



**KATHERINE  
 WITHERSPOON  
 FRY**

Principal, Wilmington

**PRACTICE AREAS**

- Alternative Dispute Resolution
- Education & Student Rights
- Hospitality
- Labor and Employment Law
- Restrictive Covenants and Trade Secret Protection
- Title IX Legal Representation

**PROFESSIONAL  
 AFFILIATIONS**

- University of Delaware Lerner School of Business, Adjunct Professor
- Wilmington University, Guest Lecturer
- Professional speaker and radio show guest
- Employer Advocacy Committee, Delaware State Chamber of Commerce, Chair, 2021-2022
- Delaware State Bar Association, Alternative Dispute Resolution Section, Vice-Chair, 2021 - present
- Delaware State Bar Association, Labor and Employment Section, Past Chair
- American Bar Association, Labor and Employment Section

**PRACTICE FOCUS**

**Employment Law:** For over 25 years, Katherine Witherspoon Fry has provided her clients with robust representation in matters of employment and business law. She counsels companies and non-profit organizations of all sizes and executives in all facets of the employment relationship, including hiring, termination, discrimination, non-competition, Fair Labor Standards Act matters, Family and Medical Leave and other leaves, whistleblowers' complaints and regulatory matters. She maintains up-to-date knowledge of restrictive covenants (including non-competes, non-solicits, confidentiality, and non-defamation provisions) in order to draft these and represent parties on both sides of these cases. She has defended companies under investigation by both U.S. and state Departments of Labor and handled multiple matters before the EEOC. She 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.

Katherine assists employees by negotiating severance agreements and employment agreements; reviewing other corporate agreements; and resolving disputes of all kinds with employers.

**Education Law:** Katherine has also developed her education law practice, with significant experience with special education matters involving the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 and ADA accommodations, including advising and attending IEP meetings. She has also represented students from elementary school through post-graduate programs in disciplinary matters such as expulsions, suspensions and academic probation. Her representation includes Title IX complaints and bullying issues. She gained significant experience by serving as outside counsel to a large school district for 11 years and has also been counsel to charter schools and private schools.

**Alternative Dispute Resolution:** By using her experience with mediation and arbitration, she facilitates faster dispute resolution to avoid litigation. Katherine has an outstanding record of settling disputes over many years. She is a certified mediator and arbitrator and court-appointed hearing officer as well as an officer of the Delaware State Bar Association's Alternative Dispute Resolution section. She has experience with resolution of employment, business litigation, education and family law matters.

**REPRESENTATIVE MATTERS**

*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 for claims of breach of restrictive covenants in the Delaware Court of Chancery
- Obtained settlements for ex-employees in wage payment, discrimination, and other matters
- Successfully moved to dismiss Title VII and other 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 numerous students in disciplinary and Title IX hearings at universities nationwide
- Defended a school district on an appeal to the Delaware Supreme Court
- Obtained private placement for special education students at the state's expense
- Procured significant financial settlements to provide compensatory education to special education students
- Obtained several graduate students' restoration to Ph.D. programs

**SPEAKING ENGAGEMENTS**

- "Returning to Work During COVID-19 What's the New Normal?" *Offit Kurman/ Belfint Briefing with Belfint Lyons & Shuman*, Jun. 2020
- "Implementing COVID-19 Policies," *Aspire Wealth Planners*, April 2020, Presenter
- "The CARES Act" *Aspire Wealth Planners*, Apr. 2020
- "Coronavirus Sick Leave Laws," *Aspire Wealth Planners*, Apr. 2020

- Delaware Women's Leadership Conference Planning Committee
- Delaware State Bar Association, Women and Law Section
- Forum for Executive Women

### Additional Speaking Engagements

- "Drafting Effective Employment Agreements: Legal Update," Presenter, Delaware SHRM Conference & Expo, Nov. 14, 2023
- "Performance Management: Human Resources Compliance Series, Part II," Co-Presenter, Delaware Human Resources Compliance Series, Oct. 10, 2023
- "Recruiting and Hiring Practices: Human Resources Compliance Series, Part I," Co-Presenter, Delaware Human Resources Compliance Series, Sept. 13, 2023
- "The State of Non-Competes in Delaware," Delaware State Chamber of Commerce, Apr. 28, 2023
- "Restrictive Covenants Update: Proposed Ban on Non-Competes," HR Anew Masterclass, Apr. 25, 2023
- "Hiring and Keeping Top Talent," Northern Delaware Business Leader Roundtable, Apr. 11, 2023
- "The FTC and Congress are Proposing a Non-Compete Nationwide Ban: What this Means for Your Business," Offit Kurman webinar, Mar. 22, 2023
- "Legal Strategies to Prepare for Employee Challenges," Delaware Society for Human Resource Managers, Jan. 23, 2023
- "Certification as an Employment and Labor Arbitrator," Delaware State Bar Association, Oct. 18, 2022
- "Legal Strategies for Employee Challenges," Hand Tools Institute, Oct. 13, 2022
- "Retaining Employees During the Great Resignation," Wilmington University, Sept. 9, 2022
- "Delaware Paid Family Leave: Healthy Delaware Families Act," Associated Builders and Contractors, Aug. 3, 2022
- "Attracting and Keeping Quality Employees: How to Prevent a Great Resignation," Association of International Metallizers, Coaters and Laminators, April 5, 2022
- "Handling Vaccines - Practical Workplace Guidance on Regulations," Delaware State Chamber of Commerce, Nov. 19, 2021
- "Vaccines in Accordance with the Law," Offit Kurman Webinar, Oct. 19, 2021
- "What the Biden Administration's Agenda Means for the Workforce" Wilmington University, September 28, 2021
- "To Vaccinate or Not to Vaccinate: That is the Question," Delaware CEO Roundtable, Sept. 14, 2021
- "The 'Workplace' Environment - How to Manage and Be Prepared for the Challenges Faced by Employers" Mid-Atlantic CFO Roundtable, Webinar, May 20, 2021
- "Labor and Employment Issues Regarding COVID-19" Breakfast Bar Speaker Series, May 6, 2021
- "The New Normal: Managing Legal Risks of COVID-19" Wire Association International, May 5, 2021
- "The New Normal: Managing Legal Risks of COVID-19" *Association of International Metallizers Coaters and Laminators*, March 2021
- "The New Administration: What Employers Need to Know," *Lyons Insurance Co., Webinar*, February 11, 2021
- "The Employment Review: What the New Year and New President Mean for Your Workforce," *Offit Kurman Webinar*, January 12, 2021
- "Current Employment Law Topics," *Rotary Club of Columbia Patuxent*, December 17, 2020
- "Employment Law Risks in the Time of COVID-19," *Wilmington University*, September 9, 2020
- "Workplace and Personal Stress in the Pandemic," *The Alternative Board*, July 30, 2020
- "The Employment Review: The Social Justice Movement," *Offit Kurman Webinar*, July 22, 2020
- "Preparing You for the "New Normal" in a COVID-19 Job Market," *YWCA Workwise Wand and the Workwise Group*, June 2020
- "Re-Opening During COVID-19," *SCORE/YWCA*, June 2020
- "Maximizing Loan Forgiveness Under the Paycheck Protection Program," *The Executive Dialogue Group*, May 2020
- "Returning to Work During COVID-19: What's the New Normal?" *The Alternative Board International*, May 2020
- "The Employment Review: Getting Back to Work During COVID-19: What's the New Normal?" *Offit Kurman Webinar*, May 14, 2020
- "Avoiding Legal Liability for COVID-19 Related Reasons," *'Money and Politics in Delaware' WILM radio*, May 2020
- "The Paycheck Protection Program and Forgiveness," *Delaware State Chamber of Commerce*, April 2020
- "What You Need to Know About the CARES Act and FFCRA," *The Alternative Board-Baltimore Chapter*, April 2020
- "Families First Coronavirus Response Act and CARES Act," *'Money and Politics in Delaware' WILM Radio*, April 2020

- "COVID-19 Legal Liabilities and Policies," *Delaware State Chamber of Commerce*, April 2020
- "Families First Coronavirus Response Act and CARES Act," *New Castle County Chamber of Commerce*, April 2020
- "Families First Coronavirus Response Act," *Delaware State Chamber of Commerce*, April 2020
- "Families First Coronavirus Response Act and Liability," *MySherpa*, April 2020

#### **RECOGNITIONS**

- Best Lawyers in America, Employment Law – Management, 2023-2024
- Top Lawyers in Education Law, *Delaware Today*, 2023

#### **EDUCATION**

- New York University School of Law, J.D., Moot Court Board
- Duke University, B.A., cum laude

#### **ADMISSIONS**

- Delaware
- U.S. Court for the District of Delaware
- U.S. Circuit Court for the Third Circuit
- U.S. Supreme Court