



# Kevin J. O'Brien

*partner*

Kevin serves as partner-in-charge of the firm's Chicago office. He is a commercial litigator with experience in both trial and administrative hearings including cases in reinsurance, insurance coverage, environmental law, bankruptcy and bankruptcy-related disputes, mortgage and credit insurance, professional services disputes and other types of commercial litigation.

**His practice involves high-level counseling on litigation and arbitration and administrative hearing strategy, from initial case management through trial or hearing.**

## REPRESENTATIVE MATTERS

Kevin has arbitrated and litigated corporate issues of all kinds, including:

- Handling reinsurance litigation and arbitration involving claims of fraud perpetrated on a reinsurer by its broker agent
- Representing a company in securities litigation and environmental disputes related to liabilities incurred by its corporate predecessor
- Representing a manufacturer in insurance coverage disputes over the applicability of coverage for environmental liability
- Counseling a national chain in disputes with its franchisees
- Representing both applicants and opponents in environmental siting and permitting matters
- Representing both site owners and waste generators in cost recovery litigation and arbitration under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA)

## CONTACT

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## EDUCATION

University of Chicago Law School,  
J.D., *with honors*, 1986

University of Notre Dame, B.A., *with highest honors*, 1983

## SERVICES

### Reinsurance Litigation & Arbitration

#### Litigation

- Arbitration and mediation
- Commercial litigation
- Insurance litigation
- Non-competition and trade secrets litigation
- Professional liability

#### Environmental

#### Bankruptcy, Workout & Creditors' Rights

- Bankruptcy litigation

- Representing a manufacturing concern in litigation regarding applicability of state air emission regulations
- Representing a transportation company in disputes with state environmental agencies relating to wastewater treatment issues
- Representing individual creditors, creditors' committees, debtors and real estate owners in bankruptcy and bankruptcy related matters, including preference and avoidance actions, automatic stay disputes and claims resolution
- Representing national consulting firm in disputes regarding its services
- Representing insurance companies in disputes over mortgage and credit insurance policies

## BAR ADMISSIONS

- Illinois
- U.S. District Court for the Western District of Michigan

## PUBLICATIONS

- "2 high court cases that can alter arbitration playing field," *Law360*, Feb. 18, 2022
- "High court may clarify key arbitration issue," *Law360*, Dec. 1, 2020
- "Supreme Court will finally decide "gateway" issues of arbitrability," *Today's General Counsel*, Nov. 30, 2020
- "The factors courts consider in deposition location disputes," *Law360*, Sept. 13, 2019
- "Securitized student loans: The next crisis?," *Law360*, March 8, 2018
- "Superfund sites and EPA budget cuts: A collision course," *Law360*, May 30, 2017
- "Don't pack your bags ... yet. Rules for setting the location of a defendant's deposition," *PLI's Fundamentals for Taking and Defending Depositions*, Course Handbook Chapter 15, March 2016
- "The Rule 68 offer of judgment: Still vexing litigators after all these years," *Corporate Counsel*, June 2014

## PROFESSIONAL ASSOCIATIONS

- ARIAS-U.S.

## HONORS | AWARDS

- *Leading Lawyers*, Environmental Law
- Phi Beta Kappa

## COMMUNITY

- *University of Chicago Law Review*, Associate Editor

## SERVICES (CONTINUED)

### Business Competition, Advice & Litigation

- Non-compete, non-solicitation, non-recruitment and non-disclosure agreements