



FROM THE **BAR**

A publication of the Federal Bar Association,
Hon. Raymond L. Acosta Puerto Rico Chapter

FALL 2015
ISSUE NO. 55

THE PROBLEM OF ACCESS TO JUSTICE IN PUERTO RICO: A New Alternative to Provide Voluntary Legal Assistance in Civil Cases through the Website voluntariadolegalpr.org

By: Charles Hey-Maestre, Esq., Executive Director of Puerto Rico Legal Services, Inc., and Alexander G. Reynoso Vázquez, Esq., TIG Project Coordinator of Puerto Rico Legal Services, Inc.

According to the United States Census Bureau, a family of four members with less than \$24,221 per year in income is living below the poverty threshold in most of the United States and territories.¹ In regards to Puerto Rico, Census data reflects that the median household income in 2013 was \$19,183.00.² In that year, the total population of Puerto Rico was 3,647,810 persons of which 1,644,128 (45.1%) were persons living below the poverty level.³ This situation adversely impacts on access to justice for almost half of the population of Puerto Rico.

“If we are to keep our democracy, there must be one commandment: thou shalt not ration justice.”

—Judge Learned Hand

In Puerto Rico, the need for access to justice for the poor has increased this year because of the economic and financial crisis suffered by the citizens and governmental entities, including the Judicial Branch.⁴ Daily, many poor people face situations which involve federal legal issues, but do not have the economic resources to pay for an attorney. On many occasions, the economic crisis forces them to seek



the protection of the Federal Bankruptcy Code; others face the possibility of losing their federally-subsidized housing (Section 8), and still more are parents of children with special needs, who are entitled to special treatments under federal legislation which their children do not receive due to negligence or mismanagement of scarce resources by local authorities. Those are just some situations in which the lack of economic resources limits the possibilities to seek remedies before the federal courts.

Given this scenario, it is imperative to create alternatives to lessen the impact that a precarious economic situation may have on a person's or a family's access to justice. This is imperative if people with limited financial resources

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Hon. Raymond L. Acosta
Puerto Rico Chapter



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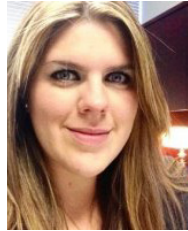
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MESSAGE FROM THE EDITOR

Luz C. Molinelli-González



This issue of *From the Bar* is the first of two issues that will address access to justice from various perspectives. It features an article by Charles Hey-Maestre, Esq., Executive Director of Puerto Rico Legal Services, Inc., and Alexander G. Reynoso Vázquez, Esq., TIG Project Coordinator of Puerto Rico Legal Services, Inc. We thank both for their contribution to this issue.

We are also very happy to announce that the FBA has selected our newsletter, *From the Bar*, as recipient of the *Outstanding Newsletter Award* for year 2015. The award will be officially presented at the Awards Luncheon on September 12, at this year's Annual Meeting and Convention in Salt Lake City, Utah. Special thanks to our graphic designer, Gina Robles-Villalba, and all our contributors.

Again, we encourage you to submit your articles, book reviews, commentaries and notes for publication in upcoming issues. Submissions may be devoted to emerging legal trends or address specific areas of concern within the legal field, and must be sent via email to myself or any member of the Board of Directors.

We hope you enjoy this issue of *From the Bar*!

WATCH OUT FOR THESE UPCOMING EVENTS!

- ★ **Immigration Law Brown Bag Lunch hosted by the Young Lawyers Division – Date to be announced**
- ★ **The Court Speaks Conference – September 4, 2015**
- ★ **About the Clerk – To be announced**
- ★ **Technology in the Courtroom – To be announced**
- ★ **Motions for Summary Judgment – To be announced**

FROM THE BAR

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Requests for additional copies, submissions, or address updates should be directed to Luz C. Molinelli-González at luzmolinelli@gmail.com.

NATIONAL FBA CALENDAR OF EVENTS

September 10-12

2015 Annual Meeting and Convention

September 10

Federal Litigation Section: Annual Meeting Happy Hour

September 11

Foundation of the Federal Bar Association
Board of Directors Meeting

October 14

WEBINAR: The U.S. Supreme Court 2015-2016 Term: Decided & Pending Cases

October 20

2015 Securities Law Seminar

THE PROBLEM OF ACCESS...

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are to be helped in cases of a civil nature. It is an ethical responsibility for every practitioner of the legal profession, including federal practitioners,⁵ to offer *pro bono* services. Considering that proceedings in the Federal District Court of the United States in Puerto Rico, are conducted in the English language — and the overwhelmingly majority of 80% of Puerto Ricans do not speak English very well⁶ — the number of attorneys available to needy potential litigants is small and litigation costs are high, making this forum even more inaccessible for the majority of the population. For that and many other reasons, it is essential to recruit lawyers who can collaborate to provide *pro bono* services in Federal Court.

That is one of the goals of Puerto Rico Legal Services, Inc. (PRLS) with their Project TIG #14030. This project seeks to develop a webpage that will connect volunteer attorneys and law students to help people in need of legal assistance in civil matters in the local and federal courts. PRLS is a non-profit corporation founded in 1966, which provides free legal aid in civil matters to those unable to pay and that qualify for our services. PRLS is funded in large part by the Legal Services Corporation (LSC) and the government of Puerto Rico. LSC is a public corporation funded by the Congress of the United States of America, which aims to promote access to justice in civil matters for low-income persons and families in all 50 states and territories.⁷

This volunteer lawyer/law student project is made possible by a Technology Initiative Grant (TIG) by LSC. TIG grants are provided to organizations that offer legal services in civil matters with the purpose of exploring new ways to serve indigent clients through innovative technology initiatives. They will accomplish this goal by developing technological platforms to provide quality legal information and encourage the *pro bono* services using Internet, personal computers, smart phones, mobile applications, among other technological means.⁸

This is how PRLS's TIG Project #14030 arises, and it seeks to enhance the *pro bono* culture in Puerto Rico through the creation of the website voluntariadolegalpr.org. This project will create a much-needed statewide *pro bono* website in Puerto Rico that will be mobile responsive and accessible for our overwhelmingly Spanish-speaking population. The goal of this project is to enhance the delivery of *pro bono* legal services in Puerto Rico by developing and implementing a statewide *pro bono* website through which volunteer attorneys and law students can find *pro bono* opportunities and organizations can recruit and support those volunteers. By building this website PRLS

wants to strengthen *pro bono* legal service to the poor in underserved judicial districts and municipalities, and also, before the U.S. Court for the District of Puerto Rico, which has traditionally been bereft of such services.

This project will lead to the creation of a website, voluntariadolegalpr.org which will work in coordination with the recently-created statewide website, ayudalegalpr.org. The latter is an innovative website that aims to promote access to justice providing legal information to the general public and by empowering them to know and vindicate their rights *pro se*. The PRLS project, voluntariadolegalpr.org, will serve as a tool for volunteer attorneys and law students who want to offer *pro bono* legal services. This site has a group of stakeholders composed of an impressive array of organizations committed to reducing the access to

BY USING VOLUNTARIADOLEGALPR.ORG,
VOLUNTEER ATTORNEYS AND LAW STUDENTS WILL
FIND *PRO BONO* OPPORTUNITIES THAT ARE OF
INTEREST. THEY ALSO WILL BE ABLE TO PROVIDE
SERVICES IN INDIVIDUAL CASES AND/OR PROJECTS
OF NOT-FOR-PROFIT LEGAL AID ORGANIZATIONS.

justice gap¹⁰ for indigent persons; they are the following: Open Spaces (*Espacios Abiertos*); the Puerto Rico Office of Court Administration (*Oficina de Administración de los Tribunales*); Puerto Rico Bar Association and several of its delegations from areas with the greatest needs and lowest presence of legal assistance; Pro Bono, Inc.; Federal Bar Association-Puerto Rico Chapter; the Community Law Office; the University of Puerto Rico Law School Clinic; the Pontifical Catholic University of Puerto Rico Law School Clinic; Pro Bono Law Program of UPR (*Programa Pro Bono Derecho UPR*); Pro Bono Law Program of the Inter American University of Puerto Rico (*Pro Bono Inter Derecho*), and Pro Bono Law Program of the Pontifical Catholic University of Puerto Rico (*Pro Bono Estudiantil PUCPR*). These stakeholders will assist with content development, creating the website policy, supporting advertising strategies and referring *pro bono* opportunities.

By using voluntariadolegalpr.org, volunteer attorneys and law students will find *pro bono* opportunities that are of interest. They also will be able to provide services in individual cases and/or projects of not-for-profit legal aid organizations. Volunteer attorneys also will have, in some cases, the assistance of law students that who will be able to help with research and drafting of legal documents. Both groups of volunteers, who register on our website, will have

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THE PROBLEM OF ACCESS...

Continued from page 3

access to resources and tools provided in our database, such as: a library, legal models, updated regulations and statutes, training opportunities, a listserv of like-minded lawyers and students for support and consultation, and a calendar of events, among others. At present, this website is under construction and is expected to be launched in July 2016.

Other innovations are being considered as part of this project, to serve as incentives to increase *pro bono* participation. To this end, PRLS will be proposing to the Supreme Court of Puerto Rico, several alternatives that encourage and promote the culture of *pro bono* service in civil cases to socioeconomically disadvantaged sectors of the Island. The first suggested initiative is the accreditation of hours of continuing legal education (CLE) for hours of *pro bono* services. The American Bar Association supports this initiative and other jurisdictions like Arizona, Colorado, Delaware, Minnesota, New York, North Dakota, Ohio, Tennessee, Washington and Wyoming, already approve this practice.¹⁰ At present, in Puerto Rico, this alternative is only available for *pro bono* appointments in criminal cases.¹¹

The need to create incentives for *pro bono* services is not limited to criminal matters; there are also multiple necessities in cases of civil nature that should be taken care of. Civil lawyers who offer *pro bono* services in an enthusiastic and competent way also deserve the opportunity to request accreditation of hours of CLE for hours of provided *pro bono* services. Therefore, our proposal seeks to recognize, the *pro bono* work in civil cases as a nontraditional compliance mechanism or an alternative compliance mechanism with CLE, pursuant to the regulation of the Continuing Legal Education Program of Puerto Rico.¹²

There are also other alternatives to increase *pro bono* service as that will be presented to the Supreme Court, like the following: requiring applicants for admission to Bar of the Commonwealth of Puerto Rico to complete certain amount of *pro bono* services prior to filing an application for admission;¹³ granting the Emeritus Attorney status for retired attorneys that allow them a limited bar admission only to provide *pro bono* services to those most in need;¹⁴ extending a conditional admission to lawyers who have been suspended and who want to be re-admitted to the Bar in exchange of a pre-determined amount of *pro bono* services; among other alternatives.

The initiatives presented above, would result in economic benefits for both indigent people and for attorneys, including those who provide *pro bono* services in the Federal Court. Citizens unable to pay for legal service because of hardship conditions will gain access to the judicial system, while

volunteer attorneys will complete with some of their CLE doing *pro bono* work without having to pay hundreds of dollars in courses to do so. Moreover, the experience of helping someone assert their rights, who otherwise would be unable to do so merely due to financial considerations, and who is now profoundly grateful for the volunteer service of an attorney, is of immense value and satisfaction in itself.

To join the efforts of voluntariadolegalpr.org or for more information we invite you to send your contact information to our email voluntariadolegalpr@servicioslegales.org.

Endnotes

- 1 Preliminary Estimates of Weighted Average Poverty Thresholds for 2014, U.S. Census Bureau (2014), <http://www.census.gov/hhes/www/poverty/data/threshld/index.html> (last visit August 5, 2015).
- 2 Amanda Noss, House Hold Income: 2013, American Community Survey Briefs, U.S. Census Bureau 3 (2014), <https://www.census.gov/content/dam/Census/library/publications/2014/acs/acsbr13-02.pdf>.
- 3 Poverty Status in the Past 12 Months, 2009-2013 American Community Survey 5-year Estimates, U.S. Census Bureau (2013), http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_5YR_S1701&prodType=table (last visit August 5, 2015).
- 4 Sharon Minelli Pérez, Fiol Matta advierte que la Rama Judicial no aguanta otro recorte, *El Nuevo Día* (April 23, 2015), <http://www.elnuevodia.com/noticias/locales/nota/iolmattaadvieretequellaramajudicialnoaguantaotrorecorte-2038424/>
- 5 A.B.A. Model Rule 6.1, Policies – Voluntary Pro Bono Public Service, http://www.americanbar.org/groups/probono_public_service/policy/aba_model_rule_6_1.html (last visit August 6, 2015).
- 6 U. S. Census Bureau, <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk> (last visit August 6, 2015).
- 7 See Legal Services Corporation, <http://www.lsc.gov/about/what-is-lsc> (last visit August 6, 2015).
- 8 See Legal Services Corporation, Technology Initiative Grants, <http://tig.lsc.gov/about-us/background> (last visit August 6, 2015).
- 9 See Legal Services Corporation, Documenting the Justice Gap in America (2009), http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf.
- 10 See American Bar Association, CLE Rules, http://www.americanbar.org/groups/probono_public_service/policy/cle_rules.html (last visit August 6, 2015).
- 11 See In re: Aprobación del Nuevo Reglamento para la Asignación de Abogados y Abogadas de Oficio en Procedimientos de Naturaleza Pena, 2008 TSPR 68, R. 15, 17 (May 1, 2008), <http://www.ramajudicial.pr/resolucion/2008-TSPR-68-RES-Y-REGLAMENTO-APROBACION-NUEVO-REGLAMENTO-ABOGADOS-OFICIO-ER-08-03.pdf>.
- 12 See Supreme Court of Puerto Rico, Reglamento del Programa de Educación Jurídica Continua del Tribunal Supremo de Puerto Rico, R. 14, 33-36 (April 26, 2005), <http://www.ramajudicial.pr/sistema/supremo/PEJC/Reglamento-1998.pdf>.
- 13 This is already the law in New York State. See Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law, 22 NYCRR § 520.16 (2013), https://www.nycourts.gov/attorneys/probono/Rule520_16.pdf.
- 14 Holly Robinson, Checklist for Creating An Emeritus Attorney Pro Bono Participation Program, 29 *BIFOCAL* 5 (2007), http://www.americanbar.org/content/dam/aba/migrated/legalservices/probono/senior/checklist_emeritus_programs.authcheckdam.pdf.

2015 MIDYEAR MEETING RECAP

The Federal Bar Association held its annual Midyear Meeting on March 28, 2015 at the Westin Arlington Gateway in Arlington, Virginia. The event was held in conjunction with the FBA Moot Court Competition, which was centered on the legality of a search and seizure in light of the 4th Amendment.

Attendees participated in a Panel Session on *The FISA Court: National Security and Civil Liberties* as well as a luncheon with Lyle Denniston, legal journalist, professor and author who has reported on the Supreme Court of the United States since 1958, and currently writes for SCOTUSblog (www.SCOTUSblog.com).

After the meeting, the Directors, Circuit Vice Presidents, Chapter Leaders, Section and Division Leaders, and Foundation Directors attended a reception where they chatted and mingled.

The 2016 Midyear Meeting will be held on April 2, 2016 at the Capital Hilton in Washington, D.C. Circle your calendar now!



L-R: Wylie Stecklow, SDNY Chapter National Delegate; Katherine Gonzalez-Valentin, FBA Board of Directors; John Okray, Health Law Section Chair; and Laine Cohen

2015 MOOT COURT WINNERS

1st Place Brief
Duquesne University

2nd Place Brief:
St. Mary's University
University of Kansas

1st Place Oralist:
Katelin Montgomery
Duquesne University

2nd Place Oralist:
Johelys Cecala
Widener University

3rd Place Oralist:
Stephen Bachran, St. Mary's University

Best final round Oralist:
Dylan Percy, St. Mary's University

Overall Champion:
St. Mary's University School of Law
(Team 26)

2nd Place:
St. Mary's University School of Law
(Team 12)

CAPITOL HILL DAY 2015

On April 30, 2015, the Federal Bar Association held its annual Capitol Hill Day in Washington DC. This year over 35 national, circuit and chapter leaders from over 19 states met with Senate and House lawmakers (visiting approximately 150 Congressional offices) in order to inform Congress members and staff of the challenges and needs of federal courts.

FBA members reminded Congress of the important role of courts and their ongoing needs, while focusing on adequate funding for the courts, prompt senate consideration of judicial nominees, reforms to curb abusive litigation practices and the establishment of an Article I immigration court. The response was positive from many Congressional offices.

Visit www.fedbar.org to read the FBA's Public Policy Priorities Issue Brief.

Next year's Capitol Hill Day will be on May 19, 2016.



2015 Public Policy Priorities

The mission of the Federal Bar Association is to strengthen the federal legal system and the administration of justice by serving the interests and needs of the federal judiciary, both public and private, the federal judiciary and the public they serve. With 17,000 members, the FBA is the foremost bar association serving the federal practitioners. The FBA continues to encourage Congress to address the following concerns in conjunction with the exercise of its appropriations, legislative and oversight responsibilities concerning the federal judiciary.

The Federal Courts Need Adequate Funding

The Federal Bar Association supports the Federal Judiciary's FY 2016 budget request and urges Congress to provide the funds necessary for the federal courts to fulfill their constitutional and statutory responsibilities. The request equals \$7.6 billion in discretionary appropriations, and an increase of 3.8 percent over the FY 2015 enacted level. The request also includes \$25.1 million in mandatory appropriations. Funding for the third branch represents less than one-tenth of one percent of a taxpayer's dollar.

The Senate Should Consider All Judicial Nominees Without Delay

The Federal Bar Association urges the Senate to act in a bipartisan fashion to promptly provide an open and timely process to federal district and appeals court positions. High numbers of vacancies on the federal bench harm the delivery of justice, the economic interests of citizens before the courts, and respect for our courts and the law. Delays in legislative action by vacancies especially slow the speed of trials and judgments, which translates into costs for citizens.

Nominees also harm businesses whose financial stability rests on the timely resolution of commercial disputes. Our economy depends on courts to enforce contracts, protect property and determine liability. Delay results in uncertainty that discourages growth and investments, hurting our economy.

The President and the Senate have a Constitutional obligation to assure that the federal courts are sufficiently staffed with sufficient numbers of judges to promptly administer justice. Some state bar associations have already prominently identified and recommended candidates for judicial confirmation by the White House.

Even when the bench is fully staffed, there remains a pressing need for more federal judges in some federal districts with untenable high and sustained workloads, primarily in the Eastern District of California. Excessive number of cases, excessive control of fees, control of motions, and control of discovery.

THE HONORABLE JEFFREY R. HOWARD ELEVATED TO CHIEF JUDGE OF THE FIRST CIRCUIT COURT OF APPEALS

By Frances Ríos de Morán, Esq.
Clerk of Court, U.S. District Court for the District of Puerto Rico

On June 16, 2015, the Honorable Jeffrey R. Howard, a native of New Hampshire, succeeded Judge Sandra L. Lynch as chief judge of the United States Court of Appeals for the First Circuit. Nominated by President George W. Bush, Chief Judge Howard has served on the appellate Bench for 13 years. To view Chief Judge Howard's biographical data at the Federal Judicial Center's website, visit www.fjc.gov.

One of the first items in Chief Judge Howard's agenda was to visit the District of Puerto Rico where he met with Chief U.S. District Judge Aida M. Delgado-Colón, Chief U.S. Bankruptcy Judge Enrique Lamoutte, a group of district and magistrate judges, Chief U.S. Probation Officer Eustaquio Babilonia, Federal Public Defender Eric Vos, and several head of agencies from the Executive Branch such as USAO Rosa Emilia Rodríguez-Vélez, USM Orlando Rivera and FBI SAC Alberto Cases, among others. Chief Judge Howard had the opportunity to be briefed on the state of



From left to right: Chief Judge Aida M. Delgado-Colón, Clerk of Court Frances Ríos de Morán, Chief Judge Jeffrey R. Howard, Circuit Executive Susan J. Goldberg

the District in a comprehensive presentation made by Chief Judge Delgado-Colón. He also graciously met Clerk's Office staff in a guided visit with Clerk of Court Frances Ríos de Morán, Esq. Our District looks forward to continuing to work in close collaboration with all sister districts under Chief Judge Howard's leadership.



Seated, from left to right: USDJ Juan M. Pérez-Giménez, USMJ Marcos E. López, USMJ Silvia Carreño-Coll, USMJ Camille L. Vélez-Rivé, USMJ Bruce J. McGiverin, and USDJ Gustavo A. Gelpí. Standing, from left to right: USDJ Daniel R. Domínguez, USDJ Francisco A. Besosa, Chief USBJ Enrique Lamoutte, Chief Judge Aida M. Delgado-Colón, Chief Judge Jeffrey R. Howard, USDJ Jay A. García-Gregory, USDJ Carmen C. Cerezo, USDJ Pedro A. Delgado-Hernández, USDJ Salvador E. Casellas.

2015 COURT COMMUNITY OUTREACH

By Frances Ríos de Morán, Esq.
Clerk of Court, U.S. District Court for the District of Puerto Rico

Community Outreach is a very important mission for all of the judges of the United States District Court for District of Puerto Rico. The Court constantly receives visits from elementary, middle and high school, and college students who want to learn about the role of the federal court. College students and graduate students also visit to learn more about careers within the Court or as legal professionals.

Recently, our Court took on a different challenge, extending its Community Outreach Program by participating in the **Give Life Walking with Raymond Arrieta Walk-A-Thon**. An inter-agency group of federal employees, led by Chief Judge Aida M. Delgado-Colón, participated in numerous awareness and fund-raising activities prior to the Walk-A-Thon which benefits the Puerto Rico League Against Cancer and the Dr. Isaac González Hospital, which is the Puerto Rico Medical Center's cancer treatment center.

We take this opportunity to thank all of those members of the Bar who made donations to the Walk-A-Thon and to the Puerto Rico League Against Cancer.

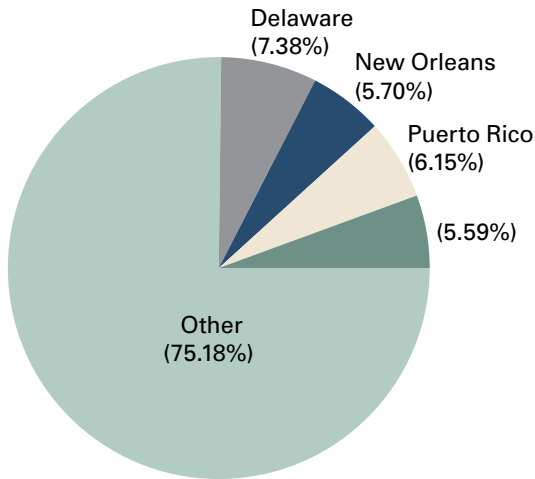


Chief Judge Aida M. Delgado-Colón (far right) and Clerk of Court Frances Ríos de Morán (far left) make a donation to Raymond Arrieta's Walk-A-Thon on behalf of the federal employees.

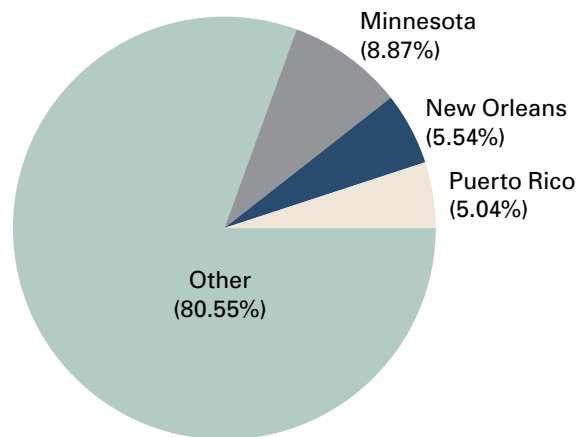
P.R. CHAPTER STATISTICS: WHERE ARE OUR MEMBERS?

The Hon. Raymond L. Acosta P.R. Chapter of the Federal Bar Association is within the top-ten largest chapters of the FBA¹. Its members compose around 6% of the following sections of the FBA falling within the top three (3) chapters with most membership in those sections: Antitrust and Trade Regulation Section (5.76%), Bankruptcy Law Section (6.15%), Federal Career Service Division (5.82%), Health Law Section (6.56%), Labor & Employment Law Section (5.04%), and Securities Law Section (6.17%)². Also, members of the P.R. Chapter constitute around 2.90% of the FBA's Younger Lawyers Division.

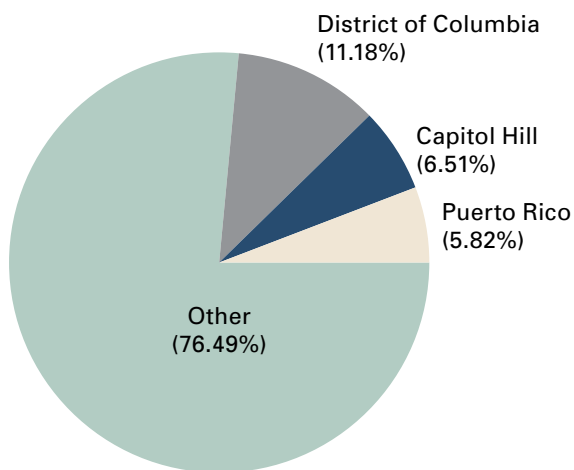
Bankruptcy Law Section



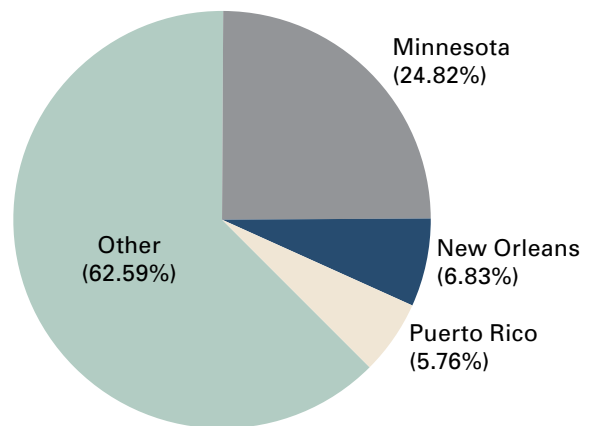
Labor and Employment Law



Federal Career Service Division

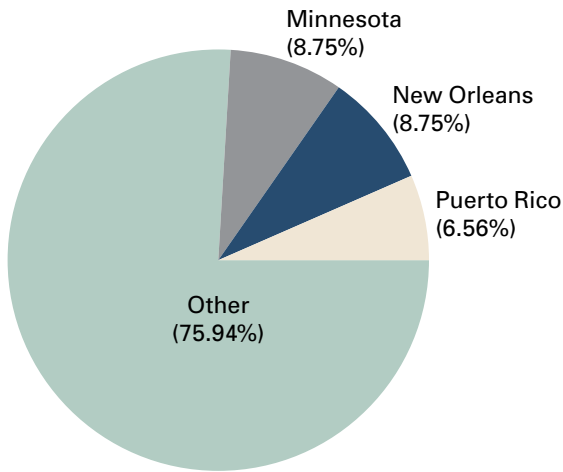


Antitrust and Trade Regulation

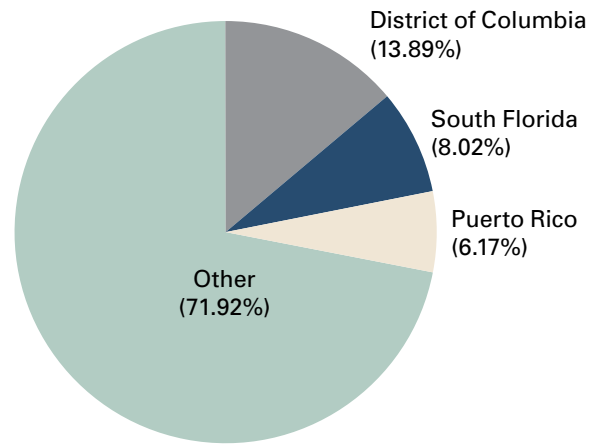


¹ FBA Membership Demographics, as reported in the FY2015 Leadership Directory.
² According to FBA Membership demographics reported in 2014.

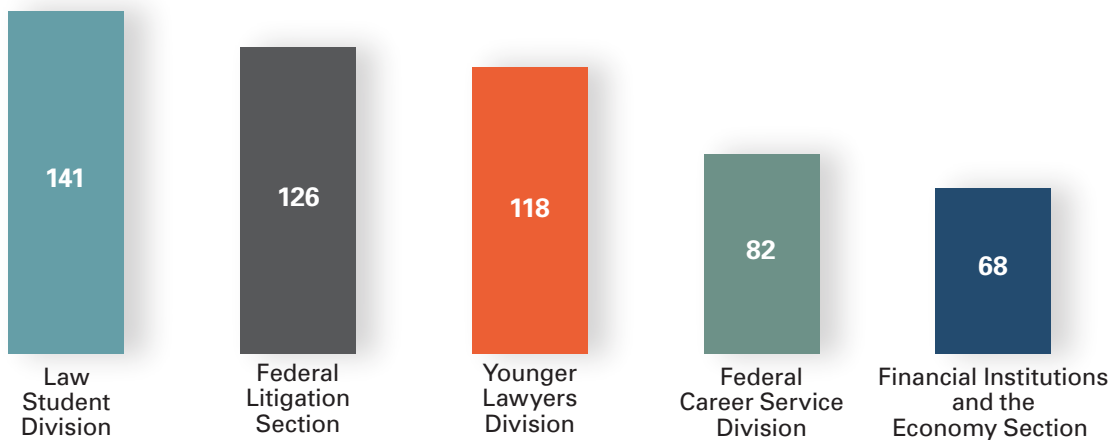
Health Law Section



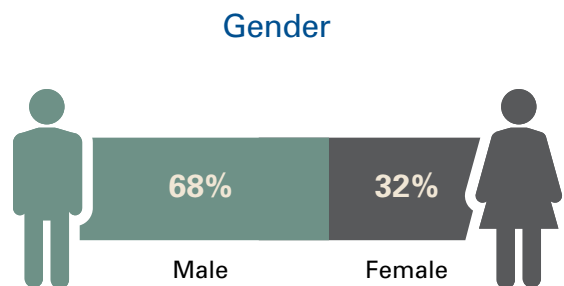
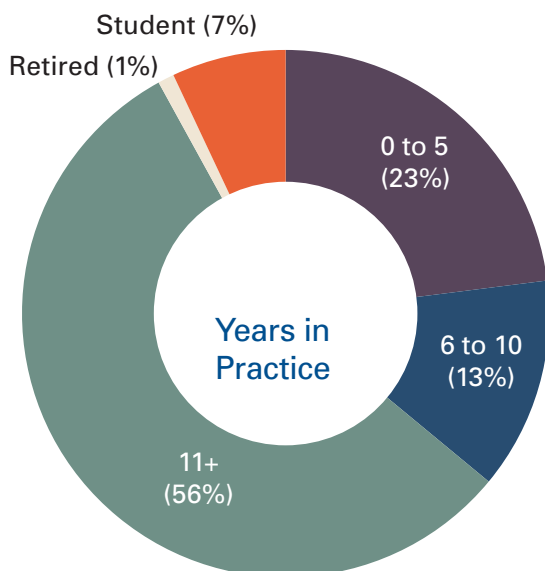
Securities Law Section



Within the P.R. Chapter, the Sections and Divisions with most members are the Law Student Division, the Federal Litigation Section, the Younger Lawyers Division, the Federal Career Service Division and the Financial Institutions and the Economy Section.



On a national level, the FBA has over 17,000 members and nearly 1,400 law student members in over 90 Chapters around the country. The vast majority of members reported having 11+ years in practice. 68% of all FBA members are male and 32% female.



GIVING BACK: HOW THE STUDENT CHAPTERS CONTRIBUTE TO LOCAL COMMUNITIES

By Carlos A. Morales Cardona¹

The mission of the Federal Bar Association is to promote the sound administration of justice and integrity, quality and independence of the federal judiciary.² However, as lawyers (and future lawyers) we must be able and willing to contribute to our community. The Federal Bar Association instills this in students by providing community service opportunities. We learn since our initial legal formation the rewarding experience of giving back. The Hon. Aida Delgado Student Chapter participated in various community service activities.

Last December we gave a “parranda” to the elderly at the Ernestina Ramos home for the elderly in Ponce. We organized a collection bin to collect first necessity items that the home needed. Then, we coordinated with the PUCPR School of Law tuna and headed with some students and gave the “parranda” with the elderly. Even Ponce Mayor, the Hon. María Meléndez accompanied us. The faces on the residents of the Home were priceless. Most of them were rescued from the streets, others were abandoned, so

they didn’t have family over to visit them. This made our “parranda” even more memorable, because for the first time in a while they sang, danced, and felt happy.

The other memorable activity was when the Chapter, organized a blood drive. Even though there wasn’t a direct outreach with the community the Chapter successfully reached out to our student community to help replenish the depleted blood stores. Most of the school, including professors participated. Another activity worth mentioning we also collected food and other items for an animal shelter in Villalba, which had a good response from the student body from our school.

These activities gave us the opportunity to give back to our community, which we, as lawyers (and future lawyers) must aspire to help. This goes beyond the mission of the FBA, but we feel that is just as important, because we know that we helped our communities to become a better place.

¹ The author is a Third Year student from the Pontifical Catholic University of Puerto Rico School of Law and former president of the FBA Hon. Aida Delgado Student Chapter for the 2014-2015 academic year.
² FBA mission statement



Clerk's Tidings



By Frances Ríos de Morán, Esq.
Clerk of Court, U.S. District Court for the District of Puerto Rico

This is a section with news items, notices, and general information from the Clerk's Office in the U.S. District Court for the District of Puerto Rico, as part of a joint effort with the FBA to keep the Bar apprised of events and provide a better, expedited service to its members. As part of this effort, we sometimes provide Internet link addresses to sites over which the Clerk's Office or the U.S. District Court exercise no control and thus take no responsibility for their organization, views, accuracy, contents, standards, copyright, or trademark compliance or legality.

CJA Study Committee Begins Accepting Comments

The Judicial Conference conducts periodic reviews of the Criminal Justice Act (CJA) Program concerning, among other things: judicial involvement in the appointment, compensation, and management of panel attorneys and investigators, experts, and other service providers; the adequacy of compensation for legal services; the adequacy and fairness of the billing, voucher review, and approval processes; and, the availability and effectiveness of training to federal defenders and panel attorneys. An Ad Hoc Committee, chaired by the Hon. Kathleen Cardone of the U.S. District Court for the Western District of Texas, to conduct a comprehensive and impartial review of the administration and operation of the CJA has begun accepting public comments at: CJAStudy@ao.uscourts.gov. The CJA study is expected to last approximately 18-24 months.

For more information, visit the U.S. Courts website (<http://www.uscourts.gov/news/2015/06/08/cja-study-committee-begins-accepting-comments>)



Federal Rulemaking

The Judicial Conference Committee on Rules of Practice and Procedure proposes amendments to the rules and forms which become effective if they are approved, with or without revision,

by the Judicial Conference, the Supreme Court, and then Congress. The following proposed rules and forms were adopted by the Supreme Court and are currently pending Congressional Review:

- Bankruptcy Rule 1007
- Civil Rules 1, 4, 16, 26, 30, 31, 33, 34, 37, and 55, and abrogation of Rule 84 and the Appendix of Forms

The rules, orders adopting the rules, and letters of transmittal are available on the website of the Supreme Court of the United States, <http://www.supremecourt.gov/orders/ordersofthecourt.aspx>.

The entire package of materials transmitted to Congress is available at, <http://www.uscourts.gov/file/document/congress-materials>.

Proper Use of Filing Restrictions

Members of the Bar are urged to review the requirements of Standing Order No. 9, which details the restriction levels for documents filed in CM/ECF, from time to time.

| Restricted Viewing Level | Who can view the filed document |
|--------------------------|---|
| Parties | Only the attorneys in the case and Court users |
| Selected Parties | Only the attorneys for those parties selected and Court users |
| Ex-Parte | Filing attorney and Court users |

Do **NOT** restrict viewing unless it is absolutely necessary. Court proceedings are characteristically public. Standing Order No. 9 implements the "Motion to Restrict" event by which the CM/ECF user will file a public motion to restrict a pleading indicating the restriction level sought, the interest to be protected, and why such interest outweighs the presumption of public access. The document for which the restriction is sought must be filed separately using the proposed restriction level.



**Clerk's Office CM/ECF
Helpline
(787) 772-3449**

Certificate of Service in Sealed Cases

Standing Order No. 9 also indicates that SEALED cases also require that users give manual notice of filings by performing conventional service of process and including said information in the Certificate of Service. CM/ECF will not automatically generate Notices of Electronic Filing (NEFs) in sealed cases. Similarly, Court staff will manually notify participants of Court-generated documents and make an appropriate internal notation on the record.

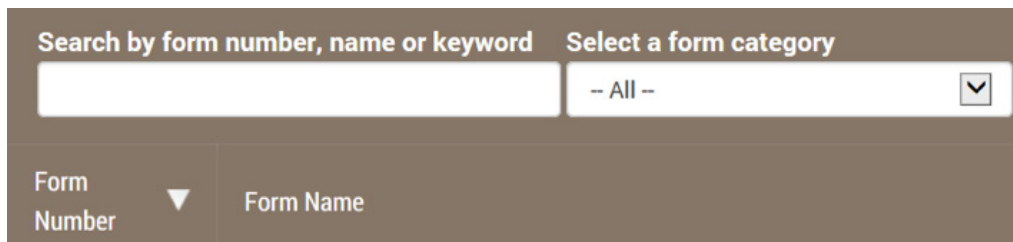
The Certificate of Service is the statement of the date and manner in which a copy of a pleading was served on a party whether directly or through counsel of record, as appropriate. Regardless of whether notification is electronic or manual, the Certificate of Service must accompany every filed pleading and should accurately identify the party served, the date of service, and the manner of delivery. See, Fed. R. Civ. P. 5(d).

To review Standing Order No. 9, follow or paste the following link to your browser: <http://www.prd.uscourts.gov/sites/default/files/documents/ajax/FINAL%20Standing%20Order%20No.%209%20%2803-mc-149%20dkt%2013%20-%2001%2030%202013%29.pdf>

For instructions on how to file a restricted document in CM/ECF, follow or paste the following link to your browser http://www.prd.uscourts.gov/sites/default/files/documents/107/CMECF_Restricted_View_Level.pdf

National Federal Court Forms

If you need to locate a national federal court form, you can search forms by number, name or keyword, or filter by category, at <http://www.uscourts.gov/services-forms/forms>.



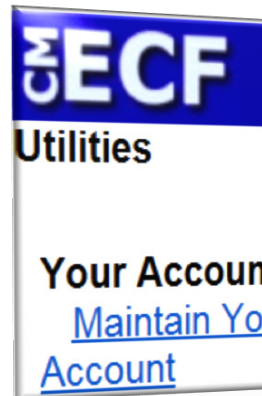
The screenshot shows a search interface with a text input field for "Search by form number, name or keyword" and a dropdown menu for "Select a form category" currently set to "-- All --". Below the search bar, there are two columns of form information: "Form Number" and "Form Name".

Maintain Your CM/ECF Account

We request that, from time to time, attorneys visit the "Utilities/Your Account/Maintain Your Account" section in CM/ECF and review the information it contains. Make sure that all the information is up-to-date, especially. The accuracy of the eMail information contained therein ensures the correctness of Notifications of Electronic Filing. Account information for PACER must be maintained separately.



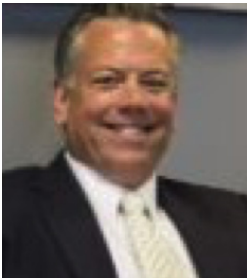
Transcripts and Audio Recordings of Arguments



The transcripts of oral arguments before the U.S. Supreme Court are now posted on its website the same day an argument is heard by the Court. Audio recordings of all oral arguments are posted on Fridays at the end of each argument week. For more information, and to view the list of transcripts and audio recordings posted, visit www.supremecourt.gov/

NEW APPOINTMENTS IN THE 1ST CIRCUIT ADVISORY COMMITTEE ON RULES

On June 5, 2015, Chief Judge Sandra Lynch of the U.S. Court of Appeals for the First Circuit announced that Mr. Ricardo F. Casellas-Sánchez was appointed as the new chairperson of the First Circuit Advisory Committee on Rules. Also, Mr. Salvador J. Antonetti-Stutts was appointed as new member of the Committee.



Ricardo F. Casellas-Sánchez

(and eventually, President) of the Hon. Raymond L. Acosta Chapter of the Federal Bar Association from 2003 to 2009.

As you may already know, Mr. Casellas served as a member of the Committee since 2012. Mr. Casellas is a partner at Casellas, Alcover & Burgos, P.S.C., and has practiced complex commercial litigation for over 25 years, primarily in federal courts. He also served as Chairman of the Merit Selection Panels for nominations of U.S. Magistrate Judges during 2011 and was member of the Board



Salvador Antonetti-Stutts

Mr. Antonetti is a member in the Litigation Department at O'Neill Borges, L.L.C., and focuses on commercial litigation before both Commonwealth and Federal courts, as well as commercial and securities arbitration, antitrust, trade regulation, franchise and distribution, and securities litigation. Mr. Antonetti is currently



the president-elect of the Hon. Raymond L. Acosta Chapter of the Federal Bar Association.

Chief Judge Lynch thanked the retiring members for their service, including Mrs. Margarita Mercado.

The members were selected to make recommendations regarding the rules of practice and internal operating procedures for the First Circuit Court of Appeals and the First Circuit Judicial Council, as per 28 U.S.C. § 2077.

We congratulate all members of the Committee!

Ricardo F. Casellas-Sánchez (Chair)
Salvador Antonetti Stutts
Renee M. Bunker
Jack W. Pirozzolo
Doreen F. Connor (At Large Member)
Michel J. Connolly
Elizabeth A. Lunt
Lynette Labinger
Heidi A. Nadel



2015 FBA ANNUAL MEETING AND CONVENTION AGENDA

Wednesday, September 9th

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|--------------|------------------------|
| 4:00-6:00 pm | Registration Desk Open |
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Thursday, September 10th

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| 7:00 am-5:00 pm | Registration Desk Open |
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|-----------------|--------------------------------|
| 7:00 am-5:30 pm | FBA Board of Directors Meeting |
|-----------------|--------------------------------|

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|--------------|--------------|
| 7:30-8:30 am | CLE Sessions |
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|--------------|-------------------|
| 8:30-9:00 am | Welcoming Remarks |
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| 9:00 am-5:00 pm | Silent Auction Open |
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| 9:00 am-12:30 pm | CLE Sessions |
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| 12:30-2:00 pm | Younger Lawyers Divisions Awards Luncheon |
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| 2:15-4:30 pm | CLE Sessions |
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| 6:00-8:00 pm | Complimentary Welcome Reception at the Utah Natural History Museum—Hosted by the Utah Chapter of the FBA |
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Friday, September 11th

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| 7:00 am-5:00 pm | Registration Desk Open |
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| 7:30-8:30 am | CLE Sessions |
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| 8:00 am-2:30 pm | Silent Auction Open |
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| 8:45 am-12:15 pm | CLE Sessions |
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| 11:15 am-12:15 pm | Legislative Update with Bruce Moyer |
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| 12:30-2:00 pm | Fellows of the Foundation of the FBA Luncheon |
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| 2:30-4:30 pm | Business Meetings |
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| 4:30-6:00 pm | Complimentary Networking Reception hosted by the FBA Federal Litigation Section |
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Saturday, September 12th

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| 8:00 am-5:00 pm | Registration Desk Open |
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| 8:00 am-2:00 pm | Silent Auction Open |
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| 9:00-11:45 am | FBA Business Meetings |
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| 12:00-2:00 pm | FBA Awards Luncheon |
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| 2:15-5:00 pm | National Council Meeting |
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| 6:00-7:00 pm | Cocktail Reception |
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| 7:00-10:00 pm | Presidential Installation Banquet |
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Don't forget to register for this year's Annual Meeting and Convention which will be held September 10 through September 12 in Salt Lake City, UT.

FBA's FEDERAL BAR REVIEW COURSE

The United States District Court for the District of Puerto Rico offers a Federal Bar Examination twice a year, typically during the first Saturday of April and the first Saturday of October or November. This year the test will be administered on October 31, 2015

Each year, twice a year, the Puerto Rico Chapter of the Federal Bar Association administers an in-person preparatory course for the Bar Exam. The FBA's course is composed of eight sessions, each dealing with one of the eight topics of inquiry of the exam (Evidence, Federal Civil Procedure, Federal Criminal Procedure, Bankruptcy, Appellate Procedure, Local Rules, Ethics, Federal Jurisdiction). The classes are scheduled twice a week on Mondays to Thursdays and they start at 7:00 pm until 10:00 pm. The classes are taught by seasoned federal practitioners, each with abundant hands-on experience in their respective areas of practice.

For more information about the exam, go to <http://www.prd.uscourts.gov/?q=federal-bar-examination-information>.

For more information about our Review Course or to enroll, please contact Mrs. Adriana Acevedo Colón. Telephone: 787-273-8300; Fax 787-273-8371; Email: aacevedo@calopsc.com

Public Notice
The **FEDERAL BAR EXAMINATION** will be offered on **Saturday, October 31, 2015** from 8:00 a.m. to 12:00 noon, at the Inter-American University of Puerto Rico School of Law, Tres Manjitas Industrial Park, 170 Federico Costa St., Hato Rey, PR 00918-1303. Click [here](#) for a map.
The examination consists of eight (8) separate subject areas to be tested:

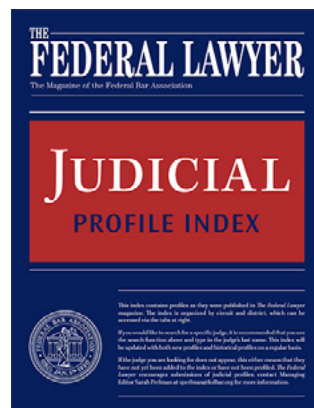
| Subject Area | Percentage | Questions |
|---|------------|-----------|
| Federal Civil Procedure | 16% | 8 |
| Federal Evidence | 16% | 8 |
| Federal Jurisdiction and Venue | 16% | 8 |
| Federal Criminal Procedure (Includes the subject of Sentencing Guidelines. Applicants must be familiar with the ruling in <i>United States v. Booker</i> , 543 U.S. 220, 125 S.Ct. 738, 160 L.Ed.2d 621(2005) and progeny from the 1st Circuit Court of Appeals). | 12% | 6 |
| Local Rules | 12% | 6 |
| Federal Appellate Procedure | 10% | 5 |
| Bankruptcy, including the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 and the Bankruptcy Rules. | 10% | 5 |
| ETHICS | 8% | 4 |
| TOTAL | | 60 |

The essay question is mandatory as it is designed to assess the candidates' proficiency in English—ability to read, write and understand the English language—to satisfy the requirement of effective assistance of counsel to their clients under the Sixth Amendment of the Constitution of the United States. Regardless of the result in the multiple choice part of the examination, applicants who do not answer the essay question will receive a grade of "fail".
Attorneys who wish to take the examination must file an **Application Form** ([please click here](#)) (Acrobat Reader)

WHAT'S NEW?

Judicial Profile Index

- Contains profiles published in *The Federal Lawyer* magazine
- All profiles from 2007 to present
- Organized by circuit and district
- Search by keyword
- Updated quarterly with both new profiles and historical profiles



Member Plus Program

- FBA members receive discounts from over 25 companies.
- Participating organizations include: Avis, Budget, HP, Liberty Mutual, OfficeMax, UBER, UPS, and more.
- For a full list of participating partners please visit fedbar.org.

FBA Member Plus Program

DISCOUNTS FROM OUR PARTNERS TO YOU

AVIS, zipcar, tervis, InterCall, UBER, JET, OfficeMax, Budget, Liberty Mutual, Golfsmith, UPS, Truicity, greek, Glasses USA, Windham

INTERESTED IN BECOMING A MEMBER?



The Federal Bar Association is the premier professional association for judges and lawyers involved in federal practice before the US District Court and the federal agencies. With over 16,000 members in more than 80 local chapters, it is unequalled in its relationship with the Federal Judiciary.

Puerto Rico is the third largest chapter in the national organization and has repeatedly won recognition for being one of the best chapters in the Nation. This shows the level of commitment to serve our members with educational seminars, social activities with the members of the Federal

Bar, civic and educational activities for the general public, and by conveying the concerns of our membership to the judges and the Clerk's office.

Membership is open to any person admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the U.S., or in the District of Columbia, provided you have been an officer or employee of the United States or the District of Columbia, you have a substantial interest or participate in the area of federal law, or you are a law student not admitted to practice.

There are two ways of joining our organization. First, you can fill out a form online, or you can print the application form and mail it. Don't wait a minute longer, visit us at www.federalbar.org and JOIN NOW!

FROM THE BAR

Call for Articles and Submissions Deadline

The Chapter's newsletter committee is looking for articles, book reviews, commentaries and "focus on" pieces on emerging legal trends or addressing specific areas of concern within the legal field for publication in the *From the Bar* Newsletter.

If you have an article or piece you would like to have included in the newsletter, please submit your articles via email to Luz C. Molinelli (luzmolinelli@gmail.com).



To view previous issues of *From the Bar* visit:

<http://www.fedbar.org/Chapters/Hon-Raymond-L-Acosta-Puerto-Rico-Chapter/Newsletters.aspx>