



INFINITE  
GLOBAL

SPECIAL REPORT

**HOW VIRTUAL REALITY  
WILL IMPACT THE LAW**

Recently Duke University Law School's Center for Law & Technology convened a panel to discuss virtual reality and the opportunities this technology presents to the legal industry worldwide.



Clockwise starting top right:

Panelists: 1. Helen Bertelli of Infinite Global, 2. Brandon Huffman of Odin Law and Media, and 3. Mike McArdle of Lucid Dream VR

What follows is an edited transcript of the panel proceedings.

Setting: Duke University Law School auditorium. Prior to the discussion, students had the opportunity to view the Infinite Global “Walkable Website” — a VR experience all about our company created with the HTC Vive. The following edited transcript of the panel discussion begins with an overview of this project and its results.

**M Moderator:** Helen, why don't you walk us through the demo we are seeing right now on the screen behind you.

**HB Helen Bertelli, Infinite Global:** Sure thing. As the largest provider of PR and communications services to the legal industry, we wanted to make an impression at a legal marketing trade show in March. To do so we developed the first “walkable website” in our industry. As you can see, the experience tells the story of Infinite Global, our history and offices, etc.

We did this for a few reasons. We are exploring using VR in storytelling for our clients, but pitching it to clients was a challenge; like trying to describe to someone in 1988 what the internet was going to become. When someone has no context for experiencing, it's very hard to communicate.

We studied the experience's impact both during and after launch, and we had some really amazing results including good feedback from those who experienced it, a spike in web and social traffic, as well as resumes from candidates.

**M Moderator:** Audience members — any of you who got a chance to do the demo before the session, was this your first time having a VR experience? Any thoughts?

**Audience Member:** The experience was so real.

**M Moderator:** That's actually a good transition into some of the legal issues that arise, potentially, from this technology. We have to think seriously about technology that can make us feel like we're somewhere else. We'll talk about this in a moment.

So, we just saw a walkable website. I like that term a lot, a walkable website. But what are the other uses that law firms in particular might make of VR that are different than that, other things that you could imagine?

**HB Helen:** It's a great question and it's one that we are exploring with a lot of our clients. More than two years ago a client approached us to ideate something that would take the marketing of their Supreme Court litigation practice to the next level. I thought what better way to communicate this than by allowing their clients, prospects and even lawyers in training to actually stand in the US Supreme Court? This is something that most of us could only dream of doing.

We've been talking to clients about using VR or AR as experiential brochures in waiting rooms or for events, and as ways to explain highly difficult or complex work such as biosimilar patent experience; what better and more memorable way to learn what blockchain is than to be able to handle and rearrange the blocks in a virtual space with a voiceover and 3D graphics providing an explanation?

I come at things from a marketing perspective, but I have also investigated other aspects such as the potential for use in the courtroom, which is interesting. In an article I wrote for the New York Law Journal I speculated that the new “Ready Player One” movie might be among the first to be released in VR. Perhaps you have a trademark dispute as a result of that movie, and because it was released in VR you need to be able to explain to a jury what the heck it is that we're talking about. A good way to do this is through the technology. So you may see first use cases of VR in the courtroom in this type of context.

**The bottom line is, we are telling our law firm clients they need to get to know this technology inside and out because so many companies — their clients — are starting to use it.**

**M Moderator:** A lot of firms right now are working to position themselves as tech-savvy, and I would imagine using VR would be a great way for a firm to do this.

Brandon, what are the ways that you see the VR working its way into the law, and what are some of those legal issues that would keep you up at night about VR?

**BH Brandon Huffman, Odin Law and Media:** I'll start with the VR into the courtroom. I think that what we just heard may be slightly optimistic. There are courtrooms in this country that still don't use televisions.

With regard to the admissibility of this technology: What we've seen demo'd today combines VR with 360 video. 360 video has, in fact, been deployed in some trial courts, but not with headsets. Usually the lawyer scrolls through a video shown to the jury on a big screen. I think we will start seeing more of this type of use of 360 technology in courtrooms.

But having a true VR experience where the lawyer or jurors are able to manipulate the environment — we are a long way from that. Evidence presented through simulation today spawns enough fights between experts on both sides, arguing whether the science is accurate or if it is prejudicial because it's so immersive. If you've tried the HTC Vive you can understand how immersive it can be.

**M Moderator:** I just wanted to point out the contrast in optimism for use in the courtroom context.

**HB Helen:** Yes. Interestingly, I recently interviewed the head of a VR firm in the UK who had created a re-enactment of a traffic accident involving a tractor trailer as part of an insurance dispute worth £3 million. He was working for the investigator who had been hired by the insurance firm.

**The sheer power of the VR piece he created made the other side settle. It didn't even go to court.**

So while we may be years away from use in a courtroom, the technology is already beginning to be used in disputes.

But what's really interesting about this story is the nexus between two areas: the Internet of Things and VR. Renderings in 3D for VR require data in 3D; getting such data gets much easier as the Internet of Things expands into our lives.

In this case the truck involved in the collision was a commercial vehicle outfitted with all manner of technology to track his movements and the like. As a result, the VR team had a huge amount of data at their fingertips to assimilate and create the scene. So much so that it was hard for the other side to argue it was inaccurate.

**BH Brandon:** Brandon: What's also really interesting is the potential for technology's use in a litigation and crisis PR context.

Take a classic PR nightmare, for example: the fast food finger in the chili. Defending a fast food chain against an allegation like this, an attorney might realize that a powerful demonstrative of all the work and care and safety that goes into taking food from field to bowl could be a powerful consumer experience in VR.

**Now, that attorney might not be able to get such a piece admitted into evidence in a court, but she could release it for free to the public before the case goes to trial to help calm fears. The more visceral you can make the proof that the food is safe, the bigger impact you have.**

**M Moderator:** Mike, I would love to hear where you see this technology going and how quickly it might be adopted.

**MM Mike McArdle, Lucid Dream VR:** Of course. So, VR ... as Brandon said, the HTC Vive, which is what we just demo'd, represents the ultimate in virtual reality technology from a relatively affordable consumer-facing price point. Somewhere in Fort Bragg there is a headset that blows this thing out of the water, but that's not necessarily relevant for our conversation. This thing is \$600, and the computer is only a thousand. So, if you think about it, for under two grand having an experience that's almost as good as the one in Fort Bragg — that's incredible.

Virtual reality right now is on track to really accelerate and pick up its adoption. Right now, we are at an early stage with clunky headsets, but eventually, it's very clear that there will be glasses, maybe even contact lenses, on the "spectrum" — I call it the spectrum of augmented virtual reality. Right now, VR and AR are very different technologies, but they are on the same spectrum.

That spectrum involves putting data into the real world or putting you into the data. The bottom line is that this technology is all about making our interaction with information a lot more human.

What's interesting is that these developments are making technology more accessible to everyone, including members of the older generation. Their challenge can sometimes be that the tools we take for granted require them to navigate an unfamiliar stage — the mouse, Windows, and an abstraction of layers, folders and file structures that aren't really there — that can be hard to get used to.

With VR I can put a headset on my grandmother and I don't need to explain her how to look around. She's been doing that her whole life. And there are lots of exciting implications for this.

**M Moderator:** Are there any science fiction works that you can think of that help us to prepare our minds for what's to come?

**MM Mike:** The three big ones I would say are Ready Player One [by Ernest Cline], Snow Crash by Neal Stephenson and Neuromancer by William Gibson.

**M Moderator:** I'd like to ask about some of the legal issues that we might be confronting with regard to this new medium. For example, certain things that happen in a VR space may have real-world consequences. What are some of the issues that keep you awake?

**BH Brandon:** Immersion and resulting distraction is an issue, with potential personal injury consequences. In addition, there have been stories about women's avatars being groped inside a VR game as soon as other players can hear them speaking and know they are female. By the way, this is why we need more women in VR — a woman would have likely thought of this in the development process.

Think of the legal issues there. If you all have taken your 1L classes, you know that assault doesn't require an actual physical contact. That's a literal assault. How do we address that? The law is not going to catch up to that for a long time. For now, until VR law is more developed, our existing legal framework will be laid on top of the VR world and we'll have to do our best with them.

After one assault case, the developers went back to the drawing board to come up with a solution. They created what they call the power move, where if somebody's bothering you in the game, you do this move and then they disappear from your screen. You can't hear them, they can't hear you — it's like you never interacted.

**Then there are issues of intellectual property. In any given 360 video there could be hundreds of trademarked products, and the user chooses whether or not to linger on looking at them. Companies might want royalties or want brands scrubbed from the video.**

**MM Mike:** There is some precedent regarding IP cases. Take Second Life for example, an online virtual chat room where people interacted, created things and transacted. People in Second Life literally sued one another for copyright infringement for, say, replicating shoes they had designed in the Second Life universe.

Now it seems funny — and so frivolous — because Second Life wasn't real. But as this technology matures, we will interact with these worlds more and more in the way we interact with the real world, and things like this may not seem so funny. If someone comes into my virtual house — which took me lots of time and money to build — and trashes it, it won't be funny, it will be taken more seriously. Look at Bitcoin. It's not "real" per se, but people are now taking it very seriously and making a lot of money.

**M Moderator:** Absolutely. And going back to the groping case, there were many, many things wrong with that scenario. I love that this panel is talking about having a more inclusive development community. I think this will help a great deal.

**HB Helen:** Yes, the incident you are referring to was addressed by female panelist at a conference I recently attended. She cited the development of technology that puts immediate distance between the victim and assailant, and that the assault was necessary because the virtual worlds can be so realistic, assault victims may not even think to take the headsets off.

**BH Brandon:** The immersive power of this technology is remarkable. If you look at Brown v. EMA, which is the First Amendment video game case, there's a quote that says something like, "If you read a good book you should be immersed in it." In other words, the media doesn't make something immersive. Your brain makes it immersive. Maybe VR pushes the boundary on this test, I don't know, but it will be interesting to see how this develops.

**M Moderator:** We've discussed some of the potentially negative things about VR worlds. Let me ask now, are there powerful social uses for VR, such as overcoming biases?

**MM Mike:** Absolutely, there are VR applications that help people overcome their fears. There is one that is a public speaking simulator where you are on stage in front of thousands of people and you can practice overcoming shyness or nerves. Going further with that, there are a lot of people who struggle with social interaction and things like making eye contact, and a VR space designed to help you overcome this could be very beneficial.

**HB Helen:** One of the projects we ideated a little while back was for an association in the elder law space that wanted to raise awareness about elder law and recruit others to the profession. We looked at recreating what it feels like to be elderly, having paperwork in front of you, trying to fill it out while your hands are shaking and the glass on the visor is fogging.

**M Moderator:** As an empathy-building exercise.

**HB Helen:** Exactly.

**BH Brandon:** There is a university in Australia working on phobia training — putting you in a room of spiders and gradually increasing the amount of them, or, if you are afraid of heights, standing you on a pillar that's 5 feet high at first and gradually rises. They're doing some great work to try to effectively combat phobias. Another example: The Secret Service is using real-time streaming 3D 360 video tools. Agents wear cameras and send footage in real time to be analyzed using AI to identify potential risks. And finally, there's telemedicine. You can have a combat medic with a rudimentary knowledge of surgery who can overlay instructions from a surgeon back in the United States.

**M Moderator:** I'd like to open the floor to questions now.

**Audience Member:** Is there data on people engaging in riskier behavior in the real world as a result of being inside VR worlds? I imagine a VR skydiver adrenaline junkie who is inspired to put themselves in danger in the real world because of their VR experience.

**BH Brandon:** Yes, that was kind of the discussion in *Brown v. EMA*. There have been some cases out of Texas, kids violent after playing "Mortal Kombat" and their parents blamed the game. The courts basically roundly rejected that theory. I'm not aware of any scientific study on this issue but I'm sure someone's working on it.

**MM Mike:** I could see both arguments. You could see the outlet as a way to get that adrenaline feeling, but you can also see the potential for desensitizing and then that eventually not being enough.

**HB Helen:** Regarding utilizing gaming VR for good, I met with a gentleman who had worked with the military since the late 80s and he told me a story I will never forget. He had built a virtual world back in the 1990s for a platoon about to undertake a very risky mission, and they practiced for it in the VR world. After they got back from the mission the captain came back and said to him, "I did not lose a single man, I absolutely know it was because of what you built."

**BH Brandon:** Overall, I think that we have to be careful how we regulate something that we don't fully understand yet, and so my suggestion — and this is just my viewpoint — is let the technology get ahead of us, let things happen and then work to reign them in rather than regulating now with no concept of what is actually going to happen.

**M Moderator:** OK, let's transition for a moment to privacy. Much of American privacy doctrine rests on the concept of reasonable expectations of privacy. How does this work with VR? What information is being tracked and, perhaps, reported back to companies? Does use of VR start to undermine our expectation of privacy?

**BH Brandon:** I'm not a privacy expert. That said, I think that that erosion started 25 years ago. I think people have been giving away their personal information in order to get discounted or free access to products for years. The audio that Alexa hears is stored on Amazon and deleted periodically. In a way we all have sort of decided that we don't have an expectation of privacy anymore; what is reasonable seems to have shifted.

**MM Mike:** Yes, we are operating under this fiction of "My home is sovereign; I can lock my door and I'm OK." But if you think about how much of our lives we conduct online — banking, communications, running a business — then you quickly see that your physical space matters very little in terms of protecting access to your livelihood, to your information. Your online space matters much more.

**Audience Member:** How do we deal with situations where individuals release VR pieces that are unsavory or dangerous? What would fall under the First Amendment?

**MM Mike:** From a content creator's perspective, you're right, it's very easy for people who have technical knowledge to start creating content. There are two fundamental ways in which companies have been approaching this problem. There's the lightly curated approach (which is essentially the Wild West). Some platforms go that way and the thought is if you decide to use these platforms and something bad happens, you should have done your research. The Apple approach, which Facebook is also taking, is more heavy-handed and top down. Oculus — the titles are so incredibly curated. I can tell you because we're right now working through a process to try to put something on Oculus home and it's tough. I think both will continue to exist; there will be the walled gardens but there will also be the Wild West for people who want to saddle up.

**BH Brandon:** In general, I would say that this Supreme Court is not in favor of First Amendment regulations, and I don't think that will shift. In terms of the walled gardens, that is probably the market-based solution that we need. You think about just any other technology like the internet or DVDs. Blockbuster didn't carry a lot of adult films. Independent video stores did; they did it in the back room. The market kind of segregated that stuff on its own. The internet is another example.

**HB Helen:**

**Some VR incubators look specifically for mission-driven companies to recruit. VR firms who are not producing Wild West content, who are perhaps B corporations and have a mission, they might be more likely to secure a spot, funding and the like.**

**M Moderator:** Interesting! And of course, a B corporation basically is a for-profit corporation that does a public benefit in making a profit.

OK, we need to wrap up. I want to thank our organizers from the Law & Technology Society. Thank you so much for your good questions, and most of all, thank you to our panel.

---



# About Infinite Global

**Infinite Global is an award-winning global communications firm dedicated to serving the professional services market.**

Formed by the 2014 merger of US-based Infinite PR and UK-based Spada, Infinite Global has more than 45 consultants in offices in London, New York, San Francisco, Research Triangle and Chicago.

We have worked with more law firms in both the UK and US than any other public relations agency. We have extensive experience of working with firms on their merger communications and new office openings around the world.

We transform perceptions of businesses through insight-led media engagement, digital consulting, strategic branding and in-depth research.

[infiniteglobal.com](http://infiniteglobal.com)