

Kevin J. Visser

Member

Contact

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PRACTICE AREAS

Appellate Advocacy

Business and Commercial Litigation

Labor and Employment Law

Antitrust and Trade Regulation

Transportation Law

Agriculture Law

Professional Liability Defense, Licensure and Credentialing

Probate, Estate and Trust Litigation

Kevin Visser tries cases to juries and judges and handles the appeals from such decisions, as demonstrated in the public record, noted below. Of the 160 federal cases where he has served as lead counsel, and several hundred more in state courts, 75+ have been tried to verdict or judgment in 25 Iowa counties and five federal judicial districts, resulting in judgments, stock awards, or verdicts for firm clients of more than $77,000,000 in 14 of these cases - several of which involve prevailing defendants. In excess of 30 appellate decisions have followed these trials, divided between the Iowa appellate courts and the United States Court of Appeals. Substantive issues in these cases primarily involve business torts, shareholder disputes, ownership or use of intellectual property (including trade secrets and fair competition questions) and employment issues (including class actions). Industries in which these cases have arisen vary from manufacturing, renewable energy, insurance, finance, transportation, retail, the legal profession, franchising, organized labor, and agriculture.

Mr. Visser’s work for clients has been consistently recognized by peers in Chambers USA®, The Best Lawyers® in America and Super Lawyers. He is also an AV Rated attorney with Martindale-Hubbell®. Mr. Visser’s professional affiliations included the Iowa Academy of Trial Lawyers, the American Board of Trial Advocates, and the Judge David R. Hansen American Inn of Court. He is a member of the American Bar Association (ABA), the Iowa State Bar Association (ISBA), the Linn County Bar Association (LCBA), and the AGC Labor Lawyers Council. Mr. Visser was a member of the United States Magistrate Judge Merit Selection Panel for the United States District Court for the Northern District of Iowa in 2014 and 2016.

Mr. Visser is the firm’s primary contact with the USLAW Network, placing clients' needs with counsel across the United States and beyond. He also served on the firm's Board of Directors from 2009-2022.

Bar Admissions

- Iowa Supreme Court, 1980
- State of Iowa

Court Admissions

- US District Court
  - Northern & Southern Districts of Iowa, 1981
- US Court of Appeals
  - Eighth Circuit, 1986
- United States Supreme Court, 1986

Education

- University of Iowa College of Law, JD, 1980
- Central Missouri State, BS, 1978
  - Economics
  - Flippen Award: Outstanding Undergraduate

Honors & Awards

- Included in the Best Lawyers in America© list, 2024
  - Bet-the-Company Litigation, Commercial Litigation, Employment Law - Management, Litigation - Labor and Employment, Litigation - Trusts and Estates, Transportation Law
- Included in the Best Lawyers® "Lawyer of the Year" list for Cedar Rapids
  - Litigation - Labor and Employment, 2024
  - Bet-the-Company Litigation, 2021, 2023
  - Employment Law - Management, 2015
- AV Rating by Martindale-Hubbell®
- Ranked in Chambers USA, 2010-2023
  - Labor & Employment
    - Kevin Visser is recognized as a top labor and employment attorney and has experience with complex commercial litigation. One source comments: "Kevin Visser is particularly notable for his experience in employment litigation." Peers also describe him as an "outstanding litigator and a very effective judge and jury trial lawyer."

-- Chambers USA

- Litigation: General Commercial
  - "Kevin Visser is a notable trial lawyer with experience advising clients on disputes involving breach of contract, misappropriation of trade secrets and other business torts. He provides a skillful handling of class action lawsuits."

    --Chambers USA

- Included in Great Plains Super Lawyers list, 2007, 2009-2023
  - Business Litigation

Professional Affiliations

- American Bar Association
  - Labor & Employment Law Section
  - Litigation Section
  - Division Membership in Senior Lawyers
- Iowa State Bar Association
  - Litigation Section
  - Labor and Employment Section
- Linn County Bar Association
- American Board of Trial Advocates (ABOTA)
- Iowa Academy of Trial Lawyers
- Judge David R. Hansen American Inn of Court
- AGC Labor Lawyers Council
- USLAW NETWORK, Inc.
- United States Magistrate Judge Merit Reappointment Panel for the United States District Court for the Northern District of Iowa, 2003 & 2014
- United States Magistrate Judge Merit Selection Panel for the United States District Court for the Northern District of Iowa, 2016

Representative Experience

Devin Grainger v Precision of New Hampton, Inc., No. C22-2043 (N.D. Iowa 2023)

- U.S. Districted Court refuses to certify claims on behalf of a class of subjectively bonused manufacturing employees.

Chad Rupert v Elplast America, Inc., No. CVCV0969902 (Ia. Dist. Bus. Ct. 2022)
Jury Verdict and Ruling

- Iowa Business Court jury rejects multi-million dollar claims of minority shareholder of fraud, oppression, and breach of contract.

Mary Thome v The Sayer Law Group, P.C., No. 20-cv-3058 (N.D. Iowa 2022)

- Following the court's refusal to certify a purported class of misled debtors, a federal jury rejects the named plaintiff's individual claims under the Fair Debt Collection Practices Act.

Thomas Goettsch v (Law Firm), Successor to (Law Firm), No. LACV188238 (Ia. Dist. Bus. Ct. 2021)

- Iowa Business Court jury rejects controlling shareholder's multi-million dollar claims of legal malpractice against its lawyers arising out of their handling of a suit which resulted in the plaintiff gaining control of voting shares of family business.

Sellars, et al. vs. CRST Expedited, Inc., No. C15-117 (N.D. Iowa 2019)

- After decertifying a putative 300-woman sex harassment class action, the Iowa federal court granted summary judgment on a class action where claimants asserted that a dimunition in their pay when promptly removed from reportedly hostile workplaces was retaliatory. The court also dismissed the claims of the three named plaintiffs on their hostile work environment claims.

Sharon Bertroche, M.D., et al. v. Mercy Physician Associates, Inc., No. 1:18-cv-59 (N.D. Iowa 2019)

- After the district judge decertified a collective action by female physicians under the Equal Pay Act, a jury entered a verdict rejecting the lead plaintiff's claim that a hospital physicians group's pay formula was at a rate which differentiated on the basis of the gender of the physician performing services.

CRST Expedited, Inc. v. Swift Transportation Co. of Arizona, LLC, No. 17-cv-25 (N.D. Iowa 2019)

- A federal jury returned a $15,500,000 verdict on the business tort and unjust enrichment claims of a company which invested in training and qualifying drivers against a competitor which elected to misappropriate the use of 246 drivers' labor prior to the expiration of their ten month agreement to refrain from driving for companies which neither paid for their qualification nor a liquidated sum which

would satisfy the obligation. (Reversed on appeal, 2021.)

Tina Haskenhoff v. Homeland Energy Solutions, LLC, No. LACV003218 (Ia. Dist. Ct. 2019)

- On remand from the Iowa Supreme Court, a Chickasaw County jury found, upon admission of liability for an underlying hostile work environment, that an ethanol plant's officers had not constructively discharged a complaining lab manager.

Parker v. Platinum Services Inc. n/k/a Platinum Supplemental insurance, Inc., No. LACV106241 (Ia. Dist. Bus. Ct. 2019)
Jury Verdict and Judgment Entry Order

- In the Iowa Business Specialty Court, after a multi-week trial a jury rejected the claims of a former sales executive, and returned a counterclaim verdict against him of nearly $1,000,000 for his misappropriation of its trade secrets in using customer information and developing a product with a national insurance company to compete contrary to his agreement.

Tina Haskenhoff v. Homeland Energy Solutions, LLC, No. 15-0574 (Iowa Supreme Court 2017)

- Iowa Supreme Court reversed the 2015 order of a trial judge denying Homeland Energy, LLC a new trial based upon improper instructions of law requested by the Homeland's former lab manager. The Court's 173-page, three-opinion ruling vacates a $2.5MM judgment and announces the elements of Iowa law on a sexually hostile work environment, the standard for retaliation claims, and constructive discharge.

Busse, et al. v. Busse, et al., No. LACV083022 (Ia. Dist. Bus. Ct. 2017)
Findings of Fact, Conclusion of Law, and Judgment Entry

- Jury rejects 14 theory Petition by disappointed shareholders and beneficiaries and court orders return of voting control of commercial real estate firm to its benefactor and managing director.

Dubuque Injection Service Company, Inc. v. Kress (Iowa Court of Appeals 2017)

- Appellate Court refuses to order new jury trial for managing shareholder's misappropriation of corporate funds after trial judge allows evidence of a non-party's extraneous litigation to discredit closely-held business' claims.

Bruening Rock Products v. Hawkeye International Trucks (Iowa Court of Appeals 2015)

- $1.4MM jury verdict for failure to provide 74,000 lb. GVWR mining trucks reinstated by Court of Appeals, reversing post-trial grant of directed verdict.

LaRhonda Austin v. CRST Expedited, Inc., No. C13-91 (N.D. Iowa 2015)

- Jury verdict against driver on her state and federal claims of sexual harassment, constructive discharge, and punitive damages, and for employer on its counterclaims.

J. Richard Ransel, Trustee of the Estate of John Kaufman v. CRST Dedicated Services, Inc., No. 2:10-cv-466 (N.D Ind. 2015)

- Jury verdict and judgment in favor of trucking employer on Plaintiff's FMLA interference claim and FMLA retaliation claim. Plaintiff's Indiana retaliatory discharge claim dismissed on directed verdict. Summary judgment previously entered on 03/24/2014 in favor of Defendant and against Plaintiff on Plaintiff's ERISA interference claim and Indiana Wage Claims statute claim.

Branimir Catipovic v. Mark Turley, No. C11-3074 (N.D. Iowa 2014)

- Jury verdict in favor of promoter of first American-style ethanol plant in Europe for unjust enrichment in the amount of $2,000,000.

Jackson and Adams v CRST Expedited, Inc., No. LACV73594 (Ia. Dist. Ct. 2014)

- Jury verdict against drivers on their public policy discharge claims and for employer on its counterclaims, including fee award.

St. Malachy Roman Catholic Congregation of Geneseo, Illinois, et al. v Robert W. Baird & Co., Inc., et al, __N.W.2d __ (Iowa 2013)

- Iowa Supreme Court applies duty to carry out transfers to intended beneficiaries to a decedent's financial advisors as well as his lawyers.

Front Range Equine Rescue, et al. v Tom Vilsack, Secretary U.S. Department of Agriculture, et al, No. 13-2187 (10th Cir. 2013)

- Court of Appeals denies animal rights activists' efforts to enjoin Iowa equine abattoir entrepreneurs.

American Family Mutual Insurance Company v Hollander, 705 F.3d 339 (8th Cir. 2013)

- Appellate court affirms $343,000 2011 jury verdict plus more than $300,000 in attorney fees and costs for defendant independent insurance agent sued by financial institution.

Eastman v Homeland Energy Solutions, LLC, 837 N.W.2d 681 (Iowa App. 2013)

- Iowa Court of Appeals refuses to extend public policy retaliation protection to employee who complained of ethanol plant's director election proceedings.

To view a complete list of Kevin Visser's representative experience, click here.

News & Events

2023

- Kevin Visser Included in Best Lawyers® 2024 "Lawyer of the Year" for Litigation–Labor and Employment, 12/07/2023
- Kevin Visser Included in Best Lawyers in America® 2024, 08/17/2023
- Kevin Visser Listed in Chambers USA 2023, 06/26/2023
- Kevin Visser Listed in 2023 Great Plains Super Lawyers, 05/30/23

2022

- Kevin Visser Recognized as Best Lawyers® "Lawyer of the Year 2023, 08/26/2022
- Kevin Visser Included in Best Lawyers in America® 2023, 08/19/2022
- Kevin Visser Listed in 2022 Great Plains Super Lawyers, 07/28/22
- Kevin Visser Listed in Chambers USA 2022, 07/05/2022

2021

- Best Lawyers® 2022, 08/19/2021
- SPMB Listed in Chambers USA 2021, 05/20/2021

2020

- Best Lawyers In America Recognizes 37 SPMB Attorneys, 08/20/2020
- 2020 Great Plains Super Lawyers Announced, 07/31/2020
- Chambers USA 2020 List Announced, 05/08/2020