Declaration of Candidacy

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

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 Blvd, Ste. 200, New Albany, Indiana 47150
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E-mail	jlowe@k-glaw.com
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 Organizations Federation of Defense and Corporate Counsel (2016) and International Association of Defense Counsel (2018); Indiana Super Lawyers Rising Stars 2010-2012; Tokio Marine HCC Public Risk Claims Unit Attorney of the Year 2018

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

Employment history (Please do not include years) Kentucky Department of Public Advocacy – Juvenile Public Defender; Kightlinger & Gray, LLP

Noteworthy defense work

I have tried over 35 first chair jury trials in my 22 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.

Estate of Brandon Stanley v. Bobby Joe Smith – In June 2020, with all COVID-19 protections in place, a wrongful death claim against a Constable in federal District Court in Kentucky. The constable had been previously convicted of reckless homicide in state criminal proceeding which civil court found collaterally estopped constable from denying liability. Despite finding of liability entered on federal constitutional claim and state law wrongful death claim, civil jury assigned 50% of the liability for the incident to the Plaintiff.

Destiny Hoffman v. Clark County – Represented multiple County Defendants and the County in case brought by multiple Plaintiffs over impermissible detention arising out of participation in County Drug Court program. Successfully opposed Plaintiffs' class certification motion and obtained summary judgment on all claims for all Defendants. The Seventh Circuit affirmed the district court's decision in Hoffman v. Knoebel, 894 F.3d 836 (7th Cir. 2018).

Estate of Simpson v. Mark Gorbett – Successfully defended the appeal of the District Court's grant of summary judgment in a wrongful death case arising out of a jail where inmate fell from upper bunk while sleeping. 863 F.3d 740 (7th Cir. 2017)

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 7th Circuit – Marion v. City of Corydon, Indiana 559 F.3d 700 (7th Cir. 2009)

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 7th Circuit on interpretation of sections of the TCA – Helcher v. Dearborn County, 595 F.3d 710 (7th 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)

Krantz v. Cochenour – Plaintiff asserted juvenile probation officer improperly and unconstitutionally detained minor son after son discovered with drugs on school property. District Court granted summary judgment on all federal and state law claims. 2016 WL 4088730 (S.D. Ind. 7/25/2016).

Hostetler v. City of Southport – Successfully defended the City, Police Chief and City Officer from federal and state law claims pertaining to arrest of suspect and alleged defamation. 2019 WL 917592 (S. D. Ind. February 25, 2019).

Herzog v. City of Cannelton – State Court granted summary judgment to City, Police Chief and Officer on state law claims pertaining to the alleged wrongful arrest and detention of City Fire Chief. 2020

Professional affiliations
DRI, Federation of Defense and Corporate Counsel, International Association of Defense 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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Have you been a DRI member for 5 or more years? Yes.

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.

My involvement in DRI is more than just a list of things I have done while I have been involved in DRI. My involvement in DRI has made me a better lawyer, a better leader and a better person. As you can see below, my DRI story began in 2002 when I first attended the DRI Civil Rights and Governmental Tort Liability Seminar in New Orleans. I had told my firm for whom I had worked for 3 years that I wanted to try to get some more civil rights defense work because I really enjoyed that area of the law. Sitting in the presentation room the first day, I heard about the committee business meeting and Randy Montgomery, the current chair, suggested that those people in the room who wanted to get involved should attend the meeting. I attended the meeting that afternoon and signed myself up for the seminar planning committee. I kept signing up for jobs, kept doing my job and kept getting more jobs within the committee. But what I did not see initially was the increase in civil rights cases I and my firm sought from my participation. However, what occurred during this time of my early involvement in the committee was I was building relationships with fellow defense lawyers and carrier representatives who were involved in the committee. The relationships I built during those early years have only grown and have turned into work. When I started in my office of my firm, we had one civil rights case that we received because the senior partner in our office was friends with the local county attorney. Today, our office is panel or approved counsel for numerous carriers and DRI played a large part in developing that business. My DRI involvement has also provided me a network of the best civil rights defense lawyers across the country that I can call or communicate with to answer a question or refer a case. Finally, and most importantly, my DRI involvement has provided me the opportunity to meet some of my closest friends and who have taught me life lessons as well as

lawyer lessons. Therefore, I am running for second Vice President to continue to give back to an organization that has given so much to me.

DRI Board of Directors – National Director 2016-2020. I was initially elected to serve out the remaining one-year term of a resigning Director and then was elected for a full three-year term. While on the Board, I served on the Board Liaison Training Committee, Committee on Engagement Committee, Governance Committee and Training and Engagement Committee. My last year on the Board, I served as the Chair of the Governance Committee and the Training and Engagement Committee. I have served as the Board Liaison for the Life, Health and Disability Committee and the Construction Law 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 newsletters;

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?"

2016-2020 – DRI for Life Liaison for the Governmental Liability Committee.

I spoke on the Ethical Issues of the Tripartite Relationship for Governmental Clients at the 2020 Governmental Liability seminar

In 2020, I recorded a podcast for the Governmental Liability Law Enforcement SLG on the "Basics of Law Enforcement Liability Insurance"

This year, I chaired and spoke at the DRI Governmental Liability Boot Camp in June 2021.

In 2021, I co-presented the "ABC's of Section 1983" as part of DRI's 101 Webcast Series.

In 2020, I co-presented on COVID Jury Trials for DRI with Matt Keris for the Litigation Skills Committee.

In 2021, I continued to serve on the DRI Governance Committee to assist in the review of the DRI by-laws.

In 2020 and 2021, I have served on DRI's Protect and Serve Task Force which was created to foster dialogue between law enforcement and the community in an effort to better relations and understanding.

In 2021, I have been appointed to the DRI Cares Committee.

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

List any leadership roles in other defense organizations.

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

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

I wrote an article for The Voice during the pandemic regarding connections and the value of DRI connections despite the pandemic. What the pandemic and the inability to connect in-person with my DRI Community established for me is that one of the most important aspects of DRI membership is those connections and that Community. Whether it be seeing an old friend from the Governmental Liability Committee, a new friend from either LH&D or the Construction Law Committee for whom I was the Board Liaison or meeting new members at the Annual Meeting, missing during the pandemic was the ability to strengthen previous connections and grow new community. Therefore, one of my goals if elected is to ensure that DRI is the community of defense lawyers that people want to be a part of and cannot do without. Connections are what keep people renewing their memberships and coming back to seminars and meetings. Connections are what cause people attending a seminar for the first time to get involved because they see the relationships DRI involvement have created and want similar relationships. DRI has not been able to create those connections in the same way over the past year and a half. But DRI created new ways to create connections during the pandemic and DRI needs to continue those connection points. Whereas getting back to the old ways will reinvigorate those old connections, DRI now has additional ways to create those connections. Thus, one

of my goals, if elected, would be to encourage the continued use of the virtual connection points, while getting somewhat back to business as usual. We cannot forget that the virtual environment may be most comfortable for some people and give them opportunities for engagement in which they would not otherwise participate. Again, DRI's creation of community is what keeps people engaged and active and DRI would be well—served to continue to evaluate alternative means and methods to get all engaged in that Community.

DRI continues to be the best value for the money for any defense practitioner. DRI, however, needs to continue to find ways to provide value to a membership which is facing constraints on spending and travel expenses. We must continue to innovate the manner in which we provide content to our members. Law firms are constantly evaluating expenses and travel to CLE and Bar Association functions is high on the list of expenses being questioned. DRI needs to continuously evaluate its options to provide content to the various substantive law committees in the most economical way. Whereas a virtual seminar may have been a necessary one-time replacement during the pandemic, it may be the best option for certain committees moving forward. It may also provide opportunities for mini seminars to be hosted and created for specialty areas within the substantive law committee. The virtual seminar platform allows content to get out faster, benefiting all DRI members. Therefore, one of my goals would be for each substantive law committee to evaluate the seminar model and make recommendations regarding which model is right for it whether it be the traditional seminar, the virtual seminar or something else and additional options for virtual programming, even if it retains its seminar.

I also believe it is important for DRI to evaluate its membership model. The old saying goes "membership is the life blood of the organization" and the old saying is true. However, membership in volunteer organizations is another expense law firms are evaluating and sometimes deciding it is not worthwhile. There are a couple of potential solutions to that issue. One, we have to show law firms that membership in DRI makes their firms better. It creates better lawyers, it creates better leaders, and it creates connections that can lead to referrals and clients. DRI must continue to market itself as the defense bar, but we are also the home of the best defense trial lawyers in the world. We need to show firms what they are missing when they don't have DRI members in their firms. We need to show clients what they don't have when they are not represented by DRI members. DRI has taken steps to address that issue by creating the affiliate membership plan permitting membership for firm marketing directors. This membership level provides the marketing director access to the information necessary to show firms why DRI membership is so vitally important. We also need to further that effort with additional marketing materials which establish the importance of DRI membership to firms and potential clients.

The second potential solution is for DRI to continue to evaluate the membership options it provides. DRI has already created plans to make it easier for some people to become members, such as the "One-Ask Plan" for Young Lawyers which bundles membership with seminar attendance. We should continue to evaluate whether this type of bundle should apply to other members. DRI offers a corporate membership plan that permits 4 corporate representatives to become members for one price. We should continue to consider whether something similar should apply to law firms. DRI has also created the online subscription service which permits members and non-members to access DRI's online content. We should consider whether similar subscription-based offerings should be provided for other content such as publications. The reason DRI should be continuously evaluating its membership options is because by offering the non-traditional route DRI is getting more exposure to new people. If those people get a taste of what DRI offers, they are more likely to see the value of being a full member. Therefore, I believe DRI needs to continue to evaluate its membership options to gain exposure to potential new members.

I also believe DRI should be providing additional litigation skills training to its members. As I state below, the biggest challenge facing the defense bar at this time is the reduction in civil jury trials. As those numbers go down, DRI's members have less and less trial experience. Our clients will not continue to be represented by the best trial lawyers in the country if we are not trying cases. We are uniquely positioned to provide skills that lawyers young and old are not receiving when trials are not occurring. Within DRI's Substantive Law Committees, we have the most seasoned trial attorneys for any given area of practice. DRI needs to harvest the experience of these seasoned trial lawyers and provide that information to its members. Whether it be in the form of advanced litigation skills training at the various SLC seminars or presentations at Seminars, this information needs to be passed on to our members. Given the increasing options available for online programming, litigation skills, and more specifically trial skills, should be part of the focus of each SLC. If elected, I would create a plan for each SLC to increase litigation and trial skills offerings within that SLC.

While the pandemic interrupted the normal practice of law and forced all of us to work remotely for significant periods of time, it also provided opportunities. It has provided the opportunity to evaluate a work environment that not all law firms were previously willing to consider. Firms worked remotely for the better part of a year. The remote environment is here to stay and firms are considering moving to that model. If elected, it would be my goal to create a Task Force or Standing Committee on remote work. DRI's over 1500 members have a wealth of knowledge that can be mined about what worked and what did not work in a remote work environment. DRI's members have information about what

considerations now come into play in space considerations for their offices. Are some firms reducing their office space, created share work spaces, or remaining the same? Whereas, this discussion was more theoretical pre-pandemic, it does not have to be theoretical moving forward because there is a year's worth of hard data that DRI can seek to obtain from and provide to its members. I also believe DRI's relationships with its business and insurance partners puts it in a unique position to gauge our client's perceptions on what worked and what did not work from a client perspective in the remote work environment. I believe DRI should be leading that discussion from the law firm and client sides as I believe remote working arrangements are here to stay.

Another goal of mine will be to continue to work to make the organization more diverse and inclusive. The best way to do this in my opinion is through the SLC's. DRI needs to continue to create benchmarks for the SLC's regarding diversity and inclusion in each SLC's leadership structure. DRI needs to create incentives for diversity in the SLC's and ensure that each SLC has a strong D&I plan that fosters the growth of diverse young leaders. DRI should continue to recommend and foster the inclusion of a D&I presentation at each seminar. DRI could expand the Diversity Scholarship Program to encourage each SLC to support and promote a diversity scholarship for each seminar whereby a diverse applicant could attend the seminar for free. I would imagine sponsorship of such an endeavor would not be hard to raise and it would create opportunities to bring young diverse attendees to the seminars. These are few options that would assist the SLC's in growing their diversity and in turn would lead to greater diversity in DRI.

When I ran for my National Board of Director's position, I stressed the need for DRI to grow its DRI for Life offerings to assist members in maintaining a positive work-life balance. Those stresses that prevent DRI members from maintaining a reasonable work-life balance have not lessened, and in fact, may have increased with the pandemic. We need to remain on the forefront of providing the resources necessary to assist members in times of stress. In my opinion, the creation of the DRI Cares and the activities in which we have been able to participate at the Annual Meeting, Seminars and even fly-ins do wonders for our members' physical and mental well-being. Lawyers traditionally give excessive amounts of time to the practice of law or running their firms. DRI Cares has created opportunities to focus on something else – doing something that will help those in need – while engaging in DRI activities. I look forward to continuing to expand options for the DRI Cares and will continue to foster the growth of the DRI for Life initiative.

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

There are numerous important issues confronting the defense bar that would warrant discussion here. From third party auditing services reducing defense counsel bills, to non-lawyer owned firms, to artificial intelligence replacing traditional attorney functions to third party litigation funding, all present very real issues all defense counsel are dealing with at the current time. In my opinion, all of those issues lead to the most important issue, the continuing decline of jury trials and the lack of justice it provides for our clients. The number of cases being tried has consistently declined over the past ten years and the continued decline will have a significant lasting effect on our clients. A client's focus on costs of discovery and trial and the increase of third parties auditing attorney's expenses results in fewer jury trials. Increased discovery costs as a result of a third party funding plaintiff's litigation results in fewer jury trials. The use of artificial intelligence removes traditional attorney functions focusing on cost and probabilities or predictabilities thereby reducing the number of jury trials. These factors, and many others, have led to consistent reduction of jury trials. And with a consistent reduction of jury trials comes an insufficiently trained group of younger attorneys who do not have trial experience to properly represent their clients. Ultimately, it will lead to even fewer jury trials because there will be fewer attorneys who are properly trained with the proper experience to try cases, thereby depriving our clients of the justice they deserve.

While I was lucky enough to try several first chair jury trials during my first five to ten years of practice, I have associates in that same range who have never attended a jury trial as a second chair. Without the opportunity to try cases, our younger lawyers will not develop the skills necessary to try a case and defend our clients when we retire. Our practices have become discovery-based as opposed to trial-based and the costs associated with discovery and trial have become so great fewer and fewer clients are willing to try cases. As firms and defense lawyers we need to discover and deliver solutions where our younger lawyers will get trial-type experience, whether that be mini-trials of smaller cases, advisory jury trials or trial seminars where they get first-hand experience similar to that of a jury trial. DRI can lead that effort with additional litigation skills offerings and also the continued work of the Jury Preservation Task Force through the Center for Law and Public Policy. We can also evaluate those other options such as mini-jury trials or advisory jury trials, and determine if they protect our clients' rights, but also provide opportunities for trial skills development. Further, DRI can use its relationship with the SLDOs to evaluate the opportunities provided in each individual state. DRI must be focused on preserving the right to a trial by jury to ensure our clients are properly protected.

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

In my opinion, the appropriate role for DRI as the national defense bar organization is multi-faceted. DRI must be an advocate for defense practitioners and their clients. We must represent defense practitioners and client members through advocacy. Prime examples of that are the white papers the Center for Law and Public Policy produces on larger issues and testimony DRI has provided to Congress on Rules changes. Further, through amicus briefs DRI advocates to protect interests important to defense practitioners and their clients. Additionally, DRI and its substantive law committees must be willing to advocate for change within the given practice areas. A prime example of that is the DRI Protect and Serve Task Force which has been created this year. The Task Force's Members are from a diverse background including DRI's Diversity and Inclusion Committee and DRI's Governmental Liability Committee. The mix of the Diversity and Inclusion Committee and the Governmental Liability Committee that primarily represents Governmental Officials, such as law enforcement officers, creates a space where both sides of the continually divisive issue of law enforcement interactions with diverse populations can discuss those issues and create positive change. One of the goals of the Task Force is to create spaces for conversation between the different sides of this topic that will allow both sides to express their concerns and hopefully find areas for growth and better relationships between law enforcement and the diverse populations they police. Additionally, the Task Force wants to become a repository of best practices for law enforcement with the hope of providing resources that can lead to less negative outcomes and more positive change. DRI's advocacy role should be looking at other areas where it can create task forces or subcommittees to advocate for change in substantive areas.

In addition to its advocacy role, DRI must also be an educator. DRI remains well-known for first-rate seminars and educational offerings. We have begun to emerge from the COVID-19 environment of virtual seminars and educational offerings. However, despite the return of in-person seminars, considering law firms' shrinking travel and continuing education budgets, offerings from competitors, and less willingness to attend in-person seminars, we will need to evaluate whether the big-box seminar continues to be the best way to provide those educational offerings or whether new and different means are appropriate for certain committees or offerings. DRI has shown in the last year that it can successfully provide virtual seminars and other educational offerings. DRI has also adapted to provide different and new alternative educational opportunities during the pandemic. For example, many different committees offered 101 Series for new practitioners to the substantive area. The addition of virtual boot camps and other offerings show the need for DRI to continue to evaluate its educational offerings because DRI practitioners are the best lawyers in their substantive areas.

I continue to believe DRI's educator role extends to skills-based learning. In an era where trials are becoming rarer, it has become harder and harder for young lawyers to get the training they need to become seasoned trial attorneys. I was lucky enough to be a young lawyer in an age where trials occurred much more frequently which provided me the opportunities to hone my trial skills. Those opportunities are becoming much less frequent. I see DRI as having a unique position to provide skills-based learning for young lawyers. We are the home of the best defense trial lawyers in the country. We need to use those skills to assist in the education of young and old lawyers to ensure our clients will continue to be well-represented when those amazing trial lawyers are no longer practicing.

I also believe it is part of DRI's role to be a clearinghouse for information for its lawyer members to evaluate their practice. We already provide a wealth of this type of information from DRI for Life and the toolkits provided by the affinity groups, Diversity and Inclusion and Women in the Law. This type of information makes lawyers better and the practice better. DRI also now has a unique position of having over 1500 members who have been practicing remotely to some extent for more than 15 months. DRI should be gathering that information to provide best practices regarding the remote practice of law, as it is likely here to stay and firms will need that information to assist in that transition.

I also believe another part of DRI's role is to contribute to society to make it a better place. DRI Cares is the perfect example of this. The enthusiasm shown at these events establishes DRI members want to give back and are willing to do so in big ways. Additionally, the recent Town Hall on racism was moving and an indication of what DRI can do to educate on necessary social issues.

Ultimately, I believe DRI's role is to be the best place for lawyer leaders to go to grow their practice, their skills, their knowledge, their relationships, and their friendships in a way that cannot be provided by any other organization.