

Kathleen Hart

Attorney at Law

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Biography

Kathleen Hart concentrates her practice in civil and commercial litigation, frequently pursuing or defending cases that involve injunctive relief, such as breach of non-competition agreements, trade secret misappropriation, and unfair competition claims; contract and property disputes; shareholder and corporate control battles; failed business transactions; and RICO, fraud, embezzlement and business tort claims. She helps clients evaluate the strengths and weaknesses of their claims and defenses in order to position themselves to resolve disputes.

In addition, Kathleen serves as outside general counsel for various privately-held businesses and strategist to high net-worth individuals, using her combined employment law and litigation experience to help them evaluate or negotiate employment, non-competition, confidentiality/non-disclosure, employment, change-in-control, and severance agreements. For most of her career, Kathleen has also assisted women and minority clients obtain MBE/WBE/DBE certification with governmental or other certifying agencies.

Representative Matters

- Represented conglomerate of multi-state, multi-million-dollar businesses in defending against lawsuit brought by estate of a founding member attempting to take control of businesses; ultimately resolved dispute with divestiture of estate's ownership in all businesses
- Represented trustees of multi-million-dollar estate involving varied real estate parcels to be divided among multiple heirs; defeated all

Education

- Indiana University Robert H. McKinney School of Law, J.D. (1994)
- Indiana University, B.A., with distinction (1990)
- National Institute for Trial Advocacy (Boulder, Colorado 2000), Graduate
- ICLEF Civil Mediation Training (40 hours, Summer 2010), Graduate

Bar Admission

- Indiana (1995)
- United States District Court for the Northern District of Indiana (1995)
- United States District Court for the Southern District of Indiana (1995)
- United States Court of Appeals for the Seventh Circuit (1998)
- United States Court of Appeals for the Federal Circuit (2000)

Practice Areas

- Business & Corporate Law
- Business Litigation
- Commercial Litigation
- Intellectual Property Law & Litigation
- Labor & Employment Law
- Wills, Trusts & Estates
- Business Contract Disputes
- Non-competition Covenants
- Shareholder & Partnership Disputes
- Non-competition Agreements

- allegations of breach of fiduciary duty and prevailed in trial court judgment for clients
- Represented different business clients in separate embezzlement cases, including judgments against offenders, coordination of criminal prosecution, seizure of assets, collection measures against offenders, and pursuit of malpractice action with client-favorable settlement against accounting firm whose annual reviews failed to meet GAAP standards
 - Represented longstanding manufacturing client in issuing first industry-standard safety warning system for products by researching, analyzing, and drafting product warning labels compliant with ANSI standards in coordination with engineering employees
 - Represented national companies in defending against collective action brought under FLSA for wage misclassification and underpayment; ultimately resolved dispute by capitalizing on rare opportunity to warrant nominal client involvement
 - Regularly represent multiple business and individual clients in interpreting, negotiating, and drafting various contracts or successful termination of contracts, including executive/management employment agreements, compensation plans, separation/severance agreements, change-in-control, confidentiality/non-disclosure, non-competition agreements, operating agreements, partnership agreements, and bylaws, as well as third-party contracts involving franchised transactions, real estate, joint venture, commerce, intellectual property, patent license, franchise, retail, rental, supply, manufacturing, warranty, regulatory, and consumer-related matters
 - Regularly represent clients to obtain or defeat injunctive relief being sought and to otherwise resolve lawsuits involving non-competition claims, including those involving medical/physician, executive/management, shareholder/founders, sales, industrial/manufacturing, and financial/banking
 - Regularly assist multiple business clients with formation of entities, conversion of entities, governing documents, corporate governance, legal compliance issues, and preparation of private placement memoranda
 - Regularly counsel numerous businesses who hire employees subject to non-compete or other restrictive covenants, and/or employees who need legal analysis of enforceability or compliance respecting prospective employment
 - Regularly counsel and assist clients in obtaining certification for minority business enterprise (MBE), woman-owned business enterprise (WBE), disadvantaged business enterprise (DBE), and service-disabled veteran-owned small business (SDVOSB) with various regional, state, and local governmental or certifying agencies
 - Regularly serve as outside general counsel for various privately-held businesses, providing legal advice or project management to meet their daily, varied legal and business needs

REPORTED CASES

- Webster v. Methodist Occupational Health Centers, Inc., 141 F.3d 1236 (7th Cir. 1998)
- Indiana Dept. of Ins. v. Vernon General Ins. Co., 784 N.E.2d 556 (Ind. Ct. App. 2003)
- Sherrell v. N. Cmty. Sch. Corp. of Tipton County, 801 N.E.2d 693 (Ind. Ct. App. 2004)
- Allgood v. Meridian Sec. Ins. Co., 836 N.E.2d 243 (Ind. 2005)
- Lawler Mfg. Co. v. Bradley Corp., 2009 WL 1159577 (S.D. Ind. 2009)
- Hoosier Energy Rural Electric Cooperative, Inc. v. John Hancock Life Insurance Co., 582 F.3d.721 (7th Cir. 2009)
- In re Miller, 935 N.E.2d 729 (Ind. Ct. App. 2010)

Associations

Indianapolis Bar Association

- Member (1994-Present)
- Board Member (2014-2015 and 2011-2012)
- Counsel to the Board (2013)
- Co-Chair of Standing Committee on Professionalism (2010)

Federal Bar Association, Indianapolis Chapter

- President (2008-2009)
- Officer/Executive Committee Member (2002-2010)

Sagamore American Inn of Court

- Executive Committee/Barrister (2000-2010)

Community Activity

- Pass The Torch For Women Foundation, Board Member (2019 to present)
- Indiana Federal Community Defenders, Inc., Board Member (2019 to present)
- Assistance League of Indianapolis, Advisory Council to the Board (2007-present)
- U.S. District Court, Southern District of Indiana, Local Rules Advisory Committee Member (1999-2020)

Awards & Recognition

Indiana Super Lawyer (2007-2009, and 2021 - Present)

- Each year, Super Lawyers recognizes the top lawyers in Indiana via a patented multiphase selection process involving peer nomination, independent research and peer evaluation. The Indiana lawyers who receive the highest point totals during this selection process are further recognized in Indiana Super Lawyers Top Lists.

Distinguished Senior Fellow, Indianapolis Bar Foundation (2014)

Distinguished Fellow, Indianapolis Bar Association (2011)