



Katherine S. Barrett Wiik  
**Attorney**

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My clients value my intellectual rigor and strategic toughness, but also that I am authentic and thoughtful. I advocate with tenacity and empathy.

Katherine Barrett Wiik is a partner at Best & Flanagan. She is an accomplished appellate lawyer with extensive experience representing business and individuals in civil trial court matters as well as on appeal. Katie has handled dozens of appeals in federal and state appellate courts. She has argued before the Minnesota Supreme Court, the Minnesota Court of Appeals, and the U.S. Courts of Appeal for the Sixth and Ninth Circuits.

Katie often serves as the lead appellate lawyer on a matter, first chairing the appeal. She also frequently collaborates with trial counsel and clients, serving as appellate co-counsel or in a consulting capacity. Katie's appellate perspective brings value to clients and co-counsel during phases of trial court proceedings that impact issue preservation and framing, helping them create the strongest possible record for appeal. In recent years, Katie has been the primary author of several successful petitions for further review (PFR) to the Minnesota Supreme Court.

Katie is the current Chair of the Minnesota State Bar Association's Appellate Practice Section Council, and she serves on the Executive Board of the ABA's Council of Appellate Lawyers. A former Sixth Circuit law clerk, she also frequently writes and speaks on issues of appellate law and procedure.

In her appellate as well as her trial court litigation matters, Katie represents individual and business clients with a diverse range of legal issues. She has handled financial litigation and breach of fiduciary duty matters, breach of contract and employment disputes, and business torts, as well as individual and mass torts. Katie is also deeply committed to providing pro bono legal services, particularly relating to issues of social and gender justice and human and civil rights.

## Experience

### Appellate Advocacy & Strategic Motions

Katie has extensive appellate practice experience. She has argued before numerous state and federal appellate courts. Her appellate experience has included:

- As lead appellate counsel for a major electronics retailer in two Ninth Circuit antitrust appeals, Katie successfully defended the jury verdict in her client's favor on liability under the Sherman Act and Minnesota Antitrust Act, as well as the district court's award of attorney's fees and costs to her client.

- › As appellate co-counsel for several institutional investors, Katie obtained a decision from the Eighth Circuit vacating a judgment of dismissal in an ERISA breach of fiduciary duty case against a major bank's securities lending program. After remand, Katie briefed and argued the ERISA liability and remedies findings of fact and conclusion of law in the District of Minnesota. The matter reached a confidential settlement while those submissions were pending.
- › Lead appellate counsel for a technology company in a Sixth Circuit appeal, asserting breach of contract and unjust enrichment claims against a major electronics manufacturer.
- › Lead appellate counsel for a qui tam plaintiff in the first Minnesota Supreme Court case to interpret the Minnesota False Claims Act.
- › Argued to the Minnesota Supreme Court in an appeal interpreting the notification provision of Minnesota's name change statute.
- › As appellate co-counsel for major manufacturing company and regional business chambers, Katie briefed and argued appeals challenging the Minneapolis sick and safe time and minimum wage ordinances on extraterritoriality and preemption grounds.
- › As appellate co-counsel in Eighth Circuit appeal, obtained a decision reversing grant of summary judgment in employment classification class action regarding whether truck operators are independent contractors or employees under Missouri law.
- › Primary author of briefing in a Sixth Circuit appeal, which resulted in the affirmance of the district court's dismissal of a trade secrets case against her client.
- › Key member of the appellate team representing former U.S. attorneys who had served in "Indian Country," in submitting an amicus curiae brief to the U.S. Supreme Court in a case involving the Violence Against Women Act (VAWA) regarding the treatment of tribal court convictions.

## **Trial Court Litigation**

In addition to her appellate practice, Katie has extensive experience litigating on behalf of both plaintiffs and defendants in state and federal trial courts. She has handled diverse litigation matters, including financial litigation on behalf of institutional investors, breach of contract cases, employment, non-compete, and trade secret disputes, as well as business torts and unjust enrichment claims. She has also participated as part of the trial team for two mass tort pharmaceutical cases that were consolidated in MDL litigation in the District of Minnesota.

## **Local Counsel Services and Community Connections**

Katie collaborates with national law firms and in-house counsel to serve as their Minnesota-based co-counsel on civil litigation and appellate matters venued in Minnesota state and federal courts. She has substantial experience with local practices and court procedures, and has served in leadership roles in the Minnesota Chapter of the FBA as well as the Minnesota State Bar Association's Appellate Practice Section.

## **Before Best & Flanagan**

Prior to joining Best & Flanagan in 2019, Katie was a principal and associate at Robins Kaplan LLP, and a judicial law clerk to the Honorable Karen Nelson Moore on the U.S. Court of Appeals for the Sixth Circuit.

## **Areas of Practice**

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Appellate Advocacy & Strategic Motions

Litigation

Commercial Litigation

Litigation & Appellate

Employment Law

Employment Litigation

Non-Compete & Trade Secret Litigation

Strategic Employment & Labor Advice & Counseling

Shareholder Disputes and Litigation

## Education

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J.D., Harvard Journal of Law & Gender, Co-Editor-in-Chief (2004-2005), Harvard Law School, 2005

L.L.M. in Human Rights Law, Queen's University Belfast, 2002, with Honors (as a Marshall Scholar)

M.A. in Politics, Queen's University Belfast, 2001, with Merit (as a Marshall Scholar)

B.A., Macalester College, 2000, Phi Beta Kappa, *summa cum laude*

## Admissions

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State of New York

State of Minnesota

U.S. District Court, District of North Dakota

U.S. Bankruptcy Court, District of Minnesota

U.S. District Court, District of Minnesota

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Eighth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the District of Columbia Circuit

Supreme Court of the United States

## Firm News/Articles

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- > Appellate Victory for Best & Flanagan in Minnesota Supreme Court
- > Katie Barrett Wiik Moderates Transgender Rights Panel at 2019 AJEI Summit
- > Katie Barrett Wiik Receives Journey of Hope Award from Standpoint
- > Katie Barrett Wiik Participates as "Big New U.S. Supreme Court Decisions" Panelist at Minnesota CLE
- > Best & Flanagan's appellate attorneys file U.S. Supreme Court amicus brief on behalf of Public Record Media
- > Ten Best & Flanagan Attorneys Named 2019 Minnesota Super Lawyers
- > Best & Flanagan Attorneys Recognized in 2019 Chambers USA Rankings
- > Best & Flanagan Attorneys Elected to Leadership Positions with the Federal Bar Association
- > She Leads
- > Katherine Barrett Wiik Appointed At-Large Member of the Commission on Judicial Selection
- > Best & Flanagan Welcomes Katherine Barrett Wiik

## Professional Associations

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- > Chair, Appellate Practice Section Council of the Minnesota State Bar Association (2018-19)
- > Executive Board Member and Co-Chair of Monthly Lunches, Minnesota Chapter of the Federal Bar Association
- > Executive Board Member, Council of Appellate Lawyers, American Bar Association (2018-present)
- > Minnesota Association for Justice

## Community Associations

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- > Our Justice, Board of Directors
- > Advocates for Human Rights, Volunteer Attorney
- > Jeremiah Program, Volunteer Attorney

## Seminars & Publications

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- > How to Appeal to the Minnesota Court of Appeals, January 30, 2020, Minnesota Continuing Legal Education

## Awards/Recognition

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- > Minnesota Super Lawyers, 2019
- > [Chambers USA, 2019](#)
  - > Up-and-Coming Attorney, Appellate Litigation - Minnesota
- > Attorney of the Year, Minnesota Lawyer in 2016
- > North Star Lawyer, Minnesota State Bar Association for providing at least 50 hours of pro bono legal services annually (2013-present)

## After Hours

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I engage with my creative side by enjoying live classical and jazz music, collecting beads and making jewelry, and exploring new recipes and restaurants. My husband and I love spending long weekends on the north shore of Lake Superior with our son and daughter. I also thrive on international travel — the quandary is whether to explore new destinations on my bucket list or to return to my beloved Ireland and Northern Ireland, where I lived and studied as a British Marshall Scholar.

## Katherine's Team

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- > Sarah Crippen, Attorney
- > Amy Conners, Attorney
- > Joel Schroeder, Attorney
- > Ashleigh Leitch, Attorney