



## Kathryn D. Terry

Director

The emphasis of Kathryn D. Terry's litigation practice is in the areas of insurance coverage, labor and employment law and civil rights defense. She also represents corporations in complex litigation matters.

### Contact

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### Oklahoma City

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### Practice Areas

- Insurance Defense and Coverage
- Labor and Employment
- Commercial Litigation
- Civil and Constitutional Rights
- Cybersecurity and Data Privacy
- Auto Dealerships
- Healthcare Law
- Real Estate Litigation

### Education

- University of Oklahoma (B.A., summa cum laude, 1993; J.D., with Honors, 1996)

### Admissions

- 2004, U.S. Supreme Court
- 1996, Oklahoma Supreme Court
- 1997, U.S. Court of Appeals, Tenth Circuit
- 1997, U.S. Court of Appeals, Eighth Circuit
- 1999, U.S. Court of Appeals, Seventh Circuit
- 1996, U.S. District Court, Western District of Oklahoma
- 1999, U.S. District Court, Northern District of Oklahoma
- 2002, U.S. District Court, Eastern District of Oklahoma

### Biography

Kathryn's insurance coverage practice includes representing both major insurance companies and their insureds in coverage and liability disputes. In addition to coverage advice and defense, including extra contractual defense, she also provides claims handling training and consultation for her insurance clients. For policyholders, both individuals and businesses of all sizes, Kathryn gives guidance on risks and exposures for which insurance is recommended, coverage audits and recommendations and helps resolve questions of coverage between her clients and their insurance companies. In coverage matters, Kathryn has successfully defended coverage and extra-contractual tort claim disputes on behalf of carriers by achieving dismissals before trial and final judgments concluding no coverage.

The labor and employment aspect of Kathryn's legal practice focuses on employer representation, defense and training. In addition to defending, wage, labor, contract and discrimination lawsuits, claims and grievances of all kinds, she also advises on the above areas, including employment-related regulatory requirements, human resources, personnel management, developing policies and procedures and record keeping. Kathryn has represented corporate clients with nationwide operations in large collective actions, resolving overtime exemption disputes under the Fair Labor Standards Act. Kathryn's employment law practice is nationwide.

A substantial part of Kathryn's practice includes rendering advice to and the defense of law enforcement officers, municipalities and agencies regarding civil and constitutional rights matters. Since 2000, she has defended numerous municipalities, agencies and law enforcement officers in many excessive force and unlawful search cases. She has successfully defended officers and towns all the way through jury verdicts and appeals. Kathryn has also defended several municipalities, officers, government agencies and contractors against due process and property rights claims. Kathryn also represents municipalities during internal grievances and administrative disputes related to employment decisions and collective bargaining (Union) contracts. Working closely with local municipalities, she offers training to their public safety departments, as well as other employees, on a range of issues related to discrimination, labor, use of force and constitutional rights, including due process and 4th Amendment protections.

Her practice includes a substantial amount of fast-paced crisis management, when matters break quickly and media and/or law enforcement are involved. These matters can be on a variety of subjects ranging from active shooters, public safety emergencies,

- Oklahoma
- 2018, U.S. District Court, Central District of Illinois
- 2020, U.S. District Court, Colorado
- 2019, U.S. District Court, Northern District Arkansas

threats of workplace violence, cyber security/privacy breaches, ransomware and hacker attacks, and large scale labor disputes. In the cyber field, Ms. Terry has represented nationwide companies in large breaches and managed the notification processes in all 50 states and several foreign territories and countries. This includes working with local and federal law enforcement to assist in the investigation and with regulatory bodies regarding a company's response to such events.

Kathryn also defends business owners and executives, ranging from sole-proprietorships and family-owned businesses, to corporations with complex multistate or national operations, in comprehensive litigation matters, including commercial and employment related class actions, as well as "bet the company" liability claims.

Kathryn is currently the marketing and vice chair of the Insurance practice group with ALFA International, a legal network that Phillips Murrah is proud to represent in Oklahoma City. Kathy's work with the practice group involves coordinating and collaborating with insurance practitioners all over the country and in Europe, and with client advisory board members who are leaders in the insurance industry, on emerging insurance coverage, liability, regulatory and legislative developments.

Kathryn is an Oklahoma native who enjoys travel, sports, and spending quality time with her daughter, family and close friends, including her valued Phillips Murrah colleagues. Kathy is a proud and member of the Chickasaw Nation.

### Professional Organizations

- American Bar Association
- Oklahoma Bar Association
- Oklahoma County Bar Association
- ALFA International, Insurance Practice Group Marketing Chair and Vice President
- ALFA International, Labor and Employment Practice Group

### Experience

- Successfully defended major insurance company against claims of bad faith, fraud and breach of contract on novel issue of coverage law in Oklahoma
- Successfully presented and obtained declaratory judgment in favor of major insurance company on various coverage matters
- Rendered coverage opinions on all lines of insurance, and thereafter successfully defended coverage position in ensuing declaratory judgment and extracontractual litigation.
- Provides claims handling and coverage training to insurance claims professionals and general counsel's offices
- Provides advices and guidance on insurance and indemnity issue in corporate contracts, subcontracts and service agreements
- Successfully defended, through trial and verdict, national origin discrimination claims against road construction company
- Successfully defended major international retailers against claims of gender, race, religious and disability discrimination
- Successfully defended municipal law enforcement agencies against claims of civil and constitutional rights violations, including defense of law enforcement officers in excessive force litigation
- Presented and successfully obtained judgment for violations of due process on issue of first impression in Oklahoma
- Successfully defended municipalities in labor arbitrations for unionized work forces
- Represents and successfully defended international commercial real estate company in premises liability, contract and general liability claims
- Successfully defended nationwide employers in several nationwide class actions on labor and wage issues
- Provides emergency response and government/third party notification assistance on behalf of companies who have experienced a cyber security breach
- Successfully defended nationwide employer in cyber security breach/phishing scam class action
- Successfully represents private and public employers in federal and state agency investigations, audits and inquiries regarding complaints and operational practices
- Provides employee and management training on discrimination, emergency privacy issues and best practices in an evolving work force
- Conducts investigations for employers, private and public, for work place

- misconduct, complaints and auditing of pay and benefits practices and policies
- Successfully prosecuted and obtained multi-million dollar jury verdicts
- Provides crisis management consulting and advice, including public relations assistance and law enforcement coordination for nationwide companies, municipalities and individuals responding to emergency and rapidly unfolding circumstances
- Representing both major insurance companies and their insureds in coverage and liability disputes
- Defending, wage, labor, contract and discrimination lawsuits, claims and grievances of all kinds
- Rendering advice to and the defense of law enforcement officers, municipalities and agencies regarding civil and constitutional rights matters
- Crisis management consulting
- Emergency response consulting and assistance in cyber security incidents

### **Expertise**

- Civil Litigation Defense (handle complex litigation for a number of individual, corporate and commercial clients)
- Insurance Defense and Coverage (represent multiple insurance carriers in coverage decisions and litigation)
- Business Litigation (extensive experience is pursuing litigation arising from contracts and contractual performance)
- Product and Premises Liability
- Wrongful Death Litigation (handled a number of catastrophic damages and wrongful death claims for individuals and families)
- Medical Malpractice

### **Recognition**

- Martindale-Hubbell AV<sup>®</sup> Preeminent<sup>™</sup>
- Best Lawyers<sup>®</sup>: Insurance Law (2021-Present)
- Best Lawyers<sup>®</sup>: Litigation – Labor and Employment (2021-Present)
- 405 Magazine Top Attorney in Insurance (2022)
- 405 Magazine Top Attorney in Labor And Employment (2023)

### **Community**

- Governor's State Advisory Group on Juvenile Justice and Delinquency Prevention (1996)
- Edmond Soccer Club (Board Member, 2009-2016)
- Oklahoma Alpha Phi House Association (Board President, 2013-Present)