

Roberto Prats-Palerm

Capital Member, Litigation Practice Group

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PRACTICES

Government Affairs & Public Policy

Health Care

Infrastructure/Public-Private Partnerships

Insurance Litigation
Litigation

BAR ADMISSIONS

- Commonwealth of Puerto Rico
- Washington, District of Columbia, Court of Appeals
- U.S. District Court for the District of Puerto Rico
- United States Court of Appeals for the Armed Forces
- U.S. Court of Appeals for the First Circuit
- Supreme Court of the United States

EDUCATION

- B.S. (Policy Analysis), Cornell University, 1990.
- JD, Interamerican University Law School, 1994
- Georgetown University School of Law, Courses in International Law, and Environmental Law, 1992

Mr. Prats-Palerm has developed a diverse legal practice that combines his experiences in public service, policy advocacy, complex deal-making and commercial litigation. A substantial part of his legal practice has been devoted to developing legal and advocacy strategies for the insurance, healthcare and public and private partnerships sectors in Puerto Rico. He has ample litigation experience in state and federal courts, which includes filing a number of *Amicus Curie* briefs in both the P. R. Supreme Court and the Supreme Court of the United States.

He began his legal career in 1994 as an Associate Attorney in the firm of Goldman, Antonetti & Córdova, where he served in the Litigation Department. From 2005 until 2008, he was a partner of the law firm Meléndez-Pérez, Ledesma & Prats where he developed a practice in the areas of public sector advocacy, healthcare law and commercial litigation. In 2008, he founded RPP LAW, P.S.C. and, since then, has practiced in the areas of healthcare, public sector advocacy, corporate, commercial litigation and consulting to high-profile clients.

He was recently appointed by Chief Judge David J. Barron of the United States Court of Appeals for the First Circuit to the Circuit's Rules Advisory Committee. The Committee makes recommendations regarding the rules of practice and internal operating procedures for the United States Court of Appeals for the First Circuit and the First Circuit Judicial Council.

He has had a distinguished public service career, initiating his inroads in 1997, when then Mayor of San Juan, Sila M. Calderón, appointed him to serve as an Advisor on Federal Affairs, and then Coordinator for Federal and Public Affairs for the City Government until 1999. In 2000, he was elected as the youngest Senator-At-Large. He chaired the important Government Affairs and Public Safety Committee during his entire tenure.

MEMBERSHIPS

- Puerto Rico Bar Association
- Federal Bar Association
- District of Columbia Bar Association
- National Hispanic Bar Association

In 2003, he was elected Chairman of the Democratic Party of Puerto Rico, a position he held for 14 years, making him the longest serving Chairman of the Democratic Party of Puerto Rico. He also served in the Executive Committee of the Democratic National Committee (“DNC”) for eight years, representing the Northern Region of the United States. He continues to have strong connections with various important members of the DNC to date.

Mr. Prats served as member of the Governing Body of the Popular Democratic Party (“PDP”) for over a decade. In 2004, he was the PDP’s Candidate for Resident Commissioner, and in 2018 he vied for the nomination as Candidate for Governor of Puerto Rico in the first primary in the PDP’s history.

His community and pro bono service is extensive. Mr. Prats currently serves as member of the Rafael Hernández Colón Foundation and is member of the Museo de Arte de Puerto Rico’s Annual Gala Committee. Appointed by the Governor of Puerto Rico, he served as President of the Consortium for the San Juan Bay Estuary. Mr. Prats was a founding member of the Latino Victory Project in Washington D.C., the leading fundraising organization for latinos running for office in the U.S. He has also served as member of other non profit organizations, including Kids 4 Green Culebra.

Mr. Prats is the past President of the Board of Advisors of MMM Healthcare, a position he held for eight years. He is also past president of the Cornell Club of Puerto Rico, where he created a Red-Ribbon Scholarship for Puerto Rican students. He was appointed by the Cornell University Board of Trustees to serve as member of the Cornell University Council, a designation that required yearly on-campus meetings with the Board of Trustees and other civic engagements with the University.

Between 2007 and 2010, he was an invited professor at the Inter-American University School of Political Science and taught several undergraduate courses on U.S. Constitutional Law (POLS 4110), American Government (POLS 2040), Ecology and Environmental Policy (POLS 3800), International Conflicts (POLS 3170) and U.S. Foreign Policy (POLS 3190).

EXPERIENCE

Some of his representative cases include:

- Batista v. Cooperativa de Vivienda de Jardines de San Ignacio, et al, 3:10-cv-01238-CVR: Appeared as a Court appointed Pro-Bono Counsel for the Plaintiff, Mrs. Priscilla Batista. The case involved a civil rights claim filed by

Mrs. Batista under the Fair Housing Act. Mrs. Batista was a medically indigent and handicapped Senior Person who claimed that she was being evicted from the housing cooperative apartment complex where she lived in retaliation after she filed certain civil rights claims before the federal Housing and Urban Development (“HUD”). The case made it all the way to trial. A Jury reached a verdict in her favor and awarded significant damages to Mrs. Batista.

- [Medicaid and Medicare Advantage Association of Puerto Rico v. Emanuelli-Hernández](#), 58 F.4th 5, (1st Cir. 2023): Served as Counsel for Co-Plaintiff, MMM Healthcare, Inc.. The case involved a Declaratory Judgment seeking to invalidate Puerto Rico Law 90 of 2019 on the grounds of federal preemption by the Medicare Prescription Drug, Improvement and Modernization Act of 2003, 42 U.S.C.A. §1395w-21 (the “Medicare Modernization Act”). After a contested litigation that involved numerous intervenors (including the Department of Justice of Puerto Rico and the Office of the Insurance Commissioner), on March 1, 2021, Judge Sylvia Careño Coll, rendered an Omnibus Opinion and Order in favor of the plaintiffs and ruled that Law 90 of 2019 is expressly preempted by the Medicare Modernization Act. After an appeal to the U.S. Court of Appeals for the First Circuit, the Court unanimously affirmed the decision of the USDC-PR.
- [Medicaid and Medicare Advantage Product Association of Puerto Rico, Inc. et al v. Emmanuelli, et al](#), 3:20-cv-01760-DRD: This case involved a constitutional challenge to the validity of Puerto Rico Laws 138 and 142 of 2020 on federal preemption grounds. As legal representative of Co-Plaintiff MMM Healthcare Inc., he argued that the enactment of these two PR statutes interfered with express preemption provisions contained in the Medicare Modernization Act of 2003, the Federal Employee Healthcare Benefits Act and the Employee Retirement Income Security Act (ERISA). The case was decided in favor of all plaintiffs, and Laws 138 and 142 of 2020 were invalidated in January 2023.
- [Consejo de Salud de Puerto Rico, Inc. v United States of America](#), 3:18-cv-01045-GAG: As Counsel for the Medicaid and Medicare Advantage Products Association of Puerto Rico (“MMAPA”), he filed an *Amicus Curie* brief in support of the plaintiff, Consejo de Salud de Puerto Rico. The case involved a legal challenge to a series of federal healthcare statutes that treat the American citizens living in Puerto Rico differently from citizens living on the Mainland states. Such disparate treatment was questioned under the equal protection of the law clause of the fifth amendment of the U.S. Constitution. This case followed a series of similar cases pending before the USDC-PR, the U.S. Court of Appeals for the First Circuit and the Supreme

Court of the United States in the leading case of [United States v. Vaello-Madero](#). The case was voluntarily dismissed after the SCOTUS ruling in the case of Vaello-Madero.

- [United States v. Vaello-Madero](#), Supreme Court of the United States, No. 20-303: This case involved an equal protection claim of a Puerto Rico resident (José Luis Vaello-Madero) that was a recipient of SSI when he lived in the mainland U.S. and was removed from the program after he returned to his homeland, Puerto Rico. The United States Government attempted to collect monies that were paid to him when he returned to the Island. On October 29, 2020, as Co-Counsel for Medicaid and Medicare Advantage Products Association of Puerto Rico, Mr. Prats submitted an *Amicus Curie* brief before the Supreme Court of the United States in support of Vaello-Madero. The Amicus offered the Supreme Court the legal theory that Puerto Rico's fiscal autonomy is not a rational basis for the disparate treatment of Puerto Rico and that discrimination against residents of Puerto Rico is subject to a strict scrutiny Constitutional analysis.
- [MCS Advantage v. Fossas Blanco](#), CC-2021-0806 : As Counsel for MMAPA, he filed an Amicus Curie before the Supreme Court of Puerto Rico in support of a Motion for Reconsideration. The Amicus brief presented the Court with a legal theory supported by the rulings obtained in the [Medicaid and Medicare Advantage Association of Puerto Rico v. Emanuelli-Hernández](#), 3:19cv-0194-SCC and [Medicaid and Medicare Advantage Product Association of Puerto Rico, Inc. et al v. Emanuelli, et al](#), 3:20-cv-01760-DRD.
- [Iris Cruz Ramos v. Toroverde](#)- Civil No. 21-1078: Represented Toro Verde Adventure Park in a Jury Trial involving a tort liability claim filed by a New York resident. Toro Verde won the case by obtaining a favorable judgment after the parties argued a Rule 50 Motion in open Court.
- Represented a Texas based company that was awarded the management of all digital toll collection systems in Puerto Rico by the P.R. Department of Transportation. Roberto served as their Outside Counsel in several complex litigations and assisted them in Legislative oversight hearings on the operation of the toll system in Puerto Rico.