



2024 FORUM FOR STATE APPELLATE COURT JUDGES

ARTIFICIAL INTELLIGENCE AND THE COURTS

Saturday, July 20, 2024, Nashville, TN

FACULTY BIOGRAPHIES

SPEAKERS, PAPER PRESENTERS, AND PANELISTS



Prof. Yonathan Arbel (PAPER PRESENTER) joined the University of Alabama in 2017. His scholarship focuses on commercial, consumer, and private law. Professor Arbel's scholarship appeared or is forthcoming in several prestigious law journals. Notable publications include *Contracts in the Age of Smart Readers* and *Tort Reform Through Backdoor: A Critique of Law and Apologies*.

Prof. Arbel earned his doctoral degree in law and economics at Harvard Law School, where he was both an Olin fellow and a Byse fellow. He holds a JSM degree from Stanford Law School, where he trained in socio-legal empirical analysis. Professor Arbel also earned a joint degree in Law and the Humanities from the Hebrew University in Jerusalem.



David Berger represents consumers in class action lawsuits with a special emphasis on data breach, privacy, and financial services litigation. David has represented data breach and privacy victims in some of the largest and most influential privacy cases throughout the country, including litigation against Equifax, Anthem, Adobe, Banner Health, and Excellus BlueCross BlueShield. David earned his J.D. from Northwestern University.



The Honorable Jeffrey Bivins (WELCOME SPEAKER, PANELIST) is a justice on the Tennessee Supreme Court. He was appointed to this position by Governor Bill Haslam and then elected to the remainder of the full term in August 2016. On September 1, 2016, he became Chief Justice, a position he served in until September 2021. Before his appointment to the Tennessee Supreme Court, Justice Bivins was a judge on the Tennessee Court of Criminal Appeals and a Circuit Court Judge.

Justice Bivins earned his J.D. from Vanderbilt. Before becoming a judge, Justice Bivins practiced law with the firm of Boulton, Cummings, Conners & Berry PLC in Nashville, Tennessee, and served as Assistant Commissioner and General Counsel for the Tennessee Department of Personnel.



Prof. Josh Davis is a Research Professor at UC Law San Francisco (formerly Hastings). He is nationally recognized as an expert on AI, antitrust, class actions, civil procedure, free speech, legal ethics, and jurisprudence. He has published more than thirty scholarly papers on these subjects and is currently writing a book on AI titled “Unnatural Law: AI, Consciousness, Ethics, and Legal Theory,” which will be published by Cambridge University Press. Prof. Davis also practices law at Berger Montague, where he focuses on antitrust, appeals, class certification, and ethics. Prof. Davis earned his J.D. from N.Y.U.



The Honorable Danny Ellender serves as a judge for Louisiana’s Second Circuit Court of Appeal. Prior to his election to the appellate bench in 2023, he served as a district court judge for 14 years. Before joining the bench, Judge Ellender had a general civil practice, as well as serving as a prosecutor and indigent defender. He earned his J.D. from Louisiana State University.



Andrew K. Gardner is the founding attorney at A. K. Gardner Law. Originally from Michigan, he attended Michigan State University and obtained a bachelor’s in political science with a minor in computer science. He then attended Michigan State University College of Law, graduating magna cum laude, after which he moved to Houston. Mr. Gardner’s background in technology has allowed him to use automation and technology to streamline handling his cases, both in mass torts and single-event cases. He has given over 20 CLE presentations on the use of AI in legal practice, and he has been appointed to the Artificial Intelligence Task Force for the State Bar of Texas and for the American Association for Justice.



Prof. Maura R. Grossman is a research professor of Computer Science at the University of Waterloo, an adjunct professor at Osgoode Hall Law School, and an affiliate faculty member at the Vector Institute of Artificial Intelligence. She also is a Principal at Maura Grossman Law, a technology law and consulting firm in Buffalo, New York. She was previously of counsel at Wachtell, Lipton, Rosen & Katz, in New York City, where for 17 years, she represented Fortune 100 companies and major financial institutions in civil litigation and white-collar criminal and regulatory investigations, and advised the firm’s lawyers and clients on legal, technical, and strategic issues involving eDiscovery and information governance. She received her J.D. from Georgetown and her M.A. and Ph.D. in Clinical/School Psychology from the Derner Institute of Advanced Psychological Studies at Adelphi University.

Prof. Grossman’s scholarship has focused on the application and evaluation of machine learning technologies in the fields of law and medicine, and on artificial intelligence as evidence. Notable publications include *Artificial Intelligence as Evidence* (co-author with Hon. Paul W. Grimm and Gordon V. Cormack) and *Technology-Assisted Review Can Be More Effective and More Efficient Than Exhaustive Manual Review* (co-author with Gordon V. Cormack).



Steve Herman is a past president of the Louisiana Association for Justice, a fellow of the International Academy of Trial Lawyers, a member of the American Law Institute, and the current President of the New Orleans Bar Association. The author of *America and the Law: Challenges for the 21st Century*, Mr. Herman teaches an advanced torts seminar on class actions at Loyola Law School and an advanced civil procedure course in complex litigation at Tulane. Mr. Herman served for six years as a Lawyer Chair for one of the Louisiana Attorney Disciplinary Board Hearing Committees, and currently serves on the Louisiana State Bar Association Rules of Professional Conduct Committee. Special Counsel with the firm of Fishman Haygood LLP in New Orleans, Mr. Herman is a former President of the National Civil Justice Institute, and currently serves as the Chair of the AAJ AI Task Force.



Robert Jarchi is a partner with Greene, Broillet and Wheeler, having practiced with the firm since 2000. His practice includes exposure to toxic chemicals such as Round-up, wildfire litigation, brain injuries, and wrongful death matters. He has written several articles on the topic of Artificial Intelligence and is a member of the Artificial Intelligence Committee for the Consumer Attorneys of California. Robert received his undergraduate degree in political science from U.C.L.A in 1996 and received a J.D. in 1999 from Loyola Law School, Los Angeles.



Jonathan Lomurro practices at Lomurro Law and serves as the Chair of the Medical Malpractice Committee of the New Jersey State Bar Association. He is on the Executive Committee of the New Jersey Association for Justice. He is the vice-chair of the New Jersey State Bar Association Civil Trial Section. Jonathan has published books about medical malpractice law and litigation technology and lectured about those subjects across the United States. Jonathan earned his J.D. from the Delaware School of Law at Widener University.



Maggie Mabie is a partner at Marsh Law Firm. Maggie's practice encompasses a wide range of matters representing survivors of childhood sexual abuse, child pornography (also known as child sex abuse material or "CSAM"), and campus sexual abuse, harassment, and retaliation. She has also worked to document war crimes being committed by Russia in its invasion of Ukraine.

Maggie earned her J.D. from Syracuse University. Before joining Marsh Law Firm, she worked briefly with the Center for Victims of Torture where she advocated for vulnerable communities.



Prof. Gary Marchant (PAPER PRESENTER) is a Regent's Professor of Law and director of the Center for Law, Science and Innovation. His research interests include legal aspects of genomics and personalized medicine, the use of scientific information in judicial and regulatory proceedings, risk and the precautionary principle, and governance of emerging technologies such as nanotechnology, neuroscience, biotechnology, blockchain and artificial intelligence.

He teaches courses in Law, Science and Technology, Genetics and the Law, Biotechnology: Science, Law and Policy, Health Technologies and Innovation,

Privacy, Big Data and Emerging Technologies, Blockchain & Cryptocurrencies, and Artificial Intelligence: Law and Ethics. He has authored over 200 publications on these subjects. Before joining ASU in 1999, Prof. Marchant was a partner at the Washington, D.C. office of Kirkland & Ellis, where his practice focused on environmental and administrative law. Prof. Marchant earned his J.D. from Harvard.



Brian McMath is head of the Nachawati Law Group's Public Entity Litigation division. Brian focuses his practice on representing governments in complex civil enforcement actions in the areas of consumer protection, public nuisance, environmental harms, fraud against taxpayers/false claims, qui tam whistleblower actions, and more. Before this position, Brian served in New Mexico's Office of the Attorney General. There, he became director of the Consumer & Environmental Protection Division, where he led litigation teams that were successful in recovering nearly \$1.2 billion in civil penalties, nuisance abatement, environmental restoration, consumer restitution, debt forgiveness, educational funding, and other remedies. Brian received his J.D. from the University of New Mexico. Brian and his team currently represent the States of Nevada and Mississippi in their respective lawsuits against the social media industry, as well as the State of Arkansas in data privacy litigation against online retailer Temu.



Gale D. Pearson (FORUM MODERATOR) is a partner at the Nachawati Law Group in Minnesota and president of the National Civil Justice Institute. Her practice concentrates on complex litigation, ranging from environmental law to pharmaceutical and medical device litigation to Qui Tam prosecution. She received her bachelor's degree from California State University at Northridge with a major in Laboratory Medicine, Physics and Chemistry, and her law degree from Loyola Law School in Los Angeles. She is a nationally recognized clinical laboratory scientist. She has played pivotal roles in MDL litigations, serving on science committees, or, in the case of a class action against a tobacco company, as lead counsel. She also represents public entities, including State Attorneys General. In 2003, U.S. Supreme Court Justice Stephen Breyer presented her the Outstanding Pro Bono Service Award for her work with Trial Lawyers Care, which provided free legal assistance for applicants to the September 11th Victim Compensation Fund. Gale is a member of the American Associations for Justice and Public Justice.



The Honorable Scott Schlegel was elected to the Fifth Circuit Court of Appeal in August 2023 after serving on the trial court for a decade. Judge Schlegel serves as Chair of the Louisiana Supreme Court Technology Commission and the Advisory Council of the ABA Task Force on the Law and Artificial Intelligence. He is a past president of the Louisiana District Judges Association (LDJA) and serves on many other committees. Judge Schlegel is a nationally recognized speaker on legal tech and the modernization of the justice system. Before his election to the bench, he practiced civil law with an emphasis on products liability before becoming a prosecutor. Judge Schlegel earned his J.D. from Loyola University New Orleans College of Law.



Miriam Vogel (LUNCH KEYNOTE SPEAKER) is the President and CEO of EqualAI, a non-profit created to reduce bias and harms in artificial intelligence (AI) and promote responsible AI governance. Miriam cohosts a podcast, *In AI we Trust*, and also serves as Chair of the National AI Advisory Committee (NAIAC), mandated by Congress to advise the President and White House on AI policy.

Previously, Miriam served in government, including positions in the three branches of the federal government, including Acting Director of Justice and Regulatory Affairs and led the President’s Equal Pay Task Force to promote equality in the workplace. Most recently, Miriam served as Associate Deputy Attorney General at the Department of Justice. Miriam received her J.D. from Georgetown.



Robert Weissman has served as president of Public Citizen since 2010. During that period, he has developed and led campaigns to protect democracy, lower drug prices and advance consumer protections. Under his leadership, Public Citizen is a leading advocate to adopt artificial intelligence safeguards, with Public Citizen leading federal and state advocacy on issues related to political deepfakes, nonconsensual intimate deepfakes, AI and financial services, AI and health care, autonomous weapons, etc. Weissman earned a J.D. from Harvard Law School.



Prof. Penny White (PAPER PRESENTER) is Chancellor’s Professor Emeritus at the University of Tennessee College of Law and former Director of the Center for Advocacy and Dispute Resolution and the University of Tennessee Legal Clinic. She presently serves as a Visiting Faculty member at the Harvard Law School. This year, White was awarded the ABA Robert B. McKay Law Professor Award. Before teaching, White served both on the bench – as a state trial and appellate judge and Supreme Court justice - and as a trial lawyer, emphasizing civil rights, criminal defense, and family law. As a solo practitioner, White successfully argued the case of *Houston v. Lack* in the United States Supreme Court.

White is the author of *CONSTITUTIONAL RIGHTS OF THE ACCUSED*, several bench books for state court judges, and two handbooks for Tennessee lawyers. In addition, White has written numerous law review articles including “Relinquished Responsibilities,” published by the *HARVARD LAW REVIEW*, which analyzes the Supreme Court’s judicial ethics jurisprudence. Currently, White presents legal and judicial education programs in the areas of evidence, ethics, pretrial civil and criminal procedure, capital punishment, trial practice, and negotiation. In addition, White has been a member of the National Judicial College faculty for more than 30 years, teaching Evidence, Advanced Evidence, and other courses.



Hon. Jerry Zimmerer was elected to the Texas 14th Court of Appeals in 2018. His District covers roughly 24% of the population of Texas. Before taking the bench, Justice Zimmerer served in various roles as an attorney/litigator, Board Member, Managing Director, and owner of several business interests. He served as a member of the Board of Advisors to the Health Law and Policy Institute at the University of Houston Law Center and remains an occasional guest lecturer. He received his Juris Doctor from South Texas College of Law and two LL.M.s from the University of Houston.

University of Houston.