



HOLLY A. DYER

PARTNER

WICHITA OFFICE

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PROFILE

Holly Dyer practices in the areas of commercial, complex, and general litigation. Her litigation experience includes multiple jury trials and administrative proceedings involving a wide array of subjects including trade secrets, tortious interference, commercial transactions, breach of contract, noncompete agreements, attorney ethics, consumer protection, and employment matters. She is a Fellow of the American College of Trial Lawyers and a member of the American Law Institute. Holly has also been selected for inclusion in the *Missouri & Kansas Super Lawyers*[®] list and *The Best Lawyers in America*[®] for her work in the areas of commercial litigation and professional malpractice law. *Benchmark Litigation* has named Holly a Kansas “Litigation Star” since 2013 and one of the Top 250 Women in Litigation in the United States in 2013, 2016, and 2017. She serves as lead partner of the firm's appellate practice team.

Holly has served as President of the Wichita Bar Association and is a member of the Wichita Bar Association's Ethics and Grievance Committee. She also serves on the firm's Ethics Committee and is a member of the Sedona Conference Working Groups 1 (ESI) and 12 (Trade Secrets), and the Defense Research Institute (DRI).

Education

- University of Kansas (J.D., 1994)
Order of the Coif; Articles Editor - *Kansas Law Review*; Samuel Mellinger Leadership Award
- Wichita State University (B.A. in Journalism, 1988)
magna cum laude

Admissions

- Kansas (1994)

PRACTICE AREAS

- Litigation & Disputes

FOULSTON

ATTORNEYS AT LAW

- Appellate Law
- Trade Secret & Noncompete Litigation
- Government Investigations & White Collar Crime
- Privacy & Data Security

INDUSTRIES

- Agribusiness

RELEVANT EXPERIENCE

- Won a jury trial in favor of manufacturer damaged by former employees' and competitor's tortious interference and breach of nondisclosure agreements with award of \$5.425 million in compensatory and punitive damages. *Aeroflex Wichita, Inc. v. Filardo, et al.*, 09-cv-1141 (18th Judicial District, Sedgwick County) (appeal pending).
- Won a jury trial in favor of neurosurgeon in a dispute with former practice involving breach of contract and tortious interference claims. *Abay v. Abay Neuroscience Center, L.L.C.*, Case No. 109,876, 2015 WL 1122961 (Kan. Ct. App., Mar. 6, 2015).
- Won injunction, default judgment, and subsequent appeal in favor of national church in dispute with local congregants over ownership of church property. *Church of God in Christ, Inc. v. Board of Trustees of Emmanuel Church of God in Christ, Wichita, Kan.*, 47 Kan. App. 2d 674, 280 P.3d 795 (2012).
- Successful administrative agency appeal by community colleges involving application and constitutionality of complex funding scheme for career technical education. *Dodge City Community College v. Kansas Board of Regents*, 2009-C-1046 (3d Judicial District, Shawnee County).
- Won summary judgment and subsequent appeal in favor of developmental services provider in wrongful death action. *Berthelson v. Developmental Services of Northwest Kansas*, Case No. 95,274, 2006 WL 3774332 (Kan. Ct. App. Dec. 22, 2006).
- Won judgment in favor of air ambulance medical director in medical negligence claim involving death of patient following air transport from rural hospital to tertiary care facility. *Garcia v. Estate of Arribas, et al.*, Civil Action No. 04-1159-MLB (D. Kan.).
- Won summary judgment and subsequent appeal in consumer protection class action in favor of major printer and ink cartridge manufacturer. *Cole v. Hewlett Packard*, Case No. 90,164, 2004 WL 376471 (Kan. Ct. App. Feb 27, 2004) (per curiam).
- Won nine-week jury trial in favor of anesthesiologist in birth injury medical negligence action. *Haley v. Yoon*, No. 03 CV 609 (18th Judicial District, Sedgwick County).
- Won summary judgment and subsequent appeal in favor of mortuary and funeral director in action claiming negligent and intentional mishandling of a dead body. *Ely v. Hitchcock*, 30 Kan. App. 2d 1276, 58 P.3d 116 (2002).
- Won jury appeal in favor of pediatric intensivist in medical negligence claim involving brain-damaged child. *Irvin v. Smith*, 272 Kan. 112, 31 P.3d 934 (2001).
- Successful defense of national corporation in complex trade secret litigation arising from federal targeted jobs tax credits program.

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- American College of Trial Lawyers Fellow
- Wichita Business Journal Women Who Lead Board of Directors honoree, 2020
- Wichita Business Journal Women in Business honoree, 2015
- The American Law Institute Member, 2016 - present
- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Medical Malpractice Law – Defendants, 2011 - 2020, Commercial Litigation, Personal Injury Litigation – Defendants, and Professional Malpractice Law – Defendants, 2011 - 2021, and Litigation - Intellectual Property, 2021
- Identified by Chambers USA as a leading lawyer in the United States for Litigation: General Commercial, 2021
- Selected for inclusion in *Missouri & Kansas Super Lawyers*® List, 2012-2018 (a Thomson Reuters business)
- Named by *Benchmark Litigation* in 2012, 2013, 2014 & 2015 as one of the Top 250 Women in Litigation in the United States
- Named a “Local Litigation Star” by *Benchmark Litigation* in General Commercial, Insurance, and Professional Malpractice, 2013-2015 and General Commercial, Insurance, Professional Malpractice and Securities, 2016-2020
- The Sedona Conference, Working Group 1: Electronic Document Retention & Production, Member; Drafting Team, ESI Evidence & Admissibility Commentary, 2018-present; Working Group 12: Trade Secrets, Member
- University of Kansas Law School Board of Governors, 2008-11
- American Bar Association
- Kansas Bar Association Health Law Section - President 2006-07; 2010 KBA Annual Meeting Task Force, Chair; 2007 KBA Annual Meeting Task Force, Member
- Wichita Bar Association, President, 2015-2016; Vice President, 2013-2014; Elected Member of Board of Governors, 2008-2010; Awards Committee, 2008; Civil Practice Committee, Chair, 2009-2011; Ethics and Grievance Committee, Member, 2009-present; Law in Education Committee, Chair, 2005-08; Professional Diversity Committee, former Member and Chair; helped develop “Grow Your Own Lawyer” program for high school students interested in becoming lawyers; WBA President's Award, 2007
- Kansas Bar Foundation Board of Trustees, District 7 Trustee, 2010-present
- Kansas Association of Defense Counsel
- Defense Research Institute
- Wesley E. Brown American Inn of Court Member, 2008 - Present
- Kansas Women Attorneys Association
- Wichita Women Attorneys Association Member, former CLE Chair

PRESENTATIONS

2021

FOULSTON

ATTORNEYS AT LAW

- Navigating Real Rules of Legal Ethics in a Virtual World (Foulston Siefkin LLP, Corporate Counsel Series: Ethics and Elimination of Bias)

2019

- Once Upon a Time: Ethical Fairy (and Scary) Tales (Foulston Siefkin LLP, Corporate Counsel Series: Ethics 2019)

2018

- "Is This Thing On?" Lawyers Who Talk Too Much and Other Ethical Mishaps (Foulston Siefkin LLP, Corporate Counsel Series: Ethics 2018)
- From Sedona to the Federal Rules, What's New in the World of ESI and "Regular" Discovery? (Foulston Siefkin LLP, Corporate Counsel Series: Litigation 2018)
- Law Clerks Nuts and Bolts: Making the Summer a Success (Wichita Bar Association, CLE)
- Business Torts and Competition: Playing Nice, or at Least Playing by the Rules (Wichita Bar Association, Civil Practice CLE)

2017

- Roundup of Current Ethics Issues and Cases - Federal, State and Local (Foulston Siefkin Ethics Seminar for Corporate Counsel)

2016

- Social Media and Technology (Wichita Women Attorneys Association)
- Technological Competence: Legal Ethics in the Digital Age (Kansas Association of School Boards Kansas School Attorneys' Meeting)

2015

- How to Be an Awesome Second Chair at Trial (Kansas Association of Defense Counsel 36th Annual Conference)
- You Asked for It! A Review of What's New on Frequently Requested Topics and Other Current Issues (Foulston Siefkin, Ethics Seminar for Corporate Counsel)

2014

- Setting the Foundation: Tips and Strategies for Being an Effective Second Chair (Kansas Association of Defense Counsel, Annual Meeting CLE)
- All the Ethics News That'll Fit in 50 Minutes (Foulston Siefkin LLP, Ethics Seminar for Corporate Counsel)

2013

- Success as Women Lawyers: Strategies for the Long Road (Wichita Women Attorneys Association, Panel Discussion - Moderator)
- Knowing What You Don't Know: The Challenge of Complying with Rule 1.1's Technology Competence Requirement (Foulston Siefkin, Ethics Seminar for Corporate Counsel)

FOULSTON

ATTORNEYS AT LAW

2012

- Basic Civil Practice 101 (Wichita Bar Association, Continuing Legal Education Seminar)
- Litigation and Technology: Trial and Tribulations (Kansas Association of Defense Counsel, 34th Annual Conference)

2010

- Legal Ethics in Everyday Practice (Kansas Association of Legal Assistants, Annual Meeting)
- Legal Ethics in Everyday Practice (National Business Institute, Seminar)
- Immigration, Deemed Exports, and Other Employment-Related Issues that Sponsors and Principal Investigators Need to Understand (Foulston Siefkin Regional Bioscience Law Conference)

2009

- Engaging Counsel and the Scope of Conflict, Inquiries and Waivers (Foulston Siefkin Kansas Ethics Seminar)
- Annuities and Their Admissibility at Trial (Wichita Bar Association Continuing Legal Education)

COMMUNITY INVOLVEMENT

- League 42, Board Member, 2018-present
- Tallgrass Film Festival, Board Member, 2018-present
- Wichita Regional Chamber of Commerce, Chamber Honors Committee, Member, 2013-present
- Wichita State University Alumni Association, Board of Directors, 2011-2016
 - Executive Committee, Chair, Membership and Volunteer Recruitment, 2013-2016
 - Alumni Association President / CEO Search Committee, 2014
 - Wichita State University Strategic Planning Steering Committee, Alumni Association representative, 2012-2013
- Leadership Wichita, 2016
- United Way of the Plains
 - Women United, 2017-present
 - Read to Succeed Reading Coach, 2017-present
 - Campaign Cabinet, 2009
 - Allocations Volunteer, 2002-2008
- Girl Scouts of the Kansas Heartland, Troop 40442, Leader, 2010-2013

PUBLICATIONS

2016

- Fate, Karma, and Humble Pie
-Bar-o-Meter, Wichita Bar Association

FOULSTON

ATTORNEYS AT LAW

- "PHiL,"
-Bar-o-Meter, Wichita Bar Association
- I Think You Are Wrong
-Bar-o-Meter, Wichita Bar Association
- Unwarranted Certitude
-Bar-o-Meter, Wichita Bar Association
- Lawyer Parenting
-Bar-o-Meter, Wichita Bar Association

2015

- Ten Questions for the New WBA President
-Bar-o-Meter, Wichita Bar Association
- Oh, What a Bar!
-Bar-o-Meter, Wichita Bar Association
- Kiddo
-Bar-o-Meter, Wichita Bar Association
- PewDiePie
-Bar-o-Meter, Wichita Bar Association
- Wolfpack
-Bar-o-Meter, Wichita Bar Association
- Abraham Lincoln, Alexis de Tocqueville, and George Takei Walk into a Bar...
-Bar-o-Meter, Wichita Bar Association

2002

- Health Law FAQ: Consent For Treatment Of Minors
-Health Law Update - Quarter 2

2001

- Analyzing Medical Records
-Kansas Paralegal

1993

- Gender-Based Affirmative Action: How Does It Fit in the Tiered Scheme of Equal Protection Scrutiny?
-41 Kansas Law Review 591

ISSUE ALERTS

2018

- Comments Sought on Updated Legal Hold Guidelines?