

An Interview with Leaders of the Puerto Rico Chapter of the FBA

Hon. Gustavo A. Gelpí • Incoming FBA President
Andres Lopez • Chapter President-Elect
Manuel Pietrantonì • Immediate Past Chapter President
Carlos Valldejuly • 2013 Convention Committee Member

This month, the Puerto Rico Chapter of the FBA will show off its beautiful island full of rich history during the 2013 FBA Annual Meeting and Convention. To learn more about this unique chapter and prepare for our visit, The Federal Lawyer spoke with four chapter leaders on June 21. Hon. Gustavo A. Gelpí, Andres Lopes, Manuel Pietrantonì, and Carlos Valldejuly discussed the history of the chapter, how the FBA has influenced federal practice on the island, and must-see attractions for visitors. Following is a transcript of the conversation.

THE FEDERAL LAWYER (TFL): Your chapter is named after an important member of the Puerto Rico legal community. How did the chapter decide to honor Judge Raymond L. Acosta in this way?

HON. GUSTAVO A. GELPÍ: Judge Acosta was an assistant U.S. attorney back when there was no Puerto Rico Chapter of the FBA. He was part of a group of eight or so people who started the chapter. They were all government employees at federal agencies here in Puerto Rico. Judge Acosta was the first chapter president, and that is why the chapter has been named after him and he was inducted as a Life Fellow in recognition of all of his work.

Throughout his years as a federal practitioner and many years as a federal judge, Judge Acosta has always been very active with the Puerto Rico Chapter and has helped in anything the chapter needs. He will actually be attending this year's convention and presenting one of the CLE sessions.

Judge Acosta is a remarkable man. He's close to 89 years old. He was in Normandy when the U.S. troops disembarked. Naming the chapter after him is a recognition of his work as an attorney, as a judge, with his involvement in the FBA, and as a patriot.

TFL: The Puerto Rico Chapter is a very active chapter of the FBA. What is the most important programming that the chapter does each year?

ANDRES LOPEZ: Unlike most national jurisdictions, the federal practice in Puerto Rico truly is a specialized, niche practice. This specialization has created a large cadre of folks who have a true sense of community—folks who are mostly devoted federal practitioners. The chapter now has at least three or four events that are presented annually with local luminaries and judges in attendance.

One of the areas we have been developing lately is CLE presentation. In the last four years or so, there has been a new requirement of every attorney who is licensed to practice in Puerto Rico: they must have 24 CLE credits every two years. This requirement has ushered in a cottage industry of CLE providers, which is terrific except that we have not seen the emergence of a singular CLE provider devoted to or focused on topics that are germane to the federal practitioner.

I've seen an opportunity for the chapter to develop itself as a CLE provider. Because the federal bar here has its own exam—in other words, you have to pass an exam to become a federal practitioner, which is unlike other jurisdictions—the chapter provides an annual bar review course.

From this, we already have a set and established group of folks that—whether the topic is federal jurisdiction, federal appellate practice, bankruptcy, rules of federal procedure, or what have you—have a wealth of experience in teaching those topics. So we migrate now into an opportunity to become a specialized CLE provider in the federal niche.

MANUEL PIETRANTONI: Especially during the last five years or so, we've tried to be very proactive and we've been successful in offering seminars or conferences, whether it's a substantive focus or procedural focus, that are smaller in scope than your typical CLE full-day seminars but are more continuous and customary. These are usually brown bag lunches that take place in court or another venue on different topics. We're very lucky because all of our judges are highly involved in the FBA and always willing to participate as speakers, as are other experienced practicing attorneys. Every one to two months we put on one- or two-hour lunches or small conferences of different sorts, which typically have an audience of 50 to 100 people. We usually provide these events to our members free of charge.

CARLOS VALLDEJULY: It really is the reason for the very close-knit community that we have here. Like Andres was mentioning, it's a very specialized group of practitioners, and Puerto Rico is a small place, relatively speaking, so there really is a good collaboration between the members of the bench and the bar.

PIETRANTONI: We've offered several small conferences on criminal practice for civil practitioners. We've offered conferences on writing. We've offered conferences on ethics and stability in the courtroom. There have been several conferences on using technology in the courtroom—that was repeated quite a bit. I think that our members find these seminars useful, but I do think that we're trying to transition to a more systematic CLE approach.

There are also many social events provided on a yearly basis. We have our annual holiday party, which is always fun. We have a First Circuit judicial reception that we try to do on

a yearly basis when the judges of the Court of Appeals are sitting in Puerto Rico, which is March and November.

TFL: Outside of the CLE programming, in what way has your chapter made an impact on the Puerto Rico legal community as a whole?

JUDGE GELPÍ: I think that—at least from a judicial perspective—the FBA is extremely important because it brings together the bench and bar, just like the FBA mission statement says. The FBA is the best vehicle we have here in this jurisdiction to address issues that will improve the administration of justice and services to clients. It allows judges to participate in activities that will enhance or improve the performance of attorneys, and at the same time educational matters both to the benefit of judges and practitioners. I think counsel can vouch for that and bring the other perspective.

LOPEZ: I think the judge, of course, is correct from the other side of the bar, if you will. I sense that the legal community perceives the FBA as the de facto space where the bar and the bench can meet, where the bar can find out the latest developments, and where the students in the chapters at the three law schools that we have on the island can begin to become involved. The FBA has a very visible presence that allows folks to identify with the chapter and with the concept of a federal practice, so it is an established and mature player in the field and is widely regarded as such by the entire legal community.

TFL: What are some upcoming challenges that federal practitioners will face in Puerto Rico in the next few years? Are there any issues that come to mind?

LOPEZ: I don't know that it is specific to Puerto Rico, but as technology continues to develop at such a rapid clip, I think that keeping up with technological advances and being able to incorporate them seamlessly into a practice to help efficiencies is challenging. Just being able to keep up with the ever-evolving state of the law in



Left photo: Federico Degetau Federal Building and Clemente Ruiz Nazario U.S. Courthouse; Right photo: José V. Toledo U.S. Courthouse

a world where most of the evidence that is generated is in electronic form is one of the challenges that we will be facing in the next few years.

TFL: You are a unique chapter in that you practice in a bilingual area. How does that affect what you do compared to other chapters that are not in a bilingual environment? Are we wrong to assume that it is a challenge? Maybe it's not challenging at all. ...

JUDGE GELPÍ: Well, in federal court, just like any other state of the union, everything is in English. So everything we really do here is in English: most of our communications, our chapter newsletter, everything is normally done in English. However, because all of our members—I would say 99 percent of our members—are bilingual, we have the advantage that if we have luncheon speakers or other presenters who may not speak English, we can go back and forth between Spanish and English for convenience. We use being bilingual more to an advantage.

TFL: What current event do you think is affecting your chapter the most right now? Is there anything your chapter is focused on right now in the headlines?

JUDGE GELPÍ: Not necessarily in the headlines, but there is one area in which I think the chapter has been extremely important. Right now one judicial vacancy, which is in the process of hopefully getting filled up. In the past when we had three judicial vacancies, the chapter was very active—not in endorsing any particular candidate, but in making sure that the President and Congress knew the importance of filling those positions for Puerto Rico, because we're a very busy district litigation-wise. I think that's one of many important things the chapter does. Right now, because our criminal caseload is probably the highest in the nation, each judge has a very high criminal calendar, and that's why those vacancies really need to be filled. The chapter has been very helpful in communicating that to the necessary decision-makers and policy makers.

TFL: One last question, kind of a fun question. There will be a lot of out-of-towners at the FBA convention. What are some sights that the attendees really must see while in San Juan?

JUDGE GELPÍ: Well, El Morro and San Cristobal, those are Spanish forts built in the 1600s. Another can't-miss sight is the rainforest, El Yunque, that's probably 50 minutes away. These are all U.S. National Parks. El Yunque especially—it is the only rainforest in the United States. Anybody who has limited time should definitely try to see the forts and the rainforest. Old San Juan, the old city where the forts are, is a must. San Juan is the oldest city in the entire United States. It's beautiful, it's great for walking, it's got shops and restaurants...

LOPEZ: I would recommend to all the conference attendees to hit the beach at the Caribe Hilton. It's the only private beach on the island, and considering the fact that we're meeting in September and fall is coming, they're not likely to see any beach in the near future! Make sure not to miss out on that before the cold weather starts taking over.

JUDGE GELPÍ: The Caribe Hilton is probably the most conveniently located hotel on the island, not only because it has its own lagoon beach, but it's also walking distance—around 15 minutes—to Old San Juan. The walk is a beautiful ocean view walk, and then you reach the forts. You also have a 10-to-15 minute walk to what's known as the Condado area, with a lot of stores and restaurants. It's a nice little walk there, and then anybody can walk around the Condado lagoon, which is close to the hotel. And if anybody is interested in going kayaking, windsurfing, or paddleboarding, that's a great place to do it. It's a state preserve, and you can actually paddleboat and see manatees and fish and coral reef ... that would be another fun activity, and it's a short walk from the hotel.

TFL: We really appreciate your time. We'll see you in San Juan!



Left photo: The historic Spanish fort El Morro; Right photo: A waterfall in El Tunque rainforest.