DeWitt LLP Law Firm



Olivia M. Kelley

Partner

Brookfield, Wisconsin

262-754-2863

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Service Areas:

- Business
- Construction
- Labor & Employment Relations
- Litigation
- Real Estate, Land Use & Construction

Education:

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

Admissions:

- Wisconsin

Co-Chair of the Firm's Litigation practice group, Olivia has litigated a wide range of matters for corporations, LLCs, professional service companies and individuals. She specializes in handling disputes involving real estate, construction projects, employment and FINRA matters. Representing contractors, architectural and engineering firms and property developers and owners, her experience includes design and construction defect claims, issues involving subcontractors, mechanics' liens, and claims involving breach of contract, fraud, theft, negligence, misrepresentations and damage to property. Representing employers, financial advisors and others subject to regulatory inquiries, her experience includes issues involving state and Federal fair labor standards, trade secret misappropriation, claims involving breach of fiduciary duty, breach of contract, misrepresentation, and claims involving investment advisors and registered representatives.

When law and technology collide, Olivia serves as a resource to the firm and its clients on electronic discovery. She works with colleagues and clients to assess and address legal obligations and avoid potential issues surrounding the preservation and handling of electronic information. In the context of litigation, Olivia assists with the preservation, production and acquisition of electronic information. As the business world increasingly goes paperless and the volume of electronically stored information grows exponentially, Olivia ensures that no client falls behind the technology curve. A great advocate for her clients, Olivia also teaches negotiation techniques at the University of Wisconsin-Madison.

Affiliations

- State Bar of Wisconsin - Wisconsin Construction & Public Contract Law Board Member
- Eastern District Bar Association
- Milwaukee Bar Association – Board of Directors, LRIS Committee, DEI Committee and Law & Tech Committee
- Rotary Club of New Berlin – Current President

Articles & Presentations

- "Manage Cyber Attacks Before they Happen to You" – Wisconsin Veterinaries Medical Association 2021 Legal Brief
- “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)

Awards & Recognitions

- Best Lawyers® – Best Lawyers in America – Commercial Litigation, Construction Litigation – 2027
- Marquette Law Review Note & Comment Editor
- CALI Award for Excellence in Constitutional Law
- Wisconsin Rising Stars® (General Litigation) – 2012-2019

Notable Representations

Construction / Real Estate / Architecture and Engineering

- 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
- Successfully achieved favorable resolution of construction installation defect claims for a masonry company
- Represented an architectural design firm against design and installation defect claims related to a county correctional facility
- Represented a structural engineer against design defect claims related to an underground basketball court in a residential lake property, and successfully resolved claims against the structural engineer on summary judgment
- Successfully achieved favorable resolution representing a large construction company in a matter involving mechanic's lien and breach of contract claims, as well as defended against defective installation claims, related to installation of over 1,300 miles of fiber backbone on a large-scale broadband infrastructure project
- Obtained jury verdict in favor of homeowners against homebuilder and landscaping companies in a case involving negligence, damage to property and violations of the Wisconsin Home Improvement Practices Act
- Represented homeowners against homebuilder in a case involving construction defects, theft by contractor, fraud and misrepresentations. The homeowners recovered $600,000 in damages, including recovery of attorneys' fees
- Successfully achieved a favorable resolution for a metal fabrication company in a multi-year arbitration against a large steel manufacturing company in a matter involving construction acceleration and breach of contract

Discovery / Expert Witnesses

- Experienced in complex discovery matters, including client management of discovery, records retention and production of documents, drafting discovery requests and responses, as well as coordinating and managing the subpoena process to third parties
- Prepares witnesses for depositions, including corporate designee witnesses
- One of the primary resources within the firm responsible for the seamless preservation obligations of the e-discovery process for clients, collaborates extensively with the IT departments, and 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. Researches, vets, and interviews experts for testimony. Experienced with expert deposition preparation, including preparation for Daubert hearings, and defending and asserting Daubert motions

Business & Employment Litigation

- 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
- Assisted business clients with developing vendor agreements and customer service terms in connection with an online retail market
- Successfully assisted employer in resolving fair labor standards act dispute with former employee
- Worked in collaboration with a DeWitt team to successfully resolve a client's claims against former business partner for misrepresentation, breach of contract, breach of fiduciary duty and civil theft

Service Area Subspecialties

- Litigation
  - E-Discovery

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