STEARNS WEAVER MILLER

Kelly A. O'Keefe



Shareholder
Tallahassee Office
kokeefe@stearnsweaver.com
Phone: 850-329-4893

PRACTICE AREAS

- Estate, Probate & Trust Litigation
- Real Estate Litigation
- Litigation - Land Use, Environmental & Property Rights
- Commercial Litigation
- Litigation & Dispute Resolution
- Government & Administrative
- Election & Political Law
- Bankruptcy & Creditors' Rights

OVERVIEW

Kelly is a Shareholder in the Litigation Department. She represents professional and family member fiduciaries and individuals in estate, probate and trust litigation, and businesses in real estate, land use and complex commercial litigation. She also represents businesses before government agencies and advises candidates regarding campaign laws. Kelly's experience spans state, federal and local government forums. She has managed cases in multiple parallel forums, including arbitration, and brought cases successfully through appeal. Her clients appreciate the thoughtful manner in which she finds creative and cost effective solutions to difficult legal issues and seemingly intractable disputes regarding inheritance, personal and family wealth.

Prior to entering private practice, Kelly served as a law clerk to three Florida Supreme Court Justices. She is regularly recognized by *The Best Lawyers in America*, *Florida Trend* and *Super Lawyers* magazines and is AV Preeminent Rated by Martindale-Hubbell. She is a frequent lecturer and author on a wide variety of topics related to estate, probate and trust litigation.

Kelly has made significant contributions to the legal profession through her leadership roles in local and state bar associations and her work with the Legal Aid Foundation and North Florida Legal Services. Through these organizations she promotes professionalism in the legal community and access to the courts for all.

REPRESENTATIVE EXPERIENCE

Estate, Probate and Trust Litigation

Kelly has experience in complex and high-stakes estate, probate and trust disputes and litigation, including the following:

- Representing trustees and beneficiaries of multimillion dollar trusts in breach of fiduciary duty claims, including claims related to conflicts of interest, investment management, distributions to beneficiaries, trustee compensation,

accountings and trustee removal.

Litigation regarding the construction of trusts and wills.

Will contests, including undue influence challenges.

Litigating equitable adoption claims.

Defending fraud claims against guardians and other challenges to guardians' authority.

Litigating exceptions to specific needs trusts.

Challenging *inter vivos* transfers.

Litigating business succession disputes.

Negotiating and litigating trust modifications and terminations.

Prosecuting creditor claims against probate estates.

Litigation regarding inheritance of unique assets, including multi-million dollar art collection.

Litigation regarding powers of appointment.

Resolving heir property disputes.

Real Estate and Land Use Litigation

Kelly also represents developers, property owners, management companies and parties to real estate related agreements in a variety of real property and land use disputes, including complex commercial foreclosures. Her experience in this area includes the following:

Representing property management companies in landlord/tenant and leasing disputes, including breach of covenants, ADA claims, disputes over operating expenses, evictions and first amendment issues.

Representing property owners in permitting and zoning related disputes, including code violations, ordinance challenges, state and local government sign permit violations, and property rights disputes.

Representing developers and owners in an array of restrictive covenant, condominium and community association disputes.

Representing owners in storm water litigation.

Representing owners in boundary and easement related disputes.

Representing parties to construction related disputes.

Litigating purchase related disputes, including pursuit of claims for specific performance.

Litigating real estate related partnership disputes.

Litigating partition actions.

Representing lenders and corporate debtors in complex real estate foreclosure proceedings, including cases with lender liability, guaranty and deficiency claims.

Government, Administrative, Election and Political Activity Law

Kelly has represented both government entities, and those subject to government rules and regulation, including political and judicial candidates and an array of Florida businesses. Her representations include the following:

- Challenging government decisions before state agencies and the Florida Division of Administrative Hearings.
- Representing businesses in procurement litigation over the award of State contracts, including transportation, environmental and security related contracts.
- Representing government bodies in pursuit of ethics charges against public officials.
- Advising judicial and political candidates on election laws.
- Challenging ballot initiatives for proposed amendments to the Florida Constitution and local ordinances.
- Challenging constitutionality of state legislation.
- Navigating various regulatory hurdles for companies expanding into the Florida market.
- Drafting legislation and agency rules on environmental and real estate related issues, including the use of coastal erosion protection product that mitigated hurricane damage and condominium related issues.
- Represented major automobile manufacturers in franchise related litigation before the Department of Administrative Hearings.

Complex Commercial and Fiduciary Litigation

Kelly also represents distressed companies, creditors, receivers and government entities in bankruptcy, receivership, and related adversary proceedings. Her experience includes the following:

- Litigating fraud claims against corporate directors and officers.
- Representing debtors and unsecured creditors' committees in adversary litigation in bankruptcy proceedings, including representation of Creditors Committee in class action suit.
- Representing securities brokers and investors in securities fraud arbitrations and litigation, including one of the first cases against Bear Stearns challenging its procedure for valuation of mortgage-backed securities, which ultimately contributed to the company's downfall.
- Litigating mortgage fraud matters for some of the largest providers of mortgage services in the county.
- Representing consumer credit data repositories in antitrust litigation.
- Counsel to insurance companies in coverage disputes, including a case in which she defeated a competing insurer’s attempt to have her client’s procedures declared inconsistent with Florida law.
- Litigating the rescission of purchase and sale agreements based on allegations of fraud in the inducement and breach of warranties.

PROFESSIONAL & COMMUNITY INVOLVEMENT

The Bridge to Law School Program, Co-Founder and Director, 2023-Present

Community Foundation of North Florida, Board Member, 2022-2025

Tallahassee Memorial Hospital Foundation Donor Advisory Council, 2022-Present

Capital City Bank Community Foundation Board, 2018-Present

The Florida Bar, Florida Probate Rules Committee, 2017-Present

Tallahassee Chamber, Board Member Grow Business Committee Member, Community & Prosperity Committee Member, 2014-Present

Tallahassee Regional Estate Planning Council, 2014-Present

- President, 2022-2023
- Vice President, 2021-2022
- Secretary, 2020-2021
- Treasurer, 2019-2020

The Florida Bar Real Property, Probate and Trust Law Section (RPPTL), 2010-Present

Florida Supreme Court Historical Society, 2010-Present

- President 2015-2017
- Vice President, 2014-2015

Women United Steering Committee, 2017-2019

Florida Bar Judicial Administration & Evaluation Committee, 2010-2016

- Chair, 2014-2015

Tallahassee Chamber of Commerce, Leadership Tallahassee Class XXV, 2007

William H. Stafford American Inn of Court, 2002-Present

Tallahassee Bar Association, 2000-Present

- Senior Director, 2022-Present
- President, 2009-2010
- President-Elect, 2008-2009
- Treasurer, 2007-2008
- Secretary, 2006-2007
- Director, 2002-2006

Legal Aid Foundation, 2000-Present

Guardian Ad Litem, 2000-Present

Florida Association for Women Lawyers (FWL), 1998-Present

Secretary, 2000-2001

Public Relations Officer, 1998-1999

Attorney Coach of Lincoln High School Mock Trial and Moot Court Teams, 1996-2020

Tallahassee Women Lawyers (TWL), 1995-Present
President, 1999-2000

Florida Bar Foundation Fellow

Girl Scouts of the Florida Panhandle, Board Member, 2012-2015

Florida Bar,
Second Circuit Grievance Committee, 2011-2014

Chair, 2013-2014

Florida State University Real Estate Trends Networking Conference, Conference Committee Member, 2009-2012

Florida State University Law School Alumni Board, Outreach Chair, 2006-2009

Florida Bar Appellate Rules Committee, 2004-2010
Vice Chair Administrative Practice Subcommittee, 2007-2010

Robert Orsek Memorial Moot Court Competition, Chair, 2006

Florida Bar Special Committee on Website Advertising Rules, 2005-2006

Florida Bar Young Lawyers Division Board of Governors
Second Circuit Representative, 2001-2006

Executive Committee Member, 2004-2006

Florida Bar Advertising Task Force, 2004-2005

Florida Bar Judicial Administration, Selection and Tenure Committee, 2000-2002

Chief Justice's Advisory Committee for the Tobias Simon Pro Bono Award, 2001

First 150 Florida Women Lawyers Project: Co-Chair Research Committee, 1999-2000

Legal Services of North Florida, Legal Intake at Homeless Shelter and Legal Advice Clinic, Volunteer, 1994-2000

RECOGNITION

Martha Barnett Women Lawyers of Achievement Award, Tallahassee Bar Association, 2022

The Best Lawyers in America®, 2017-Present

Tallahassee Democrat, 25 Women You Need to Know, 2019

Florida Super Lawyers

Business Litigation, 2013-2018

Administrative Law, 2014

Appellate Practice, 2006

Estate & Trust Litigation, 2019-2020

Florida Trend's Legal Elite

Commercial Litigation, Hall of Fame, 2010-2022

Up & Comer, 2007

Women of Distinction, Gemstone Honoree, Law, Girl Scout Council of the Florida Panhandle, 2011

Florida Association for Women Lawyers Leaders in Law Award, 2010

Attorney of the Year Award, The Florida Law Related Education Association, 2005

Lynn Futch Most Productive Young Lawyer Award, The Florida Bar, 2001

Martindale-Hubbell, AV® Preeminent™ rated

PUBLICATIONS & PRESENTATIONS

Publications: **Trust Banking: Who's the Boss? Navigating the Trustee-Guardian Relationship**
Florida Banking | October 2023

Events: **Estate Planning & Family Law Panel Discussion**
Florida Bankers Association Trust & Wealth Management Conference | | September 2023

Publications: **Join Stearns Weaver Miller In Bridging The Gap To Law School For Minority And First Generation Students!**
Tallahassee Bar Association - Public Annoucements | July 2023

Publications: **Trust Banking: The Florida Family Trifecta**
Florida Banking | May 2023

Publications: **Help Build a "Bridge to Law School" for FSU's First-Generation CARE Students**
Tallahassee Bar Association Bulletin | January 2023

Publications: **The Season of Giving... to Your Ex-Spouse**
Florida Banking | December 2022

Publications: **Tipping The Scales With Florida Community Property Trusts: Do The Rewards Outweigh The Risk?**
Florida Banking | September 2022

Publications: **The Trustee's Tightrope - Balancing the Conflicting Interests of Income and Remainder Beneficiaries**
Florida Banking | July 2022

Publications: **Who Pays A Trustee's Attorneys' Fees?**
Florida Banking | May 2022

Events: **THE FIDUCIARY – Responsibilities, Risks and Dispute Resolution**
Tallahassee Regional Estate Planning Council | | March 2022

Publications: **Directed Trusts – Who is Responsible if Something Goes Wrong?**
Florida Banking | March 2022

Events: **From Start Up To Succession: A Journey through The Business Life Cycle**
Tallahassee Chamber of Commerce Professional Women's Forum | | October 2021

Events: **Decisions Through Our Stages of Life: The Good, the Bad, and the Ugly**
Capital Medical Society Membership Meeting & Financial Seminar | | February 2020

Events: **Ok Boomer - Are you ready to retire?**
Tallahassee Regional Estate Planning Council | | January 2020

Events: **Money Talk: What Financial Phase Are You In Now?**
Tallahassee Chamber Conference | | August 2019

Events: **Women and Wealth - Through the Stages of Life**
Professional Women's Forum | | April 2019

Election & Political Law News Update, **Government & Administrative News Update**, **Publications**: **Upcoming Vote on Amendment 10 Ensures Florida's County Constitutional Officers Are Elected Locally**
Stearns Weaver Miller News Update | October 2018

Events: **Probate Litigation 101: The Nuts and Bolts**
Pincus Professional Education Seminar | | April 2018

Events: **Election Law Primer for Candidates, Campaign Consultants and Staff | Free Webinar**
| February 2018

Election & Political Law News Update, **Government & Administrative News Update**, **Publications**: **Who Runs The World?**
Election & Political Law Report | September 2017

Events: **Launching Your Campaign | Women Can Run**
The Oasis Center for Women & Girls | | September 2017

Events: **Predicting, Preventing and When Necessary….Preparing for Will Contests**
Academy of Florida Elder Law Attorneys | | December 2016

Publications: **Is Your Discretionary Trust Subject to Garnishment? Maybe...**
Doing Business in Florida | November 2015

Events: **Fiduciary Litigation- Recognizing, Reducing, and Resolving Risks**
Tallahassee Regional Estate Planning Council | | February 2015

Events: **Evidentiary Objections in Trust and Estate Litigation**
Elder Law Section of the Florida Bar | | September 2014

Publications: **Florida Real Property Litigation, Commercial Mortgages**
The Florida Bar | February 2013

Events: **Behind the Curtain - Who is Driving the Decision Making Process on Distressed Assets**
2012 Real Estate Trends Conference | | November 2012

Events: **Inspiring Advancement Through Skills Building: Litigation Techniques**
Women's Leadership Summit | | March 2011

Events: **Judicial Nominating Commission Panel Discussion with Governor Ruebin Askew,**
| August 2009

Events: **Prospering in these Economic Times**
Big Bend Chapter of the Paralegal Association | | February 2009

Events: **Exploiting Opportunities and Managing Risks - State Government Changes Impacting the Private Sector**
Distressed Situation Update: Real Estate and Beyond | | September 2008

NEWSROOM

Firm Announcements: **Chelsea Koff and Bridge to Law School Program honored with Daily Business Review's 2024 Florida Legal Awards**
| February 2024

Firm Announcements: **The Bridge to Law School Program, A Partner of Stearns Weaver Miller, honored with 2023 Tallahassee Women Lawyers Diversity & Inclusion Leadership Award**
| June 2023

In the Media: **Tallahassee Bar Association Bulletin**
| August 2022

Firm Announcements: **Kelly O'Keefe Receives Tallahassee Bar Association's 2022 Martha Barnett Women Lawyers of Achievement Award**
| April 2022

Firm Announcements: **Kelly O'Keefe Appointed on Community Foundation of North Florida's Board of Directors**
| March 2022

In the Media: **TLH Briefcase: Aug. 29, 2021**

Tallahassee Democrat | | August 2021

Firm Announcements: **Stearns Weaver Miller honored with 2020 Tallahassee Women Lawyers Diversity & Inclusion Leadership Award**
| June 2020

Firm Announcements: **Stearns Weaver Miller Lawyers Recognized in 2020 Florida Super Lawyers**
| June 2020

In the Media: **Briefcase: Aug. 25**
Tallahassee Democrat | | August 2019

Firm Announcements: **Kelly A. O'Keefe Elected Treasurer of Tallahassee Regional Estate Planning Council**
| July 2019

Firm Announcements: **Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2019**
| June 2019

In the Media: **25 Women: Lawyer Kelly O'Keefe aims to help people 'move mountains'**
Tallahassee Democrat | | March 2019

In the Media: **Congratulations to the 2019 25 Women you Need to Know and 5 Young Women to Watch**
Tallahassee Democrat | | February 2019

Firm Announcements: **Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2018**
| June 2018

Firm Announcements: **Kelly O'Keefe Appointed to Capital City Bank Community Board**
| May 2018

In the Media: **Judge Refuses to Dismiss Matching Gifts Case Involving College Donations**
MyPanhandle.com | | January 2018

Firm Announcements: **Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2017**
| June 2017

Firm Announcements: **Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2016**
| June 2016

In the Media: **Personnel Note: Stearns Weaver Miller adds attorneys in Tallahassee, Miami, Tampa**
Florida Politics | | June 2016

Firm Announcements: **Stearns Weaver Miller Adds 2 Attorneys**
| June 2016

EDUCATION

J.D., with honors, Florida State University College of Law

Florida State University Law Review

Journal of Land Use and Environmental Law

B.S., *magna cum laude*, Florida State University

ADMISSIONS

Florida

Georgia

United States District Courts for the Northern, Middle and Southern District Courts of Florida

United States District Court for the Middle District of Georgia

United States Court of Appeals for the Eleventh Circuit

The Supreme Court of the United States