



## Kerry L. Middleton

Shareholder

1300 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
main: (612) 630-1000  
direct: (612) 313-7647  
fax: (612) 630-9626  
kmiddleton@littler.com



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## Focus Areas

Unfair Competition and Trade Secrets  
Discrimination and Harassment  
Whistleblowing and Retaliation  
Wage and Hour

## Overview

Kerry L. Middleton is a seasoned counselor and litigator for employers of all sizes. Widely-respected by his peers for his knowledge of employment law, Kerry has extensive litigation experience in federal and state courts nationwide. He has successfully represented employers in virtually every type of employment claim including:

- Discrimination
- Harassment
- Noncompete and nonsolicitation agreements
- Trade secrets
- Whistleblower
- Retaliation/reprisal
- Breach of contract
- Workplace torts
- Wage and hour

He has appeared in numerous jurisdictions and has represented employers in administrative proceedings before the Equal Employment Opportunity Commission, the Department of Labor, and state and local human rights agencies.

Kerry is also a trusted advisor to multistate employers in a variety of industries including senior/assisted living, timeshare/vacation clubs, and aviation staffing, as well as small family-owned companies. Kerry also provides

counsel and training to help employers avoid litigation and ensure compliance with a myriad of employment laws and regulations, such as religious and disability accommodations in the workplace. He provides strategic guidance to companies designed to reduce potential legal exposure and to protect their trade secrets and business goodwill in the marketplace.

Kerry is active in Littler's pro bono initiative. In addition to providing pro bono legal services to local nonprofits, he also serves as one of the Minneapolis office's pro bono volunteers, acting as a liaison between Littler's Pro Bono Committee and the Minneapolis office.

Kerry has published and lectured on a variety of employment law topics, including:

- Americans with Disabilities Act
- Family and Medical Leave Act
- Workplace harassment
- Religious accommodation
- Privacy issues
- Non-compete and trade secret law

## Professional and Community Affiliations

- Member, American Bar Association
- Member, Minnesota State Bar Association
- Past President, Edina Basketball Association

## Recognition

- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, Top 40 Minnesota Employment Litigators
- The Order of the Barristers
- Named, Super Lawyer, *Super Lawyers*, 2003 - 2004, 2006 - 2018
- Named, The Best Lawyers in America®, 2019-2022

## Education

J.D., University of Missouri, Kansas City, 1988

B.S., Missouri State University, 1987

## Bar Admissions

Minnesota

Missouri

## Courts

U.S. Court of Appeals, 7th Circuit  
U.S. Court of Appeals, 8th Circuit  
U.S. District Court, District of Minnesota  
U.S. District Court, Western District of Missouri  
U.S. District Court, Western District of Wisconsin  
U.S. District Court, Eastern District of Wisconsin  
U.S. District Court, Eastern District of Michigan  
U.S. District Court, Western District of Texas

## Publications & Press

### **Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers**

*Littler Press Release*

August 19, 2021

### **Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

### **Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

### **Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 15, 2018

### **Does Making Any Complaint About Work Now Turn An Employee Into A Possible Whistleblower Under Minnesota Law?**

*Littler ASAP*

August 9, 2017

### **Must We Allow Unlimited Breaks for Mothers to Express Breast Milk?**

*Business Management Daily*

July 28, 2017

### **How Far Do We Have to Go to Accommodate Employee's Migraine Headaches?**

*Business Management Daily*

November 17, 2016

**Minnesota Supreme Court Holds Six-Year Statute of Limitations Applies to Reporting Claims under the Minnesota Whistleblower Act**

*Littler ASAP*

January 22, 2016

**Minnesota Court Overturns 20 Years of Precedent to Extend Whistleblower Statute of Limitations to Six Years**

*Littler Insight*

December 17, 2014

**Minnesota Legislature Modifies Whistleblower Statute**

*Littler Insight*

June 12, 2013

**Minnesota Court Narrowly Interprets the Computer Fraud and Abuse Act**

*Littler ASAP*

March 20, 2012

**Employers Should Include Choice-Of-Law Provisions In Non-Compete Agreements**

*Littler ASAP*

June 21, 2011

**Minnesota Supreme Court Adopts Federal Sexual Harassment Liability Standard**

*Littler Insight*

June 4, 2008

**A Charge, by Any Other Name, Is Still a Charge: High Court Adopts Broad Definition in Age Cases**

*Littler Insight*

March 5, 2008

**Minnesota Government Contractors Now Required To Use E-Verify Program**

*Littler Insight*

January 10, 2008

**Who's There? What to Do When the Government Is Knocking on Your Door - An Employer's Guide to Handling Government Visits and Information Requests**

*Littler Report*

April 23, 2007

## Speaking Engagements

### **2021 Upper Midwest Virtual Regional Employer Conference**

Minneapolis, MN

October 20, 2021

### **Can You Keep a Secret? – Protecting Trade Secrets During the Pandemic**

October 8, 2020

### **Getting Back to Work in Minnesota - Lawfully**

May 1, 2020

### **Restrictive Covenants and Proprietary Information: Avoiding Pitfalls, Managing Risk and Recent Legal Developments**

Minneapolis, MN

June 21, 2018

### **Accommodating a Multireligious and Multicultural Workforce**

Littler Executive Employer, Phoenix, AZ

May 3, 2018

### **Accommodation Requests Under the Americans With Disabilities Act**

TCSHRM Legal Summit Minneapolis, MN

February 2018

### **Seven Key Developments and Recommendations Affecting Your Restrictive Covenants**

Littler Midwest Employer Conference, Minneapolis, MN

October 2017

### **Current Trends in Workplace Religious Accommodation**

MNSHRM State Conference, Duluth, MN

October 2017

### **Mental Illness and the ADA**

Clear Law Institute Webinar

July and December 2017

### **Current Trends in Workplace Religious Accommodation**

Littler Midwest Employer Conference, Minneapolis, MN

October 2016

**Where Are Your Whistleblowers Lurking?**

Littler Midwest Employer Conference, Minneapolis, MN  
October 2015

**Minnesota Update: Expanding Rights Bring New Challenges**

Littler Midwest Regional Employer, Minneapolis, MN  
November 6, 2014

**Whistleblower and Retaliation – New Developments and New Challenges**

Littler Mendelson, Minneapolis, MN  
October 30, 2013

**The Rising Tide of Whistleblower Claims: What it Means For Employers**

Littler Mendelson, Minneapolis, MN  
October 11, 2012

**Managing Leaves of Absence**

Minneapolis, MN  
March 5, 2009