

DANIELLE KAYS

Partner

Chicago

312.260.4751

312.346.3179

Service Focus

- AI, Data, and Analytics
- Alternative Dispute Resolution
- Class and Collective Actions
- Digital Wiretapping Litigation
- Employment Discrimination and Harassment
- Litigation and Trials
- Privacy and Cyber

OVERVIEW

With two decades of experience as a successful litigator, Danielle Kays advises and represents businesses in a variety of matters involving biometric, privacy, and employment law matters. She also defends employers against all types of employment discrimination, wrongful discharge, and retaliation claims and regularly works with clients to ensure compliance with rapidly evolving privacy laws.

Her extensive trial experience includes obtaining more than thirty-five successful verdicts for clients. She has defended more than eighty biometric information privacy lawsuits and class actions in state and federal courts and arbitrations.

Danielle is a recognized thought leader on biometric privacy laws, including the Illinois Biometric Information Privacy Act (BIPA) and the Illinois Genetic Information Privacy Act (GIPA), and has been featured in multiple publications regarding BIPA and GIPA, including *Bloomberg Law* and *Crain's Chicago Business*.

She was listed in the "Top 50 Women Leaders in Law" in 2023 and 2024 by Women We Admire for being "instrumental in leading organizations by offering unparalleled legal guidance, championing the rights of clients, and steadfastly upholding the tenets of justice."

Before joining Fisher Phillips, Danielle was an attorney in the Privacy, Biometrics & Employment Practice Group of an international Am Law 100 law firm.

Recent Experience

Danielle has achieved results including:

- Complete dismissal with prejudice in a Biometric Information Privacy Act (BIPA) class action on an issue of first impression against a government contractor.
- Complete dismissal with prejudice in a Biometric Information Privacy Act (BIPA) class action against a healthcare provider.
- Complete summary judgment for a Fortune 50 wholesale retailer in an age, gender, and disability discrimination and retaliation case in Minnesota state court.
- Complete summary judgment for a global technology services company in a disability discrimination and retaliation case in the Northern District of Illinois.
- Oral argument before the Seventh Circuit Court of Appeals in age discrimination case.
- Complete defense verdict for one of the largest diversified financial services institutions in the United States in a FINRA arbitration seeking \$18 million in damages on a defamation and intentional interference with contractual relations claim, affirmed by the district court and by the Third Circuit Court of Appeal.
- Complete summary judgment for a Fortune 500 foodservice distributor in an age discrimination case in the Northern District Court of Illinois.
- Complete summary judgment for a Fortune 100 athletic apparel company in a reverse race and sex harassment, discrimination, and retaliation case in the Eastern District Court of

Missouri.

- Complete summary judgment for a Fortune 100 health care company on a disability harassment, discrimination, and retaliation case in the District of Colorado, which was affirmed by the 10th Circuit Court of Appeals.
 - Complete defense verdict in a FINRA arbitration on a defamation and expungement claim.
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Credentials

Education

- University of Illinois College of Law, J.D., *cum laude*, 2004
- Illinois Wesleyan University, B.A., 2001

Bar Admissions

- Illinois

Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Western District of Wisconsin

Recognitions

- Women We Admire, "Top 50 Women Leaders in Law" (2023-2024)"
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Affiliations

Professional Activities

- Women We Admire, Chicago Chapter Leader
- Defense Research Institute, Women in the Law Committee (2022-present)
- American Bar Association, Forum on Franchising and Women's Advocate Committee

Community Activities

- Illinois Wesleyan University Alumni (Board of Trustees, 2019-present) (Executive Committee, 2021-present)
- Bloomington-Normal YMCA (Board of Directors, 2021-2023)

INSIGHTS

Insights

Feb 11, 2026

After Apple: What Online Businesses Need to Know About Privacy Expectations After Recent Court Decision

Event

Feb 11, 2026

FP AI Forum: AI Notetakers: Practical Use Cases + Hidden Risks

Insights

Jan 23, 2026

AI Meeting Tools Are The Latest Target of Illinois BIPA Class Actions – 6 Things to Do to Prevent Litigation

Insights

Jan 16, 2026

Florida Federal Court Greenlights Nationwide Digital Wiretapping Claims: 5 Steps Businesses Should Take Now

Publication

Jan 9, 2026

Republished Insight: Your Website Chatbot Could Cost Your Business: What You Need to Know About Rising Digital Wiretapping Risks in Florida and Beyond

Insights

Dec 11, 2025

Sneak Peek: Illinois AI Workplace Notice Rulemaking is Coming – What to Expect + Your 5-Step Action Plan