

## K. COE HEARD

Partner



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Coe Heard is a management-side employment law litigator and counselor. She has broad experience defending clients in over 15 states in federal and state courts and administrative actions and arbitrations. Coe's attention to detail, understanding of the internal processes and practices of each client, and ability to work thoughtfully and efficiently, routinely make her a go-to attorney for a client's employment matters. In addition, Coe regularly advises clients on complex legal issues, litigation avoidance, and best practices, assists clients in responding to pre-litigation disputes, and offers training to human resources professionals on employment matters. Clients rely upon Coe because she is accessible and dedicated to helping them achieve their goals, whether the goal is mitigating risk, fighting on principle, or developing an exit strategy.

Clients in a variety of industries – including healthcare, retail, hospitality, banking, manufacturing, and telecommunications – rely on Coe's experience in the following types of matters and disputes:

- Defending discrimination and retaliation claims brought under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Equal Pay Act (EPA), and comparable state civil rights statutes.
- Defending Family and Medical Leave Act (FMLA) retaliation and interference claims.
- Defending Fair Labor Standards Act (FLSA) collective action claims.
- Defending whistleblower claims under the Consumer Financial Protection Act and various state laws.
- Representing clients at mediations and judicial settlement conferences.
- Assisting clients with reductions in force, navigating difficult terminations, preparing severance agreements, and drafting non-competition and non-solicitation agreements.
- Advising clients on the nuances of the FMLA, granting accommodations under the ADA, and the interplay between the FMLA, the ADA, and state workers' compensation laws.
- Advising clients on the FLSA, including conducting audits to ensure exempt employees are properly classified, determining compensable time, and accurately calculating the regular rate of pay.
- Reviewing policies and handbooks to ensure compliance in all the states in which a client operates.

Recently, Coe secured the first known order granting summary judgment to an employer on a Consumer Financial Protection Act retaliation claim. That same opinion also was the first federal court opinion to analyze the new standard for whistleblower claims in Tennessee pursuant to the Tennessee Supreme Court's decision in *Haynes v. Formac Stables, Inc.* The Court adopted Coe's argument that an employee cannot "blow the whistle" if his complaints were confined to the members of the

department allegedly responsible for the illegal activity. The Sixth Circuit Court of Appeals subsequently affirmed that decision.

## Education

- J.D., Samford University, Cumberland School of Law, 2010
  - Associate Editor - American Journal of Trial Advocacy
  - Treasurer - Tennessee Student Bar Association; Phi Alpha Delta - Women in Law
- B.A., Furman University, Political Science, 2007
  - Phi Eta Sigma Honor Society
  - Mock Mediation Team

## Bar Admissions

- Tennessee

## Court Admissions

- U.S. District Court, All Districts of Tennessee
- U.S. Court of Appeals for the Sixth and Ninth Circuits

## Professional

- Waller's Women's Leadership Council, Steering Committee, 2016 to present
- Member, Nashville and American Bar Associations
- DRI – The Voice of the Defense Bar, Labor and Employment Law Annual Seminar, Planning Committee, 2014 to present
- DRI – The Voice of the Defense Bar, Labor and Employment Section Steering Committee, 2016 to present
- DRI – The Voice of the Defense Bar, Labor and Employment Section Philanthropy Chair, 2018 to present

## Community

- Member, Junior League of Nashville, 2012 to present
- Monroe Harding, Board of Directors, 2013 - 2017
- Co-chair, Laughter for the Children, Monroe Harding's Annual Fundraising Event, 2013 and 2014

## Up Close

Coe is a native of Nashville who is busy raising her little boy, Wyatt. In her free time, she enjoys traveling, spending time with her family, listening to live music, and soaking up the local restaurant scene.

## Articles

- "Seventh Circuit Holds that a Long-Term, Definite Leave of Absence Is NOT a Reasonable Accommodation under the ADA," authored by Coe Heard, Waller @ Work
- "Predictions about the EEOC's Post-Inauguration Enforcement Efforts: Will the New Administration Reign in the Regulators?" Co-authored by Jeb Gerth and Coe Heard, Waller @ Work
- "Background Check Laws: Tennessee," by Marcus M. Crider and K. Coe Heard, Practical Law
- "Drug Testing Laws: Tennessee," by Marcus M. Crider and K. Coe Heard, Practical Law
- "Employment Claims in Release Agreements: Tennessee," by Marcus M. Crider and K. Coe Heard, Practical Law
- "Hiring Requirements: Tennessee," by Marcus M. Crider and K. Coe Heard, Practical Law
- "Leave Policy Language: Tennessee," by Marcus M. Crider and K. Coe Heard, Practical Law
- "Mini-WARN Acts: Tennessee," by Marcus M. Crider and K. Coe Heard, Practical Law

## Bulletins

- The Employer, A Newsletter Prepared By Waller's Labor and Employment Group (Vol. 3, Issue 1)
- The Employer, A Newsletter Prepared By Waller's Labor and Employment Group (Vol. 1, Issue 1)

## Media Mentions

- "La. Hospital Beats Ex-Employee's Racial Discrimination Suit," Marcus Crider and Coe Heard featured in Law360

## Events

- Third Annual Retail Law Symposium
- Nashville: Labor and Employment - An Action-Packed Year in Review
- 2014 Hospitality & Tourism Law Symposium
- 2012 Labor and Employment Workshops - Nashville, "Employment Law Issues and Trends: Get it Right Before the Fight"