

ATTORNEY BIOGRAPHY



Robert L. Kilroy

Partner

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Practice Groups and Specialty Areas

Labor, Employment and Employee Benefits

Employment Litigation

Human Resource-Related Advice and Training

Labor Law

Public and Municipal Law

Alternative Dispute Resolution

Bob is a partner in the firm's Labor, Employment and Employee Benefits Group, where he specializes in employment litigation in defense of corporations and their executives. He routinely appears in federal and state courts throughout New England and beyond, as well as before the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, and the Civil Service Commission in defense of claims of discrimination, sexual harassment, wrongful termination, breach of contract, and wage payment violations. Bob also has extensive experience in both defense and enforcement of non-compete agreements. In addition, he represents management for both governmental and private-sector employers in grievance arbitrations filed by unions, with particular emphasis on the health care industry. Apart from his employment litigation practice, Bob advises clients on a broad range of employment and human resource-related issues.

Prior to joining Mirick O'Connell, Bob served 10 years' active duty as an officer in the U.S. Marine Corps, where he was awarded four medals for leadership excellence. In addition, he has served as a special assistant district attorney and as a litigation associate for Ropes & Gray in Boston.

Bob has been named a Massachusetts "Rising Star" by *Boston* magazine and *Law & Politics* for three consecutive years.

Representative Matters

- Enforced a non-competition agreement on behalf of an educational software company, resulting in the removal of a former executive from the competitor's workforce and the recoupment of attorneys' fees
- Successfully defended a sales executive facing a non-compete enforcement action by his former employer in Delaware Court of Chancery
- Represented a public company facing allegations of disability discrimination; the case was dismissed at the investigative stage of proceedings before the Massachusetts Commission Against Discrimination
- Successfully defended six executives facing 11 counts of discrimination, wrongful termination, and whistleblower retaliation in federal court; the case was won with an initial motion to dismiss prior to discovery
- Defended a municipality facing breach-of-contract claims in federal court following termination of an employee's contract for poor performance; the case was won prior to summary judgment based on admissions extracted at plaintiff's deposition, followed by a demand that the plaintiff voluntarily dismiss her case or face a motion for sanctions for having filed an action in bad faith

Education

JD, *magna cum laude*, Cornell Law School (1997); Editor-in-Chief, *Cornell Law Review*

BS, *high honors*, Worcester Polytechnic Institute (1984)

Bar and Court Admissions

Massachusetts

U.S. District Court for Massachusetts

U.S. Court of Appeals for the First Circuit

Professional/Community Affiliations

Milford Regional Health Care Foundation, Board of Trustees

Milford Area Chamber of Commerce, chair, Board of Directors

Milford Regional Medical Center, Corporator; member, Mélange Committee

First Congregational Church of Hopkinton, former chair, Board of Elders

Leadership MetroWest Academy, graduate

American Bar Association

Massachusetts Bar Association

Boston Bar Association

Worcester County Bar Association

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Representative Matters (continued)

- Defended a major medical institution facing claims of breach of contract, intentional interference with contractual relations and defamation in federal court; the case was won with an initial motion to dismiss prior to discovery
- Represented a service provider company and its executives facing age discrimination claims; the case was won based on admissions extracted at the plaintiff's deposition, followed by a demand that the plaintiff voluntarily dismiss his case or face a claim for attorneys' fees based on having filed a frivolous lawsuit
- Successfully represented a major medical institution facing claims of pregnancy discrimination and gender bias at the Massachusetts Commission Against Discrimination
- Successfully represented a major medical institution in grievance arbitration involving a claim that supervisors were performing bargaining unit work
- Successfully represented a transportation company in grievance arbitration involving a claim that drivers were not properly compensated during meal breaks
- Defended a major medical institution in an action at the Massachusetts Commission Against Discrimination brought by a former physician claiming disability discrimination; the case was won based on admissions extracted at the plaintiff's deposition, followed by a demand that the plaintiff voluntarily dismiss his case or face a motion for sanctions for pursuing an action in bad faith
- Successfully represented in grievance arbitration a client who terminated an employee based on allegations of sexual misconduct in the workplace
- Successfully represented a major medical institution in grievance arbitration involving the transfer of an employee based on the hospital's belief that he was unable to safely perform certain job duties
- Successfully defended a financial services company facing allegations of breach of employment contract following the termination of an employee for inappropriate behavior in the workplace
- Defended a public entity facing breach-of-contract claims; the court granted our client summary judgment on all claims
- Successfully defended a public entity facing 11 counts of discrimination, wrongful termination and whistleblower retaliation in federal court; the court granted our client summary judgment on all claims

Publications/Presentations

- "Navigating the Requirements of the Massachusetts Identity Theft Regulations: What Every Business Needs to Know to Comply with the March 1, 2010 Deadline," North Central MA Chamber of Commerce, November 2009
- "Navigating the Requirements of the Massachusetts Identity Theft Regulations: What Every Business Needs to Know to Comply with the March 1, 2010 Deadline," Mirick O'Connell Seminar, September 2009
- "Non-Compete Agreements Protecting Customer Goodwill and Confidential Information with Non-Competition Agreements: Are They Even Worth the Paper They're Printed on?," Avidia Bank, September 2009
- "Hot Topics with HR Experts," moderator of panel discussion, Mirick O'Connell 2009 Labor, Employment and Employee Benefits Seminar, March 2009
- "Workplace Health Issues and the Recent Amendments to the Americans with Disabilities Act: What Every Employer Should Know," joint seminar presentation with AllOne Health, February 2009
- "Addressing Two Recurring HR Nightmares: (1) Disciplining the Employee Who Is Setting You Up for a Lawsuit; and (2) Managing the Employee Who Poses a Threat in the Workplace, Whether to Himself or Others," Mirick O'Connell 2007 Labor and Employment Seminar, November 2007
- "Advanced Topics under the Americans with Disabilities Act: Pre-employment Medical Inquiries and Reasonable Accommodations," Mirick O'Connell 2007 Labor and Employment Seminar, November 2007
- "Protecting Your Company from Liability for Breaches of Data Privacy or Invasion of Privacy," Council on Education in Management, May 2007
- "Handling Employment Terminations to Minimize Risk of Liability," Human Resources Management Association of Central Massachusetts, March 2007
- "Interviewing and Hiring Best Practices," Executive Forum Breakfast Series sponsored by Mirick O'Connell, June 2006
- "Non-Competition and Confidentiality Agreements: Are They Even Worth the Paper They're Printed On?," Human Resources Management Association of Central Massachusetts, April 2006

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Publications/Presentations (continued)

- "Legal Issues When Dealing with the Mature Workforce," Human Resources Roundtable of the Associated Industries of Massachusetts, April 2005
- "Balancing an Employer's Desire for Employee Background Information against Employee Privacy Rights," *Pulse of Technology* (2004) (with Adam P. Forman, Esq.)
- "Background Checks: Proceed With Caution," *Venture Update*, Testa, Hurwitz & Thibault, LLP (Spring 2004)
- "The Expanding Definition of 'Supervisor' Creates Increased Risk of Liability to Employers," *Labor & Employment*, Testa, Hurwitz & Thibault, LLP (Fall 2003)
- "Safeguarding Your Company against Workplace Violence," Council on Education in Management, September 2002