



# JUSTICE REPORT

AUGUST 2025 | VOL. 19 NO. 2

INSIDE THIS ISSUE

---

**Accountability  
the Hard Way**

## INSIDE THIS ISSUE

---

- 3. ACCOUNTABILITY THE HARD WAY**
- 6. SUSAN CRAIG, MD, JD: A UNIQUE VOICE IN MEDICAL MALPRACTICE**
- 8. MASS TORT INVESTIGATIONS**
- 9. CASE UPDATES**
- 10. AWARDS | RECOGNITION**

Past results are reported to provide the reader with an indication of the type of litigation in which we practice and does not and should not be construed to create an expectation of result in any other case as all cases are dependent upon their own unique fact situation and applicable law. This publication is not intended as, and should not be used by you as, legal advice, but rather as a touchstone for reflection and discussion with others about these important issues. Pursuant to requirements related to practice before the U. S. Internal Revenue Service, any tax advice contained in this communication is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the U. S. Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.



*This undated photo provided by Jessica Allen shows her daughter, Lacey Higdem.*

# Accountability the Hard Way

---

BY ANDREW NOEL AND MARC BETINSKY

At around 3:30 p.m. on June 3, 2020, 19-year-old Lacey Higdem was booked into the Rolette County, North Dakota, jail while under the influence of methamphetamine. She was an otherwise healthy young woman with a six-month-old son. Lacey would be found dead in her cell less than nine hours later, shortly after midnight on June 4, 2020. She had no prior history of meth use and died of meth toxicity. Lacey's mother, our client Jessica Allen, sued Rolette County and two of its correctional officers on Lacey's behalf. The lawsuit was resolved in April 2025 when the United States District Court for the District of North Dakota entered judgment against these defendants, after Jessica accepted their offer of \$2,000,000.

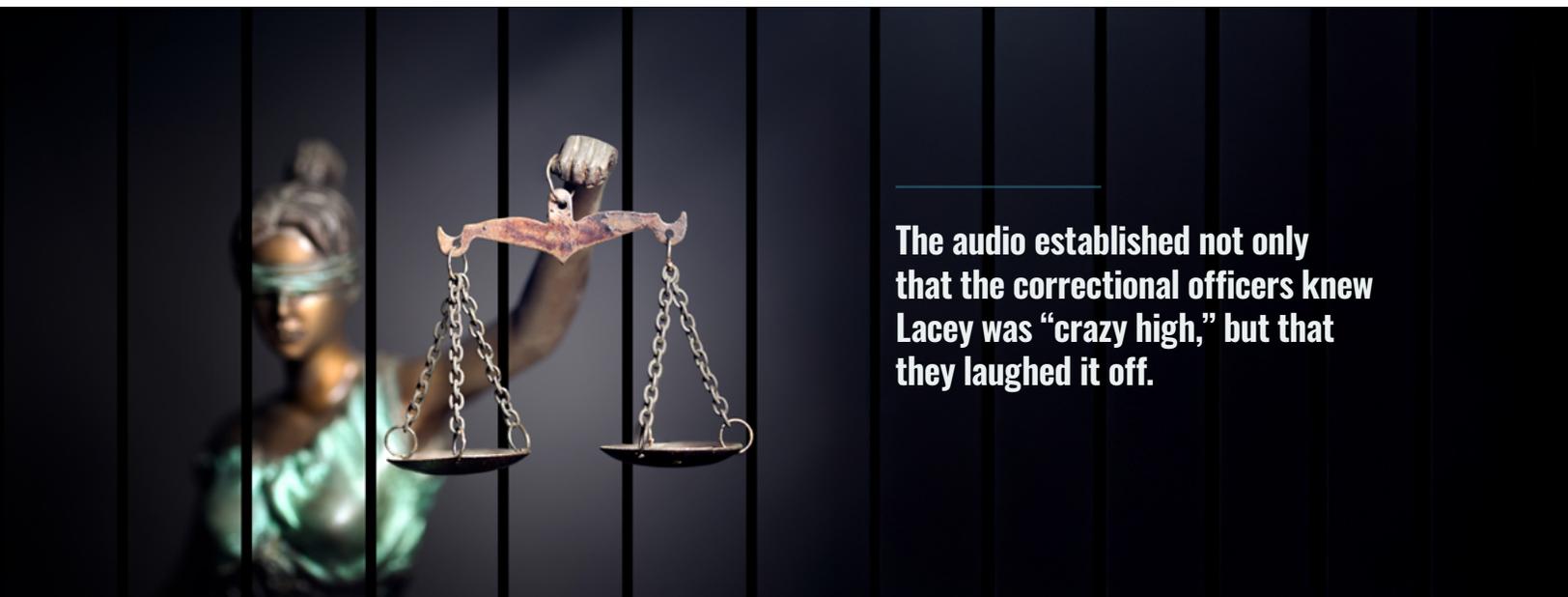
Jessica knew Lacey was in jail. She did not know that the Rolette County Jail had a lengthy history of life and safety violations found by the North Dakota Department of Corrections and Rehabilitation (DOCR). Jessica, like most family members and loved ones, thought her daughter would be safe in jail, considering Lacey had just been cleared by an emergency room physician.

Unbeknownst to Jessica, Oscar Wilkie died at the same jail in 2018 of a meth overdose a mere three hours after he was booked. The DOCR determined that the jail violated inmate observation rules in Wilkie's death. The DOCR's 2019 inspection revealed the same problems. After that inspection, the DOCR had "direct conversations" with jail leadership about its culture of doing "just enough to get by." Yet by late 2019, the DOCR reported that jail staff was still "struggling with dishonesty and attention to matters which need attention."

Law enforcement found Lacey in a field on the afternoon of June 3, 2020. She was high on meth. Her hair was messy and full of sticks, her clothes and skin were dirty, her legs were scratched, and her speech was fast and "all over the place." Her hallucinations included seeing "100 babies" in the trees.

Police took Lacey to the hospital, where she was medically cleared for admission to the Rolette County Jail. Lacey was booked for disorderly conduct and running from police. Her hallucinations continued right in front of jail personnel during booking.

In a unique twist, jail audio was uncovered after the correctional officers testified under oath that they did not know whether Lacey was on drugs. The audio established not only that the correctional officers knew Lacey was "crazy high," but that they laughed it off. Given Lacey's condition, a 15-minute watch—increased frequency of observations—was required.



---

**The audio established not only that the correctional officers knew Lacey was "crazy high," but that they laughed it off.**

Lacey deteriorated over the next nine hours in custody. She rang her cell's emergency button for help. Other female inmates repeatedly pressed their emergency button to get her help. But the two correctional officers on-duty would not help her. Instead, these two were engaging in an on-the-clock affair. They engaged in intimate contact and watched movies in the control room while Lacey deteriorated on video screens in front of them. Even that didn't cause Sheriff Gustafson to discipline them. One officer finally entered Lacey's cell shortly after midnight on June 4, 2020. She was unresponsive. Instead of performing CPR, the officer left her to find someone else to do it. He also called Sheriff Gustafson to report a "bad situation" before calling an ambulance.

Sheriff Gustafson arrived at the jail before state investigators. He immediately instructed his people not to volunteer any information during the investigation. Gustafson specifically told one of the correctional officers to give "short, sweet answers" and be prepared to be treated like "we f\*cking strangled this girl." Despite this, the state of North Dakota immediately shut down the jail because it presented an "ongoing danger." The two correctional officers made Alford guilty pleas for refusing to perform their official duties.

Even with these facts, Rolette County did not come to accountability easily. It took three years of hard-fought litigation with significant expense before the county realized the magnitude of its problem. Rolette County blamed the hospital, Lacey Higdem, and Jessica Allen for its own failures. It also attempted to diminish the value of Lacey's life, which was cut short as a young mother. Jessica's tenacity ultimately brought Rolette County to justice. Robins Kaplan proudly helped her achieve an unprecedented result in Lacey's name.



"Lacey's death is not just a local tragedy—it's a symptom of a nationwide crisis. People should not be left to suffer and die in a cell due to neglect and indifference. If we allow stories like Lacey's to be ignored, we risk reinforcing a system where human life is treated as disposable. We hope this case serves as a stark reminder that greater accountability and reform of the correctional healthcare system is needed."

**ANDREW NOEL**

Robins Kaplan LLP Partner and Lead Counsel



# Susan Craig, MD, JD:

## A UNIQUE VOICE IN MEDICAL MALPRACTICE

---

From medical exam rooms to courtroom advocacy, Susan Craig brings an extraordinary perspective to her role as Counsel in Robins Kaplan's Personal Injury and Medical Malpractice Group. Her dual experience as a physician and attorney creates a powerful advantage for clients seeking justice in complex medical negligence cases.

### FROM MEDICINE TO ADVOCACY

Susan's path to law began in an unexpected place—the courtroom—where she testified as a treating physician in child sexual abuse cases. "I was impressed at how the legal system swept in, first with CPS, then the courts, to protect these children," Susan recalls. The experience revealed her natural aptitude for testimony and a deep satisfaction in seeing "wrongs being righted."

Despite a fulfilling career in family medicine, Susan found herself drawn to the intersection of medicine and law. "I was surprised to find out I enjoyed testifying," she said. The decision to attend law school proved to be a natural transition.

### A PHYSICIAN'S EYE FOR DETAIL

Susan's medical background provides her with distinct advantages in medical malpractice litigation. "Because I understand the medicine involved in my cases, I am able to ask pertinent questions both of my clients and also of the experts," she said. This expertise is particularly valuable when establishing the standard of care and identifying when it hasn't been met.

Her familiarity with medical documentation is also invaluable. "I have lived in medical records, I can zip right through," Susan said. "I can find things that other people don't realize are a problem." In one case, she identified an abnormal laboratory value that had been overlooked by everyone else, ultimately becoming the key to securing a significant settlement.

### THE DOCTOR IN THE ROOM

Perhaps Susan's most significant contribution comes during physician depositions, where her medical knowledge commands respect. "It's especially helpful when I depose physicians," she notes. Her ability to speak the language of medicine often leads to more forthright testimony, as opposing experts recognize they're facing someone who understands the nuances of medical practice.



### **PARALLEL PROFESSIONS**

Susan sees profound similarities between medicine and law. “Medical malpractice is a lot like practicing medicine—someone comes with a problem, and we have specialized knowledge and can guide them through,” she said. Both professions involve helping people through difficult circumstances and providing clarity in confusing situations.

For wrongful death cases in particular, Susan understands that validation through the legal system can be as important as financial compensation for grieving families. Her approach combines clinical precision with compassionate advocacy.

### **PERSONAL VALUES AND LEGACY**

Outside the courtroom, Susan’s greatest pride comes from her children—a son who is a professor at Oxford and a daughter with a PhD in Industrial Organizational Psychology who works with medical schools. “When I was younger, I wanted to change the world – and having kids has helped accomplish that,” she said. “They are both doing things that are impacting the next generation.”

This commitment to making a difference continues to drive Susan’s professional aspirations. Her goals in medical malpractice are “to continually learn and improve my skills, to be a productive part of our team, and to provide the best possible care and representation for my clients.”

With her unique blend of medical expertise and legal acumen, Susan brings an invaluable perspective to Robins Kaplan’s already formidable medical malpractice practice—ensuring that her clients receive representation informed by both the science of medicine and the principles of justice.

# MASS TORT INVESTIGATIONS

## DEPO-PROVERA

Learn More:



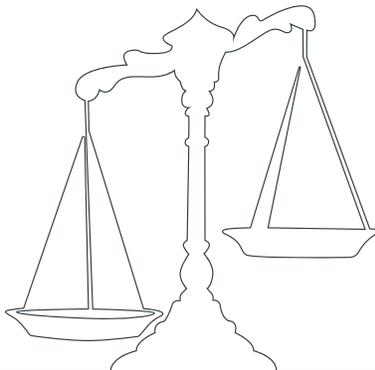
Robins Kaplan LLP is investigating claims of women who received the birth control medication Depo-Provera and later developed tumors, known as meningiomas, around the brain. In March 2024, a study published in the *British Medical Journal* found that women who consistently received Depo-Provera had a **555% increased risk** of developing tumors (meningiomas). While the tumors are usually benign and grow slowly, they can grow and exert pressure on the brain, leading to symptoms such as headaches, vision changes, hearing loss or tinnitus, memory loss or confusion, seizures and balance issues, and weakness in limbs or trouble speaking.

## REPORTED CHILD SEX ABUSE

Robins Kaplan LLP is investigating instances of reported child sexual abuse by individuals associated in some capacity with the American Kennel Club (AKC), an organization that hosts thousands of dog show events a year and throughout the country. News publication Business Insider recently published an article which alleges some adults, including a former AKC employee and a dog breeder, were convicted of sexually abusing minors. After they were convicted, the perpetrators were not suspended by the organization or local clubs, giving them the ability to return to the sport.

## BAUSCH & LOMB AREDS 2 PRESERVISION EYE VITAMINS

Robins Kaplan LLP is investigating a potential link between the use of this nonprescription product and serious injury. Bausch & Lomb AREDS 2 Preservision Eye Vitamins are typically used for eye health – specifically macular degeneration. However, the high levels of zinc in the product can result in copper deficiency. We are investigating a potential connection between copper deficiency and serious injury, including myelopathy and neuropathy.



## **CASE UPDATES**

### **\$1 MILLION CAR-VS-BICYCLE CRASH SETTLEMENT**

In 2022, a motorist crashed into an eight-year-old girl while her family was riding their bikes and crossing the road at a marked crosswalk, with warning lights flashing. All other traffic had stopped, but the defendant failed to do so and drove through the crosswalk, barreling into the young girl, while narrowly missing her eleven-year-old brother and father. The eight-year-old flew into the air and landed ten feet away on her head, suffering a skull fracture and significant traumatic brain injury as a result of the driver's negligence. Since then, her cognitive deficits have thankfully improved. Both children were traumatized by the crash and continue to suffer emotional injuries. The case team was led by Katie Bennett and included Julie Moroney, along with Robert Bennett.

---

### **\$1 MILLION SETTLEMENT IN NEWBORN DEATH AFTER FAILED VACUUM EXTRACTION**

Susan Craig and Mark Hallberg secured a \$1 million settlement after an obstetrician utilized a kiwi vacuum for 30 minutes in an attempt to deliver a baby for a woman with a high-risk pregnancy and prolonged labor, who was too exhausted to push. There were three "pop-offs," and the baby was not descending with pulls. After a surgical delivery, it was documented that baby had a large, boggy scalp with a "fluid wave" under the skin, consistent with a large subgaleal hemorrhage. Despite aggressive care, the baby could not be saved.

---

### **\$1 MILLION SETTLEMENT OBTAINED AFTER STILLBIRTH**

Robins Kaplan attorneys secured a \$1,000,000 settlement for parents of stillborn daughter at a facility in Minnesota.

---

### **ROBINS KAPLAN FILES LAWSUITS ON BEHALF OF CHEYENNE RIVER SIOUX TRIBE AND OGLALA SIOUX TRIBE**

Robins Kaplan filed lawsuits on behalf of the Cheyenne River Sioux Tribe and Oglala Sioux Tribe against entities that include Meta Platforms, Inc., which owns Facebook and Instagram, Snap, TikTok parent company ByteDance, and YouTube parent company Alphabet. The complaints allege that rampant social media addiction for Native American teenagers is contributing to a worsening mental health crisis in Reservation communities. The firm represents other Tribal Nations in similar lawsuits against the same social media companies.

---

# AWARDS | RECOGNITIONS



ANDREW NOEL

**Andrew Noel** has been honored with the North Dakota Association for Justice's 7th Amendment Award, recognizing seasoned members of the organization who exemplify its mission of ensuring access to justice and effective legal representation for their clients. In the last two decades, Andrew has achieved landmark settlements in cases involving police misconduct, jail suicides, and denial of medical care.



KATIE BENNETT

**Katie Bennett** received *The National Law Journal's* Elite Women of the Plaintiffs Bar Award, recognizing women attorneys who have demonstrated repeated success in cutting-edge work on behalf of plaintiffs. Katie is a powerful advocate for justice, specializing in civil rights violations and catastrophic personal injury cases. She was also recently named Deputy Chair of the firm's National Personal Injury, Medical Malpractice, and Civil Rights Group and appointed to the Executive Board.



RAYNA KESSLER

**Rayna Kessler**, who is the Deputy Chair of the firm's National Mass Tort Group, has been recognized on *Crain's New York Business* 2025 Notable Litigators and Trial Attorneys list. A distinguished advocate for those harmed by corporate negligence and institutional abuse, Rayna has established herself as a formidable force in complex litigation nationwide.



LIZ BURNETT

**Liz Burnett** has been appointed Deputy Chair of the National Business Litigation Group at Robins Kaplan. Liz 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.



RAOUL SHAH

**Rayna Kessler** and **Raoul Shah** have been appointed to *Law360's* 2025 editorial advisory boards. As board members, they will provide feedback on Law360's coverage and offer insight on content and thought leadership themes within their area of specialization.



RASHANDA BRUCE

**Rashanda Bruce** has been recognized in the *Lawdragon 500 X – The Next Generation* for the second year in a row. This guide celebrates those “who will define where the legal profession of our country goes.”



2025 TRIAL ADVOCACY SEMINAR

# Protecting the Pillars

FOUNDATION TO FUTURE

Thursday, October 30 | The Depot, Minneapolis

ROBINS  KAPLAN LLP

# ROBINS KAPLAN<sub>LLP</sub>

800 LASALLE AVENUE  
SUITE 2800  
MINNEAPOLIS MN 55402

## BISMARCK

1207 West Divide Avenue  
Suite 200  
Bismarck, ND 58501  
701 255 3000 TEL

## BOSTON

800 Boylston Street  
Suite 2500  
Boston, MA 02199  
617 267 2300 TEL

## LOS ANGELES

2121 Avenue of the Stars  
Suite 2800  
Los Angeles, CA 90067  
310 552 0130 TEL

## MINNEAPOLIS

800 LaSalle Avenue  
Suite 2800  
Minneapolis, MN 55402  
612 349 8500 TEL

## NEW YORK

1325 Avenue of the Americas  
Suite 2601  
New York, NY 10019  
212 980 7400 TEL

## SILICON VALLEY

555 Twin Dolphin Drive  
Suite 310  
Redwood City, CA 94065  
650 784 4040 TEL

## SIOUX FALLS

150 E 4th Place  
Suite 704  
Sioux Falls, SD 57104  
605 335 1300 TEL

800 553 9910  
ROBINSKAPLAN.COM