

## ASSESSING LITIGATION FOR SETTLEMENT AND EFFECTIVE MEDIATION

THAYLA PAINTER BOHN

Most litigants - both plaintiffs and defendants -- prefer to be the masters of their own fates, rather than relying upon a jury to weigh evidence and, hopefully, follow the law. Trial lawyers often remark, "The only thing predictable about jurors is that they are unpredictable." In complex and high stakes matters, parties often incur considerable expense on mock trials, jury consultants, and the like in an effort to take some of the mystery out of the trial process. However, no matter the time and effort expended, it is impossible to know with any certainty how any particular juror will react to any particular case on any given day. After all, juries are made up of individuals, each with their own value system and biases. Negotiated settlements allow parties to resolve disputes on their own terms.



[Read the Full Article](#)

---

## ARTIFICIAL INTELLIGENCE: IMPLICATIONS FOR INSURERS, POLICYHOLDERS & LAWYERS

KATE BROWNE, JOHN H. DENTON & ANDREW B. DOWNS

The concept of artificial intelligence ("AI") dates from the late 1950's. Lewis, Tanya, A Brief History of Artificial Intelligence, LiveScience (Dec. 4, 2014). Like many



technological advancements, the success of AI depends on other technological developments. In recent years, the pace of innovation and interest in AI has accelerated considerably. What is artificial intelligence? In simple terms, it is intelligence exhibited by machines which mimic human cognitive functioning and seek to incorporate a variety of abilities including reasoning, knowledge representation, planning, learning, natural language processing, perception, and social intelligence, among others. See [https://en.wikipedia.org/wiki/Artificial\\_intelligence](https://en.wikipedia.org/wiki/Artificial_intelligence) (as of June 10, 2018). This paper is intended to provide a broad overview of the current and probable consequences of the development of AI on the insurance industry, including both insurers and insureds, and the legal profession. This is not an area in which there are significant published judicial decisions, so readers looking for case authority will need to be patient.

[Read the Full Article](#)

---

## **BLURRING THE BLUE LINE: ARE PRIVATE PREMISES OWNERS LIABLE FOR CIVIL RIGHTS VIOLATIONS BY OFF- DUTY POLICE OFFICERS**

**LASHAWNDA K. JACKSON**



Hiring off-duty police officers is a common practice with several benefits, including the ability of an off-duty officer to call an on-duty officer for backup. The presence of off-duty police officers (in uniforms with guns in holsters and official badges on chests) can deter crimes, and they arguably have the training and experience to provide security services needed by premises owners. But, with these benefits comes risks. One such risk is potential liability for civil rights violations under Section 1983 of Title 42 of the United States Code.

[Read the Full Article](#)

---

## THE ECONOMICS OF REASONABLE VALUE AND THE VALUATION OF MEDICAL LOSSES

**JOHN E. SCHNEIDER, PHD. & CARA M.  
SCHEIBLING**



The purpose of this article is to provide an overview of some common approaches to calculating the reasonable value of past and future medical care services. According to standard economic theory, reasonable value is equal to the price at which a product or service is "transacted" between seller and buyer. However, it is well-known that in the medical care industry, billed charges are not an accurate representation of reasonable value, mainly because billed charges do not represent, or even approximate, the typical "transacted" amounts. Thus, health economists have developed commonly used tools to calculate the reasonable value of medical care products and services. In cases involving future care, reasonable value assessments can rely on the same methodology, but may in some cases require consideration of future coverage (e.g., the Affordable Care Act), drug patent expiry, and life expectancy adjustments.

[\*Read the Full Article\*](#)

---