



Joshua A. Claybourn

Member

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Joshua A. Claybourn is a Member focusing on intellectual property, renewable energy and utilities, commercial transactions, and state and local government. He practices out of the Firm's office in Evansville, Indiana. A genuine curiosity about business and people drives Claybourn's practice. He actively listens, learns, and provides timely guidance to execute business strategies.

As the Firm's intellectual property and licensing practice group leader, Claybourn provides counsel on trademarks, copyrights, trade secrets, and licensing. He ensures valuable brands and IP assets remain intact and commercially viable. His experience includes successful negotiations and litigation for a variety of IP infringements, licenses, and transfer agreements in business, banking, entertainment, and publishing.

Claybourn's clients range from small entrepreneurs to Fortune 500 companies. He serves as lead counsel for business formations, mergers and acquisitions, joint ventures, and economic development projects. In addition to traditional municipal finance transactions, Claybourn works on more difficult, complex projects involving public-private partnerships and state and local incentive packages. He also represents municipalities and units of government in utility, annexation, reorganization, funding, and budget issues.

Claybourn previously worked in-house with a large publicly traded energy company, providing substantial experience with utility law. He currently consults with renewable energy developers, municipal water and sewer utilities, and industrial consumers on supply agreements, contract disputes, leases, bond financings, zoning and land use, and regulatory approvals and rate cases. His rate case experience ranges from some of the largest utilities in the state to some of the smallest.

Indiana Lawyer named Claybourn an "Up and Coming" attorney in its first statewide award. His lifelong passion for learning appears not only in his workplace achievements, but also in his love of history — including research and books about Abraham Lincoln. He assists several history non-profit groups, has written and edited a variety of books on Abraham Lincoln, and has appeared on several national television documentaries about Lincoln.

Awards

- Indiana State Bar Association's Donald R. Lundberg Writing Award (2016)
- Indiana Lawyer's Leadership in Law Award, Up and Coming Lawyer (2007)
- Evansville Business Journal's "20 Under 40" (2010)

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Notable Legal Experience

Governmental and Municipal Law Experience

- Served as lead counsel for successful efforts by Chandler, Indiana, to annex substantial acreage west and east of town
- Served as bond counsel for \$9.5 million in waterworks utility revenue bonds issued for Chandler, Indiana
- Represents large corporations, business associations, cultural institutions, manufacturers, local governments and individual interactions with various governmental units and regulatory agencies
- Advises municipal clients concerning interlocal agreements entered into by and between units of government
- Drafted and successfully implemented the design of planning and zoning codes

Intellectual Property Experience

- Trademark portfolio management, intellectual property strategy counseling, and development of trademark seminars for several Fortune 500 companies and educational institutions
- Represents leading alcohol brands in trademark portfolio, as well as enforcement and protection of IP rights
- Represented and counseled a leading financial institution regarding IP rights and enforcement
- Conducted IP due diligence to confirm and coordinate filing of IP interests in extensive trademark portfolio of healthcare provider
- Represented and advised internet retailer in copyright litigation involving allegations photographs were impermissibly used to sell merchandise. Served as lead counsel and settled the case on favorable terms

Renewable Energy Experience

- Represented renewable energy developer in solar farm developments producing over 2.5 gigawatts on approximately 10,000 acres in Indiana and Illinois, assisting with drafting and negotiating lease terms and regulatory approvals for land-use
- Represented municipal landowner in 4 megawatt, \$6 million solar farm project on 15 acres in Evansville, Indiana, with drafting and negotiating lease terms, as well as land-use approval before the board of zoning appeals
- Represented municipality on 1.2 megawatt solar project utilizing the build-operate-transfer statute in Indiana Code 5-23-5 for public-private partnerships

Utility Experience

- Successfully represented the Town of Chandler's water rate case before the Indiana Utility Regulatory Commission (IURC) resulting in authority to issue approximately \$29,294,000 in bonds, notes, or other evidence of indebtedness and increase its rates and charges by approximately 45.51%
- Worked six years in-house with a Fortune 500 combination gas and electric utility handling all aspects of regulatory approvals before the IURC, including base rate and tracker cases
- Drafted and negotiated purchase power agreements
- Successfully negotiated agreement between two municipal utilities disputing service territory
- Served as lead counsel for regional sewer district addressing all aspects of legal issues for utility

Corporate Transactional Experience

- Represented purchaser in negotiation and acquisition of a utility pipeline company valued in excess of \$40 million
- Represented investors of a prominent high rise office building, handling all contract drafting and negotiation, as well as details of operating agreement issues
- Experience in a variety of transactional practice areas, including health law and physician contracts, drafting and negotiating purchase agreements, and other contract matters

Work History

- Jackson Kelly PLLC (2015-Present)
- Vectren Corporation (2009-2015)
- Rudolph, Fine, Porter & Johnson, LLP (2006-2009)

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Practices

- Business Law

- Economic Development
- Government Relations
- Intellectual Property & Licensing
- Municipal & Tax-Exempt Bonds
- Media
- Opportunity Zones
- Public-Private Partnerships
- Renewable Energy

Industries

- Public Finance
- Utilities
- Energy
- Cannabis Law

Education

- Indiana University McKinney School of Law (J.D., 2006)
Moot Court Honor Society
- Indiana University Kelley School of Business (B.S., 2003)

Admissions

- Indiana (2006)
- U.S. District Court, Southern District of Indiana (2006)
- U.S. District Court, Northern District of Indiana (2006)

Professional Organizations

- Evansville Bar Association
- Indiana Municipal Lawyers Association
- National Association of Bond Lawyers

Speaking Engagements & Publications

Professional Speaking Engagements

- "Trademarks, Flags, Municipal Seals, and Logos," Indiana Municipal Law Seminar (2019)
- "Doing Your Homework: Buying and Selling Municipal Property," Indiana League of Municipal Clerks and Treasurers (ILMCT) Institute Academy (2019)
- "Municipal Resolutions, Ordinances and Codifications," Indiana League of Municipal Clerks and Treasurers (2018)
- "Consolidation of Local Income Taxes," Jackson Kelly PLLC Municipal Law Seminar (2017)

Legal Writings and Publications

- "In defense of Hoosier home rule," *Indianapolis Star*, May 7, 2017
- "How Congress made it easier to sue Israel," *The Hill*, 2017
- "The Opportunities and Pitfalls of Local Human Rights Ordinances," *The Network*, a publication of the Indiana Bar Association (July 2016)

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Academic and History Presentations

- "Abe's Youth and the Indiana Lincoln Inquiry," Abraham Lincoln Association (2020)
- "Abe's Youth and the Indiana Lincoln Inquiry," Southern Indiana Civil War Roundtable (2019)

- “The Arc of Our New History,” Indiana Political Science Association (2017)
- “The American Presidency” (Roundtable), Indiana Political Science Association (2017)
- “Little Egypt Goes to War,” Southern Indiana Civil War Roundtable (2017)
- “Lincoln’s Almanac Trial,” Southern Indiana Civil War Roundtable (2015)
- “Post-Civil War Fraternities,” Southern Indiana Civil War Roundtable (2014)

Academic and History Writings and Publications

- *Abe's Youth: Collected Works from the Indiana Lincoln Inquiry*, Indiana University Press (2019)
- *Our American Story: The Search for a Shared National Narrative*, Potomac Books (2019)

Community

Current Professional and Civic Activities

- Indiana Municipal Lawyers Association, 2016–Present
- National Association of Bond Lawyers, 2016–Present
- Abraham Lincoln Association, Board of Directors, 2019–Present
- Abraham Lincoln Institute, Board of Directors, 2019–Present
- The Lincoln Forum, 2018–Present
- Evansville Sports Corp (director and secretary), 2010–Present
- Southern Indiana Civil War Roundtable (past chairman), 2014–Present
- WNIN Tri-State Public Media, Inc., 2021–Present
- Sons of Union Veterans of the Civil War (past camp commander), 2013–Present

Past Professional and Civic Activities

- Director, Newburgh Museum, 2014–2016
- Member, Newburgh Plan Commission, 2013–2015
- Trustee, President (2009 and 2012), and Treasurer (2008), Evansville Vanderburgh Public Library, 2006–2009, 2011–2013
- Transition Team, Mayor Lloyd Winnecke, 2012
- Evansville Vanderburgh Public Library Foundation, 2008–2013
- Governmental Affairs Committee, Chamber of Commerce of Southwestern Indiana
- Director, Evansville Museum of Arts, History and Science, 2010