



# Declaration of Candidacy

Candidates for election as Second Vice President or Director Elected Nationally must complete this form and submit it to the Executive Director at the principal headquarters of DRI by 5:00 PM (CDT) on July 1<sup>st</sup> of the year in which the election is held.

**National Director Requirements** - Directors Elected Nationally or by Region must be Individual Members of the Corporation admitted to the practice of law. Each such director must meet the following qualifications at the time of election: (a) The candidate shall have been a DRI member for a total of at least five (5) years, and (b) The candidate shall have been a member of at least one DRI substantive law committee for at least three (3) years, and (c) The candidate must have registered for and attended at least one (1) DRI Annual Meeting within the previous three (3) years, and, within the three (3) years prior to the final day of the Annual Meeting, the candidate must have 1) registered for and attended at least two (2) DRI seminars, or 2) registered for and attended one (1) DRI seminar and one (1) DRI Regional Meeting.

Position sought

Second Vice President\*     Secretary- Treasurer     National Director

\*If you have declared your candidacy for Second Vice President and are not the successful candidate, will you consider the Secretary - Treasurer Officer position?

Yes     No

Name R. Jeffrey Lowe

Firm/Company Kightlinger & Gray, LLP

Address 3620 Blackiston Boulevard, Suite 200, New Albany, Indiana 47150

Telephone 812 949-2300                      Cell Phone 502 693-4108

E-mail jlowe@k-glaw.com

Born (location) Blowing Rock, North Carolina

Education B.A. History University of North Carolina 1994; J.D. Brandeis School of Law at the University of Louisville, 1998

Awards and achievements - AV Preeminent Rated – Martindale Hubbell; Selected for Inclusion in DRI’s sister organization Federation of Defense and Corporate Counsel 2016; Indiana Super Lawyers Rising Stars 2010-2012

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Areas of practice Governmental Liability; Trucking and Transportation; General Liability; Professional Liability; General Litigation

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Years as a defense attorney – 19 years

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Employment history - Kentucky Department of Public Advocacy – Juvenile Public Defender – October 1998 – January 1999; Kightlinger & Gray, LLP – January 1999 to present

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#### Noteworthy defense work

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I have tried over 35 first chair jury trials in my 18 years of practice, with a large percentage being defense verdicts. The trials have been about police excessive force, fraud, general liability, automobile cases, premises liability and many other issues.

Trent Marion v. Harrison County – Two state police chase led to officers engaging Plaintiff with gunfire and Plaintiff being shot twice and lost one eye. Federal District Court granted summary judgment and affirmed on appeal to the 7<sup>th</sup> Circuit – Marion v. City of Corydon, Indiana 559 F.3d 700 (7<sup>th</sup> Cir. 2009)

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Helcher v. Dearborn County – Federal Telecommunications Act case – Plaintiffs sued alleging multiple violations of the Federal Telecommunications Act in considering Plaintiffs request to put a cell tower in Dearborn County, Indiana. District Court affirmed the County’s Board of Zoning Appeals decision denying the permit and Seventh Circuit affirmed resolving some issues of first impression in the 7<sup>th</sup> Circuit on interpretation of sections of the TCA – Helcher v. Dearborn County, 595 F.3d 710 (7<sup>th</sup> Cir. 2010)

Estate of Becky Lynn Evans v. City of Jeffersonville, Indiana – Wrongful death claim against officers who refused to break into the decedent’s residence where she ultimately died because they lacked a warrant or exigent circumstances to enter the house. Summary Judgment granted for all Defendants on all federal and state law claims. 2016 WL 881191 (S.D. Ind. 3/18/16)

Estate of Jessica Burch v. Steve Knight, Floyd County Jail, et al – Wrongful death claim against County Jail for decedent’s suicide while in the jail. Court granted summary judgment on all counts and claims. 2012 WL 177411 (S.D. Ind. 1/20/12)

Estate of Leon Brackens v. City of Jeffersonville, Indiana – Wrongful death claim against officers who engaged in pursuit of suspect from Indiana into Kentucky and Plaintiff’s decedent was unarmed passenger who was forcibly removed from the vehicle, suffered personal injury and ultimately death allegedly as result of the injuries sustained in the extrication of the decedent from the vehicle. Summary judgment granted for all of my clients on all state and federal claims. 2015 WL 5786818 (W.D. Ky. 9/30/15)

Billy Jackson v. Lawan Renfrow – Claim for personal injuries damages by Plaintiff against Fire District Chief and Assistant Chief alleging negligent supervision of fire station permitted Plaintiff/firefighter to be sexually assaulted in the fire station by other firefighter. Summary Judgment granted in favor of both Chief and Assistant Chief on all counts. 2016 WL 1452431 (W.D. Ky. 4/13/16)

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Professional affiliations- DRI, Federation of Defense and Corporate Counsel, Indiana State Bar Association; Kentucky Bar Association; Defense Trial Counsel of Indiana; Kentucky Defense Counsel; Sherman Minton American Inn of Court; Louisville Bar Association; Floyd County, Indiana Bar Association; International Municipal Lawyers Association; Indiana Municipal Lawyers Association

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DRI member since 1999

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Please describe your previous involvement in DRI, including but not limited to, leadership positions held. Projects contributed to, Committee memberships, presentations given, and written materials authored. Special accomplishments should also be noted.

DRI Board of Directors – National Director 2016-2017. I was elected to serve out the remaining one year term of a resigning Director. During this year, I have served on the Board Liaison Training Committee and the Committee on Engagement Committee. I have served as the Board Liaison for the Life, Health and Disability Committee.

Governmental Liability Committee – I attended my first Governmental Liability Seminar in 2002 and attended the business meeting at the seminar. From that time I have been involved in the leadership of the Committee and worked my way through the leadership positions of the Committee. 2003 to present – Governmental Liability Seminar Planning Committee -2004 – Co-Presenter with Lori Berke – 42 U.S.C. section 1983, The Basics, Governmental Liability Seminar; 2004 Author – “In or Out – Should it Matter; Does 42 U.S.C. section 1997a Apply to Claims of Former Prisoners” Article in Governmental Liability Newsletter; 2006-2007 – Newsletter Editor – produced newsletter; 2007-2008 – Publications Chair – produced FTD perspective pieces; 2009 - 2010 Webcast Chair – Produced two webcasts - **Preparing Local Governments for New E-Discovery Obligations** 9/29/09; **THE ABCs of § 1983**, 11/4/10; 2011 – Vice Chair of Seminar Planning Committee; 2012 -Chair of Seminar Planning Committee; 10/2012-10/2014 – Vice Chair of Governmental Liability Committee; 10/2014-10/2016 – Chair of Governmental Liability Committee. I spoke at the 2016 Annual Meeting Governmental Liability CLE on Suspicionless “Drug Testing for Public Benefits – Can it be Constitutional?” 2016-2017 – DRI for Life Liaison for the Governmental Liability Committee

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I am also a member of DRI’s Professional Liability Committee and the Insurance Law Committee

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List any leadership roles in other defense organizations.

I currently serve as an at large member of the Kentucky Defense Counsel Board of Directors.

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Describe your goals if you are elected to the above position.

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My stated primary goal last year when I ran for National Director was to find more ways we can provide benefits to members. It remains my primary goal this year. In my year as a National Director I have learned a great deal about the challenges a volunteer organization like DRI has in finding and retaining new members. Our continued existence is only as strong as the new life-blood we grow through membership. In order to continue to grow and retain new members DRI must be able to find new ways and continue to provide benefits members cannot do without. I believe DRI does an outstanding job of providing benefits to its members. As the leading defense lawyer organization, we are on the forefront and cutting edge of all developments for the defense bar. The Center for Law and Public Policy ensures we remain at the forefront of those legal issues important to defense lawyers and their clients. We need to find ways to get the information the Center creates and that all our outstanding committees create to our members as quickly and easily as possible whether it be through podcasts, blogs, vlogs or other media. DRI's community format provides a media by which we can communicate to all defense lawyers those issues that affect us all. Expanded use of the Communities is another way we can provide benefits to our members. Another potential opportunity would be through new member mentoring. While I believe DRI does an admirable job of reaching out to new members interested in being involved, we can always do better and a potential mentor program could provide that opportunity to provide young or new members guidance and knowledge from more seasoned lawyers. I fully believe DRI will continue to remain on the forefront of providing information to our members and one of my goals as a National Director is to find ways to further the benefits we can provide members of DRI.

I remain very interested in the DRI for Life initiative and will continue to work to further that initiative. The real concern that the stresses of this profession place on practitioners is something that cannot be ignored and must be addressed in order to make us successful. Without tools and tips to address those stresses defense lawyers can succumb to that pressure to their personal and professional detriment. The DRI for Life initiative seeks to provide resources to assist attorneys in dealing with those stresses. The DRI for Life committee is working to broaden the initiative to the substantive law committees and state and local defense organizations. If selected as a national director, I seek to continue to grow the existing DRI for Life resources and find other ways we can provide services to our members to help them maintain a workable work-life balance.

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As I stated last year in response to the question regarding the most concerning issue facing the defense bar, another goal of mine if selected as a National Director would be to create an initiative to participate in the evaluation of the manner in which defense firms operate and the culture of a defense firm in light of the current employment market. Whether that be through the Law Practice Management Committee or some other subcommittee, I believe this is an issue of which DRI should be leading the analysis. With fewer and fewer law school applicants, fewer lawyers going into defense work and fewer associates staying long enough to become partners, I am concerned we may be seeing a shift in the manner in which defense firms operate and I would like DRI to be on the leading edge of evaluating that issue and determining whether it is truly an issue, and if so, what can firms do to combat that issue.

I also want to continue to try to find ways to grow DRI. As I stated above, if we can continue to find new ways to provide benefits to our members, we can reach out to potential members with these additional benefits. We need to consider alternative sources of members, not just defense law firms, corporate counsel and insurance carriers. While those sources are the lifeblood of the organization, other sources could provide a pool of members that have previously not been targeted or recruited as new members. We also need to consider what obstacles stand in the way of potential members joining DRI and how we can remove those obstacles or make the obstacle less of a hurdle to becoming a member. We need to be mindful of potential solutions to those obstacles which have not been previously considered or considered and rejected and ensure that we are making the appropriate accommodations when necessary that will make our organization stronger.

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What do you believe is the most important issue confronting the defense bar?

I believe the most important issue confronting the defense bar is the change in way firms operate. We are constantly seeing articles about decreasing law school admissions, less lawyers and less employee loyalty. In my own firm, we had four associates leave in a six to eight month period about two years ago. The reason they left was because they decided they did not like the practice. Not because they had better jobs, not because they had different opportunities, but because they did not like the idea of billable hours, defense work and the practice of being a defense lawyer. We read articles about millennials and how by the time they are 25 they will have changed jobs 4 times. We also hear about quality of life issues and that it is crucial to maintain younger employees that quality of life be addressed. We hear of younger professionals wanting to be part of something bigger than just a job. We must ensure as firms that we are providing that in order to maintain our talent and continue to be successful businesses. If not, then the pipeline for younger associates to become partners will dry up and firms may cease to exist.

In my opinion, law firms must evaluate how they operate in order to ensure their continued vitality. Whether that means changing the billable hour structure, changing the office environment or changing the defense firm culture, I am interested in studying this issue and

determining whether this is truly the issue it appears to be and whether it will change the way lawyers practice and the way defense firms operate.

I also believe we are becoming discovery practitioners instead of trial lawyers. Rarer and rarer are opportunities to try cases and typically it is because of the rising costs of litigation, specifically discovery. Clients are less likely to expend the funds necessary to take a case to trial because discovery has become too expensive and broad. They would rather resolve a matter to save expenses and reduce risk. While removing risk and saving expense are laudable goals, the settlement of these cases without a trial removes the ability of lawyers to get trial experience, especially younger lawyers. The art of trying cases cannot be maintained if it cannot be practiced. DRI needs to continue its efforts to reduce the cost of litigation so that more clients will be willing to try cases and lawyers can continue to practice trial skills.

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Define the appropriate role for DRI as the national defense bar organization.

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In my opinion, the appropriate role for DRI as the national defense bar organization is to be at the forefront of all issues that affect defense lawyers and our clients, not just the actual litigation of a case. Whether that be filing amicus briefs, lobbying Congress or state legislatures, or working through initiatives like the Center for Law and Public Policy, DRI should focus on all issues that touch the clients we represent. Obviously, DRI's primary focus should be providing information and education regarding how to best defend our clients. However, DRI should not focus solely on trials and the actual litigation of cases, but must focus on all issues that touch on the defense of our clients. Those issues include legislation at the state and federal level, leading changes in trial rules, jury rules or court rules in order to ensure our clients can continue to have access to jury trials and others. DRI must continue to consider all issues, including those outside the court room, which affect our clients and continue to work with our sister organizations to ensure our clients are properly defended and can be properly defended.

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Hobbies and/or interests

My main interest outside of practicing law is running. I have now run five marathons since starting distance running in 2008. I also annually run several half marathons and a 200 mile relay in Kentucky along the Bourbon Trail. Thus, I am very interested in the DRI for Life initiative and welcome the challenges of finding ways to balance the issues of mental and physical health associated with the stressful life of a trial lawyer.

I am also an avid sports fan with my primary fandom being reserved for the reigning Men's Basketball National Champion University of North Carolina Tar Heels.

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Family - Wife – Melissa Lowe. Melissa is a Vice President, Director of Human Resources for Brown-Forman in Louisville, Kentucky. We have two daughters, Finley who is 13 and Ainsley who is 11.

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