

## CARL HERNANDEZ III

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### Office Address:

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### Home Address:

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## EDUCATION

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**JURIS DOCTORATE**, J. Reuben Clark Law School – Brigham Young University, Provo, Utah, 1992

- Managing Editor, *BYU Journal of Public Law*, 1991–92, J. Reuben Clark Law School, Brigham Young University
- Publications: Note, *Legitimate Exercise of Parens Patriae Doctrine: State Power to Determine an Incompetent Individual's "Right to Die" After Cruzan*, Volume 6, *BYU Journal of Public Law*, 1992; Coauthor, *Breaking the Fiscal Impasse: Alternative Financing Methods for Financing Municipal Compliance with the Clean Water Act of 1987*, League of California Cities, April 1992

**MASTER OF PUBLIC ADMINISTRATION**, Marriott School of Management, Brigham Young University, Provo, Utah, 1992

**BACHELOR OF ARTS**, BYU, College of Humanities, Provo, Utah, 1988; Major: Spanish; Minor: Music

**RESEARCH AND TEACHING ASSISTANT**, J. Reuben Clark Law School, Brigham Young University (1989–1992)

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## ACADEMIC APPOINTMENTS

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**ASSOCIATE TEACHING PROFESSOR OF LAW, J. REUBEN CLARK LAW SCHOOL, BRIGHAM YOUNG UNIVERSITY (2013–PRESENT)**

### BYU LAW COURSES TAUGHT:

- BYU Community Legal Clinic
- Civil Rights Litigation
- Civil Rights Lab
- Community and Economic Development Representation
- Community and Economic Development Clinical Alliance

- Community Lawyering
- Corporate Counsel and Private Practice Clinical Alliance
- Criminal Prosecution and Defense Clinical Alliance
- Externships
- Fundamental Lawyering Skills
- Government and Legislative Representation
- Government and Legislative Clinical Alliance
- Government Practice Clinical Alliance
- Law Firm Clinical Alliance
- Legislative Clinic I and II
- Litigation Clinical Alliance
- SEC Clinic
- Refugee and Immigration Initiative
- Washington Seminar (Externship portion only)

**BYU MARRIOTT SCHOOL OF BUSINESS COURSES TAUGHT:**

- Legal Issues in Public Administration
- EMPA Capstone

**COMMITTEES AND OTHER ASSIGNMENTS**

- Chair, Professional Skills Committee (2013–Present)
- Director, BYU Community Legal Clinic (2017–Present)
- Director, Externship Program (2014–Present)
- Academic Success Committee (2017–Present)
- Member, Law and Social Change Initiative (2016–Present)

- Member, Criminal Law and Justice Initiative (2016–Present)
- Law School Leadership Initiative Working Group (2018)
- Member, Career Services Committee (2014–2015)
- Advisor, Minority Law Students Association (2014–Present)
- Advisor, Government and Politics Legal Society (2014–Present)
- Advisor, Public Interest Law Forum (2017–Present)

**ASSISTANT DEAN AND FACULTY MEMBER, J. REUBEN CLARK LAW SCHOOL, Brigham Young University (2001–2013)**

- Chair, Faculty Committee on Admissions: Guide and oversee law school faculty committee in highly-selective law school admissions process; manage and direct staff in marketing, diversity outreach and recruitment of highly qualified law school applicants and advocating student interest in law school at national forums and fairs, presenting to prospective students at major feeder schools through class and forum presentations; interview and counsel pre-law applicants, applicants and admitted law students; substantially raise incoming academic credentials and diversity of law school entering class
- Facilities Management: Advocate and negotiate law school physical facility needs, reacquire rooms 205, 212, 214 and 224 from University space management, work with University physical facilities management to acquire substantial university resources to complete major law school construction projects, work with University facilities management, architects, University staff and private contractors to complete construction of the Law School Conference Center (room 472), the state-of-the-art trial court room (room 205), the law school student commons, the quiet study area in the Hunter Law Library, remodel of teaching areas such as rooms 267, 275, 276, 314, 320, remodel of media services room and addition of new windows to the law school
- Chair, Scholarship Committee: Manage the budgeting and disbursement of scholarships, private loan funds and financial aid; successfully advocate student access to scholarship funding before the University, the Utah Bar Association and the Utah Minority Bar Association
- Graduate Coordinator, Office of Graduate Studies: Successfully advocate law school interests including maintaining admissions processes, student petitions for admission and access to scholarship funding
- Americans with Disabilities Act Compliance: Counsel with students and faculty and advocate student needs before University personnel to establish appropriate regulatory compliance for accommodating students with disabilities
- Academic Success Program Coordinator: Teach, train and mentor students in preparing, organizing and presenting academic workshops on class preparation, briefing, outlining and

final examination preparation; work with Ad-hoc Faculty Committee on Readmissions to set standards for readmission of students and provide ongoing counseling for students to ensure compliance with readmission requirements; identify at-risk students and proactively assess approaches to ensure student success

- Bar Preparation: Organize and manage bar preparation course for at-risk students; counsel students and facilitate participation in the course
- University International Student Coordinating Council: Advocate needs of international students at the law school
- Dean's Administrative Council: Collaborate with law school deans on issues important to the law school community including admissions, facilities and bar preparation
- Development Committee: Assist with efforts to secure funding for trial court room and student scholarships
- Discovery Committee: Assist faculty committee in its efforts to present the law school to external constituencies
- External Relations Committee: Assist with alumni efforts to strengthen the alumni association and the J. Reuben Clark Law Society
- International Student Committee: Assist faculty committee with needs of the law school's LLM students
- Chair, Services for Law Students with Disabilities Committee
- Co-Advisor, Minority Law Students Association
- Student Relations Committee

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## **PROFESSIONAL PRACTICE & RELATED COMMUNITY ACTIVITIES**

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### **LAW PRACTICE (2001–Present)**

- Director, BYU Community Legal Clinic
- Continuously maintain active California Bar membership; licensed for pro bono practice in the state of Utah
- United States Citizen and Immigration Services representation: adjustment of status family-based permanent residency petitions; asylum petitions; citizenship/naturalization petitions; deferred action for childhood arrival (DACA) petitions; E-2 investment visas; H-4 visas for family members of agricultural workers; U visas for immigrants who are victims of crimes; trafficking (T-visa) adjustment of status; motion work for reconsideration of agency decisions

- Tax exempt organization representation: advise clients on non-profit 501(c)(3) formation and compliance matters; draft articles of incorporation; corporate bylaws; IRS filings; contract review; employment policies and procedures; employment matters
- Small business representation: advise clients on small businesses formation issues; contract review; negotiations
- Estate planning, nonprofit and family law matters: probate proceeding representation; advise clients and draft revocable living trusts, durable powers of attorney, deeds and advanced healthcare directives; conduct family law mediations
- Municipal law consulting: council/manager relationships, appointments, conflicts of interest and open meetings requirements; code enforcement and neighborhood revitalization; initiative and referendum; municipal financing and bonding

**ASSISTANT/DEPUTY CITY ATTORNEY, CITY OF BAKERSFIELD, CA (1994–2001)**

- Community and economic development representation for city council, planning commission and development services department: Review state and local legislation for city compliance; draft ordinances for development, including zoning and impact fee collection; provide legal advice and write opinions on legally and politically complex and controversial issues such as acquisition of real property for construction of a convention center, annexations, freeway planning, environmental challenges (Endangered Species Act, California Environmental Quality Act, NEPA and Clean Water Act), large-scale commercial and residential developments, general and specific plans, zoning, special assessment district formation, conditional-use permits and variances
- Law enforcement representation for police and code enforcement departments: Provide advice on constitutional and regulatory compliance with enforcement actions; draft policies and procedures; write ordinances for neighborhood restoration and revitalization and effective administrative and judicial enforcement against public nuisances; draft anti-trespassing/loitering, graffiti prevention and sexually-oriented business legislation
- Review, draft and negotiate city contracts for services and design-build construction of a convention center as well as development agreements; negotiate real estate acquisitions with private parties, negotiate with developers to establish land use conditions of approval and dedications of rights-of-way for streets, trails, parkways and other public improvements; review sufficiency of and enforce bonds
- Defense litigation: Successfully defend city in 42 USC § 1983 excessive force cases; citizen validation suit challenging decisions to use design-build process for convention center; environmental challenges to development projects under the California Environmental Quality Act; citizen challenges to annexation proceedings, personal injury trip and fall and highway design defect litigation—prepare answers, motions to dismiss, administrative records for court review, affidavits and declarations, motions for summary judgment, conduct discovery (prepare and answer interrogatories, requests for admission, subpoena of records and conduct depositions), trial preparation, settlement negotiations and mediations

- Plaintiff litigation: Successfully initiate and conclude eminent domain litigation to acquire property for construction of convention center; file nuisance abatement injunctive litigation to eliminate drug houses, commercial properties used for prostitution, violation of sexually-oriented business ordinances, violations of buildings codes and zoning ordinances and criminal prosecution of misdemeanor violations of city ordinance code—prepare affidavits and declarations and secure search warrants, judicial and quasi-judicial orders to abate nuisances and levying of special assessments
- Collaborate with city and county planning staff, civil engineers, developers, environmental groups and citizens to achieve approval of development initiatives
- Development Task Force: Work with developers, environmental groups, realtors and building associations to negotiate and implement streamlined subdivision regulations
- City Attorney Office Management Team: Assigned to work on administrative matters including annual budget, inter/intra departmental projects and personnel issues

**ASSOCIATE ATTORNEY AND LAW CLERK, McCormick, Kabot, Michner & Foley, Visalia, CA (1991–1994)**

- Advise multiple cities and special districts regarding open meetings laws, public records, land use matters, public contracts and property acquisitions through eminent domain litigation; create labor compliance policies and procedures manual for special districts; successfully defend against media litigation to acquire police department surveillance and tracking of gangs
- Successful appellate court challenge of trial court judgment imposing liability for environmental contamination caused by underground storage tanks
- Advise private clients on general business, personal injury, family law and estate planning matters

**BAR-RELATED COMMUNITY ACTIVITIES**

- Member, Utah Judicial Council Committee on Resources for Self-Represented Parties (2014–Present)
- Member, Board of Directors, Rocky Mountain Innocence Clinic (2017–Present)
- Member, Board of Directors, Timpanogos Legal Center (2014–Present)
- Member, Utah 4th District Pro-bono Committee (2014–Present)
- Member, Board of Trustees, Tulare-Kings County Legal Services, Inc. (1994–1996)

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## **HONORS & AWARDS**

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- Recipient, Professor of the Year Award, J. Reuben Clark Law School Alumni Association (2018)
- Recipient, Utah Bar Raymond S. Uno Award (2016)
- Utah Latinos, A Proud Legacy, Utah Department of Community and Culture (2009)
- Recipient, Utah Valley University, Higher Education Champion Award (2008)
- Recipient, Professor of the Year Award, George W. Romney Institute of Public Management (2006)
- Recipient, Utah Minority Bar Association Honoree of the Year Award (2003)
- Recipient, J. Reuben Clark Law School Student Body Association Distinguished Service Award (2002 and 2005)

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## **ADDITIONAL COMMUNITY SERVICE**

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**MEMBER, BOARD OF DIRECTORS, NEIGHBOR WORKS PROVO (2017–PRESENT)**

**MEMBER AND CHAIR, BOARD OF TRUSTEES, HALE CENTER THEATER (2012–PRESENT)**

**MEMBER, ZION’S BANK ADVISORY BOARD, UTAH COUNTY (2008–2017)**

**MEMBER AND CHAIR, UTAH COUNTY HISPANIC CHAMBER OF COMMERCE (2007–2017)**

**MEMBER, BOARD OF TRUSTEES, TIMPANOGOS REGIONAL HOSPITAL (2013–2015)**

**MEMBER, BOARD OF DIRECTORS, LATINOS IN ACTION (2012–2014)**

**ELECTED MEMBER, OREM, UTAH, CITY COUNCIL (2008–2012)**

**MEMBER AND CHAIR, UTAH GOVERNOR’S HISPANIC ADVISORY COUNCIL (2004–2008)**