



## KAREN L. TIDWALL

# O'NEILCANNON

HOLLMAN DEJONG & LAING S.C.

### CONTACT

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### PRACTICE GROUP

- Litigation

Karen is a veteran litigator and legal advisor with more than 30 years of experience representing businesses, individuals, fiduciaries and government entities, both in and out of the courtroom, in complex civil matters. She focuses her practice on a variety of business and commercial disputes, as well as fiduciary, trust and probate controversies, in each case offering practical, client-centric solutions. Before joining O'Neil Cannon, she served as Deputy Corporation Counsel for Milwaukee County and spent nearly two decades as a partner in a national law firm.

Karen brings a deep understanding of both the private and public sectors, allowing her to provide practical advice that balances legal precision with results. Employing tailored risk management strategies, Karen helps clients avoid or settle disputes without court intervention. When litigation is the best or only option, she brings to the table decades of experience litigating in state and federal court at each stage of the litigation cycle including mediation, arbitration, trial, and appellate practice. Karen is known as a responsive, zealous advocate with steady judgment and a commitment to efficient problem solving.

### Karen Assists Clients With

- Complex commercial and contract disputes
- Real estate and property disputes
- Complex contract disputes
- Commercial disputes including breach of warranty and other UCC-based claims.
- Fraud, other business torts, and statute-based causes of action
- Business breakups
- Disputes involving municipal and county government law.
- Indemnification and contribution claims
- Negotiation of terms and conditions of purchase and sale agreements; supplier agreements; customer agreements; distribution agreements; indemnity agreements; and consulting and other service contracts
- Fiduciary representation of individual and corporate trustees, personal representatives and other fiduciaries in controversies involving claims of breach of fiduciary duty including the duty of loyalty, impartiality, to account, to avoid conflicts of interest, and to prudently invest assets.
- Representation of beneficiaries to enforce rights under estate planning documents including actions for accounting, distribution, or fiduciary removal.
- Representation of proponents or contestants in challenges to wills, trusts, beneficiary designations, and lifetime transfers of property, involving allegations of lack of capacity, undue influence, elder abuse, or other wrongful conduct relating to the right to inherit property
- Tortious interference with inheritance claims
- Construction or reformation of estate planning documents

- Nonjudicial settlement agreements
- Guardianship proceedings
- Creditor's claims in trust and estate proceedings
- Claims alleging breach of fiduciary duty, fraud, self-dealing or other wrongdoing of officers, directors or managers of corporate entities.
- Alternative Dispute Resolution: Negotiated settlements, mediation, arbitration.
- State and federal court litigation

**Experience/Representative Client Work**

- Represented employer against former employee alleging breach of his employment agreement, violation of trade secret statutes, intentional interference with business relationship, fraud and breach of the duty of loyalty and theft.
- Advised partner alleging wrongful dissolution of partnership and challenging ultimate valuation of partnership interests.
- Represented minority shareholders in closely held company in shareholder oppression claim.
- Successfully defended industrial equipment distributor against multimillion-dollar breach of warranty and indemnification claims, through trial and appeal.
- Advised developer and operator of national restaurant in multi-party real estate dispute involving the applicability and enforcement of restrictive use agreements.
- Advised multiple small and mid-size Wisconsin companies on a broad range of legal issues including risk management, commercial contract drafting and negotiation, and NDAs.
- Prosecuted and defended multimillion-dollar commercial cases on behalf of designers, manufacturers and distributors involving warranty claims and product defects.
- Successfully defended employer against federal employment discrimination claims, obtaining judgment at the trial court which was affirmed on appeal.
- Secured temporary restraining order and permanent injunction on behalf of a homeowners' association in a restrictive covenant dispute and significant attorneys' fee award following multi-day evidentiary hearing.
- Represented beneficiary under a revocable trust against claims by other beneficiaries of undue influence involving defense based on no-contest clause.
- Secured judgment for client, a trustee of a multi-million-dollar irrevocable trust and personal representative of settlor's estate, in action brought by settlor's surviving spouse alleging misconduct.
- Represented personal representative and primary beneficiary of an estate in which the surviving spouse challenged validity of marital property agreement. · Represented client in claim that sibling exercised undue influence over the decedent and breached his fiduciary duties. · Successfully defended trustee in a trust contest and related OLR proceeding concerning alleged activities as a fiduciary.
- Defended proponents of a will in a contest prosecuted by a previously named beneficiary of a testamentary charitable remainder trust involving complex issues of testamentary capacity, undue influence and standing.
- Litigated on behalf of personal representative of an estate, securing appointment over beneficiary objections, defending against a removal petition after proceedings commenced, and defending the personal representative against claims for breach of fiduciary duty concerning decisions made about disposition of proceeds of sale of business.

- Represented a surviving spouse in classification proceedings brought by estate of deceased spouse involving forensic accounting to trace rights in stock and interests in retirement plan assets.
- Represented individuals in intra-family disputes concerning elder abuse allegations related to powers of attorney for health care and for finances and property.
- As Milwaukee County Deputy Corporation Counsel, represented the County, its departments, employees, boards, and elected officials in state and federal court and before administrative agencies. Matters included breach of contract, federal civil rights defense, employment discrimination, and multi-district impact litigation concerning County-identified public health concerns. Provided legal counsel on a range of legal issues including statutory duties, public records, and board governance.
- Defended government entities against federal civil rights actions arising under 42 U.S.C. § 1983 including jury trials to verdict.

**Professional Associations & Affiliations**

- Member, Eastern District of Wisconsin Bar Association
- Member, Milwaukee Bar Association
- President’s Council, Eastern District of Wisconsin Bar Association
- Member, State Bar of Wisconsin, Real Property, Probate & Trust Law Section
- Arbitrator, State Bar of Wisconsin, Fee Arbitration Program, 2018-present
- Barrister Member, Thomas E. Fairchild Inn of Court, 2016-present
- Judge, Summer Youth Institute, Annual Mock Appellate Arguments, sponsored by Marquette and the Eastern District of Wisconsin Bar Association - 2018-Present

**Court Admissions**

- State Bar of Wisconsin
- State Bar of Illinois (1993-2023, currently inactive)
- U.S. Courts of Appeals for the Seventh Circuit
- U.S. Courts of Appeals for Fourth Circuit
- U.S. Federal Circuit Court of Appeal
- U.S. District Court for the Eastern District of Wisconsin,
- U.S. District Court for the Western District of Wisconsin
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois

**Awards/Distinctions**

- Named a “Notable Woman in the Law,” BizTimes Milwaukee, 2020
- AV® Preeminent™ rating from Martindale Hubbell®
- 2015 Recipient of Wisconsin Law Journal’s “Women in the Law” award
- “Best Lawyers in America” - Commercial Litigation - 2016-2020
- “Super Lawyer” Wisconsin – Trust and Estates Litigation - 2016-2020

**Articles/Presentations**

- Best Deposition Practices: Staying Out of Trouble in State and Federal Court While Zealously Advocating for Your Client, WHD U, 2017.
- Impact of Implicit Bias in the Legal Profession: Perspectives from In-House Counsel, the Bench, the Bar, and a Jury Consultant, Association of Corporate Counsel, Wisconsin Chapter Annual Chapter Conference and Meeting of Members, 2013.

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- “Hot Topics in Fiduciary Litigation,” presented regularly to various financial institutions.
- ALI-CLE: Representing Estate and Trust Beneficiaries and Fiduciaries, Using ADR to Avoid All-Out Court Battles, 2019.
- Children’s Hospital of Wisconsin Planned Giving Council Annual Seminar: Using ADR to Avoid All-Out Court Battles in Trust and Estate Disputes, November 19, 2019
- Contractual Risk Shifting, WHD U, 2019
- National Trust Closely Held Business Association, Annual Conference, presenter, 2017.
- ERISA Fiduciary Update 2017: Best Practices from Industry Professionals, May 18, 2017
- Remediating Financial Exploitation of the Elderly Through Litigation, State Bar of Wisconsin, Annual Convention, 2016
- Understanding and Managing the Risks to your Company Created by Construction Contracts, April 14, 2005

## **Community Involvement**

- Village of Shorewood, Board of Review, Member- 2017-Present
- Past-President and Board Member, Wisconsin Equal Justice Fund, Inc.,
- Past-President and Board Member, United Methodist Children’s Services, Inc.

## **Education**

- Creighton University School of Law (J.D., *cum laude*)
- University of Nebraska–Omaha (B.A., *with honors*)