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PROFILE

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"When a person has an invention, that creation is almost as important as a biological child to that creator. I know that. I did that, and I suppose that's one way I'm able to relate to folks."

PURSUING HIS PASSION

James R. Higgins Jr.

Attorney, Middleton Reutlinger PSC

Personal

Wife: Betty Higgins

Children: Son, Brennan Higgins, 36; daughter, Suzette Miguel, 31; four stepsons

Birth date: Feb. 1, 1943

Hometown: Berea, Ohio

Residence: Middletown

Education: Bachelor's degree, ceramic engineering, Alfred University, Alfred, N.Y., 1965; juris doctorate cum laude, University of Louisville Louis D. Brandeis School of Law, 1978

Career shift: "When an engineer, you're disciplined to look for the answer. As a lawyer, you learn that there are likely many different answers, so you search for the one that works best for the present situation. ... I have the logic that a technical education will deliver, but ultimately, I learned that the law is a living, breathing creature."

Professional affiliations: Member, Louisville Bar Association and American Bar Association

Tennis champion: Although Higgins likes to joke that his tennis game peaked in 1964, he continues to play competitively. In 1997, he was a member of the team that won the senior level of the U.S. Tennis Association's national championship.

Favorite movies: "Grand Canyon" and "October Sky"

Favorite TV show: "Law & Order," because sometimes the lawyers lose

Dream lunch date: Abraham Lincoln. "I would want to know where he got his perseverance."

Pet peeve: People who have an inflated view of their own self-importance

Personal regret: "I feel like something's missing in my life because I never served my country." He is concerned that his age might limit his options at this point, but he would like to serve in some capacity, even if it's teaching in a military institute.

Career

1985-present: Attorney, Middleton Reutlinger PSC

1981-99: Adjunct professor, University of Louisville's Louis D. Brandeis School of law

1979-85: Attorney, Wyatt Tarrant & Combs LLP



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In 1985 Jim Higgins became Middleton Reutlinger PSC's first patent and trademark attorney.

1965-79: Various positions, culminating as development engineer, Corhart Refractories Co.

What they said

Charlie Middleton, chairman of the management committee for Middleton Reutlinger: "I call him 'Professor Higgins' because he's like an encyclopedia. He's a great resource."

Bill Wigert, longtime friend and a California attorney: "He's a real straight shooter.... You treat him square, and he'll treat you square."

John Brzytwa, longtime friend and a Cleveland attorney: "He values old relationships. There's not a person that he doesn't remember. My mother died two weeks ago, and there was a sympathy card from Jim. That's just the kind of guy he is."

HIGGINS: Firm chairman says patent attorney ‘was a little ahead of his time’

BY SARAH JEFFORDS
BUSINESS FIRST STAFF WRITER

In many respects, James Higgins Jr.’s story is reminiscent of one of John Grisham’s famous lawyer novels — small-town attorney takes on a corporate giant, triumphing with a landmark U.S. Supreme Court ruling.

Higgins, a 63-year-old trademark and patent attorney with Louisville law firm Middleton Reutlinger PSC, found himself in the public eye in November 2003 when he argued a trademark case against the Victoria’s Secret retail chain in front of the high court.

The move was a risk for Higgins, a former engineer who became a lawyer after working his way through night school at University of Louisville’s Louis D. Brandeis School of Law.

A Supreme Court rookie, Higgins was trying the case on behalf of a small Elizabethtown, Ky., retailer named Victor’s Secret. Higgins’ opponent was trying his 16th case at that level and represented the biggest name in women’s lingerie.

To add to the tension, other trademark professionals and associations had aligned themselves against Higgins, thinking he didn’t have a case on which to stand.

But when reminded of his predicament, Higgins says, he countered with: “The law is one place where reason out-trumps power.”

Up to the challenge

His strategy was to present an intellectual argument that didn’t rehash what had been stated in written documents and that wasn’t even part of the then-existing fabric of the law.

When a well-prepared Higgins walked in that courtroom, he refused to be intimidated by the arena.

He says that part of his courage stems from the fact that he was no stranger to the spotlight. At age 20, he performed in front of thousands of overseas troops as part of a singing group that won a USO contract during the summer of 1963.

Then, in recent years, he has entertained many a crowd as a member of the Thoroughbred Chorus.

Higgins also has been tested before. For nearly 20 years of his law career, he doubled as an adjunct law professor at the University

Attorney Jim Higgins fulfills his dream by helping others reach theirs

of Louisville, and he quickly learned that “those bright young students will knock you down in a minute if you’re not prepared.”

Higgins won the case, and everyone wanted to talk to the guy who had beaten Victoria’s Secret.

“I was on the rubber-chicken circuit for a while,” Higgins says casually, downplaying the fact that NBC-TV’s “Today” program, The Wall Street Journal and the Christian Science Monitor were among the media outlets clamoring for interviews.

The win also impressed California patent attorney Bill Wigert, who has known Higgins since the two were teenagers, growing up in Berea, Ohio.

Wigert says he and Higgins were good friends in high school but had lost touch until about seven years ago. As the two got reacquainted, Wigert was surprised by how much his friend had “blossomed.” Not only had he taken a big leap to become an attorney, but he has done well in the profession, getting a chance that many attorneys never have.

And in spite of his success, Higgins still is the same good-natured guy that Wigert has always known — fun-loving, full of life and quite entertaining once you get past his serious exterior.

Develops relationships with clients

The Victoria’s Secret case is easily the most significant one Higgins has handled and a coup for his firm.

But surprisingly, he doesn’t refer to that instance as his proudest moment as a lawyer or the greatest accomplishment in his career.

Instead, he tells of a man named Howard Cole, now deceased, who developed a technique to control coal dust in material-handling facilities of major utilities.

A \$4 billion Texas company had infringed on Cole’s patent, and Higgins went to bat for the Kentucky entrepreneur.

He won the case, Cole’s business survived, and the two developed a lifelong friendship. And when Cole’s granddaughter was married, his daughter asked Higgins to escort her at the wedding.

“When you have that kind of an impact on a client, you’ve gone way beyond being a technical lawyer,” Higgins says. “That’s a thrill for me.”

Higgins enjoys the ‘dream business’

As in Cole’s case, many clients’ livelihoods and dreams rest on whether Higgins is able to successfully argue or settle their case. It’s a responsibility that he doesn’t take lightly, and those cases where there is so much at stake mean the most to him.

But whether he is representing an inventor or big-time corporation, he is happy to be in the “dream business,” as he fondly refers to the practice of intellectual property law.

It seems fitting, considering that IP law has been his own dream. Higgins once was an inventor, having developed new casting and molding techniques for making products used in steel-processing plants.

So when he decided to make a career shift into the legal field in 1979, he naturally was drawn to patent law.

But the local legal community didn’t share his vision.

“When I first told people I wanted to do patents, they looked at me like I just said I wanted to do drugs,” Higgins says. He adds that there seemed to be an inferiority complex, even among the best law firms, and the general feeling was that patent work couldn’t be done in Louisville.

In 1985, Middleton Reutlinger gave Higgins the green light to practice IP law, and he became the firm’s first patent and trademark lawyer.

Higgins “was a little ahead of his time,” recalls Charles Middleton, chairman of the firm’s management committee.

But he was just the man to steer Middleton Reutlinger’s move into the IP realm because of his unique combination of technical expertise, legal knowledge and an ability to break down complex information into simple terms.

Under his leadership, the firm’s IP section has grown to 14 patent and trademark attorneys and five paralegals who assist with Middleton Reutlinger’s IP cases around the world.

Higgins is proud of the fact that he has had a hand in developing the practice for Middleton Reutlinger. And although he continues to take both his role as an IP

leader and the practice of law very seriously, he also likes to have fun doing it.

For example, he might stroll through the halls of Middleton Reutlinger's office singing. Or his voice-mail might feature Higgins conveying his greeting through song, sharing a historical fact about the date or wishing someone Happy Birthday.

Joy found in a second marriage

While Higgins was moving up the ladder professionally, his personal life was not faring so well. His 26-year marriage to Jane Higgins came to an end in 1994.

Higgins says he became very "one-dimensional" after the divorce and funneled all of his energy into work. Recognizing that he needed to make changes, he worked to rediscover some of his early interests, including tennis and singing.

But it was a lady named Betty Costello who opened his eyes to life beyond the office. Higgins wasn't looking for a second marriage, especially after his first attempt left him feeling like a failure. But when he was invited to a singles event hosted by a client, he felt compelled to go. Costello, who also was divorced, was one of the organizers of the party.

Costello says her initial impression of Higgins was that he was reserved. He didn't seem to be engaged in the party, so she took it upon herself to introduce him to all of the single ladies. Apparently, no one caught his attention because it wasn't long before he once again was sitting in the corner.

Eventually, she got him onto the dance floor, and by the end of the night, the two were wrapped up in a conversation that was going very well. When someone mentioned another upcoming social event, Costello offered to take Higgins as her date. The two ended up having a wonderful time, and the night was the first of many outings.

As Costello got to know Higgins better, she discovered that he was what she had been looking for. The two were married in April 2000.

"I've kissed a lot of frogs and got a lot of warts on my lips," says Betty Higgins. But Jim Higgins was different. "He's genuine. He comes from the heart."

In turn, Higgins was taken with her fun personality, her "sparkle." And he cherished the fact that she truly believed in him.

Values time with wife, family

The two give the impression that the honeymoon still is going strong.

They share a lot of common interests, such as music, the theater, ethnic food and traveling. Also, both remain involved in the lives of their children from their prior marriages.

Jim Higgins has a son, Brennan Higgins, and a daughter, Suzette Miguel, and he has a close relationship with his wife's four sons. Plus, among all the offspring, there are four grandchildren and another one on the way.

The couple plan most of their trips

around visiting the children and grandchildren, who live in Chicago; Florence, Ky.; and Savannah, Ga.

Betty Higgins says her husband has been a wonderful mentor to her sons, two of whom are attorneys. And when it comes to the grandkids, Jim Higgins jumps right into their activities, taking his turn on the slide at the playground or reading them a story in his famous Donald Duck voice.

Although he delights in being a grandpa, one of Jim Higgins' great joys is what he calls "www," which he has redefined as "wine with wife." The two like to sit in their "life-is-good" chairs on the deck of their Middletown home, sip Beaux Freres and simply enjoy each other's company.

Their time together is even more special now because Betty Higgins spends much of her time selling real estate in Florida, a pursuit she took up in recent months.

She plans to retire in July from her role as an account executive with Jeb Advertising and build up her real estate business in Bonita Springs, Fla., where the couple owns a condo.

Jim Higgins loves to visit Florida, but the Sunshine State isn't calling to him yet. He loves Louisville — the restaurants, the arts and the great parks — and, more important, he remains passionate about his practice.

"Every day, you're on the cutting edge of something, and that's invigorating," Higgins says.