



KATHERINE WITHERSPOON FRY

Principal, Wilmington

PRACTICE AREAS

- Alternative Dispute Resolution
- Employee Mobility and Trade Secret Protection
- Labor and Employment Law
- Title IX Legal Representation

EDUCATION & ADMISSIONS

- New York University School of Law, 1994, Moot Court Board
- Duke University, B.A., cum laude, 1989
- Delaware, 1995
- U.S. Court for the District of Delaware, 1995
- U.S. Circuit Court for the Third Circuit, 1998
- U.S. Supreme Court, 2015

ACTIVITIES

- Adjunct professor, University of Delaware Lerner School of Business
- Professional Speaker
- Delaware State Bar Association, Alternative Dispute Resolution Section Current Vice-Chair
- Delaware State Bar Association, Labor and Employment Section (Previous Secretary and Chair)
- American Bar Association, Labor

PRACTICE FOCUS

For over 25 years, Katherine has provided her clients with robust representation in matters of employment and related business law. Katherine represents and counsels employers and executives in all facets of the employment relationship, including hiring, termination, discrimination, non-competition, Fair Labor Standards Act matters, issues regarding Family and Medical Leave and other leaves, whistleblowers' complaints, and regulatory matters. As a litigator, she is well aware of the nuances of law necessary to draft effective restrictive covenants, severance agreements, and employment contracts. Along with her over 250 colleagues, she represents companies and non-profit organizations of all sizes. She has defended companies under investigation by both U.S. and state Departments of Labor and handled multiple matters before the EEOC. Katherine is a seasoned member of the Delaware bar. As such, her practice has a nationwide reach due to the broad jurisdiction of Delaware's courts over a large number of Fortune 500 companies. She also litigates on behalf of and advises clients throughout the U.S., as needed.

Katherine assists executives in negotiating severance agreements and employment agreements; review of other corporate agreements; and resolving disputes of all kinds with employers.

Katherine also has developed expertise in education law, counseling private and charter schools as well as parents in special education, disciplinary matters, Title IX complaints, bullying issues, and breach of contract matters. She gained significant experience in this practice area by serving as outside counsel to a large school district for 11 years.

Expedient resolution of disputes prior to trial or hearing is a strength for Katherine. As a certified mediator and arbitrator and court-appointed hearing officer herself, she understands the immense value of alternative dispute resolution and early settlement of controversies. Nevertheless, when called upon to do so, she has pursued cases all the way to the U.S. Supreme Court as well as the Third Circuit Court of Appeals and the Delaware Supreme Court.

Katherine welcomes the opportunity to consult with prospective clients without any obligation regarding their legal needs.

REPRESENTATIVE CASES

Employment litigation and administrative actions:

- Successfully defended a client's judgment in an Americans with Disabilities Act case to the U.S. Supreme Court.
- Sued ex-employees for theft of trade secrets in a California federal district court and a Florida federal district court, obtaining favorable settlements for employer clients.
- Defended executive ex-employees in claims of breach of restrictive covenants in the Delaware Court of Chancery.
- Successfully moved to dismiss Title VII discrimination claims brought against employer clients in Delaware federal district court.
- Negotiated numerous settlements of discrimination charges before the EEOC and Delaware Human Relations Commission.

Education matters:

- Defended a school district and charter schools in claims brought pursuant to the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, including successfully arguing an appeal to the Delaware Supreme Court.
- Represented a graduate student alleging national origin discrimination against a university in Delaware federal district court.
- Defended numerous students in disciplinary and Title IX hearings at universities nationwide.
- Brought complaints on behalf of students and parents against schools for issues such as special education violations and bullying.

SPEAKING ENGAGEMENTS

- "Employment Law Risks in the Time of COVID-19," *Wilmington University*, September 9, 2020 (Presenter)
- "Workplace and Personal Stress in the Pandemic," *The Alternative Board*, July 30, 2020 (Presenter)
- "The Employment Review: The Social Justice Movement," *Offit Kurman Webinar*, July 22, 2020

and Employment Section (Rights and Responsibilities Committee)

- National Association of Women Business Owners
- Delaware Women's Leadership Conference (Planning Committee and Moderator)
- Delaware State Bar Association, Women and Law Section
- Delaware State Chamber of Commerce (Employer Advocacy Committee)

(Presenter)

- "Returning to Work During COVID-19 What's the New Normal?" *Offit Kurman/ Belfint Briefing with Belfint Lyons & Shuman*, June 2020 (Presenter)
- "Preparing You for the "New Normal" in a COVID-19 Job Market," *YWCA Workwise Wand and the Workwise Group*, June 2020 (Presenter)
- "Re-Opening During COVID-19," *SCORE/YWCA*, June 2020 (Presenter)
- "Maximizing Loan Forgiveness Under the Paycheck Protection Program," *The Executive Dialogue Group*, May 2020 (Presenter)
- "Returning to Work During COVID-19: What's the New Normal?" *The Alternative Board International*, May 2020 (Presenter)
- "The Employment Review: Getting Back to Work During COVID-19: What's the New Normal?" *Offit Kurman Webinar*, May 14, 2020 (Presenter)
- "Avoiding Legal Liability for COVID-19 Related Reasons," *'Money and Politics in Delaware' WILM radio*, May 2020 (Interviewee)
- "The Paycheck Protection Program and Forgiveness," *Delaware State Chamber of Commerce*, April 2020 (Presenter)
- "What You Need to Know About the CARES Act and FFCRA," *The Alternative Board-Baltimore Chapter*, April 2020 (Presenter)
- "Families First Coronavirus Response Act and CARES Act," *'Money and Politics in Delaware' WILM Radio*, April 2020 (Interviewee)
- "Implementing COVID-19 Policies," *Aspire Wealth Planners*, April 2020 (Presenter)
- "COVID-19 Legal Liabilities and Policies," *Delaware State Chamber of Commerce*, April 2020 (Presenter)
- "The CARES Act" *Aspire Wealth Planners*, April 2020 (Presenter)
- "What You Need to Know About the CARES Act and FFCRA," *The Alternative Board-Baltimore Chapter*, April 2020 (Presenter)
- "Families First Coronavirus Response Act and CARES Act," *New Castle County Chamber of Commerce*, April 2020 (Presenter)
- "Coronavirus Sick Leave Laws," *Aspire Wealth Planners*, April 2020 (Presenter)
- "Families First Coronavirus Response Act and Liability," *MySherpa*, April 2020 (Presenter)
- "Families First Coronavirus Response Act," *Delaware State Chamber of Commerce*, April 2020 (Presenter)
- "Work-Life Balance," *Delaware Women's Leadership Conference*, November 2019 (Presenter)