



Katherine Witherspoon Fry

Principal

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Wilmington, DE – 302.351.0902

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.

Services

- Alternative Dispute Resolution
- Defamation
- Labor and Employment
- Hospitality
- Restrictive Covenants and Trade Secret Protection
- Special Education, Accommodations and Discrimination
- Title IX and Education

Education

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

State Bar Admissions

- Delaware

Court Admissions

- United States District Court for the District of Delaware
- United States Court of Appeals for the Third Circuit
- Supreme Court of the United States

Admitted in Maryland, Virginia and the District of Columbia. Not Admitted in Pennsylvania. All Pennsylvania practice supervised by a Pennsylvania attorney.

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

Recognitions

- Named *The Best Lawyers in America*® for Employment Law - Management and Litigation - Labor and Employment (2023-2026)
- Top Lawyers in Education Law, Delaware Today, (2023-2025)

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.