Kelly K. Ballentine

PARTNER

Kelly provides reliable legal counsel to employers of all sizes.



Industries

Automotive & Transportation
— Automotive

Practices

Labor, Employment & OSHA
Complex Litigation

Education

University of Connecticut School of Law, JD, cum laude

Boston University, BS, magna cum laude

Offices

Boston

Phone

617.973.6188

Email

Kelly.Ballentine@afslaw.com

Kelly is the first person her clients call when an employee issue surfaces. Whether it involves a newly recruited executive, workforce-wide policy, or sensitive termination, Kelly provides practical, business-oriented counsel that enables leadership teams to navigate sensitive personnel matters confidently and keep operations moving without interruption. Kelly works with in-house counsel, company executives, and senior management to draft, negotiate, and enforce sophisticated agreements for high-level executives, officers, and directors, which align with corporate objectives, protect proprietary information, and withstand scrutiny from investors, regulators, and the courts. When departures occur, Kelly crafts separation and severance arrangements that address equity awards, incentive compensation, non-compete and non-solicitation obligations, confidentiality covenants, and release terms—mitigating risk while paving the way for an orderly transition. Kelly's clients rely on her to translate business goals into airtight contractual language and to anticipate the downstream litigation and reputational exposure that can arise if agreements are inadequately drafted.

Beyond transactional work, Kelly provides day-to-day strategic advice on internal complaints, wage and hour compliance, leave administration, performance management, workplace investigations, and reductions in force. When litigation cannot be avoided, Kelly represents her clients 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, and her thorough understanding of the industry makes her an effective advocate in wage and hour class actions, Attorney General's Office investigations, and other labor and employment litigation.

Kelly's approach is defined by responsiveness, clarity, and the conviction that a well-articulated game plan reduces stress and drives better results. She partners with in-house counsel and senior management to forecast emerging risks, align employment strategy with corporate vision, and safeguard the organization's most valuable asset—its people.

Client Work

Kelly's representative matters include:

—

Successfully defeated employee misclassification and Massachusetts Wage Act violation complaint in arbitration, both in the first instance and on appeal, on behalf of company-client.

- Guided several mid-to-large companies through reduction in force.
- Prepared separation agreements for exiting C-suite officers and management, including concerns regarding equity, restrictive covenants, and complex severance terms.
- 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.
- 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:

- "No Trip, No Commission: Massachusetts Court Reinforces That a Commission Not Yet Due Is Not Payable – and Not Protected by the Wage Act" *Client Alert* (Aug. 2025)
- "Top 10 Labor, Employment, and OSHA Trends for 2025" *Client Alert* (May 2025)
- "Breaking: DOL Final Overtime Rule Increases Minimum Salary Threshold for Exemption" *Client Alert* (Apr. 2025)
- "An Opportunity for Review: What Are 'Wages' Under the Massachusetts Wage Act?" *Client Alert* (Oct. 2024)
-

"What Employers Need to Know About the New Massachusetts Pay Transparency Law" *Client Alert* (Jul. 2024)

- "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)
- "The Impact of McLaren Macomb Continues to Grow – Next Steps for In-House Counsel" *The In-House Advisor* (Mar. 2023)
- "You Company's Current Severance Agreement for Non-supervisory Employees Might Be Illegal – What To Do Next." *The In-House Advisor* (Mar. 2023)
- "The Cost of Late Notice to You Company's Insurer" *The In-House Advisor* (Jan. 2023)
- "Careless Employee Reviews Are Not Only Useless, They're Harmful", *The In-House Advisor* (Dec. 2019)
- "4 Liquidated Damage Provision Drafting Mistakes To Avoid," *Commercial Contracts Law360* (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)

Presentations

- "Employment Law: FAQs Around Accommodations & More" ConnectED: Business Conference & Partner Expo (April 2026)
- "Hybrid and Remote Work", Presenter, National Business Institute's New Hampshire Human Resource Law (May 2025)
- "How to be a Better Advocate for Yourself", Panel Moderator, Law Firm Alliance Women's Forum (May 2023)

Recognitions

- *The Legal 500 United States* - Rail and Road *(2025)*
- *The Best Lawyers in America One to Watch*, *Litigation – Labor and Employment* (2024-2025)
- *Lawdragon 500 X – The Next Generation* (2023 & 2024)
- *Up and Coming Lawyer*, Massachusetts Lawyers Weekly (2023)
- *Massachusetts Rising Stars* (2016-2018, 2020-2025)

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

Connecticut

Court Admissions

US District Court, District of Connecticut

US District Court, District of Massachusetts

US Court of Appeals, 1st Circuit