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PRACTICES

Government Relations
Insurance and Health Care Licensing and Regulation
Commercial Litigation
Insurance Defense

EDUCATION

University of Virginia J.D. (1977)
Hampden-Sydney College *magna cum laude* (1974)

Law Clerk to the Hon. Thomas Kelleher, Associate Justice, Rhode Island Supreme Court 1977-78

BAR ADMISSIONS

Rhode Island, *1977*

PROFESSIONAL & COMMUNITY INVOLVEMENT

Rhode Island Bar Association
    President, 1995-1996
    House of Delegates 1980-1997, 2009-2011
Rhode Island Commission on Judicial Tenure and Discipline 1982-1985
Disciplinary Board of the Rhode Island Supreme Court 1991-1994
R.I. Supreme Court Mandatory Continuing Legal Education Commission 1993-
    Present
American Bar Association, Life Fellow 2013
Rhode Island Bar Foundation, Life Fellow 1992
    Board of Directors 1993 – 2018
    Chair, Scholarship Committee 2005 – Present
New England Bar Association, Board of Directors 1993-1996
Champlin Foundation, Distribution Committee 2012 – Present
     Chair 2017 – Present
Providence Home Rule Charter Commission, Chair 2002
Central Falls Detention Facility Corporation
    Chair, Board of Directors 2015 – 2015
Greater Providence YMCA
    Board of Directors 1999 – 2008
    Board of Trustees 2008 – 2017
     Chair 2013 – 2015
State Alliance of YMCAs, Board of Directors 2006 – 2017
     Chair, 2009 – 2017
United Way of Rhode Island
    Vice Chair for Government Relations 1984-1988
    Board of Directors 1981-1988
Award of Merit, Rhode Island Bar Association 1999
Community Leadership Award, United Way of Rhode Island 1985
Volunteer Leadership Award, YMCA of Greater Providence, 2013

PRACTICE SUMMARY

Kelly assists national, regional and local entities with complex problems with the State of Rhode. He has extensive experience representing health maintenance organizations, health insurers, property and casualty insurers and financial institutions with licensing and regulatory issues before the Rhode Island Department of Health and the Department of Business Regulation. He also has extensive experience with environmental permitting and enforcement before the Department of Environmental Management and the Coastal Resources

Management Council.

Kelly has been a registered Rhode Island lobbyist for over 30 years for numerous Fortune 100 companies and other businesses, trade associations and non-profit organizations. Experience includes public advocacy at the Rhode Island General Assembly on a wide range of legislative issues, including personal and corporate income tax legislation, health care regulation, tort reform, insurance regulation and general business issues. He has extensive experience and expertise in leadership and committee advocacy on complex subjects as well as drafting legislation and amendments.

Kelly has extensive litigation experience with over three dozen jury trials in state and federal courts, including wide range of commercial disputes, the defense of professional liability claims and insurance coverage disputes. His appellate experience includes over two dozen arguments before the Rhode Island Supreme Court, many involving issues of first impression.

Kelly has also handled a significant volume of work in the public sector, including representation of the Rhode Island Board of Accountancy, the State of Rhode Island in commercial litigation and the Rhode Island Board of Bar Examiners in appellate litigation and related proceedings. He has represented numerous municipalities, Mayors and City Councils in a wide range of legal proceedings, including separation of powers disputes, labor and pension matters and constitutional challenges.

REPRESENTATIVE MATTERS

- Prevailed in the Supreme Court of Rhode Island on behalf of the Providence City Council in a separation of powers dispute with the Mayor over the Council's right to ratify the City's collective bargaining agreements. Providence City Council v. Cianci, 650 A.2d 499 (R.I. 1994).
- Represented GTE REinsurance Company, Ltd. in regulatory and civil proceedings implementing the first commutation plan under Rhode Island's unique Voluntary Restructuring of Solvent Insurers Act, R.I.G.L. 1956, Title 27, Chapter 14.5. See In re: GTE Reinsurance Co. Ltd., C.A. No. PB 10-3777 (R.I. Super. April 25, 2011), available at 2011 WL 1618317 and from the Court website.
- Served as the principal legislative advocate on behalf of the business community before the Rhode Island General Assembly leading to the enactment of a comprehensive restructuring of the Rhode Island personal income tax code in 2009.
- Drafted and secured enactment of legislation to secure tax incremental financing by municipalities following enactment of a statewide cap on property tax growth.
- Successfully defended the constitutionality of the charter of the first health maintenance organization in Rhode Island. Soares v. RIGHA, 581 A.2d 1030 (R.I. 1990).
- Represented a college newspaper on behalf of the ACLU in securing access to police brutality complaints in the first case under the Rhode Island Access to Public Records Act. The Rake v. Gorodetsky, 452 A.2d 1144 (R.I. 1982).
- Represented an obstetrician before the Supreme Court of Rhode Island in a case of first impression which established a cause of action for "wrongful pregnancy" and fixed the measure of damages. Emerson v. Magendantz, 689 A.2d 409 (R.I. 1997).
- Successfully defended the constitutionality of an adult entertainment licensing ordinance of the Town of Johnston before the Rhode Island Supreme Court. El Marocco Club, Inc. v. Richardson, 746 A.2d 1228 (R.I. 2000).

- Prevailed before the Rhode Island Supreme Court on behalf of the Rhode Island Board of Bar Examiners in a legal challenge by graduates of an unaccredited law school who had been denied a waiver by the Board. In re Lewis, 575 A.2d 682 (R.I. 1990).
- Successfully permitted the Sakonnet Point Club in Little Compton, Rhode Island. The unique location of the facility at the tip of Sakonnet Point necessitated a dozen permits, many requiring multiple variances, from seven different federal, state and local agencies, boards and councils.