

RESUME: ATTORNEY

W. ROBERT LOTZ
Attorney At Law
120 West Fifth Street
Covington, Kentucky 41011
(859) 491-2206 Fax: (859) 491-2234

EDUCATION

Legal: University of Wisconsin Law School
Madison, Wisconsin 53705
Average 85.71; Standing – upper 20%
Degree J.D. with honors, May 18, 1974.

Internship: Wisconsin Appellate Public Defender
Madison, Wisconsin, 1974

Undergraduate: Dartmouth College
Hanover, New Hampshire 03755
Degree – B.A. in English received Cum Laude with high
distinction in major field, June 1971.

BAR ADMISSIONS

Courts of Wisconsin – June 6, 1974 (no longer active);

Courts of Kentucky – May 6, 1975;

Supreme Court of the United States – April 2, 1979;

United States Courts of Appeal:
Sixth Circuit – October 18, 1974;
Seventh Circuit – November 6, 1974.

United States District Courts:
Eastern District of Kentucky
Western District of Kentucky
Eastern District of Wisconsin
Western District of Wisconsin

PROFESSIONAL EXPERIENCE

Sole practitioner: 1986 – present

Cobb & Oldfield: previous

213 E. 4th Street

Covington, Ky. 41011

Partner: 1979 – February 14, 1986

Associate: 1975- 1979

AREA OF EXPERIENCE: CRIMINAL

(1) Representation of professional and other defendants, (1975 – present), has represented numerous professionals and defendants in both State and Federal Courts and before Grand Juries with particular emphasis on the following areas:

- A) Conspiracy;
- B) Obstruction of Justice;
- C) Mail and Wire Fraud
- D) Perjury;
- E) Drug Offenses;
- F) Sexual Conduct Offenses;
- G) Child Abuse Offenses;
- H) Pornography Offenses;
- I) Tax Fraud;
- J) Bank Fraud;
- K) Assault and Domestic Violence;
- L) Weapons Offenses;
- M) Driving Under the Influence;
- N) Offender Registration Violations.

(2) Criminal record expungement. Continually assists persons previously convicted of crimes in Kentucky in having these convictions voided and/or expunged.

(3) Sexual offender registration. Continually assists persons in compliance with Kentucky offender registration laws and in seeking relief from registration requirements.

(4) Representation of Mentally Ill and Mentally Retarded, (1975 – present), has represented mentally ill and mentally retarded persons charged with crime.

- (5) Lead counsel in twelve homicide defenses, two of which involved potential death penalty.
- (6) DUI: Continual representation of clients charged with felony and misdemeanor Driving Under the Influence in Courts of Kenton, Campbell, Boone, Grant, and Pendleton Counties.
- (7) Consulting expert or legislative representative for 1982, 1984, 1986, 1988, 1992, 1994, 1996, 1998, 2000, 2002, 2004, 2005 and 2006 Kentucky Legislatures:
- (8) Drafter of Kentucky Home Incarceration Act (KRS 532.200 et seq) 1986 Legislature;
- (8) Appeals and post-conviction remedies:

Have briefed and argued criminal appeals at the Federal Appeals Court level and prepared petitions for certiorari and/or briefs to the United States Supreme Court and Supreme Courts of Wisconsin, Kentucky, Mississippi, and Court of Appeals of Kentucky.

AREA OF EXPERIENCE: CIVIL

- (1) Personal Injury – vehicular accident, Medical-legal
Example: Lead plaintiff’s counsel, Theresa Hervey vs. United States of America, (E.D. Wis.), Federal tort claims action for improper treatment of systemic lupus erythematosus; Judgment after trial, \$712,000.00.
- (2) Civil Rights
Examples: Plaintiff’s counsel in 1) Northern Kentucky strip search litigation; Judgment for injunctive relief and damages (E.D. Ky.), 2) Litigation challenging standards and procedures in emergency custody removals by State and County; Judgment for injunctive relief and damages (E.D. Ky.). Defense Counsel for law enforcement officers in multiple 1983 cases in U.S. District Court for the Eastern District of Kentucky, Northern Division.
- (3) Psychiatric – Mental Health Law
Example: Past President and Advocacy Chairman, Northern Kentucky Mental Health Association. Kentucky Legislature; participated in drafting and revisions of Kentucky Civil Commitment Laws.

(4) Sexual Misconduct
Plaintiff and defense counsel in actions concerning civil liability for sexual misconduct by therapists/pastoral counselors/parents.

(5) Alcoholic Beverage Licensing; Alcohol Litigation/Adult Entertainment; Representation of numerous nightclubs and adult entertainment establishments in Kentucky since 1975. Defense of licenses before the State Alcoholic Beverage Control Board. Declaratory Judgment actions on regulation of alcohol/adult entertainment establishments. Representation of Covington adult entertainment establishments in United States District Court, Ed. Ky. In 729 Inc. dba Rodneys et al vs. City of Covington Consent Decree entered 1999. Defense of licensed establishments in numerous personal injury lawsuits involving premises liability, nuisance, and dram shop liability.

(6) Professional Licensing: Representation and defense of professional clients before various state licensing boards including boards regulating physicians, nurses, psychologists, attorneys and teachers.

ASSOCIATED ACTIVITIES and POSITIONS:

(1) Legislative director, Kentucky Association of Criminal Defense Lawyers, 1994, 1996, 1998, 2000, 2002, 2004, 2005 and 2006. Chair Legislative Committee, Kentucky Association of Criminal Defense Lawyers, 1991 – 1993, 1995 – present; President 1992; President elect 1991; Vice President 1990, 1994, 1996; Organization Chair 1987- 1990; Founding Director 1987. Director Exofficio: Current

(2) Member appointed by Brereton Jones, Governor of Kentucky June 1993 Gubernatorial Task Force on the delivery and Funding of Quality Defender Services 1993, 1994.

(3) Advisor Kentucky Attorney General's Task Force on Child Sexual Abuse November 1992 through March 1993.

(4) Consultant: National Institute of Justice and Koba Associates, Inc. Law and Justice Division 1985 – 1991.

(5) Member: Committee created by Hon. Robert Stephens, Chief Justice, Kentucky Supreme Court, to draft rules of ethics for the defense and prosecution of criminal cases 1988 – 1990.

- (6) Children's Law Center Incorporated: Advisory Committee Ethical Representation of Children 1996- 1998.
- (7) Panel Member "Tried and True Practice Tips from Past Presidents of KACDL" Kentucky Association of Criminal Defense Lawyers, Oct 28, 2011, Horseshoe Indiana.
- (8) Seminar speaker "HB 463 and Potential Appellate Issues" Northern Kentucky Bar Association. June 28, 2011, Covington, Kentucky.
- (9) Seminar speaker: "Defense Strategies for the Year 2006", Kentucky Association of Criminal Defense Lawyers. Videotape presentation to multiple sites statewide, June, 2006.
- (10) Speaker: "Defense Strategies and the 2005 Legislative Session", Kentucky Association of Criminal Defense Lawyers, Covington, Kentucky, June 10, 2005. Videotape presentation to multiple sites statewide.
- (11) Seminar speaker "2004 Legislative Update" Kentucky Association of Criminal Defense Lawyers, Louisville, Kentucky, May 21, 2004. Videotape presentation to multiple sites statewide.
- (12) Panel Member "The Ethics of Media Interaction in the practice of law." Kentucky Bar Association update 2002. December 4, 2002 Covington, Kentucky.
- (13) Speaker "Defense Strategies and Ethics for the year 2002." Kentucky Association of Criminal Defense Lawyers. April 30, 2002, videotape presentation to multiple sites statewide May-June, 2002.
- (14) Seminar speaker "DUI: Recent Legislative Changes and Practical Implication" Kentucky Bar Association, Kentucky Law Update 2000, Ashland, Ky. September 27, 2000.
- (15) Seminar Speaker "Plea Bargaining under the new DUI Bill" "2000 Legislative Changes/DUI Bill" Kentucky Association of Criminal Defense Lawyers, Lexington, Ky. August 18, 2000 videotape presentation to multiple sites statewide September – October 2000.
- (16) Seminar Speaker "2000 Legislative Changes: DUI Defense under Kentucky's New DUI Bill" Kentucky Association of Criminal Defense Lawyers, Covington, Ky. April 26, 2000, Louisville, Ky. April 28, 2000, videotape presentation to multiple sites statewide May – June 2000.

- (17) Seminar Speaker “Disability to possess firearms resulting from acts of domestic violence under 18 U.S.C. Section 922(d). Keeping or restoring a client’s right to bear arms (with Thomas Niecamp) Kentucky Association of Criminal Defense Lawyers 1998 Criminal Defense Conference, Louisville, Ky. November, 1998.
- (18) Panelist “The 1998 Kentucky Crime Bill” Kentucky Bar Association Update 98, videotape presentation to multiple sites statewide September – December 1998.
- (19) Speaker “1998 Legislative Changes” Kentucky Association of Criminal Defense Lawyers, Spring C.L.E., videotape presentation to multiple sites statewide of presentation May 29, 1998 Louisville, Ky.
- (20) Speaker “Bills effecting DUI Defense before the 1998 Legislative Session” Northern Kentucky Bar Association Seminar on Kentucky DUI Law, May 29, 1998 Covington, Ky.
- (21) Speaker “The Handling of Physical Evidence (Ethics)” (with Charles Schaffner). Kentucky Association of Criminal Defense Lawyers 11th Annual Criminal Defense Conference, November 21, 1997, Covington, Ky.
- (22) Panel Member: “The Child Witness; Ethics of Guardian Ad Litem” Salmon P. Chase College of Law, Children’s Law Clinic, Crestview Hills, Ky. September 5, 1997.
- (23) Seminar Speaker – “Kentucky Law Update, Criminal Law” Kentucky Bar Association, Covington, Ky. September 26, 1996, October 8, 1996.
- (24) “Panel Member Seminar on Domestic Violence Legislation, Kentucky Legislative Research Commission, Frankfort, Ky. June 14, 1996.
- (25) Seminar Speaker: “Fighting Extraditions in State Court and the Use of Habeas Corpus Petitions” Kentucky Association of Criminal Defense Law Conference, Ft. Mitchell, Ky. June 23, 1994.
- (26) Seminar Speaker: “Handling Criminal Matters in the Small and Solo Practice/Brain Storming and Ethical Issues for the Sole Practitioner” 1994 Kentucky Bar Association, Annual Convention, Frankfort, Ky. June 23, 1994.

- (27) Seminar Speaker: “Legislative Changes, Issues, and Trends” Kentucky Department of Public Advocacy 22nd Annual Public Defender Training Conference, Florence, Ky. June 20, 1994.
- (28) Seminar Speaker: “New Criminal Laws/DUI Case Law/District Court Litigation”, Kentucky Association of Criminal Defense Lawyers, Louisville, Ky. May 16, 1994, Ft. Mitchell, Ky. May 2, 1994.
- (29) Panelist: “Child Sexual Abuse: Facing Up To Our Future” Kentucky Bar Association Annual Convention, Louisville, Ky. June 16, 1993.
- (30) Seminar Speaker: “Sexual Misconduct By Attorneys, Do We Need Clearer Ethical Rules?” Kentucky Academy of Trial Attorneys, Criminal Law Seminar, Louisville, Ky. June 16, 1993.
- (31) Seminar Speaker: “Defense Counsel’s Ethical Obligation to be a Counselor as well as Advocate, Role and Technique of legal-personal counselor” Kentucky Association of Criminal Defense Lawyers, 6th Annual Defense Law Conference Louisville, Ky. November 20, 1992.
- (32) Seminar Speaker: “Whose Life Is It Anyway? Legal Ethics, Personal Morality and Attorney-Client disagreements over the important decisions”. National Association of Criminal Defense Lawyers, Fall Meeting Newport, Rhode Island, November 5, 1992.
- (33) Speaker “Incentives to Attack Drug Crimes/Forfeiture Laws” National Conference of State Legislatures 18th Annual Meeting Committee on Law and Justice, July 26, 1992.
- (34) Seminar Speaker: “Criminal Law: Legislative Update” Salmon P. Chase College of Law. May 22, 1992.
- (35) Seminar Speaker: “1992 Legislature. The New Criminal Laws” Kentucky Association of Criminal Defense Lawyers Spring Seminar. April 27, 1992.
- (36) Seminar Speaker: “Criminal Forfeiture” 5th Annual Defense Law Conference, Kentucky Association of Criminal Defense Lawyers December 6, 1991.
- (37) Seminar Speaker: “Challenging Physical Evidence of Sexual Assault or Abuse” Kentucky Department of Public Advocacy 19th Annual Public Defenders Conference, June 3, 1991.

- (38) Seminar Speaker: “Ethical Issues in Representation of Parents in Dependency, Neglect, and Abuse Proceedings”, Legal Representation in Dependency, Neglect, and Abuse Proceedings Seminar Northern Kentucky Children’s Law Center Inc. and Northern Kentucky Bar Association, January, 1991.
- (39) Seminar Speaker: “Technique, Things You Learn the Hard Way” Practical Aspects of Criminal Law Seminar, Salmon P. Chase College of Law. January 19, 1990.
- (40) Seminar Speaker: “Defending Child Sexual Abuse” Kentucky Association of Criminal Defense Lawyers Annual Seminar Florence, Ky. December 1, 1989.
- (41) Panel Member, First Annual Fall Forensic Conference, “The Mentally Ill Violator: Criminal Justice and Mental Health System Interaction” Louisville, Ky. September 29, 1989.
- (42) Seminar Speaker: “Law Office Management” Salmon P. Chase College of Law. April 28, 1989.
- (43) Seminar Speaker: “The Intoxication Defense: D.U.I. and Substance Abuse Seminar”. Salmon P. Chase College of Law. December 5, 1987.
- (44) Panel member: “Criminal Sentencing Procedures: are there better alternatives?” Kentucky Bar Association Annual Convention, Louisville, Kentucky. June 12, 1987.
- (45) Speaker: “Insanity Defense: Problems and Prospects” Salmon P. Chase College of Law. April 23, 1987.
- (46) Speaker: “Insanity Defense: Problems and Prospects” Xavier University, Department of Criminal Justice, October 6, 1986.
- (47) Seminar Speaker: “Civil Rights – Section 1983, Related Causes of Action” Salmon P. Chase College of Law. September 12, 1986.
- (48) Seminar Speaker: “The Use of Child Witnesses: The Competency of Children/Alternative Methods of Presenting Their Testimony” Salmon P. Chase College of Law. Seminar of Child Abuse and Legal System. April 4, 1986.
- (49) Speaker: “Child Abuse in the Criminal Justice System – The psychologist’s role” Cincinnati Society of Child Clinical Psychologists. November 21, 1985.

- (50) Seminar Speaker and Presenter: “Expert Testimony in Sex Abuse Cases, Forensic and Mental” Kentucky Office for Public Advocacy, Defense of Sex Abuse Training Seminar. September 23, 1985.
- (51) Speaker: “What Are We Learning From the In-House Incarceration Project” Kentucky Jailer’s Association Third Annual Jail Improvement Conference. July 24, 1985.
- (52) Seminar Speaker and Presenter: “The Defense of Involuntary Commitments” Kentucky Office for Public Advocacy, District Court Practice Seminar. February 28, 1985.
- (53) Special Instructor in cross-examination techniques 1983 Public Defender Seminar Kentucky Office for Public Advocacy.
- (54) Coordinator: Kenton County, Kentucky Home Incarceration Test Program, January 1985.
- (55) Seminar Speaker and Presenter: “The Insanity Defense, Guilty, But Mentally Ill and Incompetency to Stand Trial” given separately to Kenton County Public Defenders and Kentucky County Commonwealth Attorney’s Office, Spring, 1982.
- (56) Special Speaker in individual classes at Northern Kentucky University for Frank Trusty (Criminal Law) and J. Robert Lilly (Sociology) 1981-1983, present.
- (57) Co-founder, Northern Kentucky Alliance for the Mentally Ill. (Support group for families of the Chronically Mentally Ill), 1983.
- (58) Founder, Prisoner’s Mental Health Coalition, 1980.

PUBLICATIONS:

- (1) “1996 General Assembly Action” The Advocate Vol. 18 No. 4, July 1996.
- (2) “A Survey of Criminal Law Statutes enacted in 1992” Northern Kentucky Law Review Vol. 20 No. 3, 1993 pages 745-764.
- (3) “Mental Health Treatment” Chapter 7.4 Questions and Answers about Children and the Law of Kentucky a Guide for Parents and Citizens, Kentucky Bar Association (1991).

(4) “Alternative Sentencing: A Practitioner’s Guide” Book Review – Lotz, W. Robert, Northern Kentucky Law Review Vol. 16 No. 2, 1989.

(5) “Setting the Record Straight: Comments on Berry’s Electronic Jail” Lilly, J. Robert; Ball, Richard A.; Lotz, W. Robert, Criminal Justice Quarterly, September, 1986.

ASSOCIATIONS and MEMBERSHIPS:

President, Northern Kentucky Mental Health Association 1984/1985;
Advocacy Chair 1981-1983, 1985-1987; Board of Directors 1981-1987;
Advocacy Committee (Former); Director (Former).

Director: CECCO Trading Company Milwaukee, Wisconsin (Former).

Member of Advisory and Planning Committee Children’s Law Center,
Covington, Ky. 1995-2001.

Advisory Board Member: National Pastoral Counseling Institute, Ft.
Thomas, Ky. 1988-1990.

Director: Mental Health Association of Kentucky 1984/1985.

Community Chest of Northern Kentucky, Government Relations
Committee 1983-1987.

Kentucky Bar Association

Northern Kentucky Bar Association

Chairman – Prisoner’s Mental Health Coalition 1980/1982.

Dartmouth Lawyer’s Association

Dartmouth Alumni Association

Casque & Guantlet Alumni Association

AWARDS:

Nelson Mandela Lifetime Achievement Award, Commonwealth of
Kentucky, Department of Public Advocacy 2004.

Presidential Award - Kentucky Association of Criminal Defense Lawyers,
1998.

Frank E. Haddad, Jr. Award – For outstanding contribution to the practice of Criminal Defense Law in Kentucky – Kentucky Association of Criminal Defense Lawyers, 1994.

Outstanding Citizen Award - Northern Kentucky Branch National Association of Social Workers, 1990.

Best of Cincinnati Award – “Best Mouthpiece” Cincinnati Magazine, 1989.

Agency Volunteer Award – United Way and Community Chest, 1988.

Presidential Award – Mental Health Association of Northern Kentucky, 1988.

Presidential Award – Mental Health Association of Northern Kentucky, 1982.