Hello and welcome to the IMS Insights Podcast. I’m your host, Adam Bloomberg. Today, we’re speaking with IMS Elite Expert Sam Rogers about the challenges of corporate training, litigation, and desirable outcomes.

Sam Rogers is a social media industry and instructional technology expert. He provides strategic learning, marketing, and content creation services to global companies such as Google, Deloitte, ADP, Capital One, and Robert Half International. As a recognized expert in the field of Learning & Development, he routinely works with subject matter experts in technical fields to distill their
expertise into training that meets organizational needs.

Adam Bloomberg:

I want to start with a softball question here: you’re an expert in instructional technology; tell us about that.

Sam Rogers:

Well, there’s a lot of elements of the world, which have been digitized, and technologized in the last 25 years or so. And education is a huge component of that. It’s been very affected, as everyone who’s on the other end of COVID here can recognize. In the corporate world, corporate training has been transformed in the last, especially 15 to 20 years, with putting training online. So, the internal admissions and records department that keeps track of things like you would for any school is actually mandated by law for companies above a certain size to be able to maintain records for compliance purposes and to be able to say, “Oh yes, this person took their harassment prevention training, and their customer information security training,” and all those things that everyone has to take. And you usually just click ‘next.’ I’m one of the people that helps make it less painful to get through all of that horrible training that nobody likes and make sure that the machines are talking well to be able to keep track of those things appropriately.

Adam Bloomberg:

It’s funny, I’m a child of the 80s, so I’ve seen lots and lots of changes in technology. And I remember my first computer right before college, my mother taught in a computer lab at a local university here in Texas, and I had a Kaypro 2.

Sam Rogers:

Nice.

Adam Bloomberg:

And then, I got into college, and then, I got one of the... It was the Mac Classic that I had in college. And I actually worked in information technology on campus, and I remember wiring a network for a Macintosh, and it was in a professor’s office. I plugged it in, and I went back to the IT group, and they said, “Okay, we’ll take it from here.” And I’m thinking, “Wait, how does that work? How is that so simple with a
Mac that you just plug it in, and it goes?"

Sam Rogers:

The magic of Apple talk. My mom had a CPM machine, a whole four megabytes of memory. It was incredible that that was in our house in 1980. My first computer was an Apple 2GS, which was color. That was a big deal. But, I’ve been involved in technology, I think, from a very early age. I was just not scared to get in and figure out how things work. That’s been a tremendous advantage in my career in instructional technology because there’s the way that people tell you things work, especially like going through an IT training or things that you would do in a school or a certificate program. And then, there’s the way that things actually work. Because I’m largely self-taught with all that technology, I know not only how things are supposed to work the right way but also how they really work. And how to hack around the edges, which is a very important skill for being able to create a robust training program. First off, so that things work well, and secondly, so other people can’t hack around the edges. And that’s something that I’ve always been very interested in.

Adam Bloomberg:

Well, I took a look at your resume before we spoke a couple of weeks ago, and I see some very big hitters out there as far as corporations in internet technology and video technology. Global corporations—YouTube and Google, to name a few. What are the sorts of cases and the challenges those lawsuits have, and what you’re asked to come in and be an expert on? And ultimately, what are you doing in the courtroom as far as really probably being the teacher and teaching what this is to jurors?

Sam Rogers:

It was quite a surprise to me, but it seems like a perfect fit. Because, what YouTube brought me in to do as a consultant in 2015, I continued working through them, with them through 2016, was to take what was a very complicated subject with very technical people and try to teach a more layman’s audience how to use a backend tool set. So, all the Google geeks get together, and it makes all sorts of sense to them, but it doesn’t make sense to anybody else. So, I was brought in to help craft the beginning, middle, and end—the concepts, the details. Create a whole training experience so that people would have mastery over these tools because there are consequences when you don’t do it right.

Sam Rogers:

And so, that skill of being able to explain things, being able to dive totally into the technical details and all of the weeds and then come up and say, “Oh, here’s what you need to know.” That turns out to be a very useful skill in terms of being an expert witness. I actually haven’t had the opportunity to do that in the courtroom because all of the engagements I’ve been a part of have all settled previous to that state. So, I’ve been prepped for deposition and things like that, but I haven’t actually had the opportunity yet to be in the courtroom. And I think that’s in part because if you can explain things well enough earlier on, it makes it easier to assess what that settlement might look like.
Adam Bloomberg:

It’s interesting that you say that about the work that you were hired in, you were brought in to explain something. And one of the things that, for me, was a light bulb with things like Google and YouTube, probably in the mid-2000s, the late 2000s. For me, a light bulb went off when I figured out that I could go to either one of these places and say, “How do I do this?”

Sam Rogers:

Yes.

Adam Bloomberg:

“What is the best model of car that I could drive to do this?” A video showing me how to clean my barbecue, that was the essence to me, and the beauty of these online tools. It’s just incredible. So, it’s interesting to see how you were brought in to do effectively what users of these platforms want out of it, but you were doing that internally. It’s so interesting.

Sam Rogers:

Well, back to the corporate education piece, there’s a lot of information, like how to clean your barbecue and that example. You can look that up on Google, the most popular website in the world, or YouTube, the second most popular website in the world, for exactly those reasons. But, if you want to look up, “How is it that I get a promotion in my job?” You can find some general information maybe on YouTube, but you’re not going to find anything that’s specific to your company. What are the policies? What are the procedures I need to go through? How is it that I can make sure that I’m performing well on my midyear review? And all those kinds of things? So, for people who need to cover that compliance floor of, “yes, I’m not going to get the organization in trouble. I’m going to click through the thing and say that I know how to do the customer information security,” or whatever.

Sam Rogers:

But also, for people who really want to do their job better, that corporate version of YouTube or that corporate version of Google is really important to how businesses function. And so, for me to be able to go to YouTube and develop that function was internal to YouTube, for things that they don’t publicly display. My first thought was, “Oh, I’ll make all these training videos, and we’ll post them on YouTube.” And it turned out we actually couldn’t do that because then everybody could see them. And there’s a lot of legitimate cases where you don’t want to do that, for your competition to see or just for things that don’t present as well in a public relations sense. It might open up some risk in terms of liability. There’s a lot of reasons why it’s important to have that information transmitted well and to have people not only be exposed to it for compliance purposes but really master it so that they can do what they do better.

Adam Bloomberg:

So Sam, why don’t you walk us through your area of expertise with, say, video
production and platforms, and maybe, a little bit on training design and delivery?

**Sam Rogers:**

Sure. So, my background is not exactly the most direct route for people to follow, but it’s been a fun ride. I started off really as a musician and a performer. I studied video production in school. I ended up getting involved in a startup music production company and a commercial music production studio. I’ve always been involved in and around the music industry and a lot of the legal outgrowths of that, working with composers and musicians and such. And I happened to get into instructional technology after burning out on a job in the music business, and eventually just wound my way into more and more of that work. Pretty much anything to do with learning and development with the instructional technology.

**Sam Rogers:**

I have experience in, from the low all the way to the higher level, including teaching people at YouTube how to make instructional videos. Teaching people at companies all over the country, and around the world, in fact. How it is that they can create good instructional videos, from the scripting to the capture of the audio, to the lighting, and to put that all together in a way that helps construct the experience that people need from a compliance perspective. And that really helps them understand and do their jobs better.

**Adam Bloomberg:**

Tell us a little bit about the athletic playground?

**Sam Rogers:**

How’d that get in there?

**Adam Bloomberg:**

I read your resume.

**Sam Rogers:**

The athletic playground was a place where I have a bunch of circus friends from being a musical performer myself that were really into acrobatics and clowns and all sorts of really physically athletic things. The athletic playground is a little gym near Oakland, California, that I learned to be an acrobat and an aerialist. Do you know all that parkour stuff you see at the beginning of James Bond movies and all that? Where they’re running across rooftops? I learned to do that, not actually on rooftops, but the Nerf version of that, which was way fun. To that point in my life, I had not been a very physical person, so I had a fantastic time at the athletic playground. And as it turns out, I have received some questions in the expert witness realm about training programs and training platforms that’s not like the instructional design training. But, it’s actually physical training, circuit training that I was able to provide valuable information on, having had that experience.

**Adam Bloomberg:**
Well, I was going to ask, do your friends who probably participate in that ever end up on American Ninja Warrior? But I’ll hold that question for a different time. You clearly have a very diverse background; why don’t you give us a little bit of a background with your career, with marketing, with social media, just with training in general?

**Sam Rogers:**

Sure. So, as a performer, a writer, musician, producer of stage shows and music acts and things like that, marketing comes with the gig. And so, I’ve had a lot of opportunities to practice that; I’m definitely of the Seth Godin school; I have been through his whole altMBA program. And that perspective actually really helps inform so much of life and so much of the instructional design work that I do.

**Adam Bloomberg:**

Okay. So now, for the expert work, what do you enjoy about being an expert witness?

**Sam Rogers:**

Well, I really like working on interesting things with smart people. And so far, every one of my expert witness experiences has lived up to that. Being able to, I think, speak to some of that semantic nuance, to simplify things in a way that allows people to better craft arguments, to argue about what’s substantial, what is substantive in this case, as opposed to just getting caught in the details that really don’t matter. That’s really interesting to me. And I have developed a fair amount of expertise in a bizarre array of things, but specifically, there’s a few things that seem to be more in demand or maybe widely misunderstood, that I can help make sense where people aren’t making sense just yet.

**Sam Rogers:**

Also, from a legislative perspective, legislation always follows innovation; I tend to be more in the innovative camp myself. But what does that look like? How does that become legal? How does it become permissible? It happens through court. It happens when there’s not a bright line distinction between what is okay and what isn’t. That really gets established, and getting to participate in that process through the courts is something that I just find exciting.

**Adam Bloomberg:**
So, you’ve talked a little bit about your work with YouTube, but do you have some examples of successful cases you’ve worked on and maybe some good, desirable outcomes?

**Sam Rogers:**

Sure. Well, when it comes to YouTube, like so many things on the internet, there’s a lot of disagreement, there’s a lot of arguments that happen. The things that tend to surface into litigation are the things that involve money, generally, lots of it. Where it wasn't collected in a way that people agree about, or it wasn’t distributed in a way that people agree about. And so, my expertise around the monetization and the content ID tool specifically within YouTube has helped that, I think, come to light a bit better. And in terms of successful outcomes, I consider the cases that are settling before they reach a court of law to be successes. This is when people are agreeing about what the value of this content is, and how that should be distributed, those funds being gathered or distributed. Once people agree about that, I feel really good about having contributed to that process.

Thank you to [Sam Rogers](https://www.natlawreview.com/article/instructional-technology-expert-witness-success-episode-43) for speaking with us today, and a special thanks to our listeners.

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