



Kevin J. O'Brien

partner

Kevin is a commercial litigator with experience in both trial and administrative hearings including cases in environmental law, insurance coverage, reinsurance, securities 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 strategy, approaches and problem-solving.

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)
- Representing a manufacturing concern in litigation regarding applicability of state air emission regulations

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 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

- "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
- "If they've told you once, they've told you a thousand times: The Supreme Court reaffirms enforceability of arbitration agreements," *Corporate Counsel*, August 2012

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