer rates can now be found in just a few clicks on the Court Analytics website.

The site is continuing to expand and is expected to offer detailed information on specific practices by individual attorneys, companies, and judges in the near future.

Born says his time at Franklin Pierce was instrumental in preparing him both for the legal field in general and for entrepreneurship in particular.

"I think Franklin Pierce is a unique institution in the legal community — it was initially a small law school that became internationally known and is now recognized as an intellectual property powerhouse," says Born. "That only happens through a spirit of innovation and a willingness to take chances. That spirit permeates the education provided by Franklin Pierce."

Born lives with his wife, Patricia McNeill-Born JD '99, and their two children, Sumner, age 5, and Adeline, 2.

