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Professional Experience

James Petersen's primary practice concentration is litigation. He has handled a diverse case load including insurance coverage cases, securities and commercial litigation, franchise disputes, creditors' rights disputes, and product liability suits.

Petersen has handled a variety of matters before NASD and AAA arbitration panels involving insurance, construction and customer claims in the securities industry. Petersen has litigated before Indiana's state and federal courts, and has represented clients in numerous appeals, including matters before the United States Supreme Court and the Indiana Supreme Court. Several of his cases have set legal precedent.

Petersen is a speaker and author on various topics related to litigation, including tort reform, insurance coverage, franchising and product liability.

Born in Bloomington, Ill., Petersen obtained his Bachelor of Arts from Illinois State University. He received his Master of Arts from the University of Illinois at Springfield. He obtained his juris doctorate from Indiana University School of Law, where he graduated magna cum laude and was inducted into the Order of the Coif. While in law school he was an associate editor for the *Indiana Law Journal*.

Petersen joined Ice Miller in 1976. He is admitted to practice law in Florida and Indiana.

Education

Bachelor of Arts, Illinois State University (1970)
Master of Arts, University of Illinois (1973)
Indiana University School of Law-Bloomington (1976)

Admitted to Practice

Florida, Indiana, The Supreme Court of the United States, United States Court of Appeals for the Seventh Circuit, United States District Court - Southern District of Indiana

Professional Associations

Symposium Organizing Committee, International Franchise Association
Member, Indiana Bar Association
Member, Florida Bar Association
Past Member, Defense Trial Counsel of Indiana
Past Co-Chair, Products Liability Committee, Defense Trial Counsel of Indiana
Diplomat, Defense Trial Counsel of Indiana, 1997
Past Member, International Association of Defense Counsel
Member, American College of Trial Lawyers
Board Member, The Business Counsel, Inc.

Awards and Recognitions

Elected to the American College of Trial Lawyers,
Who's Who in America
Elected a Diplomat of the Indiana Association of Defense Counsel
The Best Lawyers in America, Commercial Litigation, 2008 and 2009
Indiana Super Lawyer, 2006-2009

Published In

Co-Authored, "Survey of Recent Developments in Indiana Product Liability Law," *Indiana L. Rev.*, 2006, 2007 and 2008
Co-Authored, "Advise Clients Prior to Disaster (an article about Business Interruption Claims)," *The Indiana Lawyer*, April 2006
"Effective Use of Demonstrative Exhibits," Indiana Continuing Legal Education Forum Seminar, November 2005
Co-Authored, "Claims Under Little FTC Acts," American Bar Association Forum on Franchising, October 2005
"Covenants Against Competition in Franchise Agreements: Indiana," American Bar Association Forum on Franchising, 2003
"Standard for Design Defects – A State-by-State Survey: Indian," American Bar Association, 2003
"A Survey of Indiana's Franchise Law for the General Practitioner," , 45 *RES GESTAE* 10, 28, 2002
"State Tying Claims: Do You Know What May Be Lurking?" American Bar Association, 2002
"The Law of Spoliation of Evidence: Indiana," American Bar Association, 2002
"Defining the Scope of Commercial Insurance Contracts," *Insurance Advocate*, 2001

"Indiana Becomes a Notice Filing State," *The Franchise Lawyer*, 2001
"The Battle of the Forms: What Your Business Should Know," *Ice Miller Litigation News*, 2001
"Considerations Relating to Conducting Business with Franchises," *Ice Miller Litigation News*, June 2001
"Recent Developments in Indiana Insurance Law: Bad Faith Liability," *Ice Miller Litigation News*, May 2001
"Civil Penalties for Spoliation of Evidence in Indiana," *Ice Miller Litigation News*, January 2001
"Franchisor Can Talk to Franchisee's Prospective Buyer," *The Franchise Lawyer*, 2000
"Component Part Manufacturer and Bulk Supplier Liability in Product Liability: A Fifty-State Survey," American Bar Association, 1999
"Law Governing Liability of Component Part Manufacturers," *The Indiana Lawyer*, 1999
"Product Liability and Tort Reform," *The Indiana Lawyer*, July 1998
"Avoiding Product Liability Claims," *Indianapolis Business Journal*
"The Risk Utility Test in Indiana Product Liability Law," *The Indiana Lawyer*, 1996
"Introduction to Indiana Practitioner Series: Personal Injury and Torts," 1996
"Tort Reform, Act No. 1741," *The Indiana Lawyer*, May 1995
"Product Liability, A Guide for Foreign Individuals and Entities Desiring to Establish Business Operations in the United States of America," 1989

Speaking Engagements

"A Fresh Look Into D&O and EPL Coverages for Private Companies," December 2008
"Executive Liability and Insurance Matters," AON Risk Services, Inc. of Indiana D&O Executive Roundtable Discussion, D&O Exposures in a Climate of Increasing Corporate Governance and Litigation Severity, July 2006
"Effective Use of Demonstrative Exhibits," Indiana Continuing Legal Education Forum Seminar, November 2005
"Can a Product Liability Issue Amount to an Unfair Trade Practice? A Review of Recent Case Law," Manufacturers Alliance/MAPI, Product Liability Safety Council, October 2005
"Electronic Discovery – Overview, Developments, and Recent Case Law," Manufacturers Alliance/MAPI Law Council, October 2005
"Specialized Lines of Insurance Coverage," Lorman Education Services Insurance Law in Indiana Seminar, February 2003
"Product Liability and Tort Reform," DTCI Seminar, Fall 1998
"Presenting the Municipal Case," ICLEF Municipal Law, 1988
"Processing the Routine Negligence Case from Receipt to Settlement," Speech at ICLEF Strategies for Representing the Routine Negligence Case, 1984

Community Involvement

Former Board Member and President (1998-1999), Alumni Association, Indiana University School of Law
Founder, Former Board Member and President (1981-1983), United Cerebral Palsy Foundation
Former Board Member and President (1988-1990), United Cerebral Palsy of Central Indiana
Participant, Stanley K. Lacy Leadership Series
Indiana University Board of Visitors
Former Board Member and President (1990-1992), Illinois State University Alumni Association
Founder, Former Board Member and Past President, the Hawthorns Golf & Country Club
The Nature Conservancy
Volunteer and Past Committee Chair, RCA Championships ATP Tennis Tournament
Witsken Tennis Center Committee
Hamilton County Republican Party

Reported Cases

United States Supreme Court

Bunker v. National Gypsum Co., No. 82-1243, SUPREME COURT OF THE UNITED STATES, 460 U.S. 1076; 103 S. Ct. 1761; 76 L. Ed. 2d 338; 1983 U.S. LEXIS 3854; 51 U.S.L.W. 3756, April 18, 1983, Decided.

United States Court of Appeals for the Seventh Circuit

Allen v. LTV Steel Co., No. 02-4094, UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT, 68 Fed. Appx. 718; 2003 U.S. App. LEXIS 12349, April 16, 2003, Argued , June 17, 2003, Decided.

United States Fire Insurance Co. v. Barker Car Rental, No. 97-3810, UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT, 132 F.3d 1153; 1997 U.S. App. LEXIS 35537, Dec. 17, 1997, Decided.

Anderson v. P.A. Radocy & Sons Inc., No. 94-3612, UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT, 67 F.3d 619; 1995 U.S. App. LEXIS 27652; CCH Prod. Liab. Rep. P14,355, May 31, 1995, Argued , Sept. 29, 1995, Decided.

Bates v. The Baltimore & Ohio Railroad Co., No. 92-3328, UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT, 9 F.3d 29; 1993 U.S. App. LEXIS 28578; 144 L.R.R.M. 2642; 126 Lab. Cas. (CCH) P10,898, May 3, 1993, Argued, Nov. 2, 1993, Decided.

Dillon v. Combs, No. 89-2550, UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT, 895 F.2d 1175; 1990 U.S. App. LEXIS 2241 January 26, 1990, Argued, Feb. 15, 1990, Decided, April 3, 1990, Rehearing Denied.

United States District Courts in Indiana

Abbas v. RIH Acquisitions IN, LLC, No. 2:06-cv-315JM, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA, HAMMOND DIVISION, 2007 U.S. Dist. LEXIS 22701, March 27, 2007, Decided.

Slurry Systems v. Berminghammer Foundation Equipment, No. 2:04-CV-456 PPS, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA, HAMMOND DIVISION, 2005 U.S. Dist. LEXIS 20238, Sept. 14 2005, Decided.

Blimpie International, Inc. v. Butterworth, No. 1:05-CV-0131-JDT-WTL, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, INDIANAPOLIS DIVISION, 2005 U.S. Dist. LEXIS 5445, March 9, 2005, Decided.

Creative Foods of Indiana, Inc. v. My Favorite Muffin, Too, Inc., No. IP 01-0228-C-T/K, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, INDIANAPOLIS DIVISION, 2002 U.S. Dist. LEXIS 2815, Jan. 14, 2002, Decided.

Creative Foods of Indiana, Inc. v. My Favorite Muffin, Too, Inc., DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, INDIANAPOLIS DIVISION, 2002 U.S. Dist. LEXIS 2816, Jan. 14, 2002, Decided.

Continental Western Insurance Co. v. Reliance National Indemnity Co., No. 2:99-CV-102-RL-2, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA, HAMMOND DIVISION, 141 F. Supp. 2d 968; 2001 U.S. Dist. LEXIS 6232, May 8, 2001, Decided.

The Daiei, Inc. v. Ball Corp., No. EV 98-177-C-B/H, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, EVANSVILLE DIVISION, 198 F.R.D. 658; 2001 U.S. Dist. LEXIS 1401, Feb. 5, 2001, Decided; Nunc Pro Tunc Jan. 31, 2001.

Pryor v. Resort Condominiums International, Inc., No. IP98-1370-C-T/G, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, INDIANAPOLIS DIVISION, 2000 U.S. Dist. LEXIS 10199, July 19, 2000, Decided, For Electronic Publication Only.

Peters v. Systems Specialized Carriers, Inc., No. 4:94-cv-68AS, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA, HAMMOND DIVISION, 1996 U.S. Dist. LEXIS 18030, Sept. 17, 1996, Decided.

Peters v. Systems Specializes Carriers, Inc., No. 4:94-cv-68AS, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA, HAMMOND DIVISION, 1996 U.S. Dist. LEXIS 5502, April 9, 1996, Decided.

Hamilton v. Ontario Forge Corp., No. IP 91-36-C, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, INDIANAPOLIS DIVISION, 794 F. Supp. 291; 1992 U.S. Dist. LEXIS 9634, April 20, 1992, Decided.

Indiana Supreme Court

Wine-Settergren v. Lamey, No. 49S04-9909-CV-489, SUPREME COURT OF INDIANA, 716 N.E.2d 381; 1999 Ind. LEXIS 800, Sept. 22, 1999, Decided.

Allied Resin Corp. v. Waltz, No. 06S01-9107-CV-539, SUPREME COURT OF INDIANA, 574 N.E.2d 913; 1991 Ind. LEXIS 131; CCH Prod. Liab. Rep. P12,857, July 11, 1991, Filed.

Stropes v. Heritage House Childrens Center, Inc., No. 41S04-8912-CV-893, SUPREME COURT OF INDIANA, 547 N.E.2d 244; 1989 Ind. LEXIS 356, Dec. 5, 1989, Filed.

Bunker v. National Gypsum Co., No. 1082 S 403, No. 2-680 A 179, SUPREME COURT OF INDIANA, 441 N.E.2d 8; 1982 Ind. LEXIS 985, Oct. 26, 1982, Filed.

Bridges v. Kentucky Stone Co., Supreme Court No. 981S 225, SUPREME COURT OF INDIANA, 425 N.E.2d 125; 1981 Ind. LEXIS 825, Sept. 1, 1981, Filed.

Indiana Court of Appeals

Blimpie International, Inc. v. Choj, No. 29A05-0305-CV-260 , COURT OF APPEALS OF INDIANA, FIFTH DISTRICT, 822 N.E.2d 1091; 2005 Ind. App. LEXIS 282, Feb. 28, 2005, Decided.

Shannon v. Vogue Cleaners and Sign Pros of Muncie, Inc., No. 18A02-0002-CV-90, COURT OF APPEALS OF INDIANA, SECOND DISTRICT, 742 N.E.2d 43; 2000 Ind. App. LEXIS 2213, Dec. 27, 2000, Decided, June 20, 2001, Transfer Denied, Not For Publication.

Hague v. Curran Roofing Company, Inc., No. 18A02-9807-CV-606, COURT OF APPEALS OF INDIANA, SECOND DISTRICT, 714 N.E.2d 314; 1999 Ind. App. LEXIS 968, June 8, 1999, Decided, Not For Publication.

O'Donnell v. American Employers Ins., No. 09A02-9211-CV-536, COURT OF APPEALS OF INDIANA, SECOND DISTRICT, 622 N.E.2d 570; 1993 Ind. App. LEXIS 1276, Oct. 28, 1993, Filed, Jan. 28, 1994, Rehearing Denied, April 19, 1994, Transfer Denied.

Ramon v. Glenroy Construction Company, Inc., No. 54A01-9206-CV-181, COURT OF APPEALS OF INDIANA, FIRST DISTRICT, 609 N.E.2d 1123; 1993 Ind. App. LEXIS 148, March 3, 1993, Filed, May 18, 1993, Transfer Denied.

Rasp v. Hidden Valley Lake, Inc., No. 15A04-8702-CV-53, COURT OF APPEALS OF INDIANA, FOURTH DISTRICT, 519 N.E.2d 153; 1988 Ind. App. LEXIS 97, Feb. 10, 1988, Filed, As Amended Feb. 12, 1988; March 8, 1988, Rehearing Denied.

Black v. Seaboard System Railroad, No. 2-785 A 237, COURT OF APPEALS OF INDIANA, FIRST DISTRICT, 487 N.E.2d 468; 1986 Ind. App. LEXIS 2241, Jan. 14, 1986, Filed, Feb. 14, 1986, Rehearing Denied; May 23, 1986, Transfer Denied.

RAM Broadcasting of Indiana, Inc. v. Digital Paging Systems, Inc., No. 2-1182 A 373, COURT OF APPEALS OF INDIANA, FIRST DISTRICT, 463 N.E.2d 1104; 1984 Ind. App. LEXIS 2646, May 15, 1984, Filed.

RAM Broadcasting of Indiana, Inc. v. Digital Paging Systems, Inc., No. 2-782 A 207, COURT OF APPEALS OF INDIANA, FIRST DISTRICT, 464 N.E.2d 336; 1984 Ind. App. LEXIS 2670, April 26, 1984, Filed.

Ang v. Hospital Corporation of America, No. 1-379A96, COURT OF APPEALS OF INDIANA, 182 Ind. App. 381; 395 N.E.2d 441; 1979 Ind. App. LEXIS 1352; 72 Ind. Dec. 16, Oct. 11, 1979, Filed, Dec. 4, 1979, Rehearing Denied; April 29, 1980, Transfer Denied.

Costanzi v. Ryan, No. 1-777A135, COURT OF APPEALS OF INDIANA, 175 Ind. App. 257; 370 N.E.2d 1333; 1978 Ind. App. LEXIS 782, Jan. 3, 1978, Filed.

Costanzi v. Ryan No. 1-777A135, COURT OF APPEALS OF INDIANA, 174 Ind. App. 454; 368 N.E.2d 12; 1977 Ind. App. LEXIS 994, Oct. 13, 1977, Filed.

Bar Committees

Litigation Section, American Bar Association

Business Section, American Bar Association

Forum Committee on Franchising, American Bar Association

Internal Committees

Practice Group Chair, Insurance Law and Regulation Practice Group

Practice Group Chair, Franchise Practice Group

Practice Group Member, Products Liability Practice Group