



Robert L. Kilroy

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Overview

Bob is Co-Managing Partner of Mirick and has been a member of the firm's Management Committee since 2020. A former chair of the firm's Labor, Employment and Employee Benefits Group, Bob focuses his practice on defending corporations and their executives in employment litigation and providing the day-to-day employment advice and guidance that helps clients avoid potentially contentious situations.

A strategic litigator with considerable experience in the courtroom, Bob applies the rigor, determination, and discipline instilled in him during his ten years of active-duty service as a US Marine Corps officer to obtain the best possible outcomes for his clients. He routinely appears in federal and state courts throughout New England and beyond, as well as before the Massachusetts Commission Against Discrimination (MCAD) and the Equal Employment Opportunity Commission (EEOC) in defense of claims of discrimination, sexual harassment, wrongful termination, breach of contract, retaliation, healthcare whistleblower and wage-and-hour violations. Bob also has extensive experience in both defense and enforcement of non-compete agreements.

Bob has developed extensive expertise representing clients in the healthcare industry, including member hospitals within the Mass General Brigham system, each of the member hospitals within the UMass Memorial Healthcare system, Beth Israel Lahey Health, Milford Regional Medical Center, as well as other hospitals and physician group practices. In addition, Bob often works on behalf of organized medical staffs to uphold peer review disciplinary actions and credentialing decisions that are challenged by disciplined physicians. His prior service as chair of the

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Education

Cornell Law School JD, *magna cum laude* (1997), editor-in-chief, *Cornell Law Review*

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

Bar Admissions

Massachusetts

S. District Court for
Massachusetts

S. Court of Appeals for the First
Circuit

U.S. Supreme Court

Related Services

Employment Litigation

Labor, Employment and
Employee Benefits

Litigation

Related Industries

Healthcare

Insurance

Technology

Milford Regional Medical Center Board of Trustees gives Bob unique insight into the strategic objectives and day-to-day operations of hospitals and healthcare facilities.

As a trusted advisor, Bob also helps his clients avoid potential problems before they arise. He provides ongoing advice to clients on a broad range of employment and human resource-related issues, including managing terminations, leaves of absence, and matters related to the Paid Family and Medical Leave Act (PFML), Family Medical Leave Act (FMLA), and the Americans with Disabilities Act (ADA). He works with clients across industry sectors to create employee handbooks and provides training on matters such as sexual harassment and discrimination prevention. A particular area of expertise includes providing intensive, one-on-one training sessions with senior physicians and executives designed to address the risk of individual liability and reintegrate such individuals as productive members of the organization following investigation into their alleged wrongdoing and/or imposition of discipline.

Clients hire Bob not only for the depth of his experience, but for his commitment to being available whenever they need him: If he doesn't respond within ten minutes of your call or email, chances are he's in a deposition or in court. His proven leadership and mentorship abilities empower the next generation of lawyers with the technical knowledge, matter management skills, and high client service standards Mirick is known for.

Experience

- Successfully represented a Hospital and physician leaders facing allegations of age, race, national origin, gender, and disability discrimination, which were asserted by a physician whose employment was terminated for substandard quality. All claims other than the age discrimination claim were dismissed at summary judgment. The age discrimination claim then proceeded to a jury trial in the U.S. District Court for the Central District of Massachusetts. At the conclusion of a two-week trial, the jury ruled in favor of the Hospital and its physician leader
- Successfully represented a Hospital facing allegations of breach of contract and wrongful termination of a formerly-employed physician. Case was immediately dismissed based on the doctrine of Health Care

Quality Improvement Act immunity as applied to decisions of a self-governing medical staff

- Successfully represented a major healthcare industry client facing claims of race, color, national origin and disability discrimination, as well as retaliatory discharge, before the U.S. District Court for the District of Massachusetts. All claims were dismissed following a motion for summary judgment
- Successfully represented a major healthcare industry client facing claims brought by a physician for breach of contract and breach of the covenant of good faith and fair dealing in Massachusetts Superior Court. All claims were dismissed following a motion for summary judgment
- Successfully represented a major healthcare industry client facing claims of disability discrimination, retaliation and constructive discharge before the Massachusetts Commission Against Discrimination. All claims were dismissed following seven days of public hearing
- Successfully defended a major healthcare institution facing claims of disability discrimination in U.S. District Court. Case was dismissed following a motion for summary judgment
- 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

Affiliations

- Milford Regional Medical Center, Board of Trustees, past chair; Patient Care Assessment Committee, past chair
- Milford Regional Healthcare Foundation, Board of Trustees, past chair
- Milford Area Chamber of Commerce, Board of Directors, past chair
- Massachusetts Hospital Association, Clinical Advisory Council, past member
- New Hope, Inc., Capital Campaign Committee Member
- Leadership MetroWest Academy, graduate
- Massachusetts Bar Association
- Boston Bar Association
- Worcester County Bar Association

Awards & Recognitions

- Included in the 2024 edition of *The Best Lawyers in America*® for Employment Law-Management and Labor Law-Management
- Named a Massachusetts "Super Lawyer" by *Boston* magazine and *Law & Politics* every year since 2011

Articles & Speaking Engagements

- ["EEOC Issues Fact Sheet Identifying Potential Ways "Wearables" in the Workplace Can Implicate Federal Anti-Discrimination Laws,"](#) Mirick O'Connell Client Alert, December 27, 2024
- ["U.S. District Court Strikes Down Department of Labor's Final Rule Increasing the Salary Thresholds for Salaried Exempt Executive, Administrative and Professional Employees,"](#) Mirick O'Connell Client Alert, November 25, 2024

- “Lessons Learned from the Trenches: Best Practices to Ensure Effective Performance Management and, when such practices fail, to Conduct Employment Terminations so as to Minimize Organizational Risk,” Mirick O’Connell Labor, Employment and Employee Benefits Annual Seminar (May 4, 2023)
- [“Private Employers Take Note: Overbroad Non-Disparagement & Confidentiality Restrictions in Severance Agreements Run Afoul of the National Labor Relations Act,”](#) Mirick O’Connell Client Alert, March 29, 2023
- “Every HR Professional’s Nightmare: Handling Difficult Leave and Accommodation Scenarios under the FMLA, PFMLA, ADA and in light of the COVID pandemic,” UKG (presenter) (April 7, 2022) held at Encore Boston
- Quoted in “CMS’ vaccine rules lay out staff deadlines, how to handle hold-outs,” *Part B News*, February 7, 2022
- “Avoiding Traps for the Unwary,” Massachusetts Bar Association In-House Counsel Conference (panel moderator) (January 27, 2022)
- Quoted in “Covid Surge Puts Wrinkle in Some Employers’ Return-to-Office Plans,” *Boston Business Journal*, July 23, 2021
- Quoted in “Mind Legality of Firing MD for Embarrassing the Practice; Better to Go No-Cause,” *Part B News*, July 12, 2021
- [“Should Employers Mandate Vaccinations and Mandate Remote Workers to Return to Working on Site?”](#) Mirick O’Connell Employment Law Webinar (March 30, 2021)
- “The New (Not So) Normal,” Massachusetts Bar Association In-House Counsel Conference (panel moderator) (January 28, 2021)