

Kerry L. Middleton

Shareholder

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Focus Areas

Unfair Competition and Trade Secrets
Discrimination and Harassment
Whistleblowing, Compliance and Investigations
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, The Best Lawyers in America®, 2019-2025
- Named, Best Lawyers in Minnesota, *Minnesota Monthly*, 2022
- Named, Super Lawyer, *Super Lawyers*, 2003 - 2004, 2006 - 2018
- Named, Top 40 Minnesota Employment Litigators
- The Order of the Barristers

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, Southern District of Texas
U.S. District Court, District of New Mexico

Publications & Press

Many Changes Made to Minnesota's Employment Laws

SHRM

August 2, 2024

More Changes to Minnesota's Employment Laws are Imminent

Littler Insight

June 7, 2024

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

2024 Midwest Regional Employer Conference

Minneapolis, MN

November 14, 2024

2023 Midwest Regional Employer Conference

Minneapolis, MN

November 9, 2023

Navigating Minnesota's New Noncompete Ban and FTC's Proposed Rule

June 8, 2023

2022 Midwest Regional Employer Conference

Minneapolis, MN

November 3, 2022

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