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QUARTERLY

Tackling Tough Business Litigation Matters

VOLUME 5.2 | 2025

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Law School's Missed Lessons: Navigating Client Trauma

BY KATIE BENNETT

40 mm shot to the eye.

K-9 attack.

Officer-involved shooting.

Traumatic evisceration.

For good reason, none of the above are suitable topics for table talk. They are horrifying, tragic events that wreak havoc on individuals, families and others involved. In the midst of that havoc, those individuals and families often seek out litigators in the fields of civil rights and personal injury for help navigating the most traumatic events of their lives.

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REWRITING THE ODDS

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THE MISSED LESSON

While law school prepares us to analyze complex case law and draft compelling arguments, it doesn't prepare us to confront — repeatedly — the human cost of trauma. Yes, there are several professions where trauma is part of the job: firefighters, emergency medical services personnel, police officers, nurses and doctors. But the difference lies in two things: the training received, and the nature and repetition of the exposure.

TRAINING

First responders and other medical professionals receive education and training on how to handle these events, often referred to as critical incidents. From what to do when responding at the scene or when a patient shows up in the emergency room, to productive and healthy means of coping for the professionals themselves, they are given the tools to deal with the trauma. It is built into their educational curriculum, and likely their continuing education requirements.

As these professions have understood and acknowledged for years through their education and training: Learning how to navigate traumatic subject matter is imperative.

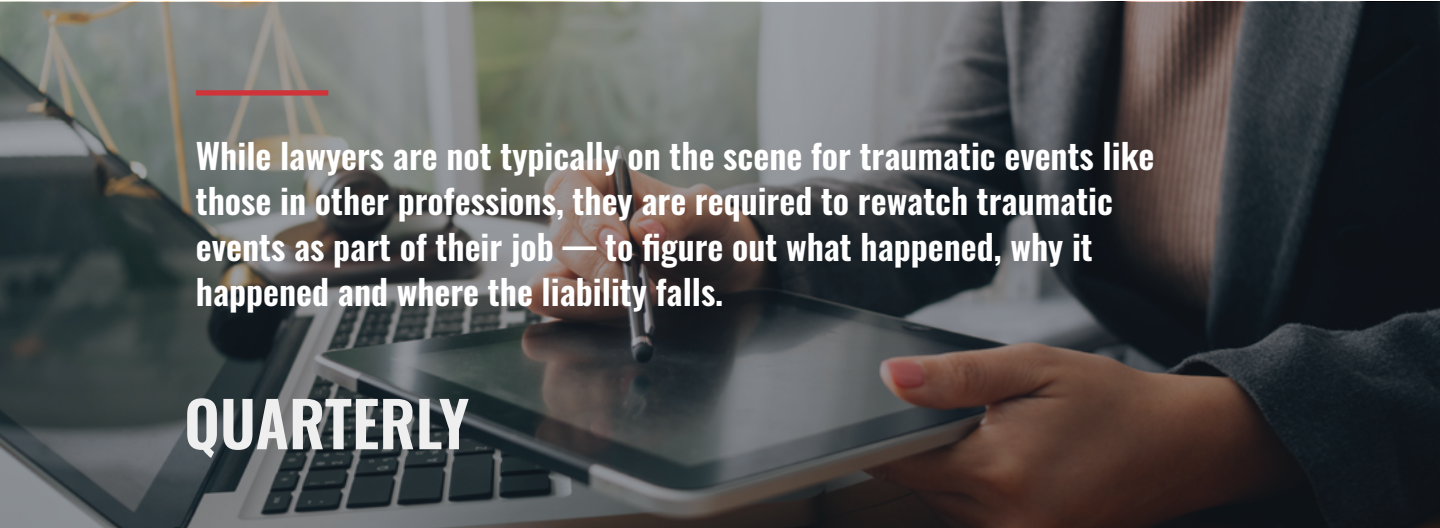
The principle is similarly important for attorneys practicing in areas involving traumatic subject matter. Unfortunately, similar educational and training opportunities for attorneys have been and continue to be missing from the law school curriculum.

EXPOSURE

While lawyers are not typically on the scene for traumatic events like those in other professions, they are required to rewatch traumatic events as part of their job — to figure out what happened, why it happened and where the liability falls.

Given the widespread availability of video evidence — whether it be from traffic, body or surveillance cameras, or an individual's cell phone — often there is high-definition video of an incident. While this video evidence can be helpful for a case, it necessarily means the involved attorneys frequently and painstakingly scour over hours of footage.

Many times, this involves parsing video footage from several camera angles and audio from a variety of sources, including 911 calls and the videos themselves. This has to be done multiple times throughout the course of the litigation: to draft the complaint, to prepare for depositions, to prepare for motion practice and again at trial.



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THE EFFECTS

The truth: Witnessing trauma affects mental health and one's sense of safety for themselves and others. Rewatching and learning about the reasons a client suffered severe and permanent injuries or death necessarily affects the litigator.

In many ways, growing up the child of a civil rights and catastrophic personal injury attorney, I saw this firsthand. And, honestly, my brothers and I rolled our eyes at our overprotective father.

Biking without a helmet? No way.

Trampolines? Nice try.

Motorcycle rides? Out of the question.

Admittedly, after joining my father's team following law school graduation, I get it. The truth is that seeing what we and others in the profession see can turn you into an obsessive liability-proofer for your loved ones.

Your anxiety may rise while driving with family and friends. You may know where every distracted driver is around you and which semitruck is tailing too close where there's no chance they could stop in time.

You may check every pool drain, and every window in every hotel.

Your kids and nieces and nephews cannot pet the trained-to-attack police K-9 at the National Night Out event.

Trampolines and motorcycles are still out of the question.

You have preferred hospitals in the event of an injury. And you know which jails have the highest death tolls.

While some of this can be helpful and keep people safe, it can be a heavy weight to carry. And certain cases can hit harder depending on the attorney's stage of life. For example, a new parent dealing a case involving injuries to or the death of a young child might amplify their focus on infant safety.

PROFESSIONAL LESSONS FOR NAVIGATING TRAUMA IN PRACTICE

Take a clinical view — for the case and for yourself.

To be an effective litigator in this space, a clinical view must be taken. Staying objective is key.

Taking a case based on emotions runs the risk of putting clients through the emotional roller coaster of litigation and reliving their trauma with no path to victory. Not every bad injury or bad outcome has a path to liability.

You will be respected for objectively evaluating cases, even if that means delivering bad news (i.e., we cannot help you). Be thorough, show you are a subject matter expert and explain the rationale. Chances are, the person you couldn't help will send another potential client your way.



Taking a clinical view when reviewing traumatic events throughout the course of a case can serve as a means of self-preservation. It allows the attorney to focus on the end goal of helping the client at the forefront. It is much easier to review the high-definition video when you view it as simply part of the fight for your client — a task imperative to making things safer, and a necessary step on the path to justice. And it benefits the case to objectively review the evidence.

Understand the injuries to understand the client.

In many instances, clients have suffered both physical and mental injuries. One affects the other and vice versa. Understanding how the traumatic event has affected a client, including the various injuries and their interplay, can and should guide how your conversations occur.

Frequently, experts are involved in cases involving traumatic events. Involve yourself deeply with the medical, psychological and neuropsychological experts. They can masterfully explain the impacts of the events and injuries on a client, and provide needed insight to the lawyer. For example:

- Is the injured person a minor that has a false memory of the events that belies the evidence as a means of their own self-preservation?
- Do they have an organic brain injury affecting their cognitive functioning?
- Has their memory of the events been affected by what they've heard from others?

This knowledge helps the attorney meet the clients where they are, to know how to focus the conversations, and to prepare them for examinations at depositions and trial.

And, again, demonstrate that you are the subject matter expert, and that you are willing and able to take a large portion of the problem off the client's plate, thereby giving the client time and space to heal. This certainly helps to build trust and rapport. And it makes client communication easier and more productive.

Know when to step back and get support.

In times when the weight is too heavy, it is important to use the advice you give your own clients: If you're struggling, seek help.

That might mean talking to a trusted colleague, friend or therapist; taking a break to hike, run or just decompress; or using resources like Lawyers Concerned for Lawyers or bar-sponsored mental health programs.

Also, keep an eye out for junior attorneys on your team. They may be encountering this kind of content for the first time and may not yet have the vocabulary — or confidence — to say, "This is affecting me."

Make space for those conversations. Normalize them. It's not weakness — it's sustainability.

A FINAL WORD

This is meaningful work: It matters, but it comes with a cost.

One of the biggest lessons law school missed is that we are not immune to the trauma we litigate. Being a successful attorney in this field means more than mastering tort law or procedure — it means understanding how trauma affects your client, your case and you.

We owe it to ourselves — and to each other — to talk about it, to build support structures and to keep doing the work, but to do it in a way that doesn't hollow us out.

Because, at the end of the day, our strength as advocates depends on our ability to show up — fully present — for the people who need us most.

Katie Bennett is a civil rights and personal injury attorney at Robins Kaplan, known for securing record-breaking settlements in cases involving police misconduct and catastrophic injury.

KATIE BENNETT

Connect with Katie



Mind the Gap:

Steps Appellate Judges Can Take to Strengthen the Public's Understanding of the Judiciary

BY CAROLINE MCMAHON

The increased reliance on social media as a news source has been well known for several years now, but appellate courts continue to fall further and further out of touch in this new media landscape. Appellate judges largely hold onto the mindset that their case opinions must speak for themselves and that avoiding engagement with the media almost entirely is necessary to maintain judicial integrity. However, the choice to remain disengaged with the media has resulted in a wider gap between the public and the judiciary, with decreased understanding of the courts.

This problem, alongside several pragmatic solutions, was the subject of the Appellate Judges Education Institute's panel entitled *The Ethical Tightrope: Navigating Media Influence and Judicial Integrity*. The panel was moderated by

Chief Justice Robert J. Torres of the Supreme Court of Guam and included four panelists who each brought a different perspective on the relationship between the media and the judiciary: Peter Shaplen, a journalist who was the media pool producer for numerous high-profile cases; Noah Feldman, a constitutional law professor; Julia Allison, founder of Reimagine Media and a social media influencer; and Justin Elliott, a Pulitzer Prize-winning journalist at ProPublica.

The panelists began by discussing the declining impact of legacy media—newspapers, radio, and television—and the effect on coverage of appellate courts. Professor Feldman explained that legacy media now takes just a glancing interest in the vast majority of appellate cases, and that interest continues to drop. He noted that he is often one of only two people in legacy media to cover the outcome of some appellate cases. With this low number of reporters for such a broad area, courts should expect that most of their cases will not be covered at all, let alone in the rich and complex detail that the fulsome opinions may warrant. Adding to this problem is the fact that, as Justice Torres lamented, the media often misreports or mischaracterizes the courts' decisions, which exacerbates the public's misunderstanding of the courts. Such a widespread disconnect makes it more difficult for the public to recognize—and hold courts accountable—when courts stray from their usual processes, issue opinions that are not supported by the law, or otherwise fail to adhere to their role as neutral stewards of justice. The lack of understanding about the role of the courts also makes people vulnerable to misinformation or disinformation from other sources about the effects of certain decisions.

Starting with the simplest solutions, the panelists discussed one straightforward way to improve the public perception and understanding of the courts: direct, proactive engagement with reporters. While it may sound like an obvious response to the problem, it flies in the face of the longstanding practice of most courts of speaking to the media only when strictly necessary. Mr. Elliott explained that courts must give more access to reporters in light of the Streisand Effect—attempting to hide something only draws attention to it. As the public perception of the judiciary worsens, it is important that courts proactively engage with reporters so that the coverage better reflects the broad swath of issues confronted by the courts, rather than a defensive response to press questions on hot-button issues. Mr. Shaplen noted that, if the courts are only using their press information offices as “defensive linebackers,” they’re misusing them.

While that suggestion could be relatively palatable to many judges, Ms. Allison's proposed solution is far more likely to be met with resistance. She urged the judges to consider establishing a social media presence as a means of civic education. She played several TikTok videos from legal influencers, putting on display their ability to simplify complex issues and thereby make them accessible to the average person. Ms. Allison acknowledged that their videos often *oversimplify* matters—which certainly comes with its own problems—but emphasized the value in getting through to a new generation via entertaining means. She highlighted influencers who provide straightforward explanations of issues in a wide variety of areas as well as some who focus on a specific niche, such as immigration or family law. The common denominator among all of these individuals was their mastery of engagement, accessibility, and reach.

Ms. Allison explained that it is important for judges to be similarly engaged so that they can have some degree of control over the narrative regarding their cases. She suggested that courts create their own accounts on social media or work in partnership with an influencer to be more transparent about their jobs and decisions. Feeling the immediate tension that filled the room in response to this suggestion, Professor Feldman asked the judges in the audience for a show of hands indicating how many of them have given civics presentations to students. Many of them raised their hands, and Professor Feldman pointed out that this is not very different—both involve explaining their job and its realities in a concise and engaging way to reach more people. And there is one key caveat for both circumstances: judges should remain silent on pending cases.

Ms. Allison emphasized that failing to engage on social media does not protect the judiciary from the harmful effects of an online presence; it merely gives control to other people. Without the verified presence of members of the judiciary online, the court is merely relying on other voices—some credible and some not—to educate the public on its decisions.

However, while social media presence by the courts certainly presents a wide array of options, it is not the only way in which judges can directly explain their decisions to the public. Professor Feldman made a plea for all courts to include with each of their opinions a syllabus that is comprehensible to nonlawyers. Some courts already do this, but many do not, and it is a simple way to reach far more people. He said that courts are just inviting misunderstanding when the only thing they issue is an entire opinion written at the level of usual legal complexity. And, to assuage any concerns that it may be cited as part of the opinion, the syllabus can include a disclaimer that it is only a summary of the opinion; it is not to be cited as the actual opinion.

Appellate judges put an enormous amount of work into each of their decisions, but that work is only being read by a tiny percentage of the public—mainly sophisticated appellate lawyers. Providing a few paragraphs that explain the issue and opinion’s analysis in a straightforward way would give the public meaningful access to the court’s reasoning and thereby help to strengthen trust in the judiciary.



Without the verified presence of members of the judiciary online, the court is merely relying on other voices—some credible and some not—to educate the public on its decisions.

Professor Feldman acknowledged that institutional caution about these changes is entirely appropriate, but he reminded the judges about past resistance to court access that seems normal today. The Supreme Court now provides audio in almost real time, which would have been unimaginable twenty years ago. Going back even further, Professor Feldman discussed the 18th-century resistance to courts issuing written opinions rather than issuing oral opinions and relying on journalists to memorialize those decisions in writing (often incorrectly). Now, it seems laughable that courts would not want to maintain quality control over their opinions in this manner.

The consensus among the panelists was clear: as the gap between the judiciary and the public grows ever wider, appellate judges need to take steps to bridge that gap and prevent further deterioration of trust in the courts—and there are numerous feasible options available to them.

There may be a learning curve as the courts navigate new ways of engaging with the public, but that is no reason to avoid the shift. Mr. Shaplen encouraged the judges to seek out communications training to sharpen this skill rather than shy away from it and continue as though nothing has changed. And increased engagement does not have to mean a free-for-all. As Mr. Elliott clarified, courts should still set ground rules and standards, even within this model of greater transparency.

Professor Feldman warned that we are approaching a moment of crisis regarding public perception of judicial action, and it is in moments of crisis when evolution has to be taken more seriously. He told the room of appellate judges that their belief in their job insulates them psychologically from the reality of the crisis, but their instinct to do or say nothing regarding the issue of public perception is not working.

Finally, Justice Torres stressed that judges are not powerless in the face of misinformation or disinformation. They merely need to think about which tools they will use to address these issues and further engage with the public. At the very least, the actions proposed by the panelists give them a strong place to start.

Caroline McMahon is an associate in Robins Kaplan's Mass Tort Group in New York, where she represents individuals harmed by corporate and institutional misconduct.

[Connect with Caroline](#)

CAROLINE MCMAHON

FRONT AND CENTER

SEASONED INSURANCE COVERAGE ATTORNEY JOINS ROBINS KAPLAN'S NEW YORK OFFICE

Robins Kaplan LLP is pleased to announce that **Bill Kolb** has joined the firm's New York office as a partner in the Insurance and Catastrophic Loss Group.



Kolb brings more than 25 years of experience advising domestic and international insurers on a wide range of complex coverage matters. His practice spans first- and third-party claims, with a focus on commercial property, builder's risk, marine and inland marine, construction-related losses, and controlled insurance programs (CIPs). He also advises clients on cyber risk, reinsurance disputes, and fraudulent claims.

Kolb has handled major losses from catastrophic events across the U.S. and internationally, including claims arising from Hurricanes Katrina, Sandy, Harvey, Irma, and Maria. He is regularly called upon to counsel insurers on claims strategy, policy language, and high-exposure matters involving industrial equipment, renewable energy systems, hospitality, and manufacturing.

FORMER DEPUTY CIVIL CHIEF OF U.S. ATTORNEY'S OFFICE JOINS ROBINS KAPLAN

Robins Kaplan LLP is pleased to welcome **Bahram Samie** to the firm's Minneapolis office as counsel in the Business Litigation Group.



Samie brings extensive experience as a civil litigator and trial attorney, having worked on government investigations, healthcare fraud litigation, civil rights enforcement, and government defense. Prior to joining the firm, he served as Deputy Civil Chief at the United States Attorney's Office for the District of Minnesota, where he earned national recognition—including back-to-back Distinguished Service Awards from the Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. His work has resulted in major civil rights reform and multimillion-dollar recoveries under the False Claims Act.

CHAMBERS USA RECOGNIZES SIX ROBINS KAPLAN PRACTICE GROUPS AND 19 LAWYERS IN 2025 GUIDE

Robins Kaplan LLP is pleased to announce that six of the firm's practice groups and 19 of its attorneys have been recognized in the *Chambers USA Guide 2025*. Notably, the firm's Healthcare and Insurance: Dispute Resolution practice groups are newly ranked this year, reflecting the firm's continued growth and leadership in these key areas.

According to *Chambers USA* contributors, Robins Kaplan continues to be recognized as "a powerhouse in the industry" with "great depth to its bench and great team leads." The firm is praised for its "strong and strategic litigators" who "look at things from all angles and understand the risks and business aspects of matters." The team is further commended for displaying "transparency, professionalism, and willingness to take the time to really explain situations," with clients noting, "it seems as though there's nothing they can't handle."

Robins Kaplan practice groups are ranked in the following categories and geographies:

- Antitrust – Nationwide: Plaintiff (Band 2)
- Antitrust – New York: Mainly Plaintiff (Band 2)
- Antitrust – Minnesota (Band 1)
- Healthcare – Minnesota (Band 2)
- Insurance – Massachusetts (Band 2)
- Insurance: Insurer - California (Band 3)
- Insurance: Dispute Resolution – Nationwide (Band 4)
- Intellectual Property – Minnesota (Band 1)
- Litigation: General Commercial – Minnesota (Band 1)
- Litigation: General Commercial – South Dakota (Band 2)
- Native American Law – Nationwide (Band 3)

THE AMERICAN LAWYER RANKS ROBINS KAPLAN AMONG TOP 25 FIRMS IN NATION FOR PRO BONO WORK IN 2025

Robins Kaplan LLP is pleased to announce that it ranks among the top 25 firms in the nation for pro bono according to *The American Lawyer's* annual *pro bono* survey, which highlights Am Law 200 firms with the strongest commitment to *pro bono* work.

In 2024, Robins Kaplan provided more than 19,500 hours of *pro bono* legal services, representing survivors of domestic violence, veterans with disabilities, immigrants fleeing persecution, and individuals facing housing instability, among others. The firm provided these services in partnership with over 60 nonprofit organizations.

"We believe access to justice is a right, not a privilege," said **Geoff Kozen**, Chair of the firm's Pro Bono Committee. "Our attorneys bring the same tenacity and skill to their *pro bono* cases that they do to any other matter, and we're proud to be recognized for that work."

PARTNERS LIZ BURNETT, CHRISTINA LINCOLN APPOINTED TO NEW LEADERSHIP ROLES AT ROBINS KAPLAN

Robins Kaplan LLP is pleased to announce that partners [Liz Burnett](#) and [Christina Lincoln](#) have been appointed to prominent leadership roles within the firm. Burnett will serve as Deputy Chair of the National Business Litigation Group, while Lincoln will serve as Deputy Managing Partner of the Los Angeles office.

As Deputy Chair, Burnett will help guide the strategic direction of the Business Litigation Group, which includes over 100 attorneys across all seven of the firm's offices. Burnett is a seasoned trial attorney with a national practice focused on product liability, commercial, and disaster litigation, including complex cases involving fires, explosions, and toxic torts. Drawing on her experience as both a litigator and former claims adjuster, she also represents industry leaders in high-stakes insurance coverage disputes.

Lincoln is a respected advisor and trial attorney whose practice focuses on catastrophic loss and management liability insurance. She represents domestic and international insurance carriers with first-party claims and bad faith litigations across the country involving large-scale disasters under a range of policy forms, such as property, builder's risk, specified perils, and inland marine. As a certified Management Liability Insurance Specialist (MLIS), she also has extensive experience with directors and officers (D&O) liability insurance. As Deputy Managing Partner of the Los Angeles office, she will help advance the firm's key initiatives in the region and foster continued growth in one of its most dynamic markets.



LIZ BURNETT



CHRISTINA LINCOLN



THANK YOU, SUMMER ASSOCIATES!

As our 2025 summer associate program comes to a close, we want to extend a heartfelt thank you to our summer associates for their hard work, curiosity, and enthusiasm over the past ten weeks. Your contributions made a real impact, and we're grateful for the energy and ideas you brought to the firm. Wishing you all the best as you return to law school — we're excited to see what's next for each of you!