

Olivia M. Kelley

Attorney / Litigation Practice Group Co-Chair

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Metro Milwaukee

Olivia is the Co-Chair of the Firm's Litigation Practice Group, one of DeWitt's largest practice groups with more than 70 attorneys across three offices. With the inevitable collision of the law and technology, Olivia continually works with clients to assess and address their legal obligations and avoid potential issues surrounding the preservation and handling of electronic information. Primarily in the context of litigation, Olivia assists clients with the preservation, production and acquisition of electronic information. As our world moves toward a "paperless" world, and the volume of electronically stored information continues to grow exponentially, Olivia ensures that no client falls behind the technology curve.

Clients

Olivia works with businesses ranging from corporations to limited liability corporations.

Notable Representations

• **Construction / Real Estate / Business**

- Assisted in representing a construction company, on behalf of an insurance company, against design and construction defect claims of a public administration building in Illinois. Successfully resolved the matter without going to trial, effectively avoiding an additional liability in excess of \$1.5 million.
- She has worked with a variety of insurance, construction, and real estate clients facing claims ranging from violating State and Federal takings clauses, misrepresentation and issues of structural defects to negligent installation of materials.
- Olivia has assisted business clients with developing vendor agreements and customer service terms in connection with an online retail market.

• **Discovery / Expert Witnesses**

- Olivia has experience related to complex discovery matters to include client management of discovery, records retention and production of documents, drafting discovery requests and responses, as well coordinating and managing the subpoena process to third parties. Additionally, she prepares witnesses for depositions, including corporate designee witnesses.
- She is one of the primary resources within the firm responsible for the seamless preservation obligations of the e-Discovery process for clients. It includes extensive collaboration with the IT departments, with General Counsel, CIOs, or other officers and directors to ensure the entire client and attorney team implements and adheres to the scope of discovery and preservation obligations, while also allowing the client to continue to conduct business operations concurrently.
- Works with numerous expert witnesses from a variety of professional fields ranging from valuation experts to certified public accountants, forensic computer analysts and medical professionals. She researches, vets, and interviews experts for testimony. In addition, she has experience with expert deposition preparation, including preparation for Daubert hearings, and is experienced with defending and asserting Daubert motions.
- **Litigation**
- She successfully assisted in obtaining dismissal of claims by serving a Federal Rule 11 motion on an opposing party in representation of 6-7 individual sales representatives.
- Worked in collaboration with a senior DeWitt attorney to successfully resolve a client's claims against former employees for theft of trade secrets, including complex e-discovery issues involving spoliation of evidence and production of electronically stored information from opposing parties.
- Assisted with the successful representation of two medical professionals asserting claims against their employer for breach of contract involving the gross miscalculation of compensation. Representation included defending against the employer's appeal of our successful \$1.3 million judgment.
- **Family Law**
- She assisted a couple petitioning for guardianship of their minor granddaughter in a complex case involving adoptive relationships, paternity testing and visitation/custody issues. She worked closely with the guardian ad litem, and together they were able to produce a solution that was beneficial for the child and those involved in her life.
- Along with another DeWitt attorney, Olivia successfully represented a potential beneficiary in an undue influence action against another beneficiary.
- Olivia assisted clients, who prior to coming to DeWitt were turned down by numerous attorneys, in their request for legal representation in the annulment of their same-sex marriage.

Articles / Presentations

- "Cyberattacks & Ethics: Failure to Prepare Is Preparation for Failure" Co-Presenter with Megan Senatori for the DeWitt Annual Ethics Seminar (Fall 2018)
- "Evolving Technology Leads to Evolving Ethical Duty of Competence," Presenter for the DeWitt

Annual Ethics Seminar (Fall 2014)

Expertise

- Business
- Construction Industry
- Litigation
- Real Estate, Land Use & Construction
- Tax & Tax Advocacy

Education

- J.D., *cum laude*, Marquette University Law School
- B.A., Marquette University

Admissions

- State Bar of Wisconsin

Affiliations

- Eastern District Bar Association
- Girl Scout Leader
- Milwaukee Bar Association
- Rotary Club of New Berlin – Current Member and Past President
- Safe Babies Healthy Families

Honors

- Marquette Law Review Note & Comment Editor
- CALI Award for Excellence in Constitutional Law
- Wisconsin Rising Stars® (General Litigation) – 2012-2019