

MINDY NUNEZ DUFFOURC

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Education

10/ 2017 – present

Ph.D. Candidate

University of Passau, Passau, Germany

Dissertation (working title): *A Duty to Manage Health Care Risks in the United States and Germany: A Comparative Legal Study*

08/ 2005 – 05/ 2008

Juris Doctor - G.P.A. 3.1

University of North Carolina School of Law, Chapel Hill, North Carolina

Honors and Activities:

- Holderness Moot Court – Moot Court Executive Board; Best Brief for Environmental Plaintiffs in the 2008 Pace Law School Environmental Moot Court Competition; Elected to Order of the Barristers; Selected to participate in the UNC – Middle Temple First Annual Moot Court Competition
- Dean's List
- Recognized by North Carolina Bar Association and Pro Bono Program for performing over 75 hours of pro bono work
- Phi Alpha Delta Law Fraternity – Secretary (06-07)
- Death Penalty Project – Vice President (05-06)
- Innocence Project – Reviewed and researched criminal cases involving claims of innocence
- 2007 New Orleans Winter Break Pro Bono Trip – Assisted Orleans Public Defender with prisoner interviews
- Community Legal Project – Researched legal issues for women in the community
- Street Law – Taught courses in law and government to high school students

08/ 2007

International Summer School on Alternative Dispute Resolution

Tulane Law School Study Abroad, Berlin, Germany

09/ 2001 – 05/ 2005

Bachelor of Arts, Political Science - G.P.A. 3.8 *magna cum laude*

Louisiana Tech University, Ruston, Louisiana

Honors and Activities:

- Honors Scholar
- Dean's List – 11 quarters
- Social Science Department Outstanding Student Award
- Association of Women Students Sophomore Woman of the Year

- Outstanding Student Scholarship Recipient
- Outstanding Spirit Group Leader Award
- Golden Key Honors Society (top 15% of class)
- Phi Kappa Phi Honors Society (top 10% of class)
- Student Government Association – Member at Large, Junior Senator, Liberal Arts Senator
- University Cheerleaders – Captain
- Student Orientation Leader

Bar Admissions

11.06/ 2008

Illinois State Bar Admission

Bar Number 6297308

2010 – Admission to U.S. Northern District of Illinois

05.05/ 2011

Louisiana State Bar Admission

Bar Number 33618

2011 – Admission to U.S. Eastern District of Louisiana

2014 – Admission to U.S. Middle District of Louisiana

2018 – Admission to U.S. Fifth Circuit Court of Appeals

Publications and Works in Progress

Repurposing the Affirmative Defense of Comparative Fault in Medical Malpractice Cases to Improve Patient Safety, 16:21 *Indiana Health Law Review* 21 (2018).

Filling Voice Promotion Gaps in Healthcare through a Comparative Analysis of Error Reporting and Learning Systems and Open Communication and Disclosure Policies in the United States and Germany, 44 *American Journal of Law and Medicine* 579 (2018).

Are You My Doctor? Defining the physician-patient relationship in the age of e-health (article submitted October 2018).

German Medicine for an American Patient: An analysis of the validity of venue selection and choice-of-law clauses in international telemedical contracts (in progress) (with Matthias Haag).

Patient-Centered Medical Malpractice Reform: The (Absent) Role of U.S. Health Insurers in the Aftermath of Medical Errors and a German Model for Change (in progress).

A Duty to Manage Health Care Risks in the United States and Germany: A Comparative Legal Study (doctoral dissertation in progress) (expected publication in book form).

Teaching / Professional Experience

- 1/ 2018 – present **Lecturer**
Chair of Common Law, University of Passau, Passau, DE
- Lecture students in the areas of legal research and writing, civil procedure, and health law, provide research assistance in the areas of tort law, constitutional law, and technology in law; provide brief editing and coaching assistance to moot court teams
- 04/ 2015 – present
04/ 2012 – 04/ 2014 **Attorney**
Burglass Tankersley, Metairie, LA, USA
- Represent defendants in civil litigation involving personal injury and medical malpractice at both the trial and appellate levels; draft pleadings; draft and argue discovery and pre-trial motions; depose fact and expert witnesses, including medical doctors, economists, life care planners, and various industry experts; represent clients in mediations and trial; draft appellate pleadings; represent clients in appellate oral argument
- 10/ 2017 – present **Remote Bond Team Volunteer Attorney**
Southern Poverty Law Center - Southeast Immigrant Freedom Initiative
- Draft bond motions and bond appeals for detained immigrants
- 08/ 2016 – 12/ 2017 **German Chancellor Fellow**
Alexander von Humboldt Foundation
Host: Professor Dr. Jörg Fedtke, Chair of Common Law
University of Passau, Passau, DE
- 08/ 2016 – 9/2016 German language fellowship
IFS Institut für Sprachvermittlung und internationalen Kulturaustausch
- Conducted a comparative study of medical malpractice and healthcare risk management in the United States and Germany; conducted extensive legal and policy literature review of patient safety and error prevention research, development of error reporting and learning systems, risk management regulations and guidelines, liability of healthcare organizations, and patients' rights; interviewed key players in Germany's healthcare industry, including hospital risk managers, legislators, attorneys, physicians, and policy makers
- 04/ 2014 – 04/ 2015 **Attorney**
Galloway Johnson Tompkins Burr & Smith, New Orleans, LA, USA
- Represented defendants in all aspects of civil litigation at both the trial and appellate levels; defended medical professionals in medical

malpractice litigation; drafted medical review panel submissions; drafted and reviewed contracts; analyzed insurance coverage and issued coverage opinions; conducted motion practice; took and defended depositions; attended court hearings

10/ 2011 – 04/ 2012

Attorney

Louisiana Department of Health and Hospitals, Baton Rouge, LA, USA

Represented the Department in administrative proceedings involving Medicaid violations by healthcare providers; handled all aspects of the administrative process from discovery through the evidentiary hearing; interpreted and enforced regulatory statutes

05/ 2011 – 04/ 2012

Attorney

Nunez Law, New Orleans, LA, USA

Practiced as a solo-practitioner representing both plaintiffs and defendants in civil litigation; obtained favorable verdict in bench trial for plaintiffs in a contract dispute; obtained summary judgment dismissal of defendant in a personal injury action

06/ 2010 – 05/ 2011

Attorney

Segal McCambridge Singer & Mahoney, Chicago, IL, USA

Represented clients at discovery and evidence depositions in toxic tort cases nationwide; evaluated cases and developed litigation strategy; reviewed and summarized medical records; drafted responsive pleadings; drafted case dispositive and pre-trial motions; drafted appellate pleadings; attended court calls

08/2008 – 05/2010

Attorney

Parrillo Weiss & O'Halloran, Chicago, IL, USA

First-chaired over fifty personal injury jury trials to verdict; drafted and argued motions at every stage of litigation; drafted jury instructions; negotiated favorable settlements; responded to written discovery requests; took and defended discovery and evidence depositions; represented clients at mandatory arbitration and mediation; handled daily court calls

Other Writings, Speaking Engagements, and Professional Achievements

MedRisk Report Blog

www.medriskreport.com

Research blog focused on the prevention and resolution of medical malpractice claims

Rijeka Doctoral Conference

Rijeka, Croatia (December 2018)

Presentation of conference paper: *Using the German Model to Improve the Reliability of Medical Malpractice Litigation Outcomes in the United States*

Católica Graduate Legal Research Conference 2018 – “The Future of Health Law”

Lisbon, Portugal (October 2018)

Presentation of conference paper: *Are You My Doctor? Defining the physician-patient relationship in the age of e-health*

8th Bonn Humboldt Award Winners' Forum – "Between handcraft and confession, empiricism and normativity: Self-determination in international jurisprudence"

Bonn, Germany (October 2018)

Invitation to conference and short publication in conference materials: *The Impact of Medical Liability on Patient Safety: Why the law must thoughtfully hurry to align with modern medical error prevention science*

Brief and Oral Argument for Defendants-Appellants in U.S. Court of Appeals

Cain, et al. v. White, et al., United States Court of Appeals for the Fifth Circuit, No. 118-30955 (October 2018) (chief drafter with Dennis P. Phayer) (will present oral argument - tentatively scheduled)

Brief and Oral Argument for Defendant-Appellant in U.S. Court of Appeals

Caliste, et al. v. Cantrell, United States Court of Appeals for the Fifth Circuit, No. 18-30954 (October 2018) (chief drafter with Dennis P. Phayer) (will present oral argument - tentatively scheduled)

2018 International Academy of Comparative Law's XXth International Congress - Younger Scholars' Forum

Fukuoka, Japan (July 2018)

Presentation of conference paper: *Repurposing the Affirmative Defense of Comparative Fault in Medical Malpractice Cases in the United States to Improve Patient Safety*

American Society of Comparative Law - Younger Comparativists Committee Global Conference 2018

Case Western Reserve University, Cleveland, Ohio (April 2018)

Presentation of conference paper on the Privacy and Intimacy Panel: *Filling Voice Promotion Gaps in Healthcare through a Comparative Analysis of Error Reporting and Learning Systems and Open Communication and Disclosure Policies in the United States and Germany*

Panel Moderator: Challenges to Europe

Can Amazon, Chase, and Berkshire Help Medical Malpractice Victims?

The Health Care Blog (April 2018)

<http://thehealthcareblog.com/blog/2018/04/03/can-amazon-chase-and-berkshire-help-medical-malpractice-victims/>

German Chancellor Fellow Project Marketplace and Round Table Discussion

Berlin, Germany (July 2017)

Interdisciplinary Group Presentation: Justice for some? Rights, Administration, and Legal Practices

Institute of Patient Safety Research Colloquium

Bonn, Germany (April 2017)

Presentation: Balancing Patients' Safety and Patients' Rights

Direct Actions in Louisiana and Social Media in Claims Investigation

Presentation at Allied World, New York, NY, USA (September 2015)

Medical Malpractice Bench Trial, \$0 Verdict

Brown v. State of Louisiana, et al., 22nd Judicial District Court, No. 101197 consolidated with 103585, Judge William J. Knight *presiding* (October 2013) (first chair)

Personal Injury Jury Trial, \$0 Verdict

Jason Smith v. Canal Indemnity Co., 9th Judicial District Court, No. 240,267, Judge Gregory C. Metoyer Jr. *presiding* (July 2013) (solo chair)

"IPAD for Lawyers"

Burglass & Tankersley Law and Technology Seminars, Metairie, LA, USA (April 2013)

Best Brief for Appellants (Environment), 25 Pace Environmental Law Review 517 (2008) (with Alena Buitrago & Megan Bussey) (submitted for Pace Environmental Moot Court Competition).

Future

2019 McGill Law Graduate Conference – “Law: Reactive or Proactive?”

Montreal, Canada (May 2019)

Presentation: *The Legal Reaction (or absence thereof) to Modern Error Prevention Science: A Duty to Manage Healthcare Risks in the U.S. and Germany*

2019 Law and Society Annual Meeting – “Dignity”

Washington D.C. (May/June 2019)

Presentation of conference paper: *Patient-Centered Medical Malpractice Reform: The (Absent) Role of U.S. Health Insurers in the Aftermath of Medical Errors and a German Model for Change*

2019 CLM Cyber, Management, & Professional Liability Conference

Boston (July 2019)

Round Table Session: *Telemedicine – the Cryptocurrency of Professional Liability: Trends, Benefits, and Risks* with co-panelists: Anna Berent, David Hilton, Jennifer Schoenthal, and Michael DePetrillo

Teaching and Research Interests

Health Law; Medical Malpractice; Comparative Law; Litigation & Trial Practice; Civil Procedure; Legal Education; Judicial Selection; Legal Design Thinking

Research Interviews and Meetings

Stefan Etgeton and Marcel Weigand (Individual Interview and Discussion)

Bertelsmann Foundation – *Weisse Liste* Project
Berlin, Germany (December 2017)

Heike Morris (Individual Interview and Discussion)

Legal Director at Independent Patient Counseling Deutschland
Berlin, Germany (November 2017)

Jana Hassel (Individual Interview and Discussion)

Health Law Attorney and Expert
Berlin, Germany (November 2017)

Angela Merkel (Private Group Meeting)

German Chancellor
Berlin, Germany (July 2017)

Dietmar Lauck (Individual Interview and Discussion)

Director of Quality Management at Kreuznacher Diakonie Saarland Clinics
Homburg, Germany (June 2017)

Franz-Peter Holzer and Carsten Dunkel (Individual Interview and Discussion)

Medical Malpractice Attorneys
Saarbrücken, Germany (June 2017)

U.S. Embassy Berlin (Private Group Meeting and Discussion)

Chargé d'Affaires Kent Logsdon
Berlin, Germany (June 2017)

German Constitutional Court (Private Group Meeting and Discussion)

Judge Ulrich Maidowski
Karlsruhe, Germany (April 2017)

European Commission (Private Group Meeting and Discussion)

Wojtek Talko – Policy Coordinator, Directorate-General for Trade; *Aura Salla* – Adviser for Communication and Outreach, European Political Strategy Centre; *Detlef Eckert* – Director of Qualifications, Directorate-General for Employment, Social Affairs and Integration; *Walter Zampieri* – Head of Cultural Policy Unit, Directorate-General for Education, Youth, Sport and Culture; *Alexandra Kiel* – Policy Coordinator, Interinstitutional Relations and Citizenship Unit, Directorate-General for Migration and Home Affairs
Brussels, Belgium (April 2017)

North Atlantic Treaty Organization (NATO) (Private Group Meeting and Discussion)

Clarissa Duvigneau – Policy Advisor, "Germany and NATO: Multilateralism in German Security Policy"

Michael Rühle – Head of the Energy Security Unit, ""Security in Transition - Current Challenges for NATO"

Brussels, Belgium (April 2017)

Hermann Liebermeister (Individual Interview and Discussion)

Retired Physician and Consultant to Saarland's Medical Arbitration Board

Frankfurt, Germany (March 2017)

Reiner Heuzeroth and Doris Holding (Individual Interview and Discussion)

Quality Assurance Team at Asklepios Clinic

Hamburg, Germany (March 2017)

Günther Jonitz (Individual Interview and Discussion)

President of the Berlin Chamber of Physicians

Berlin, Germany (February 2017)

Christian Thomeczek (Individual Interview and Discussion)

Director of the Agency for Quality in Medicine

Berlin, Germany (February 2017)

Maria Klein-Schmeink (Individual Interview and Discussion)

Bundestag Member (Green Party)

Berlin, Germany (February 2017)

Sarah Meckling-Geis and Thomas Lämmrich (Individual Interview and Discussion)

German Insurance Association

Berlin, Germany (February 2017)

Axel Klausmeier (Private Group Meeting and Tour)

Director of the Berlin Wall Foundation

Berlin, Germany (October 2016)

Science and Politics Foundation (Private Group Meeting and Discussion)

Berlin, Germany (October 2016)

Conference with the "International Futures" Program (Private Group Meeting and Discussion)

Berlin, Germany (October 2016)

German Council on Foreign Relations (Private Group Meeting and Discussion)

Berlin, Germany (October 2016)

German Bundestag (Private Group Meeting and Discussion)

Berlin, Germany (October 2016)

Consulate General of the Russian Federation (Private Group Meeting, Discussion, and Dinner)
Bonn, Germany (October 2016)

Social Impact Lab (Private Group Meeting and Discussion)
Berlin, Germany (October 2016)

German Federal Ministry for Economic Cooperation and Development (Private Group Meeting and Discussion)
Bonn, Germany (September 2016)

German Federal Agency for Political Education (Private Group Meeting and Discussion)
Bonn, Germany (September 2016)

German Society for International Cooperation (Private Group Meeting and Discussion)
Bonn, Germany (September 2016)