

## Curriculum Vitae

### GERALD T. LAURIE

OFFICE:

**Laurie Law and ADR**  
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### COURTS ADMITTED TO PRACTICE

Admitted to Minnesota and U.S. District Court, District of Minnesota, 1967;  
Admitted to U.S. Tax Court, 1970;  
U.S. Court of Appeals, Eighth Circuit, 1971;  
U.S. Court of Appeals for the Federal Circuit, 1987.

### EDUCATION

University of Minnesota Law School, Juris Doctor, 1967 (Minnesota Law Review, 1966-1967);  
University of Minnesota (B.A., Cum Laude, 1964) (major concentrations in accounting, political science, and humanities).

### EMPLOYMENT

Special Assistant Attorney General, assigned to the Department of Taxation, State of Minnesota; 1968 & 1969. Selected by Attorney General Douglas Head as one of the lawyers to successfully represent the State of Minnesota in a \$50 million dispute settled by the establishment of the Bush Foundation. Lapp, Laurie, Libra, Thomson & Stoebner, Chartered, January 1, 1970 - December 31, 2000, managing partner for many years; and Laurie Law & ADR., January 1, 2001 - Present.

## **ALTERNATIVE DISPUTE RESOLUTION**

Being patient, kind, and fair to all parties and counsel in a case is important to me in my ADR practice.

Served as a mediator for many years in a large number of areas of law since 1996. On the Minnesota Statewide ADR Neutrals Roster (Rule 114) for mediation and arbitration.

Participated in the 9th Annual ABA Arbitration Institute on June 2-3, 2016 in the ABA headquarters in Chicago. The Institute was a comprehensive training in commercial arbitration by national arbitrators. Served as a private arbitrator on a number of cases and as a Consensual Special Master. I am available to serve as a Special Master.

CLE MSBA Certified Civil Arbitration Skills Training, June 13, 2014.

Selected to serve on a panel of neutrals for Creative Dispute Resolution, a non-profit ADR corporation created by the Minnesota Defense Lawyers Association and the Minnesota Trial Lawyers Association. Also served on a panel of neutrals for ADR Center.

## **SOME EARLY ADR TRAINING:**

Creative Dispute Resolution "A.D.R. Toolbox II" (November 3, 1995).

Continuing Legal Education "Certified Continuing Education for Qualified Neutral Arbitrators" (April 6, 1995);

Dispute Resolution Training "General Mediation" (April, 1994);

Dispute Resolution Training "Creative Dispute Resolution Training" (1 week in September, 1993).

## **LEADING ADR AMERICAN ATTORNEY**

Selected as a Leading American Attorney in the areas of employment law (individual and management) commercial matters, and personal injury law. To be selected, attorneys must receive multiple recommendations from their peers in a statewide survey conducted by American Research Corporation. Fewer than 6% of the state's attorneys are Leading ADR American Attorneys.

## **MEMBERSHIPS**

- Academy of Certified Trial Lawyers of Minnesota (Board of Directors 2004-Present)
- Selected by the Charter Governors of The College of Labor and Employment Lawyers in 1996 as a Fellow to the College (Member, Eighth Circuit Credentials Committee 2006-2009)
- Fellow Emeritus to the Litigation Counsel of America (LCA) by its Advisory Board. Membership in the LCA is limited to less than one-half of one percent of American

Lawyers. There are about 60 Fellows in the Minnesota bar. Fellows are selected based upon excellence and accomplishments in litigation, at both the trial and appellate levels, and a superior ethical reputation.

- Selected to the 2016 list as a member of the Nation's Top One Percent of the National Association of Distinguished Counsel. NADC is an organization dedicated to promoting the highest standards of legal experience. Its mission is to objectively recognize attorneys who elevate the standards of the bar and provide a benchmark for other lawyers to emulate. Its members are thoroughly vetted by a blue-ribbon panel of attorneys and approved by a judicial review board. Only the top one percent of attorneys in the United States are awarded membership in NADC.
- Fellow of the American Bar Foundation (2021-Present)
- Minnesota Trial Lawyers Association (Co-Chairman, Commercial Litigation Section, (1979-1985); Member, Board of Governors (1981-1988).
- National Employment Lawyers Association; Minnesota Chapter of NELA (formerly on Board of Directors)
- The American Judicature Society
- The Association of Trial Lawyers of America for 25 years
- ATLA Employment Rights Section
- Former member of part-time Federal Public Criminal Defender Panel for about 10 years.
- Minnesota State, Hennepin County and American Bar Associations
- MSBA Labor and Employment Law Section
- ABA Section of Labor and Employment Law
- ABA Dispute Resolution and Litigation Committee
- Hennepin County Bar Association (Chairman, Community Relations Committee, 1973-1974)
- MSBA Public Relations Committee program "Children and the Law" teaching 5th graders about law.
- MTLA Employment Law Section
- Mentor Program - University of St. Thomas, School of Law for many years.
- The International Society for Labor and Social Security Law

### **CERTIFICATION**

- Board Certified by Minnesota State Bar Association as a Labor and Employment Law Specialist.
- Board Certified by Minnesota State Bar Association as a Civil Trial Specialist.

- One of only three Minnesota lawyers out of almost 25,000 lawyers to have this dual MSBA board certification.
- Certified as a Diplomate, Court Practice Institute, August 28, 1976, having satisfactorily completed a prescribed residency in the science of trial advocacy and having met all of its requirements. Also completed another one week national trial training course in Laramie, WY.

### **LEGAL ARTICLES WRITTEN**

"Litigating Under the Defend Trade Secrets Act of 2016", posted on the internet on August 8, 2018 (Co-Authored with Leonard Segal of Schindel Segal law firm) ATTORNEY AT LAW, magazine.

"A Review of Non-compete Agreements in Minnesota", The Minnesota Association of Justice's 2008 Employment Law Handbook 5th Edition (Co-Author);

"Balancing Business Protection with Freedom to Work: A Review of Non-compete Agreements in Minnesota," William Mitchell Law Review, Vol. 23, No. 1, p. 107 (1997) (Co-Author);

"Intentional Infliction of Emotional Distress," 1994 and 1995 Employment Law Handbook (Co-Author);

"Whistle While You Work, The Law of Whistleblowing in Minnesota," The Hennepin Lawyer, Vol. 61, No. 1, September-October 1991 (Co-Author);

"Court Rules That Employment Discrimination Claims Survive the Claimants Death," Minnesota Trial Lawyers, Spring, 1990 (Co-Author);

"Hanging Copycats By Jury: A Remedy for 'Knock-Offs'," Bench & Bar of Minnesota, Vol. 45, No. 1, January, 1989 and reprinted in Trial Magazine, March, 1990 (Co-Author);

"Negligent Wrongful Termination," Bench & Bar of Minnesota, Vol. 43, No. 1, January, 1986 (Co-Author);

"The Latest Look at Wrongful Termination," Minnesota Trial Lawyer, Vol. 10, No. 2, p. 6, 1985 (Co-Author);

"Non-Compete Agreements: Are They Valid?" Minnesota Business Journal, July, 1983;

"Trade Secrets Unveiled - Minnesota Enacts the Uniform Trade Secrets Act," Minnesota Trial Lawyer, Vol. 5, No. 9, p. 12, 1980;

"The Assault on the Civil Jury," 4 Minnesota Trial Lawyer, 17, 1979;

"Covenants Not to Compete in Minnesota - An Enlightened Approach," 49 Hennepin Lawyer 10, 1979.

### **LECTURES AND PANELS**

"Non-compete Agreements and Trade Secrets," ELA CLE June 18, 2015.

"Celebrating NELA's 20th Annual Convention: A Plaintiff Lawyer's Update on Law & Strategy," Panel, Minn. NELA, October 12, 2009;

"Selecting and Valuing Cases - The Key to a Successful Plaintiff's Practice," panel member, Upper Midwest Employment Law Institute, May 29 & 30, 2008;

"Webcast - Networking and Soliciting Clients," Panel, MSBA CLE, January 8, 2008;

"Closing Argument, Instructions, Special Verdicts," Panel, Minn. NELA, April 27, 2005;

"The Anatomy of a Sexual Harassment Case," Minnesota Institute of Legal Education seminar on Hiring and Firing, February 7, 2003;

"Settlement: Getting to a Number and Dealing with the Aftermath," National Employment Lawyers Association, April 12, 2002, Eighth Circuit Conference, Practicing Employment Law in a Changing World on panel discussing;  
 Lecture on "Winning Final Arguments", Douglas K. Amdahl Inn of Court, 2/15/01;  
 "Ethics: LA Law on Trial" and "Age Discrimination," Academy of Certified Trial Lawyers of Minnesota ACTLM CLE, March 14 and 16, 2000, Dominican Republic;  
 "Restrictive Covenants: Attacking the New Servitude" National Employment Law Attorneys - 1999 (New Orleans);  
 "Firing - Employee Terminations," CLE, 1998;  
 "Expert Panel on Depositions," National Employment Law Attorneys - 1997;  
 "Client Screening and Intake," Sexual Harassment Seminar, Minnesota Trial Lawyers CLE - 1997;  
 "Getting the Most Out of Settlement: Representing Employees in Litigation," Minnesota Trial Lawyers - CLE - 1996;  
 "The Do's and Don'ts of Hiring & Firing," Minnesota Institute of Legal Education, 1996;  
 "Negotiating Severance and Separation Packages for Highly-Paid Executives and Managers," National Employment Law Attorneys - 1996;  
 "How to Handle the Employer's Allegation of a Breach of Covenant Not to Compete," Minnesota Trial Lawyers - CLE - 1996;  
 "Pleading and Other Strategies to Defeat an Employer's Motion for Summary Judgment," panel member, 22nd Labor and Employment Law Institute, 1995;  
 "Representing Employees Who Don't Want to Litigate: Voices of Experience," panel member, Minnesota CLE, 1995;  
 "Winning Your Trial: Voir Dire," Minnesota Trial Lawyers CLE, 1994;  
 "ADA Mock Trial: How Will a Jury Decide on 'Reasonable Accommodation'?", Personnel Law Update Seminar - CLE, 1993;  
 "Whistleblower Law and Other Tort Claims," Minnesota Institute of Legal Education - CLE, 1992;  
 "The Price is Right - Evaluating Damages in Wrongful Termination Cases," Minnesota Trial Lawyers - CLE, 1991;  
 "Whistleblower, Retaliation and Reprisal Claims," Minnesota Trial Lawyers - CLE, 1991;  
 "Sexual Harassment for the Defense," Minnesota Institute of Legal Education, 1990. "Sexual Harassment and Sex Discrimination," Minnesota CLE, 1990;  
 "How to Handle the Plaintiff's Employment Case," Minnesota CLE, 1989;  
 "Wrongful Discharge - The Plaintiff's Case From The Horse's Mouth," Chair, Minnesota CLE Seminar, Minnesota Trial Lawyers Association, 1987;  
 "Litigating Trade Secret and Non-Compete Cases," Minnesota Trial Lawyers Association, 1985;  
 "Causes of Professional Negligence in the Business and Commercial Practice," Minnesota Trial Lawyers, 1984;  
 "Employment and Trade Secret Litigation," Minnesota Continuing Legal Education, 1984 and 1988;  
 "Minnesota Trade Secrets Law - A Litigator's Viewpoint," Minnesota CLE, 1981.

### **CURRENT PRACTICE**

My practice is concentrated in Employment Law and Commercial Litigation including Wrongful Discharge, Discrimination, Sex Harassment, Non-Compete Agreements, and Trade Secret matters. There is hardly an area of law that I have not worked in during my 55 years of

practicing law. For more than twenty years, I have been doing alternative dispute resolution, mainly mediation, but also as an arbitrator and once as a Consensual Special Master in a complicated commercial accounting case.

### **SUPER LAWYER**

Selected every year since 2003 as a Super Lawyer, chosen by peers, in top 6% of lawyers in Minnesota. The selection of Super Lawyers was researched and produced by Minnesota Law and Politics magazine and Twin Cities Business Monthly. Chosen as one of Minnesota's Top 40 Labor & Employment Super Lawyers or as one of Minnesota's Top 40 Employment Litigation Super Lawyers for many years.

### **AVVO**

Rated a 10, the highest AVVO rating.

### **WHO'S WHO IN AMERICAN LAW**

Chosen to appear in the new Millennium Edition of "Who's Who in American Law," a publication which recognizes the country's most distinguished legal professionals.

### **AV RATED FOR MORE THAN THIRTY-FIVE YEARS**

Highest possible peer review rating in legal ability and ethical standards by Martindale-Hubbell.

### **AWARDS**

2018 Leonard Lindquist Distinguished Practice Award from the Minnesota State Bar Association

2020 Attorneys of the Year from Minnesota Lawyer for work on *Kenneh v. Homeward Bound, Inc.*

### **JURY VERDICTS**

Obtained substantial jury verdicts in the following amounts: \$3,250,000 (patent and trademark case written up in BNA, a national periodical);

\$1,200,000 (employment law case); \$750,000 (sexual harassment case); and several noteworthy verdicts written up in local and national legal periodicals. Obtained employee awards in arbitration, and several jury cases resulting in substantial verdicts for emotional distress and psychological injuries. Obtained a combined court decision in North Carolina and Florida arbitration award in excess of \$2,000,000 in a commercial joint venture split up. In a complex trade secret case, obtained a favorable denial of summary judgment and then a favorable jury liability verdict in a bifurcated case. Our CPA expert was going to testify as to

\$100 million in damages, before the court granted judgement as a matter of law to the third largest corporation in the world.

### **REPORTED CASES**

*American National Bank and Trust Co. v. Logan*, 176 N.W.2d 91 (Minn. 1970).

*Black v. Snyder*, 471 N.W.2d 715 (Minn. App. 1991) (a case of first impression permitting a minister to sue the church in civil court for sexual harassment).

*Bondpro Corporation v. Siemens Westinghouse Power Corporation*, 320 F. Supp. 2d 804 (2004, W.D. Wisconsin).

*Ohio Calculating, Inc. and CPT Corp.*, (Nos. 87-5217 and 87-5225 - 8th Cir.) (CPT exculpatory clause not valid in a wrongful dealer termination case for pre-termination acts) (Written up in Computer Law & Tax Report, September 1988, Vol. 15, No. 2)

*Bond v. Charlson*, 374 N.W.2d 423 (Minn. 1985).

*Cherne Indus., Inc. v. Grounds & Associates*, 278 N.W.2d 81 (Minn. 1979) (a leading case in trade secret law and remedies, cited more than 1,000 times, in cases, secondary authority, briefs, etc.).

*Commissioner of Taxation v. Brun*, 174 N.W.2d 120 (Minn. 1970).

*Devane v. Sears Home Improvement Products, Inc.*, et al. (Dec 23, 2003 unpublished Minnesota Court of Appeals) (substantial sexual harassment verdict upheld).

*Eklund v. Vincent Brass and Aluminum Co.*, 351 N.W.2d 371 (Minn. App. 1984) (a leading case in employment law establishing several legal theories available for a terminated employee).

*Kenneh v. Homeward Bound, Inc.*, 944 N.W.2d 222 (Minn. 2020) (a groundbreaking sexual harassment case where that will allow more MN plaintiffs to bring their cases before a jury)

*Kottschade v. Lundberg*, 160 N.W.2d 135 (Minn. 1968).

*Levin v. C.O.M.B. Co.*, 469 N.W.2d 512 (Minn. App. 1991).

*Schug v. Michael*, 245 N.W.2d 587 (Minn. 1976).

*Sappa v. Strite-Anderson Manufacturing Company*, 221 N.W.2d 660 (Minn. 1974).

### **THREE IMPORTANT CASES OF SOCIAL SIGNIFICANCE**

1. Represented three African-American VA hospital orderlies wrongfully held in low grade orderly positions since World War II and got them upgraded to proper positions. This resulted in 150 African-American VA employees being evaluated by the VA, many, if not most, being elevated to proper higher grade positions.
2. My son and I represented a man in a jury trial under the Federal Fair Housing Act and the Minnesota Human Rights Act as to whether keeping his murdered son's dog in his condo, as an unregistered service dog, would be a reasonable accommodation for the psychological disability resulting from his son's death. The case was written up as one of the Lawsuits of the Year in Law & Politics December-January 2001, Number 123. The condo association was found liable by the jury and the association ordered to pay \$120,000 in damages for further anguish and \$86,148 in attorneys fees and costs, all of which was paid. The case was on television and also written up in the Minneapolis Star Tribune newspaper and Lawyer's Weekly USA, a national newspaper for small law firms in August 21, 2000. I have been contacted by attorneys and organizations seeking to get

legislation increasing the value of damage to or loss of pets in cases, in part based on this case.

3. An associate and I represented a resident veteran in the Minnesota Veteran's Home who advocated residents rights. The case was against the Commissioner of Veteran's Affairs, the State of Minnesota, and a member of the Attorney General's staff. The jury found all defendants jointly liable for \$200,000, the maximum then allowable by Minnesota law. The judgment was paid and shortly thereafter the state took steps to alleviate adverse conditions at the home. After 8 years as a resident, our client moved to Florida, married, started a successful career, and has two children. A happy conclusion for him and for many residents at Minnesota's three Veteran's homes.



### **THREE IMPORTANT CASES OF BUSINESS SIGNIFICANCE**

1. *Cherne Industries v. Grounds*, 278 N.W. 2d 81 (Minn. 1976), has been cited over 1,000 times. I represented Cherne Industries against former employees and a financier who started a competing business. This was a case where former employees took trade secrets and violated non-compete agreements. The district court denied a temporary restraining order to prohibit competition. Another district court heard the trial and decided there were trade secrets misappropriated but the trade secrecy had lapsed by the time of trial and the non-compete had also expired. Yet the court used its inherent equitable powers to issue an injunction against the former employees, and also awarded actual and punitive damages as reasonable and fair remedies under the circumstances. This remedy was upheld by the Minnesota Supreme Court.
2. In *Devane v. Sears Home Improvement Products, Inc.* (2003 WL 22999363) an unpublished Minnesota Court of Appeals decision, a young woman I represented was awarded a jury verdict of \$750,000 for psychological injury from sexual harassment. This example is often used by mediators to explain that a settlement is better than a huge jury verdict. This deterrent example prevents sexual harassment which is good for employees and good for businesses.
3. I obtained a \$3,250,000 jury verdict in 1987 for my client Cherne Industries against former copycat employees and a financier for violating Cherne's patent and unregistered trademark. The patent violated was on the inner workings of sewer plugs used to test for leaks. The unregistered trademark on the outer appearance of the sewer plugs violated the Lanham Act. Combined relief of this nature, at the time, was very unusual in intellectual property law. The result was discussed in a Bureau of National Affairs two page article circulated throughout the nation. Judge James Rosenbaum's oral findings stated there would be a prohibitive injunction and possible further damages. In about one month after the verdict, it was publically announced that Cherne Industries was sold for \$9 million which would have been difficult to sell without the favorable decision. We wrote an article "Hanging Copycats by Jury," with my patent attorney co-counsel, which was published in local and national legal periodicals.