



Matthew W. O'Neill

Mr. O'Neill's Practice



Mr. O'Neill focuses his practice on commercial litigation and appellate work. He has litigated and tried dozens of cases, representing plaintiffs and defendants in matters as varied as shareholder disputes, political redistricting, employment litigation, securities arbitration, property disputes, contract litigation and class actions relating to basement backups.

As a litigator, Mr. O'Neill has substantial trial experience. In one matter he successfully defended the Milwaukee County Executive against a federal civil rights claim. In another he represented a Native American Tribe challenging a redistricting plan as violating the Voting Rights Act. One protracted shareholder dispute resulted in a 20-day trial, while another shareholder dispute resulted in a valuation trial in federal court under Wisconsin's dissenter's rights statute. A recent jury in a protracted property dispute resulted in a positive verdict and substantial damages award in favor of Mr. O'Neill's client. He also won a small claims bed bug trial for a pro bono client, crushing the opposition.

E-mail

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Practice Areas

Commercial Litigation, Appellate Work,
Campaign Finance and Election Law,
Employment Contracts

Law School

Marquette University Law School, 1991.

In 2007 Mr. O'Neill took a pro bono case to trial, challenging a self-storage company's sale of a local family's belongings for the paltry sum of \$600. When the client went in to pay the bill and complained about the property being sold without any notice, she was told to "get a lawyer." It was good advice. Outnumbered at trial by the company's legal team, Mr. O'Neill demonstrated not only that the company wrongfully sold the clients' personal property, but also that the company illegally retained the excess proceeds from the sale, and had been doing so for years. The jury awarded \$100,000 in punitive damages, on top of a \$20,000 award for the value of the family's belongings. In response, the company, the largest self-storage company in the world, changed its auction practices nationwide to ensure that customers received fair treatment. The verdict was upheld on appeal, and the self-storage company doubled down on its losses when it was ordered to pay Mr. O'Neill's attorney's fees. *Cook v. Public Storage Corp.*, 2008 WI App 155. Legal Action of Wisconsin awarded its 2008 Exceptional Pro Bono Advocacy Award to Mr. O'Neill for his efforts.

Mr. O'Neill has a breadth of appellate experience, including multiple oral arguments before the Wisconsin Supreme Court, Wisconsin Court of Appeals and Seventh Circuit Court of Appeals. He has been involved in several successful high-profile appeals where the success of the company hung in the balance on appeal, including the reversal of a \$100 million verdict against a local utility. Mr. O'Neill argued the two leading Wisconsin cases addressing minority shareholder rights and special litigation committees.

In addition to his commercial and appellate practice, Mr. O'Neill has substantial experience with campaign finance and election law, regularly counseling clients on both sides of the aisle in campaign and election-related matters. Mr. O'Neill was part of the team that successfully obtained reversal of a criminal conviction of a former Republican Speaker of the Wisconsin Assembly. In the same election cycle he successfully represented the Democratic Party in a lawsuit involving proposed "cross checks" that could have removed thousands of qualified voters from the poll lists. He has testified before the United States Congress, the Wisconsin Senate and the Wisconsin Government Accountability Board on proposed reforms to federal and state election laws.

Representative Cases

- Notz v. Everett Smith Group, 2009 WI 30
(represented minority shareholder alleging breach of fiduciary duty and oppression)
- Cook v. Public Storage Corp., 2008 WI App 155
(\$120,000 verdict for illegal auction by self-storage company)
- City of West Allis v. WEPCO, 2001 WI App. 226
(reversal of \$100 million verdict against client)
- Northwest Airlines, Inc. v. WDOR, 2006 WI 88
(saved Midwest Airlines tax exemption)
- Clean Wisconsin v. PSC, 2005 WI 93
(helped client obtain approval for new power plants)
- Jandrt v. Jerome Foods, Inc., 227 Wis.2d 531 (1999)
(defended law firm from six-figure sanctions award)
- Einhorn v. Culea, 2000 WI 65
(represented minority shareholder challenging special litigation committee determination)

Primary Practice Areas

- Commercial litigation
- Appellate representation
- Campaign finance
- Election law
- Employment disputes
- Insurance coverage disputes
- Shareholder litigation
- Class action defense
- Contract disputes

Professional Summary

Education

- University of Notre Dame (1988), *cum laude*
- Marquette Law School (1991), *magna cum laude*

Bar Admissions

- Wisconsin Bar
- United States District Court, Eastern District of Wisconsin
- United States District Court, Western District of Wisconsin
- Seventh Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- United States Supreme Court

Professional Affiliations

- Past President, Eastern District of Wisconsin Bar Association
- Secretary and Trustee, Woodlands School Board of Trustees
- Director, Legal Action of Wisconsin
- Director, Uptown Crossing Business Improvement District Board
- Member, State Bar of Wisconsin and Milwaukee Bar Association

Professional Achievements

- Martindale -- Hubbell AV® Peer Review Rated
- Named a "Super Lawyer" by Milwaukee Magazine every year since 2006
- 2008 Legal Action of Wisconsin Exceptional Pro Bono Advocacy Award
- Law Clerk to Wisconsin Supreme Court Chief Justice Nathan S. Heffernan, 1991-1992