



Bree Kelly

e-DAT Senior Staff Lawyer

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OVERVIEW

Bree Kelly is a staff lawyer in the e-discovery analysis and technology (e-DAT) group and advises clients on a variety of electronic discovery and information governance issues.

Bree's e-discovery practice spans all manner of entities and industries, from small non-profits to large, multi-national corporations. She advises clients regarding their obligations and options in all phases of a matter and leverages her substantial experience and K&L Gates' robust e-discovery technologies to develop defensible, cost effective strategies to respond to the unique needs of each case. Bree also counsels clients regarding pre-litigation readiness and discovery response preparation, to help ensure a timely, reasoned, and efficient response when a matter arises, particularly if unexpected.

In addition to her robust e-discovery practice, Bree counsels clients in the areas of information governance and records management - including drafting records retention schedules and related policies and preparing and presenting employee training to support implementation of the same. Bree's work in these areas ranges from updating existing schedules and policies to creating new schedules and policies from scratch. In many instances, Bree's work also includes close cooperation with client representatives and employees to investigate and identify the needs of different offices or departments, to ensure comprehensive treatment of all relevant records and systems and to assist with underlying efforts to ensure ongoing compliance with any new policies or procedures moving forward.

Bree is also a frequent and popular author and presenter regarding e-discovery and information governance issues and is very involved in the promulgation and analysis of the rules of civil procedure, both state and federal.

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Bree worked for two local Pacific Northwest law firms litigating a variety of issues. While in law school, Bree completed an externship for the Honorable Charles W. Johnson of the Washington State Supreme Court.

ACHIEVEMENTS

- Lawyers for Civil Justice, Outstanding Contributor, 2016
- CALI Award - Civil Procedure (2000)

PROFESSIONAL / CIVIC ACTIVITIES

- Adjunct Professor, e-Discovery, Seattle University School of Law, Sprint 2022 – Present
- Washington State Bar Association
- Federal Bar Association of the Western District of Washington
 - Local Civil Rules Committee, Co-Chair 2023 – Present
 - Local Criminal Rules Committee
- Women in e-Discovery
 - Seattle Chapter Director, 2017-2018
- Moot Court and Legal Writing Judge, Seattle University School of Law
- Secretary, Washington Coalition to End the Death Penalty, 2009

SPEAKING ENGAGEMENTS

- “E-DiscoveryLaw.com Editor Reviews Top Case Law Trends & Court Opinions from 2017” (e-Discovery Day 2017), Exterro Inc., December 2017
- “Discovering e-Discovery” (One day program) Co-Chair and Speaker, King County Bar Association and K&L Gates, March 16, 2017
- “The Latest e-Discovery Precautions, Risks, and Advice,” National Business Institute, December 2016
- “The State of Our State: *e-Discovery in Washington*,” Women in e-Discovery, Seattle Chapter, January 13, 2016
- “It’s Electrifying! An Overview of Important Issues & Hot Topics in e-Discovery,” (One day program) Co-Chair and Speaker, King County Bar Association and K&L Gates, November 13, 2015
 - “Rules Rules Rules: An Update on State and Federal Rulemaking,” Panelist
- “Federal Rule Changes Affecting e-Discovery Are Here - *What are the Implications?*,” K&L Gates LLP, December 2015
- “2015 Civil Rules Amendments Boot Camp,” Panelist, Lawyers for Civil Justice, October 7, 2015
- “Discovery of Social Media: *Legal and Practical Considerations*,” K&L Gates LLP, July 16, 2015

- “The Intersection of Information Governance and Litigation,” Columbia Basin Chapter, ARMA International, May 21, 2015
- “E-Discovery Strategies: Preparing for New FRCP Amendments on Proportionality and Managing ESI,” Panelist, Strafford Publications, Inc., April 14, 2015
- “Changing Obligations: Proposed Amendments to the Civil Rules,” Women in e-Discovery, Seattle Chapter, December 10, 2014
- “Mastering E-Discovery, Litigation Holds & Metadata,” Panelist, The Rossdale Group, March 6, 2014
- “Changing Obligations in Electronic Discovery: *Amendments to the Rules of Procedure*,” K&L Gates LLP, October 10, 2013
- “Update on e-Discovery Case Law and Rules,” Women in e-Discovery, Seattle Chapter, July 11, 2012
- “Preservation of Discoverable Information,” University of Washington Professional & Continuing Education, Certificate Course in e-Discovery, April 12, 2012
- “The Judicial Perspective: *Mock Arguments*,” King County Bar Association, E-discovery for Fun and Profit: Federal Law, Washington Law, and Practical Considerations, December 9, 2011
- “Preservation of Discoverable Information: *What Does the Case Law Say?*,” University of Washington Professional & Continuing Education, Certificate Course in Electronic Discovery Management, April 15, 2010

EDUCATION

- J.D., Seattle University School of Law, 2003 (*magna cum laude*, Member, *Seattle University Law Review*)
- B.A., Seattle University, 2000 (*magna cum laude*)

ADMISSIONS

- Bar of Washington
- United States District Court for the Western District of Washington

THOUGHT LEADERSHIP POWERED BY HUB

- August 2022, New Risks of the Evolving Workforce - Information Governance Issues

OTHER PUBLICATIONS

- “E-discovery: Planning for and Conducting E-discovery (WA),” *LexisNexis Practical Guidance*®, December 2023

- LitigationWorld: Micro-Symposium on Real-World Impact of 2015 FRCP Amendments, *Newsletter*, April 3, 2017 (Participant)
- Appendix C Electronic Discovery (e-Discovery), *Washington State Bar Association's Civil Procedure Handbook*, 3rd edition, October 2014 (with Todd Nunn)
- Ch. 34 Producing Documents, Electronically Store Information, and Thongs or Entry Onto Land For Inspection and Other Purposes, *Washington State Bar Association's Civil Procedure Handbook*, 3rd edition, October 2014 (with Todd Nunn)
- Get Ready for e-Discovery, *Association Law & Policy Newsletter*, Oct. 2013 (with Thomas J. Smith)
- Ch. 6 e-discovery Collection and Processing, in *e-Discovery (Pennsylvania Bar Institute 2011 ed.)* (with David R. Cohen).

MEDIA MENTIONS

- E-discovery: Planning for and Conducting E-discovery (WA), Lexis Nexis, 27 August 2020

AREAS OF FOCUS

- E-Discovery Analysis and Technology (e-DAT)
- White Collar Defense and Investigations

INDUSTRIES

- Artificial Intelligence
- Technology

REPRESENTATIVE EXPERIENCE

- Serve as project lead for complex, international litigation involving manufacturing facilities on three continents, responsible for all aspects of collections, review and production to defend accusations of conversion, unfair competition and related claims
- Advise molecular diagnostics company regarding information governance and records retention and prepare and present in-person employee training introducing the same
- Serve as project lead assisting industrial machinery manufacturer in contract dispute arising from the sale of a business division responsible for all aspects of e-discovery, including in person employee interviews, document collection, review - including reliance on predictive coding - and production
- Serve as project lead assisting merchant banking firm to coordinate response to a Federal Trade Commission subpoena, responsible for in-person employee interviews and document collection, review, and production

- Advise American timberland company regarding information governance and records retention and prepare records retention schedule and policy and employee training materials introducing the same