



Kersten Holzhueter



T 816.292.8302

F 816.474.3216

kholzhueter@spencerfane.com

• [Kansas City](#)

BIOGRAPHY

Kersten Holzhueter is a full-service litigator for financial services companies. She defends a wide-range of claims asserted against financial institutions, including claims for breach of contract, wrongful foreclosure, invasion of privacy, and interference with business relationships. Her defense work also involves lawsuits alleging violations of the Uniform Commercial Code, Fair Debt Collection Practices Act, Fair Credit Reporting Act, Telephone Consumer Protection Act, Truth in Lending Act, Equal Credit Opportunity Act, and state consumer protection statutes.

In addition, Kersten prosecutes diverse types of claims on behalf of her clients, ranging from investigating and prosecuting a complex fraud targeted at a bank, developing creative solutions to cure problems with property titles, and obtaining judgments for foreclosure of security interests, possession of leased properties, and breach of financial documents such as promissory notes, guaranties, and lease agreements.

With an undergraduate degree in accounting, Kersten understands financial transactions in a way that enables her to develop damage theories for clients prosecuting lawsuits and to calculate potential exposure for clients defending a lawsuit, which is instrumental in devising an appropriate defense strategy and analyzing the business implications early in a case.

Kersten's breadth of experience as a financial services litigator has enabled her to counsel her clients with the goal of avoiding lawsuits. She has provided compliance training on debt collection best practices related to consumer protection and privacy statutes. Kersten has also overhauled clients' policies on using consumer reports in connection with employment decisions.

Highlights of Kersten Holzhueter's experience include:

- Successfully argued before the Missouri Court of Appeals to uphold state court summary judgment and class certification rulings in favor of client. The case involved a Fair Debt Collection Practices Act claim that alleged interest had been accrued on accounts in violation of the Truth in Lending Act. *LVNV Funding, LLC v. Mavaega*, No. WD80294, 2017 Mo. App. LEXIS 859 (Mo. Ct. App. Aug. 29, 2017).
- Prosecuted various actions on behalf of a community development organization under the Missouri Abandoned Housing Act, which encourages municipalities and non-profit organizations to revitalize neighborhoods by converting blighted homes into affordable, safe housing options. Obtained title to numerous homes in Jackson County and Cass County that were successfully renovated by client.

PRACTICE AREAS

- [Litigation and Dispute Resolution](#)

EDUCATION

- University of Wisconsin-Madison, *with distinction*
- University of Iowa College of Law, *with high distinction*

BAR ADMISSIONS

- Kansas, 2011
- Missouri, 2010

COURT ADMISSIONS

- U.S. District Court for the District of Kansas
- U.S. District Court for the Western District of Missouri

- Authored successful motions in numerous cases in the District of Kansas and the Western District of Missouri, which sought dismissal of Fair Debt Collection Practices Act causes of action alleging that debt collectors charged improper interest.
- Argued before the Kansas Court of Appeals regarding state court judgment in favor of client on breach of contract and foreclosure of mechanic's lien claims. Judgment was affirmed.
- First-chaired jury trial in the District of Kansas in a case alleging violations of the Telephone Consumer Protection Act. Obtained directed verdict in favor of client.
- First-chaired bench trial in Clay County, Missouri in breach of contract case. Obtained judgment in favor of client.
- Second-chaired eight-day jury trial in the Western District of Missouri representing trustee of defaulted bonds.
- Second-chaired five-day bench trial in the Delaware Court of Chancery defending client against claims of aiding and abetting breach of fiduciary duty, conspiracy, and tortious interference.

MEMBERSHIPS AND CIVIC INVOLVEMENT

- Northland Regional Chamber of Commerce
- Board member of the Young Lawyers Section of KCMBBA (co-chair of the New Lawyers Committee).
 - In this position, Kersten organizes an annual Introduction to the Courts CLE with judges and clerks from the Jackson County Circuit Court for lawyers recently admitted to the Missouri bar.
- Graduate of the Centurions Leadership Program through the Kansas City Chamber of Commerce (Class of 2015).
 - Kersten organized a day for fellow Centurions focused on "Law & Order" in Kansas City. Her peers voted "Law & Order day" as the favorite task force of the year.

Kersten volunteered for at least a dozen Kansas City non-profits, some of which included the Upper Room Reading Program at Garcia Elementary, Harvesters, Downtown Outreach Food Kitchen, Happy Bottoms, Gillis House, Amethyst Place, and Project Uplift.

EDUCATION

- University of Wisconsin-Madison: B. A. Accounting and Risk Management and Insurance, with distinction
- University of Iowa School of Law: J.D. , with high distinction
 - Served as a Student Judge on the Moot Court Board
 - Worked as a graduate assistant for Professor N. William Hines in law school conducting empirical research for an article titled *Constitutional Constraints on Punitive Damages: Clarity, Consistency, and the Outlier Dilemma*
 - Awards: Order of the Coif; Dean's Award for Academic Excellence (first in class) in Corporations I, Criminal Procedure and Non-Profit Organizational Effectiveness; Faculty Award for Academic Excellence (second in class) in Administrative Law

DISTINCTIONS

- Recipient of KCMBBA Young Lawyers Section President's Award – 2016
- From 2014 to 2018, *Super Lawyers* included Kersten in its Rising Stars list for Kansas and Missouri, an honor that is given to 2.5 percent of young lawyers in those states.
- *Kansas City Business Journal* Best of the Bar – 2016

Contact Kersten Holzhueter at 816.292.8302 or kholzhueter@spencerfane.com.