

Kelly M. Warner

Partner

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Clients facing crisis – whether an allegation of fraud within an organization, a government investigation, a cybersecurity incident, or a high-stakes commercial dispute – turn to Kelly Warner. She offers strategic counsel that meets the challenge, resolves root causes, and protects her clients’ long-term interests and integrity.

Kelly has led dozens of internal investigations, helping clients assess allegations of and uncover wrongdoing at all levels. Kelly has investigated internally-driven allegations of bank fraud, accounting manipulation, expense fraud, harassment and discrimination, unfair competition, and usurpation of corporate opportunities.

She frequently works with clients to respond to government subpoenas, including from the U.S. Department of Justice, Securities and Exchange Commission, Health and Human Services, and other federal and state agencies, addressing the government’s concerns and investigating root cause while ensuring that the matter does not unduly overwhelm the organization’s resources or morale. She has responded to investigations of alleged violations of public corruption, the Foreign Corrupt Practices Act (FCPA), anti-kickback statutes, health care fraud, espionage, insider trading and other securities fraud, and environmental fraud.

Kelly has counseled clients through data and cybersecurity breaches, guiding organizations from the moments following their notice of the issue, investigation with technical experts, assessing notice to regulatory agencies, pursuing indemnification and coverage, and preparing for litigation. Kelly also assists clients in anticipating and managing their cybersecurity risk, leading tabletop exercises and crafting incident response plans, and proactively addressing data privacy requirements.

Leveraging her deep experience in all these areas, Kelly supports clients in structuring compliance programs that help employees make lawful and ethical choices and help organizations identify and address potential issues before they create larger problems. In particular, the global anti-corruption assessments and internal inquiries she has led have resulted in the development and administration of internal compliance policies and procedures, including codes of conduct, anti-bribery anti-corruption policies, third-party due diligence processes, litigation readiness programs, and employee training.

Kelly has extensive courtroom experience as well, having led teams of attorneys prosecuting and defending high-stakes actions in commercial litigation in state and federal courts nationwide, including in matters seeking temporary restraining orders (TROs) and preliminary injunctions on behalf of employers from which employees have departed under suspicion of stealing trade secrets and other confidential information, employees who are accused of the same, and the new employers who have hired those individuals. She has also represented individuals who were wrongfully convicted of crimes in post-conviction proceedings and civil rights actions. Kelly served as an Assistant Special Prosecutor investigating and prosecuting police officers involved in the fatal shooting of a teenager for official misconduct and public corruption.



EXPERIENCE

Representative Engagements

- Represented long term health care management company in response to U.S. Department of Justice investigation and prosecution of former executives for Medicaid fraud and violations of the Anti-Kickback Statute.
- Represented governmental entity in response to Department of Justice inquiry into public corruption against high-ranking public official.
- Conducted several global anti-corruption compliance assessments for multi-national corporations, involving extensive international travel in Russia, India, China, and other locations. Many of these organizations were under investigation by government agencies, and the results of assessment were shared with the government.
- Led a number of investigations into potential bribery by employees on behalf of multi-national corporations, including counseling on the decision to self-disclose potential issues to government.
- Represented numerous individuals serving as key witnesses in various government investigations, including by foreign law enforcement.
- Led investigation into whistleblower allegations of bank fraud by lending company.
- Litigated several trade secret and non-compete actions, including representation of market-leading cybersecurity provider in pursuing trade secret and contractual claims against several former employees, and representation of several former employees against trade secret claims advanced by energy services corporation.
- Conducted internal investigation of extensive and multi-pronged fraud by executive director of national philanthropic organization.

CREDENTIALS

Education

Loyola University Chicago School of Law, J.D., 2000
Michigan State University, B.A., Social Relations, 1996, *with honors*

Bar Admissions

Illinois
U.S. District Court for the Central District of Illinois
U.S. District Court for the Northern District of Illinois
U.S. District Court for the Eastern District of Michigan
U.S. Tax Court

Professional Memberships

Chicago Bar Association
The Chicago Bar Foundation
Board of Directors
Grants Committee, Co-Chair
Chicago Volunteer Legal Services (CVLS)
Board of Directors, Past Member

International Association of Privacy Professionals, CIPP-US Certification
The Sedona Conference
Working Groups 1 and 9, Member
Seventh Circuit Council on eDiscovery and Digital Information
Education Committee, Co-Chair
Steering Committee, Member
Mediation Subcommittee, Member
Women's White Collar Defense Association (WWCDA)
Chicago Chapter, Co-Leader

Teaching Appointments

Adjunct Professor of Law, Loyola University Chicago School of Law (2011-2016)

Honors & Awards

Chicago's Notable Women in Law, *Crain's Chicago Business* (2020)
Chicago's Notable Gen X Leaders in Law, *Crain's Chicago Business* (2019)
Chicago's Notable Women Lawyers, *Crain's Chicago Business* (2018)
Illinois Leading Lawyer, *Law Bulletin Media Leading Lawyers* (2018-2021)
Illinois Super Lawyers, *Thomson Reuters* (2020-2022)
Illinois Rising Stars, *Thomson Reuters' Illinois Super Lawyers* (2011-2014)
Stand-out Lawyers, *Thomson Reuters* (2022)
Who's Who in eDiscovery Litigation, *Who's Who Legal* (2018-2020)

PUBLICATIONS & PRESENTATIONS

"D&I Initiatives," (co-presenter) GC Cannabis Forum (January 21, 2022)
"DOJ Civil Cyber-Fraud Initiative Presents New False Claims Act Challenges for Health Care Providers," (co-author) American Health Law Association *Health Law Weekly* (December 3, 2021)
"What DOJ Gov't Monitoring Guidance Can Teach Companies," (co-author) *Law360* Commentary (September 29, 2021)
"Detect Fraud and Other Misconduct with Data Analytics," (co-author) *Built In* (April 30, 2021)
"A New Era of Investigations: Stimulus Funding and Global Enforcement," (co-panelist) FTI Consulting and RSHC Virtual CLE Panel Discussion Webinar (October 27, 2020)
"Tips For Protecting Privilege In Remote Internal Investigations," (co-author) *Law360* Commentary (August 20, 2020)
"Remote Learning Providers are Getting Sued Over Data Collection. Here's How to Limit Your Liability," (co-author) *Built In* (June 11, 2020)
"Preparing for Your Rule 30(b)(6) Records Custodian Deposition," (panelist) MER Conference (May 5, 2020)
"COVID-19 And Compliance: Lessons From the Great Recession," (co-author) *Law360* Commentary (April 14, 2020)
"Master the Deposition: A Critical Skills Program," (panelist) Pincus Professional Education (April 2, 2019)

- "Perfect Timing: The Right Time to Release Legal Holds," (co-author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (July 2018, vol. 49, no. 1)
- "Perfect Timing: The Right Time to Release Legal Holds," (moderator) ABA Twelfth Annual National Institute on E-Discovery, Chicago, IL (May 18, 2018)
- "Possession, Custody or Control of Data in the Cloud, on Third Party Apps, and on Employee Mobile Devices," (member and speaker) MER Conference (May 8, 2018)
- "On the Move: Managing Mobile Device E-Discovery," (panelist) ABA National Institute on E-Discovery (May 11, 2017)
- "Mastering the Deposition: A Critical Skills Program," (panelist) Pincus Professional Education (April 13, 2017)
- "Early Preservation, Production and Sanctions Under the New Rules," (panelist) Innovation in eDiscovery Conference, Chicago, IL (November 29, 2016)
- "Electronically Stored Information and Competence: What An Attorney Must Know and How to Learn It," (panelist) Bloomberg BNA (July 20, 2016)
- "How Confident are You in Your Competence?," (faculty member and panelist) The 10th Annual Sedona Conference Institute Program on eDiscovery Staying Ahead of the eDiscovery Curve: Retooling Your Practice Under the New Federal Rules, San Diego, CA (March 17, 2016)
- "The Decade of Discovery" Screening and Panel Discussion, (moderator) Seventh Circuit Pilot Program on Electronic Discovery (April 15, 2015)
- "Professional Responsibility *Avec Grand Plaisir*," (panelist) The Sedona Conference All Voices Meeting, New Orleans, LA (November 7, 2014)
- "Legal Holds and the Seven Stages of Grief," (moderator) Seventh Circuit Pilot Program on Electronic Discovery (June 18, 2014)

COMMUNITY SERVICE

Kelly is passionate about broadening access to justice for all people, both by representing individuals and organizations that cannot afford legal assistance and through supporting legal services organizations. She currently serves as a Director of the Chicago Bar Foundation and as co-chair of the Grants Committee. She led a legal clinic operated in connection with Chicago Volunteer Legal Services (CVLS) for a number of years and served as an Executive Member of the Board of CVLS. She is an advisor to school-based legal clinics in Evanston, Illinois run by the James B. Moran Center for Youth Advocacy. She worked with Northwestern University School of Law's Bluhm Legal Clinic's Center on Wrongful Conviction to obtain a new trial and ultimately an exoneration for an individual imprisoned for 16 years for a crime she did not commit.