



Kelly K. Ballentine

PARTNER

Kelly provides reliable legal counsel to employers of all sizes.



Industries

[Transportation & Mobility](#)

Practices

[Labor, Employment & OSHA](#)
[Complex Litigation](#)

Education

University of Connecticut School of Law, JD, cum
laude
Boston University, BS, magna cum laude

Offices

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Kelly provides reliable legal counsel to employers of all sizes. She helps her clients avoid litigation by advising on employment-related issues, such as internal complaints, personnel issues, management concerns, wage and hour laws, leave laws, employee handbooks, pay plans, separation agreements, and restrictive covenants. When litigation cannot be avoided, Kelly represents her client in business and employment-related disputes in the automotive, consumer products and services, finance, real estate, and technology industries.

Kelly's extensive experience with her automotive clients gives her an edge when advising dealerships on how to handle real-time employee issues such as pay disputes, investigations, requests for leave, performance issues, and harassment concerns. Her thorough understanding of the industry also makes her an effective advocate in wage and hour class actions, Attorney General's Office investigations, and other labor and employment disputes.

From time to time, Kelly will advise her clients on matters of insurance coverage. Kelly most enjoys communicating a "game plan" to her clients, believing that a clear strategy diminishes some of the stress associated with legal concerns.

Client Work

Kelly's representative matters include:

- Represented auto-dealership in arbitration to defeat claims for overtime and premium pay based upon theory of misclassification.
- Obtained favorable settlements for auto-dealership clients in wage and hour class actions, reducing damages below the statutorily imposed maximum.
- Represented international insurance company during three-week jury trial and two-week bench trial in breach of contract and bad faith case brought by manufacturer corporation.
- Represented construction company during two-week jury trial in employment case brought by two employees of said company.
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Secured dismissal of administrative claims against a multitude of companies in cases concerning adverse employment actions based upon employees' membership in protected classes.

- Provide ongoing employment and business advice to long-standing clients to avoid lawsuits arising from various employee-related issues, such as wage and hour violations, harassment, discrimination, and retaliation claims, and employee family and medical leave and paid sick time laws and regulations.
- Prepare offer letters, pay plans, confidentiality, non-solicitation, and non-disparagement agreements, employment policies and procedures, arbitration agreements, and class action waivers, for start-up companies to begin onboarding new employees.
- Conduct investigation of employee complaints of harassment and/or discrimination on behalf of companies, including employee interviews, investigation, report of conclusion, and recommended remedial action.
- Conduct employee classification audits for companies.
- Successfully obtained a preliminary injunction on behalf of a biotech company client in a dispute against an insurance company, ordering the insurance company to resume payment of the client's defense costs in an issue of first impression for Massachusetts.

Previous Work

Prior to joining ArentFox Schiff, Kelly was an employment partner at a mid-size Boston-based law firm. Before that, she practiced as a litigation associate for a large law firm, with a focus on employment and insurance coverage disputes. During her time at University of Connecticut School of Law, from which she graduated cum laude, Kelly earned her Tax Studies Certificate through the completion of numerous tax courses and the drafting of a significant research paper and earned high honors for a paper concerning SEC disclosure guidelines. Her undergraduate degree from Boston University's School of Management Honor Program fostered a deeper understanding of her client's business-related legal disputes.

Publications, Presentations & Recognitions

Publications

Kelly's publications include:

- "4 Liquidated Damage Provision Drafting Mistakes To Avoid," *Commercial Contracts Law* 360 (Nov. 2017)
- "Ill-Gotten Gains: Policy Language and Public Policy," *In-House Defense Quarterly*, 52 (2016)
- "Cybersecurity Ins. Coverage: Prudent Risk Mgmt for Cos. of All Sizes," *Ins. Cov. Law Bulletin*, 1 (Jan. 2016)
- "Connecticut" in "Writing a Reservation of Rights: A 50-state compendium," *Defense Research Institute* (Dec. 2013)
- "Supervisory Colleges: Improving International Supervisory Coordination," *19 CONN. INS. L.J.* (2012)
- "Careless Employee Reviews Are Not Only Useless, They're Harmful," *The In-House Advisor* (Dec. 2019)
- "The Cost of Late Notice to Your Company's Insurer," *The In-House Advisor* (Jan. 2023)
- "Your Company's Current Severance Agreement for Non-supervisory Employees Might Be Illegal — What To Do Next," *The In-House Advisor* (Mar. 2023)
- "The Impact of McLaren Macomb Continues to Grow — Next Steps for In-House Counsel," *The In-House Advisor* (Mar. 2023)
- "Employers Must Give Notice to Current and Certain Former California Employees of Void Noncompete by February 14, 2024, or Risk Penalties," *The In-House Advisor* (Jan. 2024)

Presentations

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•, Panel Moderator, Law Firm Alliance
Women's Forum (May 2023)

Recognitions

- *The Best Lawyers in America One to Watch, Litigation & Labor and Employment* (2024)
- *Lawdragon 500 X & The Next Generation* (2023 & 2024)
- *Up and Coming Lawyer*, Massachusetts Lawyers Weekly (2023)
- *Massachusetts Rising Stars* (2016-2018, 2020-2023)

Memberships

- Boston Bar Association, Member
- Women's Bar Association, Member

Professional Activities

- Women's Bar Association Women's Leadership Initiative
- Lawyers Have Heart

Life Beyond the Law

Outside of work, Kelly loves traveling anywhere she can climb something & whether it's hiking, skiing, or urban exploring a foreign city. If Kelly finds time away from her young children at home, she is running, reading or baking.

Bar Admissions

[Massachusetts](#)

Court Admissions

[US District Court, District of Connecticut](#)

[US District Court, District of Massachusetts](#)

[US Court of Appeals, 1st Circuit](#)