SpencerFane®

Kersten Holzhueter

Partner

Contact

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Overview

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, including class actions 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.

Education

- University of Iowa College of Law, *with high distinction*
- University of Wisconsin-Madison, *with distinction*
- Indiana University, *Women in Leadership Certificate*

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

Community Involvement

- Garcia Elementary, Upper Room Reading Program
- Children's Center for the Visually Impaired
- Operation Breakthrough
- Harvesters
- Downtown Outreach food kitchen
- Happy Bottoms
- Gillis House
- Amethyst Place
- Project Uplift

Distinctions

- *Best Lawyers in America*
  - Commercial Litigation, 2023-2027
  - Mass Tort Litigation / Class Actions – Defendants, 2027
- *Ingram's* Magazine, Class of Women Executives Kansas City (WeKC), 2025
- *Missouri Lawyers Media*, Legal Champion, February 2024
- *KC Counselor,* Lawyers Encouraging Academic Performance (LEAP) Queen, 2023
- *Kansas City Business Journal,* NextGen Leader, 2021
- *Missouri Lawyers Media,* Up & Coming, Law Firm Leader Award, 2020
- *Ingram's* Magazine, 40 Under Forty, 2019
- *Missouri Lawyers Media*, Women's Justice Award, Litigation Practitioner, 2019
- KCMBA, Young Lawyers Section, President's Award, 2016
- *Missouri & Kansas Super Lawyers,* Rising Star, 2014-2019, 2022-2023
- *Kansas City Business Journal,* Best of the Bar, 2016
- Kansas City Chamber of Commerce, Centurions Leadership Program, Class of 2015
- Law school 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

Memberships

- Association for Women Lawyers of Greater Kansas City, Board Member
- Lawyers Encouraging Academic Performance (LEAP), Board Member
- Northland Regional Chamber of Commerce

- Kansas City Metropolitan Bar Association

Presentations and Publications

- "Winning the War for Talent: Finding, Developing, and Keeping Future Firm and In-House Leaders," International Association of Defense Counsel Annual Midyear Meeting, February 2025

Related Experience

- Authored appellee brief in Ninth Circuit, which resulted in affirmation of summary judgment ruling in favor of client, holding client's letters seeking to collect on time-barred debts complied with the Fair Debt Collection Practices Act, and dismissal of a proposed consumer class action. *Stimpson v. Midland Credit Mgmt., Inc*. Also, authored successful motions in numerous cases in federal courts in Kansas, Missouri, and Idaho, which sought dismissal of similar claims related to collection of time-barred debts.
- 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*.
- Successfully prosecuted claims seeking to recover under the Uniform Commercial Code related to missing or forged endorsements on checks.
- Prosecuted various actions on behalf of a community development organization under the Missouri Abandoned Housing Act. Obtained title to numerous blighted properties in Jackson County and Cass County that were successfully renovated into affordable, safe housing options.
- Defended three employees in trade secrets litigation filed by former employer. Former employer sought approximately $20 million in damages. After three-week jury trial, obtained defense verdict on seven of eight claims, and the plaintiff obtained judgment for only $11,000 on remaining claim. Kersten's responsibilities included cross-examining plaintiff's damages expert and computer forensics expert.
- 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. Obtained judgment in favor of client.
- 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.