

REWRITING THE ODDS

# 2019 TRIAL ADVOCACY SEMINAR

**BACK TO JUSTICE** 

**MONDAY, OCTOBER 14, 2019**

8:00 AM – 9:00 AM REGISTRATION

9:00 AM – 4:00 PM PROGRAM

4:00 PM – 5:30 PM RECEPTION

**RADISSON BLU MINNEAPOLIS DOWNTOWN**

**35 S 7TH ST**

**MINNEAPOLIS, MN 55402**

**ROBINS **  
**KAPLAN<sub>LLP</sub>**



## **ABOUT**

The future is now. Artificial intelligence is all around us, from our homes to our workplaces to our hospitals. Automobiles drive themselves. Wearable devices track our every move and measure our health. Our genetic code can be stored like a criminal record. Today's technology is a powerful force in the path towards justice, yet our obligation as trial attorneys to cut through complexity and tell our client's compelling story remains the same. Are you prepared to deploy every tool necessary to advance the rights of your client? After all, with great data comes great responsibility.

## **CLE ACCREDITATION**

Robins Kaplan LLP will seek approval with Mandatory Continuing Legal Education boards for a maximum of 6.0 hours of Standard CLE credit in Iowa, North Dakota, Minnesota, and Wisconsin.

## **PROGRAM AT A GLANCE**

### **REGISTRATION**

8:00 a.m. – 9:00 a.m.

### **OPENING REMARKS**

9:00 a.m. – 9:15 a.m.

Peter A. Schmit, Robins Kaplan LLP (Host)

### **PANEL | Great Scott! Wearable Technology Exists**

9:15 a.m. – 10:00 a.m.

Leah Fitzgerald, Robins Kaplan LLP  
(Moderator)

John Carney, Esq., Carney Forensics  
Marsh Halberg, Halberg Criminal Defense

### **TECH TALK I | Predictive Analytics in Motion: Getting to Know the People Who Impact Your Trial the Most**

10:00 a.m. – 10:20 a.m.

Basit Mustafa, Voltaire, Inc.

### **PANEL | “Roads? Where we’re going, we don’t need roads.” Preparing Your Practice for the Future of Driverless Cars**

10:20 a.m. – 11:05 a.m.

Tony Schrank, Robins Kaplan LLP  
(Moderator)

Logan J. Drew, Robins Kaplan LLP  
Kevin G. Vosburgh, Dynamic Safety LLC

### **LUNCH**

11:05 a.m. – 11:55 a.m.

### **TECH TALK II | 3D Printing**

11:55 a.m. – 12:15 p.m.

Scott D. Drikakis, Stratasys, Inc.

## **PROGRAM AT A GLANCE**

### **KEYNOTE | New Frontiers of Liability: Genomics and Artificial Intelligence**

12:15 p.m. – 1:30 p.m.

Gary Marchant, Sandra Day O'Connor  
College of Law, Arizona State University

### **BREAK**

1:30 p.m. – 1:45 p.m.

### **PANEL | “Hey! I need to borrow this... scooter, or maybe the bike?” The Scoop on Legislative, Regulatory, and Safety Implications of ‘Micromobility’**

1:45 p.m. – 2:30 p.m.

Brandon E. Vaughn, Robins Kaplan LLP  
(Moderator)

Joshua Johnson, City of Minneapolis

Matt Moore, Quality Bike Parts

Maria Wardoku, Alta Planning + Design

### **TECH TALK III | Virtual Reality**

2:30 p.m. – 2:50 p.m.

Darlene Gerber, High Impact

Dieter Sliter, High Impact

### **PANEL | “Time circuits on, flux capacitor... fluxing, engine running, all right!” Collaboration and Thinking beyond the Result**

2:50 p.m. – 3:35 p.m.

Elizabeth M. Fors, Robins Kaplan LLP  
(Moderator)

Elizabeth Burnett, Robins Kaplan LLP

Matthew J. Frerichs, Robins Kaplan LLP

Anthony Hoppa, Robins Kaplan LLP

Eric J. Magnuson, Robins Kaplan LLP

### **WRAP UP, Q&A**

3:35 p.m. – 4:00 p.m.

### **RECEPTION**

4:00 p.m. – 5:30 p.m.



HOST:

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**PETER A. SCHMIT**

Partner; Chair, National Personal Injury and Medical Malpractice Group; Member of the Executive Board  
Robins Kaplan LLP

**PANEL | GREAT SCOTT! WEARABLE TECHNOLOGY EXISTS**

9:15 AM - 10:00 AM

As *Back to the Future* predicted, wearable devices are a thing of today. Providers can now have real-time health information about their patients, but what does this mean for a medical malpractice claim? We will explore the current trends in wearable technology that could have an impact on your case.



MODERATOR:

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**LEAH FITZGERALD**

Associate  
Robins Kaplan LLP



PANELIST:

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**JOHN CARNEY, ESQ.**

Chief Technology Officer, Lead Digital Forensic Examiner  
Carney Forensics



PANELIST:

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**MARSH HALBERG**

Minnesota Criminal Defense Attorney  
Halberg Criminal Defense

# TECH TALK I | PREDICTIVE ANALYTICS IN MOTION: GETTING TO KNOW THE PEOPLE WHO IMPACT YOUR TRIAL THE MOST

10:00 AM - 10:20 AM

The technology landscape is rapidly evolving in law. Today's trial attorneys are faced with an overwhelming amount of information, much of it related to the facts of the case. But what about the people who directly affect the outcome of your trial? Who are they? What makes them tick? What is the best trial communication strategy?

Today, leveraging AI and Big Data can help better define and answer all of these questions during voir dire and beyond. With billions of data points available across the web, learning the key elements and technologies that enable you to objectively harness this information in real time is crucial. See how predictive analytics can help improve your workflow, remove hidden bias and risk, and assist in better understanding your most important audience in the courtroom.

PRESENTER:

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**BASIT MUSTAFA**

Founder and CEO  
Voltaire, Inc.

## **Experience Predictive Analytics with Voltaire, Inc.**

Voltaire, Inc. is the maker of Voltaire Voir Dire, a leading jury research application that combines AI with big data to help develop a clearer picture of each individual. Featuring both public and web social data, the software helps identify potential risk and bias objectively, in real time. Voltaire is completely web-based and available on any browser, from any connected device. Join Voltaire in the Denmark Commons at any time throughout the day to learn more.

# PANEL | “ROADS? WHERE WE’RE GOING, WE DON’T NEED ROADS.” PREPARING YOUR PRACTICE FOR THE FUTURE OF DRIVERLESS CARS

10:20 AM – 11:05 AM

Over a century has passed since the production of the first Model T Ford in Detroit, MI. It used to be that people drove cars, but today, who is driving who? At minimum, nearly all cars today use powerful computers to provide driver assistance, but the near future is likely to include fully automated vehicles with the ability to make life-altering decisions in greater quantities and less time than the human mind. Most cars today already fall somewhere in between. This panel will demystify the driving technology across the spectrum of vehicle automation, show just how much today’s cars “know” and “retain,” and uncover what the law tells us so far, so that you can better demonstrate the facts of your client’s story before jury and judge.

MODERATOR:

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**TONY SCHRANK**

Associate  
Robins Kaplan LLP

PANELIST:

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**LOGAN J. DREW**

Principal; Chair, Pro Bono Committee  
Robins Kaplan LLP

PANELIST:

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**KEVIN G. VOSBURGH**

Consultant  
Dynamic Safety LLC

## TECH TALK II | 3D PRINTING

11:55 AM – 12:15 PM

An increasing number of hospitals are incorporating 3D printing into surgical planning and other aspects of patient care. What implications exist as healthcare professionals and providers rely on this new technology to better serve their patients? Additionally, how might trial attorneys deploy similar visual communication tools as they advance the rights of their clients? This 20-minute tech talk will explore just that.



PRESENTER:

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**SCOTT D. DRIKAKIS**

Medical Segment Leader, Americas  
Stratasys, Inc.

**About Stratasy, Inc.**

Stratasy is the world's leading 3D printing company. For over 30 years they have led from the front - empowering global businesses to reimagine the way they design and manufacture their products.

# KEYNOTE | NEW FRONTIERS OF LIABILITY: GENOMICS AND ARTIFICIAL INTELLIGENCE

12:15 PM – 1:30 PM

History teaches us that new technologies are a major driver of new types and amounts of liability litigation. This presentation will describe recent advances in two important new technologies, genomics and artificial intelligence (AI), and analyze their potential for new types of liability. Genomics is now being implemented into many types of clinical practice, and the failure of many practitioners to utilize this powerful new technology properly is giving rise to potential claims for medical malpractice. Our speaker will report on a national empirical study he recently completed on genomic malpractice in health care, and the interesting implications of those findings for future litigation in this area. In addition to medical malpractice, genomics are being used to support many other types of litigation outside the medical context, including food poisoning, paternity, environmental contamination, and illegal wildlife hunting cases. AI is also spawning many new types of liability and liability risks. Again, healthcare is a primary focus of such claims, as AI is rapidly being implemented into clinical care, again raising many potential liability scenarios. But AI is also creating many new liability exposures outside of the healthcare context, including in autonomous vehicle accidents, wearable devices, privacy intrusions, and financial and antitrust contexts.

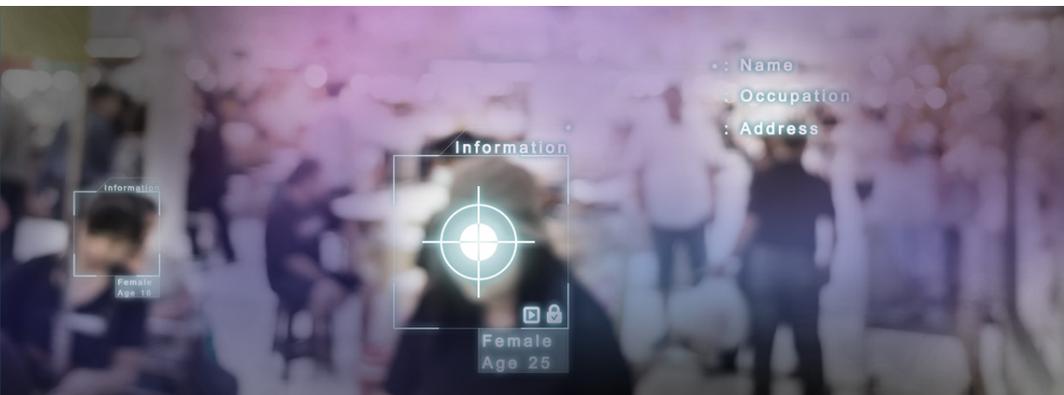


## KEYNOTE SPEAKER:

### **GARY MARCHANT**

Professor of Law

Sandra Day O'Connor College of Law, Arizona  
State University



# PANEL | “HEY! I NEED TO BORROW THIS... SCOOTER, OR MAYBE THE BIKE?” THE SCOOP ON LEGISLATIVE, REGULATORY, AND SAFETY IMPLICATIONS OF ‘MICROMOBILITY’

1:45 PM – 2:30 PM

With 84 million trips taken in 2018 alone, app-based electric scooters and bikes, docked bike shares, and other forms of “micromobility” have forever transformed the way people experience and travel within cities. While these new toys are fun, environmentally friendly, and serve as affordable and convenient transportation alternatives, they also present a host of liability and safety issues for users, drivers, city decision-makers, and more. In this panel, we will address terms within a typical rental contract, the ride experience from beginning to end, legal and regulatory updates at the state and city level, and how case law can guide our understanding of this growing and controversial trend.

MODERATOR:

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**BRANDON E. VAUGHN**

Principal; Chair, Recruiting/Hiring  
Committee  
Robins Kaplan LLP

PANELIST:

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**JOSHUA JOHNSON**

Advanced Mobility Manager  
City of Minneapolis

PANELIST:

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**MATT MOORE**

General Counsel  
Quality Bike Parts



PANELIST:

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**MARIA WARDOKU**

Planner  
Alta Planning + Design

## TECH TALK III | VIRTUAL REALITY

2:30 PM – 2:50 PM

What if you could transport your jury from a courtroom to the scene of a catastrophic event? What if you could teleport the opposition from a mediation room to the driver's seat of the defendant's car before a horrific collision? What if you could immerse your audience in a cloud of asbestos on a construction site that was shut down years ago? In this 20 minute "tech talk," our presenters from High Impact will share how today's trial attorneys must be prepared to push the envelope of what's possible in visual communication through the powerful tool of virtual reality.



PRESENTER:

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**DARLENE GERBER**

Visual Litigation Strategist  
High Impact



PRESENTER:

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**DIETER SLITER**

Lead Developer  
High Impact

### Experience Virtual Reality with High Impact

High Impact is a full-service litigation support firm that blends scientific accuracy with Hollywood-level graphics to deliver custom legal exhibits that will maximize the value of your verdicts and settlements by leaving an unforgettable impact on your audience. Join High Impact in the Denmark Commons at any time throughout the day to do the following:

- Use VR to walk around a crash scene between a truck and semi-tractor trailer
- Experience vision impairment cases that have been used in mediation
- Explore medical illustration work including an interactive skull

## PANEL | “TIME CIRCUITS ON, FLUX CAPACITOR... FLUXING, ENGINE RUNNING, ALL RIGHT!” COLLABORATION AND THINKING BEYOND THE RESULT

2:50 PM – 3:35 PM

Like getting the DeLorean up and running, telling your client’s story is a process that involves many components, and collaboration is the key to getting it all started. Robins Kaplan LLP professionals have learned that relying on a number of experts to serve clients from beginning to end is non-negotiable. In this panel, learn about the importance of utilizing video and other unique multimedia storytelling tools, relying on case-specific expertise, managing decisions that necessitate appeals, and even involving trusts and estates attorneys when you have attained a settlement for your client. As the African proverb says: “If you want to go fast, go alone. If you want to go far, go together.”



MODERATOR:

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**ELIZABETH M. FORS**

Associate  
Robins Kaplan LLP



PANELIST:

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**ELIZABETH BURNETT**

Principal  
Robins Kaplan LLP





PANELIST:

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**MATTHEW J. FRERICHS**

Principal  
Robins Kaplan LLP



PANELIST:

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**ANTHONY HOPPA**

Director of Litigation Support  
Robins Kaplan LLP



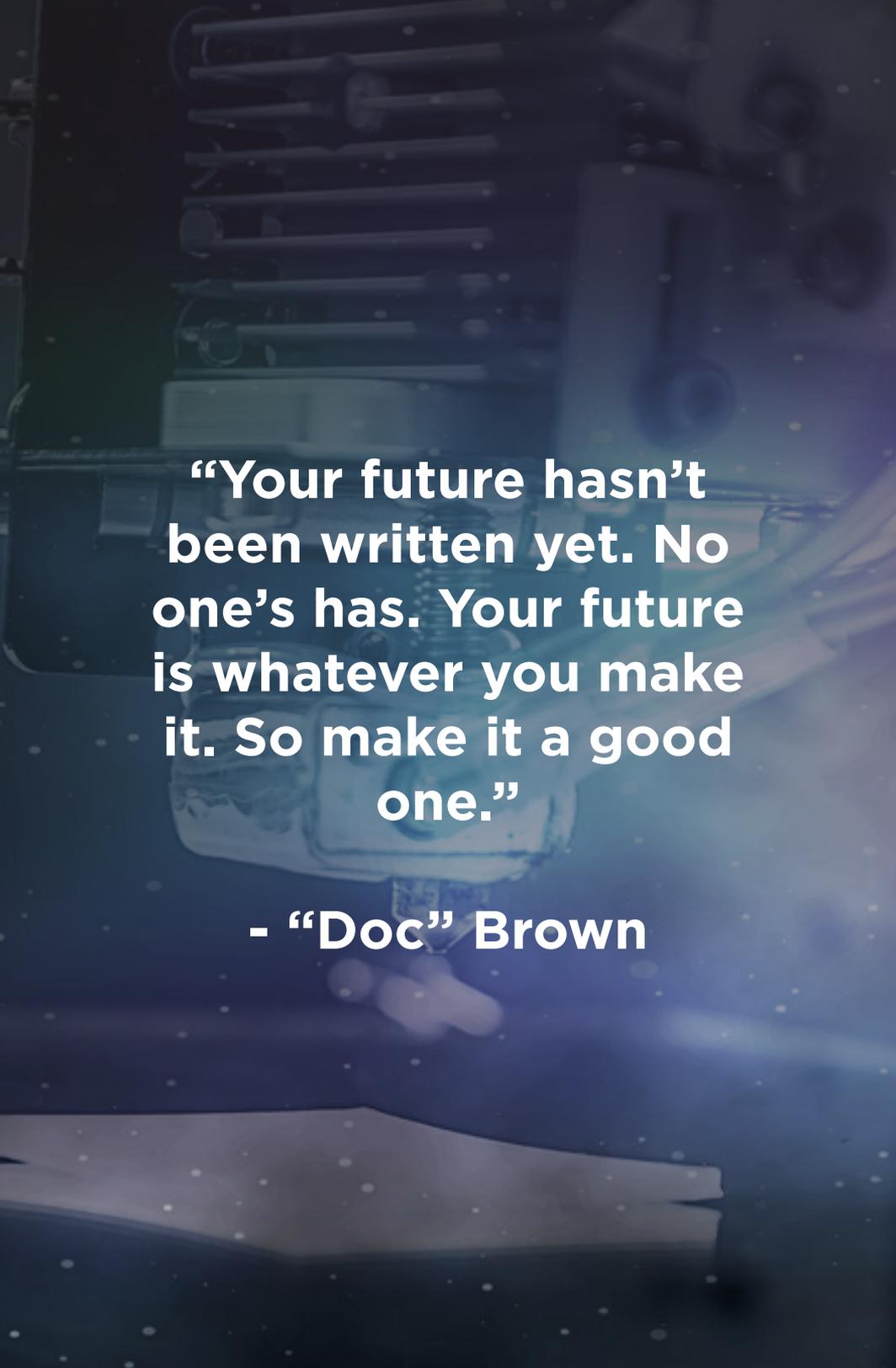
PANELIST:

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**ERIC J. MAGNUSON**

Partner  
Robins Kaplan LLP





**“Your future hasn’t  
been written yet. No  
one’s has. Your future  
is whatever you make  
it. So make it a good  
one.”**

**- “Doc” Brown**



Robins Kaplan LLP



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