

Attorney Bio

Kelly is a Partner in WSHB's New York office and Managing Partner of the firm's New Jersey office. With more than 25 years of experience successfully defending complex litigation matters, Kelly is the lawyer to whom General Counsel and claims professionals turn to when they face a "bet the company" lawsuit. Kelly's practice includes trying cases to verdict in state and federal court in New Jersey.

Kelly's product liability practice includes defending complex product liability matters for a number of regulated products including pharmaceuticals, medical devices, consumer products, foods, automotive and construction/industrial machines in either single plaintiff cases or by way of class actions. In addition to her trial experience, Kelly's has participated in numerous multi-party mediations. Kelly's ability to identify the issue, appropriately value the case and seek an early and practical resolution has led to early and successful resolutions for the benefit of her clients. Through her work with product manufacturers, Kelly has developed a related commercial practice advising manufacturers and distributors in commercial, and consumer related matters.

As the Managing Partner of the New Jersey office, Kelly oversees and leads the construction practice which includes defending landowners, builders and developers in all aspects of both private and public construction litigation, including public accommodation issues under the ADA, as well as personal injury actions relating to construction site accidents. Likewise, Kelly oversees and leads the office's employment practice which includes defending employers and management-side employees against claims of discrimination and wage and hour violations under state and federal laws. With this background and her risk management skills, Kelly also serves as General Counsel to a number of small and medium sized businesses where she provides advice on personnel issues, risk management strategies, litigation management, employment and general commercial best practices. Most recently, Kelly has been on the forefront of developing Covid-19 return to work policies for various industries, including film.

Additionally as Managing Partner of the New Jersey office, Kelly oversees the professional liability practice which involves the defense of errors and omissions matters, involving professionals in the medical, legal, insurance, real estate, accounting and financial fields. Kelly also assists our national insurance coverage practice by advising and representing domestic and international insurers on first-party property (Homeowner's and Commercial), commercial general liability, construction defect, and professional errors and omission claims.

In addition to her extensive litigation experience, Kelly serves as a Municipal Court Judge in the Townships of Union and Scotch Plains, New Jersey.

Kelly A. Waters

Partner



New Jersey

400 Connell Drive
Suite 1100
Berkeley Heights, NJ 07922
Tel: (973) 265-9901
Fax: (973) 265-9925

New York

685 Third Avenue
18th Floor
New York, NY 10017
Tel: (212) 999-7100
Fax: (212) 999-7139

kwaters@wshblaw.com
Direct: (973) 265-9902

Kelly is a Fellow in the Litigation Counsel of America, an invitation-only trial lawyer honorary society limited to 3,500 fellows, representing less than one-half of one percent of American lawyers. For more than twenty years Kelly served as a Trustee for the New Jersey Metro Chapter of the National Multiple Sclerosis Society and is one of the Founders of the Women on the Move Luncheon which raises money to fund research and provide services for people diagnosed with MS. She currently serves as a Board Member of the Multiple Sclerosis Society of America, a national, not for profit organization which raises money to fund services for people living with MS. She is a founder and the former President of the Board of Directors of the Vanguard Theater Company, a community theater located in New Jersey dedicated to bringing diversity to the stage. She currently serves as a Board Member of the Union County Performing Arts Center and is also a member of the Ad Hoc Committee advising the Union County Office of LGBTQ Affairs.

Education

New York Law School (J.D.,)

Rutgers University (B.A.,)

Licensed to Practice in:

New Jersey, New York

Practice Areas

Commercial and Business Litigation

Construction

Employment

Insurance

London Insurance Market

Pharmaceutical and Medical Devices

Product Liability

Professional Liability

Public Entity Defense

Trial & Appellate Results

- Gayles v. Go Ahead and Jump, LLC, et. al
- Defina v. Might As Well Jump, et. al. A-1861-17T2 (N.J. App. Div. June 13, 2019)
- Defina v. Might As Well Jump, et. al., A-1861-17T2 (N.J. App. Div. June 5, 2018)

- *Kenny v. Bridgewater Golden Eagles, et. al.*, A-3571-10T2 (N.J. App. Div. August 6, 2012)
- *Arlandson v. Hartz Mountain Corp., et al.*, 792 F.Supp.2d 691 (D.N.J. 2011)
- *Snyder v. Farnam Companies, Inc.*, 792 F. Supp 2d 712 (D.N.J. 2011)
- *Arlandson v. Hartz Mt. Corp.*, 2011 U.S. Dist. LEXIS 94049 (D.N.J., Aug. 23, 2011)
- *Johansson v. Cent. Garden & Pet Co.*, 804 F. Supp. 2d 257, 2011 U.S. Dist. LEXIS 56463 (D.N.J., 2011)
- *Smith v. Merial, Ltd.*, 804 F. Supp. 2d. 257 (D.N.J. 2011)
- *Harrow v. Prudential Insurance Company*, 76 F. Supp. 2d. 558 (D.N.J. 1999)

Awards & Accomplishments

- AV Preeminent Lawyer by Martindale Hubbell
- Named a Law Firm Thought Leader in Corporate Counsel's 2021 Women, Influence & Power in Law Awards
- Named to NJBIZ's Best Fifty Women in Business List, 2020
- Completed the CLM Litigation Management Institute and earned the designation of Certified Litigation Management Professional, 2016
- Garden State Woman of the Year, Legal Professional Services, 2011
- Senior Fellow, Litigation Counsel of America

Publications

- [*WSHB Case Update: New Jersey Supreme Court Rules that the Worker's Compensation Act Prohibits Waivers of an Employee's Claims Against Third-Party Tortfeasors*](#)
- [*New Jersey Supreme Court Allows Untimely Alabama Claim to Proceed Under New Jersey's Longer Limitations Period*](#)
- [*WSHB Case Update: McLaurin v. General Nutrition Centers, Inc.*](#)
- [*WSHB Case Update: Cuevas v. Wentworth Group*](#)
- [*WSHB Case Update: Condominium Association, Inc. v. Adria Towers, L.L.C., et al.*](#)

Seminars, Events & Presentations

- Medmarc Insurance Company, A Proassurance Company, Presenter, How To Train the Next Gen Trial Attorneys, June 2021
- Claims & Litigation Management's Cyber, Management & Professional Liability Conference, Speaker, Girl on Fire: The Price of Pursuing the Truth in the #MeToo World, July 2019

- Medmarc Insurance Company, a Proassurance Company, Presenter, Medical Technology – Are Humans Becoming Obsolete, June 2019
- Medmarc Insurance Company, a Proassurance Company, Presenter, Mock Trial, June 2018
- Claims & Litigation Management’s Professional Liability Conference, Speaker, Sexual Harassment Front and Center: Harvey, Spacey, and Louis C.K. Exposed!, June 2018
- Medmarc Insurance Company, a Proassurance Company, Presenter – How to Identify and Defend Against the Reptile Theory, June 2015
- Network to Network Consortium of Women, Panel Presentation, Advancing Your Career Purposefully with Leadership and Influence, Verizon North America, Basking Ridge, New Jersey, June 6, 2014
- Magna Legal Services Annual Conference, Mock Trial Challenge, Atlantic City, New Jersey, November 12 -13, 2014, supporting The Children’s Hospital of Philadelphia
- In-House Training, Pharmaceutical and Medical Device Litigation Update, September 2011
- Berkley Life Science, LLC, Risk Management Webinar Presenter, Generic Preemption: New Life for Product Liability Defense, July 2011
- Professional Insurance Agents of New York and Annual Conference, Presenter, Understanding Product Liability Exposures and Reducing the Risk, June 2008
- KPMG Audit Committee Spring 2008 Audit Committee Roundtable, Presenter, Risk Oversight in an Evolving Environment: Pressure Points, Priorities and Oversight Challenges, June 2008
- New Jersey Defense Association and New Jersey Corporate Counsel Association, Presenter, Protecting the Corporation, Preparing and Being Prepared as the Corporate Witness, October 2007
- New Jersey Institute of Continuing Legal Education, Annual Tort Law Conference, Presenter, Top 10 Tips in Defending A Product Liability Action, July 2007

Community Activities

- Union County Office of LGBTQ Affairs — Ad Hoc Committee Member
- Multiple Sclerosis Association of America — Board of Directors
- Multiple Sclerosis Association of America — Women of Action Luncheon Committee Member