



## Michelle A. Hernandez Shareholder

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### OVERVIEW

Michelle Hernandez has tried cases to judgment in both state and federal court and is a member of the firm's Litigation Department. She has more than 25 years of extensive experience in all aspects of civil litigation including: products liability, professional liability, asbestos litigation, construction defect, and insurance coverage. She also works on appellate and regulatory matters. Significantly, she was a member of the appellate team that successfully overturned a \$53 million nursing home verdict, which at the time had been New Mexico's largest personal injury verdict.

Michelle has also represented clients in a broad range of commercial matters, including real estate and contract disputes and will contests. She has also represented public entities such as law enforcement agencies and public schools in a variety of matters including employment matters and personal injury claims.

She has represented healthcare providers including nursing homes, assisted living facilities, nurses and physicians in litigation, regulatory compliance, licensing, and Medicaid/Medicare reimbursement matters. She has also provided advice on administrative matters.

Michelle also has experience in government relations, lobbying for economic development legislation at both the State and County level. She also has experience in state and local procurement and in drafting and reviewing procurement contracts. In addition, Michelle has provided advice to individual clients on business formation and contract liability issues.

Her vast experience and counsel has helped clients strategically navigate difficult litigation and complex commercial matters by providing them with early strategic thinking and efficient litigation and risk management advice.

Michelle has achieved an AV® rating from *Martindale-Hubbell*, the highest rating for professional ethics and legal ability by her peers and has been included in the Bar Register of Preeminent Women Lawyers since 2014. She is among those listed in *Southwest Super Lawyers®* and *Best Lawyers in America®*. *Best Lawyers* named Michelle the 2024 "Lawyer of the Year" for Health Care Law in Albuquerque.

Born and raised in Albuquerque, New Mexico, she has family throughout Northern New Mexico. Prior to joining Modrall Sperling, Michelle served as a judicial law clerk to the Honorable Joseph F. Baca, Senior Justice for the New Mexico Supreme Court. Michelle serves on Modrall Sperling's Executive Committee, and is Chair of the firm's Diversity, Equity, and Inclusion Committee.

### Education

University of California at Los Angeles, J.D., 1997, Awarded Pioneering Women in the Law Scholarship, 1995

University of New Mexico, B.A. in Political Science, *magna cum laude*, 1993, Phi Beta Kappa



## Bar Admissions

New Mexico

U.S. District Court for the District of New Mexico

U.S. Court of Appeals for the Tenth Circuit

## EXPERIENCE

### Representative Cases

- *Keith v. ManorCare, Inc.*, 147 N.M. 452, 224 P.3d 1257, (2009)
- *Joe Stanco v. Desert Sunset Management, L.L.C., et al.*, NMCA No. 32,269
- *Fritzsche v. Albuquerque Municipal School Dist.*, 194 F.Supp. 1194 (D. N.M. 2002)
- *Santa Fe Techs. v. Argus Networks*, 131 N.M. 772, 42 P.3d 1221 (Ct. App. 2001)
- *Anita Jean Rudolph, et al. v. Manor Estates Inc., et al.*, NMCA No. 33,195
- *BUKE, LLC v. Cross Country Auto Sales, LLC, et al.*, 2014-NMCA-078; 331 P.3d 942; 2014 N.M. App. LEXIS 41

### Representative Clients

- Genuine Parts Company
- WW Healthcare
- Life Care Centers
- Avamere
- Atria Senior Living

## ACTIVITIES

### Professional Activities

- International Association of Defense Counsel Foundation, Board of Directors
- St. Felix Pantry, Board of Directors
- UNM Medical Group, Inc., Board of Directors, 2021-2023
- Honorary Commander of Kirtland Air Force Base, 2020-2021
- Leadership New Mexico Core Program, 2019-2020
- United States Hispanic Chamber of Commerce, Host Committee, 2019
- University of New Mexico Presidential Search Committee, 2017
- University of New Mexico Health Sciences CEO Search Committee, 2017
- Albuquerque Mayoral Debate Panelist, 2017
- National Institute of Flamenco, Board of Directors, 2016-2018



- Albuquerque Hispano Chamber of Commerce, Board of Directors, 2013-present; Vice Chair, Executive Committee, 2016-present; Chair Elect, 2016-2017; Chair, 2017-2018
- State Bar of New Mexico, 1997-present; Committee on Women and the Legal Profession, 2013-present; Co-Chair 2014
- New Mexico Commission on Professionalism, Executive Committee, 2012-2016
- Member, New Mexico Supreme Court Committee on the Rules of Civil Procedure, 2011-2017
- New Mexico Defense Lawyers Association, President, 2012; Board of Directors, 2007-2012
- New Mexico Association of Commerce and Industry, Member, 2007-2011; Board of Directors, 2009-2011; Vice-Chair, Legal Reform Committee, 2011; Chair, Legal Reform Committee, 2010
- Hispanic National Bar Association, Member, 1997-present; Regional President, 2015-2019; Deputy Regional Vice-President, 2008-2009; Annual Convention Steering Committee and CLE Coordinator, 2009
- International Association of Defense Counsel (IADC), Member, 2005-present; Southwest Regional Committee Chair, 2017; General Convention Chair, 2019; National Membership Committee, 2011; Diversity, Equity, Inclusion and Belonging Committee's Co-Vice Chair for Diverse Member Involvement, 2014; Toxic Tort Committee Vice Chair for Diversity, 2020-2021; Toxic Tort Committee Vice Chair for Webinars, 2023
- New Mexico Bar Association, 1997-present
- Leadership Albuquerque, Member, 2004-2005
- Chair, Leadership Albuquerque Alumni Association, 2007
- University of New Mexico Alumni Association, Awards Committee, 2003-present
- H. Vearle Payne American Inns of Court, 2000-2003
- International Women's Forum, 2017-2019

### **Firm Committees**

- Modrall Sperling Executive Committee, 2021-present
- Diversity, Equity, and Inclusion Committee, 2017-present; Vice Chair, 2019; Chair, 2020-present
- Co-Chair, Technology Committee; Chair, 2015-2017
- Billing Committee, 2014-present
- Chair, Healthcare Industry Group, 2007-2012

## **DISCOURSE**

### **Presentations**

- International Association of Defense Counsel, Southwest Virtual Regional Meeting Host, January 26, 2021
- Bizwomen Mentoring Monday, sponsored by *Albuquerque Business First*, mentor providing one-on-one coaching sessions, April 3, 2017
- Empower: A Symposium Presented by the Junior League of Albuquerque, presentation on Diversity, APS Boardroom,



Albuquerque, NM, March 18, 2017

- Developing Political Savvy: Hard Work and Talent Are Not Enough, *New Mexico Women in Leadership Symposium "Secure Your Place at the Table,"* October 27, 2016, Albuquerque, New Mexico
- Panelist, *#LawMom Luncheon*, Committee on Women and the Legal Profession, October 19, 2016, Albuquerque, New Mexico
- Litigation Risk, *New Mexico Healthcare Association*, 2011 Leadership Symposium

## HONORS

- University of New Mexico Alumni Association, Zia Award, 2024
- *Best Lawyers*® Health Care Law "Lawyer of the Year" in Albuquerque, 2024
- *Best Lawyers in America*®, Health Care Law, Litigation – Health Care, Litigation – Insurance, 2021-present
- *Southwest Super Lawyers*® (derived from a lawyer survey), 2014-present; "Top 25 New Mexico Super Lawyers," 2022
- *Albuquerque Journal* 2020 Women in Business Winner
- *Albuquerque Business First*, Diverse Business Leader, 2019
- "100 Women Who Inspire Us" – American Bar Association's 2019 Women in Litigation Joint CLE Conference
- *Martindale-Hubbell*® Bar Register of Preeminent Women Lawyers, 2014
- *Martindale-Hubbell* AV® Preeminent Peer Review Rated
- *Albuquerque Business First*, Woman of Influence, 2014
- *New Mexico Business Weekly*, 40 Under Forty, 2011
- Fellow, American Bar Foundation, 2010-present
- Senior Fellow, Litigation Counsel of America, 2007-present
- Who's Who in American Law, 2007

## RELATED PRACTICES

Litigation

Appellate

Insurance

Product Liability

Torts / Personal Injury

## RELATED INDUSTRIES

Healthcare / Senior Care Facilities