

**Robert LeRoux Hernandez**  
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***EDUCATION***

Harvard Law School, Juris Doctor, *Cum Laude*, 1977; News Editor, *Harvard Law Record*.

Princeton University, A.B., *Magna Cum Laude*, Woodrow Wilson School of Public and International Affairs, 1969.

Toms River High School, Toms River, New Jersey; Salutatorian.

Université de Dijon, France; Advanced French, 1972-73.

***PROFESSIONAL EXPERIENCE:***

1977-Present. Admitted to the general practice of law in Massachusetts. Engaged in active litigation, concentrating in civil rights and employment law.

1981-1984. Boston University Law School, Lecturer, First Year Writing Program.

1981-1983. Boston Water and Sewer Commission, Hearing Examiner.

1980-1981. Senior Research Associate, Boston University Center for Law and Health Sciences. Staff Support for Blue Ribbon Commission on the Future of Public Inpatient Mental Health Services in Massachusetts, concentrating on quality assurance transition planning; involuntary commitment.

1977-1980. Director of Title XX (Social Services) Planning, Massachusetts Department of Public Welfare. Responsibilities included: Production of Comprehensive Annual Social Services Plan under Title XX of the Social Security Act (\$150 million program); Interagency Agreements with and Monitoring of other public agencies, including Departments of Mental Health, Elder Affairs, Public Health, Youth Services, Correction, Massachusetts Rehabilitation Commission, Office for Children; Citizen Participation; Public Hearings; Needs Assessments; Demographic Studies; Fiscal Year 1979 Training Plan; Supervision of unit of 20 professionals.

1977. Assistant General Counsel, Massachusetts Department of Public Welfare. Responsibilities included: Program counsel to Office of Social Services, Title XX and purchase of services, contract drafting and negotiations; legal analysis of proposed regulations; care and protections and adoptions; developed and led seminars for lawyers on welfare law.

***WRITINGS & PUBLICATIONS***

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**"Assuring Quality in Mental Health Services," Report to the Blue Ribbon Commission on the Future of Public Inpatient Mental Health Services, October 1980.**

**"Batson as It Relates to Civil Juries," Paper submitted for presentation to ATLA National Convention, July 17, 1999.**

**"Cutting Costs with Computer Technology," *Trial Magazine*, February, 1999.**

**"Hispanics Hitless Batting for Bench," *Massachusetts Lawyers Weekly*, August, 1993; reprinted in *Massachusetts Bar Association Lawyers Journal, Mass Dissent, Newton Graphic*.**

**"Jousting with Selective Service - Student Aid Restrictions, *On Watch*, March 1983.**

**"Hispanics Favor the Unz Initiative--Am I Having a Bad Dream?" *Hispanic/Latino News Service*, [www.latinowww.com](http://www.latinowww.com), May 15, 1998.**

**"Law and Medicine: Deinstitutionalization Program Under Question," *Massachusetts Medical News*, January 16-23, 1981.**

**"\_\_\_\_\_ : Ground Broken in Mental Health Care," *Massachusetts Medical News*, February 16-23, 1981.**

**"\_\_\_\_\_ : Involuntary Treatment," *Massachusetts Medical News*, December 5-12, 1980.**

**"The Lurking Danger of Naderism," *New York Times and International Herald Tribune*, March 1972.**

***Mental Health Crossroads: The Report of the Blue Ribbon Commission on the Future of Public Inpatient Mental Health Services in Massachusetts*, Boston, May 1981 (Contributing author).**

**"The Minority Caucus Forum: A Small Glimpse at the Future," Association of Trial Lawyers of America, Association Minority Caucus Newsletter, February 1997.**

**"Opposing Bifurcation in Police Misconduct Trials," Association of Trial Lawyers of America, Civil Rights Section Newsletter, V. VII, No. 1, Fall 1998.**

**"Overview of Preliminary Issues: Picking the Court and Packaging the Pleadings," paper for *Litigation: The Early Rounds, Strategies and Tactics that Shape the Ultimate Outcome*, Boston Bar Foundation Seminar, April 10, 1996**

**"Scheduling and E-mail," *Trial Magazine*, September, 1998.**

**"Six Themes in Title XX," *Urban and Social Change Review*, February 1980.**

**"The Solomon Amendments: Exploding Solomon's Mines, *On Watch*, May 1983.**

**"Toward a Safe, Effective and Therapeutic Transition," Report to the Blue Ribbon Commission on the Future of Public Inpatient Mental Health Services, October 1980.**

**"Undocumented Immigrants and Discrimination," Association of Trial Lawyers of America, Employment Rights Section Newsletter, V. VI, No. 2, 5-6, Spring 1999.**

“Using the Computer to Level the Playing Field,” *Trial Magazine*, January, 1998.

“Word 97 for Law Firms,” *Trial Magazine*, June, 1998.

***SPEECHES AND PUBLIC PRESENTATIONS***

“*Batson* as It Relates to Civil Juries,” Paper presented to ATLA National Convention, July 17, 1999.

“Challenges Facing Hispanic Attorneys in Massachusetts: A Litigator’s Perspective,” Joint Seminar of the Massachusetts Association of Hispanic Attorneys-American Bar Association Litigation Section, Boston, March 6, 1998.

“Draft Protest, Civil Disobedience and the Law,” Paper presented to the 1981 Annual Meeting of the Law and Society Association. Amherst, MA, June 12, 1981.

“Effective Use of Interrogatories in Civil Rights Cases,” Presentation to ATLA Convention, July 17, 2001.

“Hispanics and Language Rights: A Legal Framework,” Presentation to English Plus Conference, October 25, 1997.

“Overview of Preliminary Issues: Picking the Court and Packaging the Pleadings,” in “Litigation: The Early Rounds, Strategies and Tactics that Shape the Ultimate Outcome, Boston Bar Foundation Seminar, April 10, 1996.

“Recruiting Minorities to the Organized Bar,” Presentation to the American Bar Association, Young Lawyers Division, January 1993.

“Rights of Students with Disabilities in Standardized Testing,” Speech before the N. Neal Pike Institute on Law and Disability, Boston University School of Law, November 18, 1995.

“Scheduling and E-mail,” Presentation to Association of Trial Lawyers of America National Convention, July 10, 1998.

“The Status of Hispanics in Massachusetts,” A Speech to the Southeastern Massachusetts Legal Services Corporation Annual Dinner, October 1993.

“Technology and Police Misconduct Litigation Discovery,” Presentation to Association of Trial Lawyers of America National Convention, August 2, 2000.

“Technology for the Trial Lawyer: Ethical Issues,” Panelist, Association of Trial Lawyers of America, National College of Advocacy, October 15-16, 1999.

“Using the Computer to Level the Playing Field,” Presentation to Association of Trial Lawyers of America National Convention, July 20, 1997.

“Web Sites as Marketing Tools: Using a Web Site to Enhance Your Law Practice,” Panelist, Boston Bar Association, September 20, 2000.

***SIGNIFICANT CASES***

*Malave v. Carney Hospital*, 170 F. 3d 217 (1st Cir. 1999) (establishing standards for trial court evaluation of existence of alleged civil settlement when disputed by a party).

*Randlett v. Shalala*, 118 F.3d 857 (1st Cir. 1997) (refusal to grant transfer may be adverse employment decision for Title VII purposes).

*Foley v. City of Lowell*, 984 F.2d 10 (1st Cir. 1991) (party entitled to post judgment interest on attorney fee award).

*Wynne v. Tufts University School of Medicine*, 932, F.2d 19 (1st Cir. 1991)(en banc)(setting standard for evaluating §504 discrimination claim of dyslexic student relative to medical school standardized testing).

*Commonwealth v. Schuchardt*, 408 Mass. 347, 557 N.E. 2d 1380 (1990)(establishing that wanton destruction of property is not lesser included offense of malicious destruction of property; standards for "necessity defense" for charges arising from political protest).

*Doe v. Registrar of Motor Vehicles*, 528 N.E.2d 880 (Mass. App. 1988)(establishing that applicant data provided to Registrar is protected against distribution by the state Privacy Act).

*Krewson v. City of Quincy*, 120 F.R.D. 6 (D.Mass. 1988)(establishing that failure to make timely objections to requests for documents constitutes waiver of objections).

*Kinan v. Trial Court*, 511 N.E.2d 341 (Mass. 1987)(establishing proper procedures for presenting claims against clerk of court under Massachusetts Tort Claims Act).

*Foley v. Lowell Division of the District Court*, 398 Mass. 800 (1986)(establishing that court may not impose waiver of civil liability as condition for dismissing criminal charges).

### **PROFESSIONAL ORGANIZATIONS**

Hispanic National Bar Association, *President* of New England Region (1994-1995).

Massachusetts Association of Hispanic Attorneys (MAHA), *President* (1993-94).

Association of Trial Lawyers of America, Chair, Civil Rights Section (2000-2001); Executive Board, Employment Rights Section; Massachusetts Delegate to the Minority Caucus (1995-2000); Moderator, Minority Caucus Forum; Communications, Computers and Law Office Technology Committee; Publications Committee; Membership Oversight Committee.

Boston Bar Association Council (1994-1997); Ad Hoc Committee on Judicial Compensation (2000).

Boston Bar Foundation, Board of Trustees (1995-1997).

Massachusetts Academy of Trial Lawyers, Board of Governors (1993-1996).

Massachusetts Bar Association, Minorities in the Profession Committee (1993-1995).

Inter-American Bar Association.

**Communities for People, Inc., Boston, MA, Human Rights Committee (1984-1985).**

**Joint Bar Committee on Judicial Appointments, Chairperson (1998-99).**

**Massachusetts Council for Public Justice, Inc., Board of Directors (1994-1998).**

**Massachusetts Trial Court Advisory Committee .**

**Minority Business Enterprise Linkage Program Advisory Committee of the Massachusetts Housing Finance Agency.**

**National Empowerment Center, Director**

**Northeast Indian Cultural Awareness Training Advisory Board, University of Maine, Orono (1979- 1980).**

**Planned Parenthood League of Massachusetts, Vice Chair of Board of Trustees (1999-2000).**

**United States District Court for the District of Massachusetts, Civil Justice Advisory Board.**

***OTHER PROFESSIONAL ACTIVITIES***

**Numerous public presentations on legal topics, including civil rights, discrimination, sexual harassment and consumer protection law; volunteer for Boston Public Schools (S.T.A.R. Program); Guest Appearances on Morton Downey, Jr., Show, Current Affairs, Tom Bergeron Show ("People Are Talking"), Boston A.M., Urban Update, The Group, *Linea Legal* and *Hablemos*; Boston Bar Association Speakers Bureau; Moot Court Judge for Harvard University and Boston University Law Schools; Princeton University Alumni Careers Network; Trainer for Attorney General's Civil Litigation Section; Faculty, Trial Advocacy Workshop, Massachusetts Continuing Legal Education.**

***OTHER HONORS AND AWARDS:***

**Soaring Eagles Award for Lifetime Contributions to Civil Rights, Association of Trial Lawyers of America Minority Caucus, 2001.**

**Life Member of the National Registry of *Who's Who*.**

**Massachusetts Housing Finance Agency, Distinguished Small Business Accomplishment Award, 1995**

***Quien es Quien in U.S. Commerce*, 2d Ed., 1993-94.**

**Hispanic Parents Advisory Council, Certificate of Appreciation**

**Boston Legal Secretaries Association, Certificate of Appreciation**

**Boston Center for Adult Education Retired Persons Association, Certificate of Appreciation**

***LANGUAGES:***

**Tri-lingual, French-English-Spanish.**