



Declaration of Candidacy

Candidates for election as Second Vice President, Secretary-Treasurer, 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.

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 before 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.

Please also see the attached DRI Board of Directors and Officer Competencies.

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

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How long have you been a member of DRI?

I have been actively involved in DRI since 2011.

Areas of practice:

Appellate Litigation — I handle appeals and write amicus briefs in cases that involve the federal government and/or federal issues. Most of my practice is in the U.S. Supreme Court and in federal courts of appeals throughout the United States. I occasionally file amicus briefs in state appellate courts.

Please provide your employment history in chronological order beginning with the current position.

- Capital Appellate Advocacy PLLC (2016 – present) — national, solo-practice, appellate litigation boutique based in Washington, D.C.
- Atlantic Legal Foundation (2020 – present) — national, nonprofit, nonpartisan, public interest law firm, where I serve as Executive Vice President & General Counsel and conduct its *Amicus Curiae* Program
- Dentons (2015 – 2016) — Partner & Appellate Practice Leader
- McKenna Long & Aldridge LLP (and Washington, D.C. predecessor firms) (1974 –2015) — Partner & Appellate Practice Leader; D.C. Office Managing Partner (Dentons acquired the McKenna firm in 2015)
- U.S. Department of Justice, Civil Division (1972 – 1974) — Honors Program trial attorney

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.

- Recipient, Tom Segalla Excellence In Education Award (October 2024)
- Recipient, DRI Leadership Award (October 2024)

- Center for Law and Public Policy
 - Immediate Past Chair & Vice Chair — helped to steer, implement, refine, and promote The Center’s newly streamlined structure; led Center Management Council and worked closely with Sean Dolan & Jay Ludlam on Center task force & working group activities
 - Currently serving as The Center Management Council’s Liaison to The Center’s Advisory Council; recently recruited Exxon Mobil Corp. to join The Center’s Advisory Council; also recruited Hollingsworth LLP to be one of two law firm members of the Advisory Council
 - Cultivated an informal alliance between The Center & the Atlantic Legal Foundation, including by recruiting Sean Dolan to join the Atlantic Legal Foundation’s Board of Directors
- Amicus Committee
 - Past Chair & Vice Chair — helped to guide Amicus Committee appointments, to establish and follow case selection criteria, and to implement quality control of DRI amicus briefs
 - Member since 2012; Emeritus member since 2025
 - Authored 10 amicus briefs on behalf of DRI
 - Also authored (or co-authored) 11 amicus briefs jointly submitted by DRI & the Atlantic Legal Foundation
- Appellate Advocacy Committee
 - Organized & moderated panel presentations at Appellate Advocacy Seminars in 2012, 2014, 2017, 2018, 2019, & 2021
 - Publications Chair (produced Committee newsletter & solicited/edited For The Defense & In-House Defense Quarterly feature articles for 7 years)
- National Foundation for Judicial Excellence
 - Past member, Board of Directors
 - Participated in panel presentation on federal preemption of tort claims at 2009 NFJE Symposium

- Author of Approximately 35 Feature Articles for DRI Publications:
 - *Five Myths About Appellate Lawyers*, For The Defense, DRI, 2025
 - *Moving Forward With DRI's Center for Law and Public Policy*, For The Defense, DRI, 2023
 - *Welcome News! The Supreme Court Proposes to Ditch the Amicus Brief Consent Requirement*, The Brief Case, DRI, 2022
 - *How Appellate Lawyers Can Use LinkedIn to Promote Their Practices*, Certworthy, DRI, 2020 (co-author)
 - *Email Do's & Don'ts for Lawyers*, The Voice, DRI, 2020
 - *Flat-Fee Legal Billing Can Liberate Attorneys*, For The Defense, DRI, 2020
 - *Newest Justices' Dueling Opinions Sparkle*, For The Defense, DRI, 2019
 - *A Broader View of the U.S. Supreme Court Bar*, Law360 (republished in For The Defense, DRI), 2019
 - *Justice Kavanaugh's Debut Supreme Court Opinion*, The Voice, DRI, 2019
 - *Why I Like Practicing Solo*, The Voice, DRI, 2018
 - *Collaborate Collegially on Legal Writing*, For The Defense, DRI, 2018
 - *In-House Counsel "Multi-Purpose" Communications Shielded from FTC Probe*, In-House Defense Quarterly, DRI, 2018
 - *Thinking Amicus*, For The Defense, DRI, 2018
 - *Learning The High Art Of Amicus Brief Writing*, For The Defense, DRI, 2017
 - *Update: DRI Amicus Committee*, For The Defense, DRI, 2017
 - *Tips For Conducting Attorney-Client Privileged Internal Investigations*, In-House Defense Quarterly, DRI, 2016
 - *How Technology Has Improved Legal Writing*, For The Defense, DRI, 2015
 - *Amicus Brief FAQs*, In-House Defense Quarterly, DRI, 2015
 - *Making Strategic Use of Amicus Briefs*, For The Defense, DRI, 2015
 - *How To Choose & Hire An Appellate Attorney*, In-House Defense Quarterly, DRI, 2015
 - *Can FIFRA Preemption Be Revived?*, For The Defense, DRI, 2015
 - *Untangling a "Little Snag" At the Supreme Court*, Certworthy, DRI, 2015
 - *A Federal District Court's Inverted View of Litigation Holds*, For The Defense, DRI, 2015
 - *Protecting Privileged Internal Investigation Communications*, In-House Defense Quarterly, DRI, 2014
 - *Supreme Court Still Divided Over How To Interpret Express Preemption Provisions*, DRI Today, DRI, 2014
 - *Defending Battlefield Contractors*, For The Defense, DRI, 2013
 - *How To Oppose A Cert Petition*, For The Defense, DRI, 2012
 - *The United States As Amicus Curiae: Making Uncle Sam Your New Best Friend*, Certworthy, DRI, 2011

List any significant leadership commitment and involvement within the legal field other than DRI, including but not limited to other legal organizations.

- Federation of Defense & Corporate Counsel
 - Chair, Appellate Law Section
 - Vice Chair, Amicus Committee
 - Member, Admissions Committee
- American Academy of Appellate Lawyers
 - Fellow & Past Newsletter Chair
- International Network of Boutique & Independent Law Firms
 - President, Washington, D.C. Chapter

Why do you wish to join the board of directors or become an officer and what skills, abilities and attributes identified in the Board of Director/Officer Competencies can you bring to the role?

During the past 14 years, I am privileged to have been appointed to a progression of DRI leadership roles. My increased responsibilities in each of these positions have afforded me a solid understanding of DRI's many interrelated components, as well as the opportunity to interact with a significant number of DRI leaders and members. I also have deepened my understanding, and in some ways have been able to help define or refine, DRI's overarching organizational objectives. These include the critical issues currently being addressed by The Center for Law and Public Policy (e.g., third-party litigation funding; the personal injury bar's efforts to bias the juror pool), and also what the Amicus Committee refers to as DRI's "core" advocacy issues (e.g., class-action fairness; civil litigation abuse).

I now would like to apply all I have learned about DRI over the years by becoming a National Director. Although I never before have run for a DRI elective position, I relish the opportunity to increase my commitment to DRI by collaborating with other Board members on the important policy issues that confront DRI now and in the future. I also look forward to the new opportunities that being a Board member will provide for meeting and interacting with additional DRI members from around the United States.

In terms competencies that would be beneficial to the Board, in addition to my legal writing and analytical skills, I excel at multitasking and "getting things done" in a timely and efficient manner. For example, I have organized and conducted many panel presentations on appellate litigation topics, including for a number of Appellate Advocacy Committee seminars.

I also enjoy marketing and promotional activities, as reflected by my efforts to elevate the profile of The Center when I was chair and vice chair. I have become adept at using LinkedIn and other online media for promotional purposes.

Perhaps most important, I always have worked with other attorneys in a collegial manner, even when we disagree, and certainly would adhere to that approach as a member of the Board.

I should add that having the perspective of a highly experienced and active appellate attorney will help to enhance and diversify the various practice-related perspectives currently represented on the Board.

What suggestions would you make to move the organization forward?

One of my long-term objectives has been to help increase the value of The Center for Law and Public Policy to DRI's members, including by elevating The Center's internal and external profile. During the past several years, DRI's Marketing & Communications Department has done an excellent job communicating The Center's activities and encouraging members to become actively involved in The Center's many issue-specific task forces and working groups.

Along the same lines, The Center, as "The Voice of the Defense Bar," can and should become a more prominent advocate on issues important to the civil defense bar by increasing the number of Supreme Court and federal court of appeals amicus briefs that the Amicus Committee files on behalf of The Center. To accomplish this, I believe that the Amicus Committee should transition to a pro bono model, meaning that the amicus briefs would be written by members of the Amicus Committee pro bono rather than for a fee of \$10,000 per brief. Since the Amicus Committee's annual budget is \$70,000 per year, only 7 briefs can be filed per year under the current system. Given the expanding importance of amicus brief activity, not only to appellate courts but also to DRI's members, limiting DRI to 7 briefs per year relegates us to the second or third string of amicus brief players. This is reflected in recent statistical surveys, where dozens of organizations are ahead of DRI in terms of the number of amicus briefs filed. I always have viewed being a member of the Amicus Committee as a distinct privilege, and in my opinion, each Committee member should commit to writing at least one pro bono amicus brief per year in return for that privilege. I recommend that beginning next October, the Amicus Committee use a pro bono model, at least on a trial basis for a year or two.

Describe one transformational/defining experience in your professional life you have been involved with and what you learned from that experience.

Without question, the most transformational/defining—as well as challenging and rewarding—professional decision that I ever have made was to depart “Big Law” after more than 40 years and launch my own solo-practice appellate litigation boutique in 2016. There is much that I have learned during these past 8 ½ years. For example:

- Being a solo practitioner is *not*, as I originally feared, a lonely experience. In fact, it has been exactly the opposite. Practicing solo has enabled me to devote as much time as I wish to professional organizations such as DRI. As a result, my professional contacts and friendships, and my contributions-in-kind to the profession, have multiplied exponentially.
- Unlike my experience at a Big Law firm, where all that seemed to matter was the amount of legal fees that I billed, I now am appreciated for the quality of my legal work. This has been especially true in connection with my work for the Atlantic Legal Foundation, for which I have authored about 70 amicus briefs during the past 5 years. I am proud that The Center and its Amicus Committee, as well as DRI’s executive and elected leadership, look to me as a thought-leader.
- I have learned how to use my organizational skills to run my own small business. This also has involved significantly upgrading my computer skills, and my social media (e.g., LinkedIn) presence.

Describe the greatest challenges and opportunities that lie ahead for DRI over the next five+ years.

1. I believe that one of DRI’s most important challenges—and opportunities—over the next several years will be for DRI to continue to be a welcoming home for *all* civil defense attorneys *regardless* of their individual political points of view. It’s no secret that the nation’s current, highly divisive political climate has spilled over to the legal community, where subjects such as “the rule of law” and “civil litigation abuse” have taken on a new, highly controversial meaning. In my opinion, DRI, and its various components, need to remain strictly nonpartisan and apolitical, both in reality and appearance.

There are plenty of other well-established organizations (e.g., the ABA), as well as ad hoc groups, available to individual lawyers who want to advocate a political point of view. But I like to think of DRI as a refuge, an oasis, from all of the political turmoil swirling around the legal community. Indeed, I believe that remaining neutral on political matters makes DRI an even more inclusive and diverse organization.

2. Another, and more obvious, challenge and opportunity will be for DRI to restore and increase the number of dues-paying members by enhancing and demonstrating the value of membership. Well-attended and affordable SLC seminars, as well as the ongoing work of The Center for Law and Public Policy, can play a major role in attracting and retaining members. The multitude of SLC leadership, speaking, and publication opportunities provided by DRI membership also needs to be promoted even more than in the past.

I also think that DRI's historical lack of members from "Big Law" firms should be studied and addressed. I do not understand why so many large firms apparently see less value in DRI membership than regional and smaller firms. In my view, a concerted, firm-by-firm effort should be made to attract large, national/global firms, including perhaps by offering group or discounted memberships. One point to emphasize is that many of these same firms repeatedly approach DRI for amicus support on their most important cases, but do little if anything to support DRI.

3. I also think that DRI should better define its role in the national civil defense bar community, for example, by better differentiating itself from FDCC, IADC, and LCJ. The same is true for explaining why DRI membership is different from, and adds value to, SLDO membership.

DRI strives to be governed by a diverse board of directors—in terms of race, ethnicity, age, gender, religion, sexual orientation, disability, location, and/or professional level, and other facts that enhance diversity and inclusion --- who can and will help advance DRI's goals through the power of collaboration. In what ways have you demonstrated a commitment to Diversity, Equity and Inclusion in your work, and how will your DE&I experience inform your contributions as a Board member?

I strongly believe in diversity & inclusion, and in equal opportunity for all individuals based on merit. For example, to increase diversity, last year I recruited one of nation's relatively few Cuban-American corporate CEOs to join the Atlantic Legal Foundation's Board of Directors. And for more than 30 years I have acted as a mentor to an African-American entrepreneur here in Washington, D.C. As a National Director, I will work to implement DRI's diversity & inclusion leadership and membership goals.

Is there anything else you would like to add that has not already been previously stated?

I have not attended a DRI substantive law seminar during the past 3 years. In light of my other significant recent and ongoing activities on behalf of DRI, I respectfully request that the 2-seminar requirement be waived for purposes of my candidacy, or alternatively, that if elected as a National Director, I be allowed to retroactively satisfy that requirement.

Thank you for your consideration.

Larry Ebner