

## Frank Harty

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DES MOINES OFFICE

Frank Harty put himself through college and law school by playing football and working.

A commitment to professionalism and blue-collar roots—he’s from a family of cops and firefighters—sparked his interest in workplace issues and his specialty in labor and employment litigation. “Next to faith and family, the workplace is the most important part of most lives,” he says.

Frank has tried almost 100 cases to verdict. He regularly represents companies, nonprofit organizations, and institutions of higher learning in day-to-day and complex labor and employment issues.

Employers with [litigation](#) or other [labor and employment](#) needs can rely on his experience, knowledge, and persistence. Frank is equipped to address a broad range of labor and employment issues. “I’m primarily a trial lawyer who focuses on labor and employment, but I also have an office practice and provide preventive advice that relates to the workplace,” he says.

His passionate desire to win shows in his record of success and his recognition by leading guides such as Chambers USA and Benchmark Litigation. “I like finding ways to win for my clients.” Frank says, “and that might include winning by losing the right way. It might include winning by avoiding a fight. Very often, it includes going to trial and winning at trial.”

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## RECOGNITION

### The American College of Trial Lawyers

Fellow

### The College of Labor and Employment Lawyers

Fellow

### Iowa Academy of Trial Lawyers

Fellow

### American Board of Trial Advocates

President, Iowa Chapter, 2010

### Martindale-Hubbell

AV Preeminent, peer rated for highest level of professional excellence

### The Best Lawyers in America®

2005-2025

### Chambers USA

Top ranked, 2003-2025

### The Best Lawyers in America®



## PRACTICE AREAS

- Government Affairs
- Administrative Rulemaking
- Bill Drafting
- Campaign Finance & Elections
- Legislation Tracking & Analysis
- Strategic Planning
- Labor & Employment
- Affirmative Action Compliance & Enforcement
- Collective Bargaining, Contract Administration & Labor Arbitration
- Employment Counseling & Risk Avoidance
- Employment Litigation
- Higher Education & Title IX Law
- OSHA Compliance & Enforcement
- Trade Secret & Noncompete Litigation
- Union Avoidance, Organizational Campaigns & Unfair Labor Practice/NLRB Proceedings
- Litigation
- Appellate Practice
- Business & Commercial Litigation
- Class Actions
- Cybersecurity & Privacy
- Employment, Labor & Discrimination
- ERISA Litigation
- Health Care Litigation
- Higher Education & Title IX Law
- Professional Malpractice

## EDUCATION

- University of Iowa (B.B.A., with honors)
- Drake University (J.D.)

- Lawyer of the Year, Labor Law – Management, Des Moines, 2020
- Lawyer of the Year, Litigation–Labor and Employment, Des Moines, 2014
- Lawyer of the Year, Labor and Employment Law, Des Moines, 2011

#### **Great Plains Super Lawyers**

Employment & Labor, 2009-2025

#### **Benchmark Leading Litigation Attorney**

2011-2013

#### **Benchmark Litigation**

Local Litigation Star

Labor & Employment Star

#### **BTI Consulting Group**

BTI Client Service All-Star, 2022

#### **Who's Who Legal USA**

Management Labor & Employment Law, 2006–2013

#### **Order of the Coif**

#### ***Drake Law Review***

Editor in Chief, 1983-1984

#### ***American Bar Association Tort and Insurance Law Journal***

Associate Editor, 1993-1996

#### **Hawkeye Honor Board**

1981

## **PROFESSIONAL & COMMUNITY AFFILIATIONS**

#### **American Bar Association**

#### **Iowa State Bar Association**

- Labor and Employment Law Section, Chair, 1995-1998
- Young Lawyers Division, President, 1994-1995

#### **Polk County Bar Association**

#### **Iowa Defense Counsel Association**

President's Award, 2016

#### **Iowa Varsity Club**

#### **National Association of College and University Attorneys**

#### **National Association of Diocesan Attorneys**

#### **Iowa Hospitals and Health Systems Association**

#### **West Des Moines Human Rights Commission**

2006–2018

#### **American Cancer Society, Polk County Division**

President, 1988

## **BAR ADMISSIONS**

- Iowa
- Admitted to practice in all state and federal courts in Iowa
- Eighth Circuit Court of Appeals
- U.S. Supreme Court

## **PROFESSIONAL EXPERIENCE**

- Adjunct Professor, Employment Law, Drake University Law School
- Adjunct Professor, Trial Advocacy, Drake University Law School
- Lecturer, Business Law and Personnel Management, Simpson College

## **Greater Des Moines Leadership Institute**

1993

## **Urban Dreams**

Board Member, 2000-2002

## **Holy Family School Foundation**

Board Member, 2000-2003

## **St. Francis Roman Catholic Parish of West Des Moines**

Founding Trustee, 1996

## **Roman Catholic Diocese of Des Moines**

Building Commission, 1994-2000

## **Knights of Columbus**

Member, 1984-Present

## **Dowling Catholic High School Foundation**

Board Member, 2006-2009

## **SIGNIFICANT CASES**

### **First chair in more than 90 jury trials.**

**[Gross v. FBL Fin. Servs., Inc., 557 U.S. 167 \(2009\).](#)** The U.S. Supreme Court held that a plaintiff bringing an age discrimination claim under the ADEA must prove, by a preponderance of the evidence, that age was the “but-for” cause of the challenged adverse employment action.

**[Jahnke v. Deere & Co., 912 N.W.2d 136 \(Iowa 2018\).](#)** The Iowa Supreme Court held that the Iowa Civil Rights Act does not apply extraterritorially and the alleged discriminatory acts occurred entirely outside Iowa, directing the district court to dismiss the plaintiff’s claims.

**[Ackelson v. Manley Toy Direct, LLC, 832 N.W.2d 678 \(Iowa 2013\).](#)** The Iowa Supreme Court held that punitive damages are not available under the Iowa Civil Rights Act.

**[Dindinger v. Allsteel, Inc., 860 N.W.2d 557 \(Iowa 2015\).](#)** In a certified question from the federal court, the Iowa Supreme Court limited the length of time for which a plaintiff can recover damages under the Iowa Equal Pay Act.

**[Ernster v. Luxco, Inc., 596 F.3d 1000 \(8th Cir. 2010\).](#)** Court of Appeals affirmed entry of judgment on defense verdict after jury trial regarding issue of whether the plaintiff was an employee or independent contractor of the defendant. (Plaintiff alleged age discrimination claims under the ADEA and ICRA).

**[Banks v. John Deere & Co., Case No. 15-2058 \(8th Cir. 2016\).](#)** The Eighth Circuit Court of Appeals affirmed summary judgment for the employer on the plaintiff’s race discrimination and harassment claims under Title VII and the Iowa Civil Rights Act.

**[Burse v. Deere & Co., No. LACL126338 \(Iowa Dist. Ct. 2014\).](#)** Defense verdict and defeated claims for damages in race harassment claim.

**[Salami v. Von Maur, Inc., No. LACL118608 \(Iowa Dist. Ct. 2012 and 2014 \(retrial\)\).](#)** Defense verdict on claims of race discrimination and racial harassment.

[\*\*\*Campbell v. Deere & Co., No. LACL123494 \(Iowa Dist. Ct. 2013\).\*\*\*](#) Defense verdict in race discrimination and race harassment case.

[\*\*\*Brubaker et al v. Deere, No. 3:08-cv-00113 \(S.D. Iowa Oct. 16, 2009\).\*\*\*](#) Assisted defense team in ERISA class action resulting in defense judgment.

[\*\*\*Vander Linden v. Central Iowa Hospital Corporation, No. 4:07-cv-189 \(S.D. Iowa\).\*\*\*](#) Defense verdict in jury trial on issue of alleged age discrimination under the ADEA and ICRA.

[\*\*\*Doe v. Cent. Iowa Health Sys., 766 N.W.2d 787 \(Iowa 2009\).\*\*\*](#) Iowa Supreme Court held that expert testimony required where plaintiff had serious pre-existing mental problems.

[\*\*\*Singh v. Allen Mem'l Hosp., No. 6:04-cv-2090 \(N.D.Iowa Aug. 3, 2006\).\*\*\*](#) Defense verdict on claims of national origin and race discrimination.

[\*\*\*Woods v. Valley W. Oil, No. LACL093064 \(Iowa Dist. Ct. June 29, 2005\).\*\*\*](#) Successful result in first jury trial in 20 years under the Iowa Civil Rights Act on state claims of gender discrimination. Plaintiff dismissed her case after her cross-examination by Mr. Harty.

[\*\*\*Cline v. The HON Co., No. LACV014615 \(Iowa Dist. Ct. July 2, 2004\).\*\*\*](#) Defense verdict on common law claims of wrongful discharge in violation of public policy, breach of an implied employment contract and unlawful retaliation in violation of the Iowa Civil Rights Act.

[\*\*\*Allen v. HON Indus., Inc., No. 00-2017 \(Iowa Ct. App. Dec. 28, 2001\).\*\*\*](#) The Iowa Court of Appeals upheld lower court's summary judgment in favor of Defendant on claims of breach of employment contract and negligent and/or fraudulent misrepresentation.

[\*\*\*Matzke v. Mary Greeley Med. Ctr., No. 99-2042 \(Iowa Ct. App. Apr. 11, 2001\).\*\*\*](#) The Iowa Court of Appeals entered judgment setting aside the judgment in favor of the Plaintiff and dismissing the Plaintiff's claim of being entitled to a gainsharing bonus under the Iowa Wage Payment Collection Act.

[\*\*\*Niemeir v. Lear Corp., No. 3:99-cv-60191 \(S.D. Iowa Apr. 26, 2001\).\*\*\*](#) Obtained defense verdict and successfully defended employer against hostile environment and retaliation claims by Plaintiff alleging a three-year pattern of abusive conduct.

[\*\*\*Fasse v. Big-Sur Waterbeds, et al., No. 4:95-cv-30718 \(S.D.Iowa May 23, 1997\).\*\*\*](#) Successfully defended sexual harassment and retaliation jury trial; resulted in defense verdict.

[\*\*\*Bush v. Marshalltown Med. & Surgical Ctr., No. 4:93-cv-80789 \(S.D.Iowa Mar. 12, 1996\).\*\*\*](#) Successfully defended the first sexual harassment and retaliation jury trial tried in the Southern District of Iowa; resulted in defense verdict.

[\*\*\*Tenny v. Roman Catholic Diocese of Des Moines, No. 4:94-cv-30102 \(S.D.Iowa May 23, 1995\).\*\*\*](#) Successfully defended the first Americans with Disabilities Act case involving a plaintiff with AIDS to be decided by the United States District Court for the Southern District of Iowa.

## SPEECHES & PUBLICATIONS

[\*\*"Protecting Intellectual Property: Key Legal Insights for Businesses in Iowa"\*\*](#)  
2022 (book, co-author with Jeff Harty)

**"Drafting and Enforcing Non-Compete Clauses in Iowa: A Thirty-Year Review"**

64 Drake L. Rev. 325, 2016 (co-author)

**"The Law of Higher Education: A Discovery Primer for Defense Counsel"**

Defense Update, The Iowa Defense Counsel Association Newsletter, fall 2015

**"Litigation Privilege in Iowa Employment Cases"**

Defense Update, The Iowa Defense Counsel Association Newsletter, spring 2014

**"Proof Standards Under the Iowa Civil Rights Act: A Gross Oversight?"**

Defense Update, The Iowa Defense Counsel Association Newsletter, winter 2010  
(co-author)

**"Wage and Hour Laws: A State-by-State Survey"**

ABA Section of Labor and Employment Law (Iowa chapter author)

**"Computer Fraud and Abuse Act: A New Tool for Employers"**

The Iowa Defense Counsel Association Newsletter, Vol. XVII, No. 4, fall 2008

**"Arbitrating Employment Claims: Watch Out for These Traps"**

66 The Iowa Law. 53, 2006

**"Sex Discrimination in Iowa, An Analysis and Critique"**

44 Drake L. Rev. 261, 1996

**"Employment Torts: Emerging Areas of Employer Liability"**

39 Drake L. Rev. 1, 1990

**"Expert Testimony Under the Iowa Rules of Evidence, Proffering and Resisting Expert Opinion,"** 36 Drake L. Rev. 343, 1987

**"Competition Between Employer and Employee: Drafting and Enforcing Restrictive Covenants in Employment Agreements,"** 35 Drake L. Rev. 251, 1986

**"The Relative Priority of a Landlord's Lien and Article Nine Security Interest,"** 35 Drake L. Rev. 27, 1986 (co-author)

**Speeches:**

**"Preserving the Privilege"**

Ethics speech to in-house legal departments, December 2009

**"Computer Fraud and Abuse Act—the Good, the Bad and the Ugly"**

2008 e-Commerce Section Seminar, Iowa State Bar Association, December 12, 2008

**"Recent Developments Under the Family and Medical Leave Act"**

Nyemaster Goode Labor and Employment Practice Group Seminar, June 26, 2008

**"Record Retention: Minimizing the Headaches of Electronic Discovery"**

Iowa Society of Healthcare Attorneys, May 8, 2008

**"Recent Developments Under the Family and Medical Leave Act"**

Iowa Municipal Finance Officers Association, April 17, 2008

**"Preserving the Attorney-Client Privilege in Corporate Communications: Common Errors"**

American Corporate Counsel Association, March 20, 2008

