



FROM THE **BAR**

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Hon. Raymond L. Acosta Puerto Rico Chapter

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COMMON SENSE TIPS FOR ATTORNEYS IN RELATION TO DISCIPLINARY PROCEEDINGS

by Manuel San Juan, Esq.
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In the litigious society we live in, odds are that you will have at least one ethical complaint filed against you during your career. Depending on your area of practice, some of you will have more than one. Many of these complaints will be completely baseless and frivolous, others will involve conduct that is clearly unethical, and still others will involve that gray area, the fringe of unethical conduct where there are often no clear guidelines. A significant number of these ethical complaints could probably have been avoided, had the attorneys involved been more familiar with the ethical rules and/or simply used their common sense.

My intention is to provide some common sense tips to practicing lawyers that will help you avoid disciplinary proceedings in the first place, and help you deal with them if they cannot be avoided.

Avoiding Disciplinary Proceedings

Know your ethical obligations:

It is important to stay up to date with the applicable ethical rules. In the U.S. District Court for PR, the applicable rules are the ABA Model Rules of Professional Conduct. These rules are quite comprehensive and address many of the ethical questions that might come up in day-to-day practice (beware, however, because there may be inconsistencies between the ABA Model Rules and the PR Canons of Ethics, for example with respect to the waiver of conflicts of interest). The ABA Model Rules are amended from time to time by the ABA House of Delegates, and there are numerous court decisions interpreting them, as well as formal opinions issued by the ABA Standing Committee on Ethics and Professional Responsibility. My advice: Get yourself an annotated Model Code and study it. In addition, for practice in the US District Court your should be intimately familiar with the Court's Local Rules, which contain several rules related to ethical matters, such as those involving pretrial publicity.

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MESSAGE FROM THE EDITOR

Luz C. Molinelli-González



We are presenting you with Issue No. 56 of From the Bar which features an Article on avoiding ethical complaints by our esteemed colleague Manuel San Juan, Esq. Many thanks to the Clerk of the Court, Frances Ríos de Moran, Esq., Mercedes Trigo-Ferraiuoli from the USDC-PR, Joseph Feldstein, Esq. and our graphic designer Virginia Robles, for their support and assistance in making this issue possible.

Also, we are pleased to announce the new members of the Board of Directors for our Chapter.

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CONGRATULATIONS TO ALL!

As always, we encourage you to submit notes and articles for our next issues and we welcome comments and suggestions that could improve our newsletter. Please e-mail me at luzmolinelli@gmail.com.

FROM THE

BAR

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Chapter.

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



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Your donations to the annual campaign of the Foundation of the Federal Bar Association help fund legal education, scholarships and community outreach programs.

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Common Sense Tips...

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Document everything:

First of all, put your fee agreement with your client in writing. This is always the preferred practice, and it is mandated by Model Rule 1.5 if it is a contingent fee agreement. Try to include all possible contingencies in your agreement: e.g. spell out the exact amount of fees and how they are calculated, who pays the expenses and when, what happens if your client wants to fire you, what if you discover a conflict of interest, what if you are unable to continue the representation, etc. If you represent multiple clients in a contingency case, have them agree on a formula as to how any settlement will be divided up.

Once you commence the representation, put everything in writing. I mean everything: every communication with your client, every settlement offer, every recommendation, every piece of legal advice, however small and insignificant it may seem. Some lawyers are afraid to do this because it can come across as rather harsh and they think the client might not like it, e.g., in criminal cases where you tell the client he's facing life in prison, his alibi is not credible and he better accept the plea agreement. My advice: don't be afraid. If the client doesn't like it, tough cookies. After all, it's your rear end that's on the line.

Anticipate potential ethical problems:

A lawyer should always be thinking ahead about potential ethical problems. A good example is the representation of multiple clients. No matter how united they seem at first, always assume that they could end up with adverse interests. Ask yourself, for example, what happens if the married couple gets a divorce? What if the business partners have a falling out? What if the criminal defendants decide to rat out on each other? Also be wary of situations where your fees are being paid by a third party, such as an insurer. Ask yourself: is there any potential conflict between the client and the third party?

Again, your agreement with the client(s) should attempt to anticipate any potential conflict and set forth a means of resolving it, such as, for example, a formula for dividing up a settlement obtained on behalf of multiple clients.

Sometimes anticipating potential ethical problems means declining the legal representation. For example, if the matter is particularly complex or difficult, if the client is particularly hard to communicate with or has been through several lawyers, then maybe you don't want to take the case.

Communicate, communicate, communicate:

So simple, and yet so often the source of so many problems. Take a good look at Model Rule 1.4. You have a duty to communicate with the client. Take it seriously; but go

beyond simply communicating the basics. Make sure you communicate regularly with your client. Establish a systematic method of communication, whether through periodic meetings, letters, status reports, etc. Don't let too much time go by without some communication with your client. If your client disappears or doesn't return your calls, terminate the representation. And for goodness sake, if a client calls you, return their call promptly.



Be diligent:

Model Rule 1.3 requires a lawyer to act with reasonable diligence and promptness. Take this duty seriously. Control your workload in order to ensure that you can competently handle the matters in your charge. Don't take on new cases if you are already very busy. Avoid procrastination. If you find yourself overwhelmed, seek help, either from the court in the form of a continuance, or from other colleagues and associates. Above all, be mindful that every single client deserves the full extent of your services. That is the essence of diligent representation.

When in doubt, err on the side of caution:

Often times a lawyer finds him or herself caught between a desire to undertake a particular action and an inner voice warning that it may be ethically problematic. By all means, listen to that inner voice! It may end up saving you from disciplinary proceedings. When in doubt, err on the side of caution. No cause or fee is worth being disbarred for!

Develop a personal relationship with your client:

This is common sense. The closer your personal relationship with your client, the less likely your client will turn on you. Developing a personal relationship means going beyond

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merely the legal aspects of your client's problem and getting to know them; their wants, needs, desires, fears, etc. It means seeing your client not just as a legal problem or a source of fees, but as an individual. It usually means spending a little extra time, maybe even non-billable time, to delve deeper and achieve a more profound understanding of your client.

Have a backbone: be willing to say no!

We've all had clients who do or say things that are repugnant to us. Sometimes its small stuff that is simply irritating, but sometimes it is major league. For example, what if the client disregards your advice and/or instructions? The old adage applies: fool me once, shame on you, fool me twice, shame on me. If a client persists in a course of conduct that is unethical, illegal or simply repugnant to your values, don't hesitate to terminate the representation. Never be your client's rubber stamp.

Don't be greedy:

The love of money is at the root of many ethical complaints. I haven't done an empirical study, but I would be willing to bet that a large number of the ethical complaints filed by clients against their lawyers arise out of fee disputes. Particularly in cases involving contingent fees, there is often a sense of outrage that lawyers get paid so much money *vis a vis* their clients. The client may feel that the lawyer did little to deserve the fee, or simply may not understand the quality and quantity of the work performed to merit the fee. If you find yourself in a fee dispute with your client, be willing to compromise. Just because you have a fee agreement that stipulates a certain fee doesn't mean that you shouldn't voluntarily reduce it to satisfy your client. You may well be legally entitled to the fee, and your ego may tell you that you deserve it, but as a practical matter you may save yourself the headache of having to defend yourself from allegations of charging excessive fees. And don't forget to look at Model Rule 1.5. Ask yourself: Is the fee reasonable? Would a court see it that way?

Don't mix business with the practice of law:

Often lawyers get into deep ethical waters when they get involved in business deals with or through their clients. The problem is that it is not always clear what role the lawyer is playing; is he an advisor, a counselor, an advocate, a partner, or all of the above? If the client is not clear on what the lawyer's role is, it is easy for there to be confusion, misperceptions and erroneous expectations. Moreover, the lawyer must avoid an actual or potential conflict



between his own interests and those of his client, which is sometimes hard to do when the lawyer and the client become business partners. That's why Rule 1.8 contains a number of prohibitions and requirements that seek to eliminate actual and potential conflicts of interest in any sort of business transaction between a lawyer and client. Even though the rule allows such dealings under certain circumstances, in my judgment they are best avoided altogether. Again, when in doubt, play it safe.

Make sure you have adequate insurance:

Anyone practicing law these days without malpractice insurance is taking a big risk. Depending on your type of practice, you should have at least a \$100,000/\$300,000 claims made policy. If you make a mistake, your insurer may help you to avoid an ethical complaint by keeping the client happy with a cash payment. Depending on the type of policy, you may be able to pay the client yourself and request reimbursement from your insurer. Remember, however, that you cannot make a client waive the filing of an ethical complaint as a condition to a settlement of your professional responsibility. If you settle your malpractice liability, be mindful of Model Rule 1.8(h) (requiring client to be advised in writing of desirability of seeking independent counsel). Oh, and remember to READ YOUR POLICY. It contains important information regarding coverage, defense costs, deductibles, claims procedure and other matters.

What to do if a Disciplinary Complaint is filed against you:

Don't ignore it:

Every year there are numerous opinions issued by the Supreme Court of Puerto Rico imposing disciplinary sanctions on lawyers simply because they failed to respond to a complaint made against them. When faced with a disciplinary complaint, a lawyer's first involuntary reaction is often to set it aside to "deal with later". Don't do

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it. You have a limited period within which to respond, and you need to get to work immediately. Failure to do so is at your own risk.

Notify your insurance carrier immediately:

Most Professional Liability Insurance policies are of the “claims made” type, which means that if you do not notify the company of the claim immediately you risk losing coverage. Indeed, if you had any inkling that this claim was going to happen, you should have notified your insurer as soon as you had the suspicion that a claim might be made. Your insurer will request a copy of the complaint, and may request additional information necessary to evaluate it. Depending on the type of policy, the insurer may assign an attorney to represent you in the disciplinary proceedings.

Seek the advice of counsel:

Many lawyers initially represent themselves in disciplinary proceedings, ignoring the old adage that “a lawyer who represents himself has a fool for a client.” Sometimes they figure the matter is so simple that counsel is unnecessary, or they don’t want to spend money on a lawyer, or they simply are too arrogant or stupid to realize that they need help. Don’t fall into that trap. You should seek the advice of counsel from day one. Find somebody with experience in disciplinary matters, and listen to their advice. Don’t expect your insurer to promptly assign the lawyer of your choice, or any lawyer for that matter. Take the initiative. A good lawyer can help you view the disciplinary proceedings objectively, help you decide how to craft your response to the allegations against you, and can serve as a go-between with the client, complainant and/or the court.

Use your documentation:

Upon the filing of a disciplinary complaint by the client, the attorney client privilege is waived and you are allowed to disclose any communications with the client in your defense. If you have done your job well, you will have documented every single incident of communication with the client. Proper documentation of client decisions and lawyer advice will usually be dispositive in a disciplinary proceeding. Even if it is not, it will often shed light on the issues involved, and always show the fact finder that you are a careful, meticulous attorney who takes his/her responsibilities seriously.

Do your research:

There is abundant caselaw as well as numerous ABA Standing Committee opinions interpreting almost all of the Model Rules. Each Model Rule also has a Comment designed

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to assist in interpreting it. In most cases, you should be able to find a fair amount of authority that will help the fact finder to apply the rules to your particular situation. Your response to the disciplinary complaint will be more impressive if it contains citation to points and authorities, rather than simply a contrasting version of the facts. Often a sort of motion for judgment on the pleadings is possible, where the argument is made that even assuming the facts alleged by the complainant to be true, under applicable law there is no ethical violation. If your documentation supports it, you may also be able to move for summary dismissal of the complaint. Unless you properly research these issues, however, you may forego these opportunities and find yourself in an evidentiary hearing which might have been avoided in the first place.

Focus your arguments:

A good lawyer will help you to focus your arguments. When faced with a disciplinary complaint, lawyers sometimes feel they must include a tremendous level of detail in their response. It may not really be necessary to submit the lengthy factual description of the entire course of your relationship with the complainant dating back twenty years. To be sure, your response should fairly address the issues, but it should not be cluttered with superfluous or irrelevant information.

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Don't be vindictive:

Sometimes a disciplinary complaint brings out the worst in us. If the complainant is another lawyer, for example, the temptation is often to file a disciplinary complaint against them as well. This may well be justified in some circumstances, but as a general matter it is usually best to avoid a vindictive or retaliatory attitude in dealing with disciplinary proceedings. If, for example, you disparage your client in your response to her complaint, you may actually create greater sympathy for her cause.

Don't necessarily assume an inflexible position:

Many lawyers are unwilling to even discuss any sort of settlement in disciplinary complaints because they feel it would compromise their principles. And in some cases, this may well be so. If, for example, a client is lying to the court in order to extort a fee reduction from the lawyer, a settlement will certainly be inappropriate. Nevertheless, there may be some situations where an extrajudicial resolution may be possible. A good lawyer can help you to identify such situations, and to navigate the somewhat

delicate waters involved in settling a disciplinary matter. If you're in a gray area, be willing to compromise, but be wary of offering anything to the complainant as inducement to drop the complaint. Remember that you can never be released from your ethical responsibility before a court. Also, in making an agreement to limit your liability for malpractice, your client must be advised in writing of the desirability of having independent representation and be given the opportunity to consult independent counsel. See, ABA Model Rule 1.8(h).

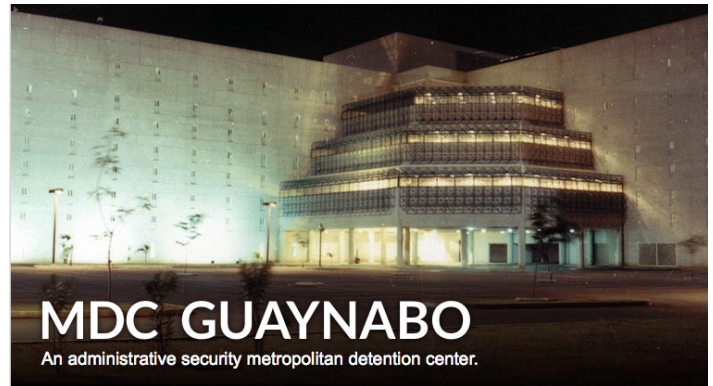
Confess:

If you've made a mistake, confess. They say it is good for the soul, but confession in a disciplinary proceeding may also help you to avoid more serious sanctions. Courts generally will be less harsh with a lawyer who accepts his or her responsibility than they will with one who denies it till the end. They have a range of sanctions available, including an admonishment, a fine, suspension, and disbarment. Unless the lawyer is a recurrent offender, or the offense is extremely serious (e.g. theft of client property, subornation of perjury, etc.), the sanction is likely to be relatively minor. In some cases, it is better to confess and take your lumps, rather than fight a losing battle with the likelihood of suffering a more severe sanction.

EACH MODEL RULE ALSO HAS A
COMMENT DESIGNED TO ASSIST IN
INTERPRETING IT. IN MOST CASES,
YOU SHOULD BE ABLE TO FIND
A FAIR AMOUNT OF AUTHORITY
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PARTICULAR SITUATION.

FBA – PR STUDENTS CHAPTERS: METROPOLITAN DETENTION CENTER GUAYNABO TOUR

On February 10, 2016, student members of the Hon. Raymond L. Acosta Puerto Rico Chapter of the FBA visited Metropolitan Detention Center at Guaynabo (MDC). Through this tour the student divisions of the University of Puerto Rico School of Law, the Inter American University of Puerto Rico School of Law, and the Pontifical Catholic University of Puerto Rico School of Law had the opportunity to learn about the Federal Bureau of Prisons (BOP) from an inside perspective. The students were able to witness different aspects of the detention center, from the security measures taken in the detention center to the daily life of employees and prisoners at MDC.



The journey began by the students meeting Daisy Perez-Wills (Executive Assistant), Jorge Matos (Supervisory Attorney Advisor of MDC Legal Division), and Joseph Feldstein (Attorney Advisor of MDC and Student Liaison of the FBA Puerto Rico Chapter). As part of the tour, Mrs. Perez-Wills discussed the differences between a detention center and prisons. Also, the student divisions learned about the employee's duties and the BOP structure. The student members were spoken about the benefits and employment opportunities related to legal matters offered by the BOP.

Afterwards, the law students visited many of the MDC facilities such as the library, classrooms, cells, kitchen and recreational areas. Furthermore, they learned about both educational and rehabilitation programs provided at MDC. This was an enriching experience for the law students because they were able to see a different aspect of the justice system as well as acknowledge the legal employment opportunities for attorneys at MDC. The student divisions greatly appreciate and thank Atty. Joseph Feldstein for his initiative in organizing and taking the time to host this event.

DISTRICT OF PUERTO RICO AMONG THE 20 MOST PRODUCTIVE COURTS IN THE NATION

By Frances Ríos de Morán, Esq.
Clerk of the Court, USDC-PR

Chief Judge Aida M. Delgado-Colón announced that, for the fifth consecutive year, the District of Puerto Rico has held its place among the top 20 most productive courts in the Nation. This ranking is based on the data released by the Administrative Office of the U.S. Courts for the fiscal year ending on September 30, 2015. Puerto Rico ranks 17th out of 94 districts nationwide and is the only district within the First Circuit to rank among the top 20 –the District of Massachusetts ranked 25.

In determining which federal trial courts manage its caseload most efficiently, courts are ranked in areas such as hours on the bench, hours in trial, and number of civil and criminal trials. Puerto Rico's rank among the top 20 courts places it alongside other much larger districts with a greater number of judges such as: the Central, Northern and Southern Districts of Florida; the Northern and Southern Districts of New York; the Western District of Washington; and, the Eastern District of California.

As stated by Chief Judge Aida M. Delgado-Colón, this ranking is a result of the hard work and dedication of our judges and our excellent support staff. We also credit and recognize the hard work and professionalism of all members of the Bar. Together we make our federal court system work in this era of budgetary constraints.

Hon. Raymond L. Acosta P.R. Chapter of the Federal Bar Association wins 2015 Chapter Activity Presidential Achievement Award

The National Federal Bar Association (FBA) recognizes the diligent work and accomplishments that outstanding chapters have made throughout the year. Awards are given to chapters who demonstrate that the chapter has fulfilled the established criteria. The Hon. Raymond L. Acosta P.R Chapter also won an award for being one of the best newsletters published by a chapter in each of the four chapter groups, as well as those published by sections, divisions, and committees to stimulate and encourage continued production of these valuable communication tools. Judging of the newsletters focuses on overall sustained quality of the publication, and emphasizes service to the membership. Judges also consider content, creativity, and design.

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FBA ELECTIONS: THE RESULTS ARE IN!

The following members were elected to serve our FBA National during FY2016. Please join us in congratulating our own Oreste R. Ramos, Vice President for the First Circuit.

National Officers

Hon. Michael J. Newman, President-Elect
Kip T. Bollin, Treasurer

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Hon. Elizabeth Kronk Warner, Group 2 Director
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Glen R. McMurry, Group 4 Director

ABA Delegate

Ashley L. Belleau, ABA Delegate

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Oreste R. Ramos, Vice President for the First Circuit
Philip R. Schatz, Vice President for the Second Circuit
Hon. Karoline Mehalchick, Vice President for the Third Circuit
Andrew K. Clark, Vice President for the Fourth Circuit
To be appointed, Vice President for the Fifth Circuit
Tonya Kennedy Cammon, Vice President for the Sixth Circuit
Kevin G. Desharnais, Vice President for the Seventh Circuit
Daniel C. Hedlund, Vice President for the Eighth Circuit
Joseph S. Leventhal, Vice President for the Ninth Circuit
Chris M. Stephens, Vice President for the Tenth Circuit
Brett A. Barfield, Vice President for the Eleventh Circuit
Steven R. Miller, Vice President for the D.C. Circuit

FBA FACTS

The Federal Bar Association (FBA) is a voluntary, professional organization for attorneys and the judiciary who practice in the federal system or have an interest in federal law. The FBA is committed to strengthening the federal legal system and administration of justice by serving the interests and needs of the federal practitioner, both public and private, the federal judiciary and the public they serve.

The Federal Bar Association has more than 16,000 members nationwide, including lawyers, judges, and law students.

The FBA was founded in 1920.

The FBA is large enough to have an impact on the federal legal profession, with a network of more than 80 chapters, but small enough to provide opportunities for networking and leadership.

The FBA offers more than 700 credit hours of continuing legal education (CLE) at both the national and local level throughout the year.

The organization's headquarters are located outside of Washington, D.C. in Arlington, Va.

The FBA is governed by a 15-member elected board of directors.

The Federal Lawyer, the FBA's magazine, is the only professional publication devoted to the interest of federal practitioners. Published 10 times a year, the magazine provides a forum in which to publish articles and a sources for pertinent information.



PUCPR's YEAR IN REVIEW

By: Jacqueline M. Siaca, President
FBA, Hon. Aida M. Delgado-Colón Student Chapter
Pontifical Catholic University of Puerto Rico School of Law

The Pontifical Catholic University of Puerto Rico School of Law Student Chapter of the FBA for the academic year 2015-2016 had a great first term and in route to finish a very successful second term. Our mission consist of providing our members with a view into the federal practice through networking opportunities, educational conferences and visits to federal government offices, agencies and courts. It is important for our members to know how broad the federal practice is and what steps they should take in order to adequately prepare for it.

We also endeavor to promote access to justice and community service. We have created a series of educational talks to leave as a legacy to our alma mater, and we have created a joint task force with other student organizations to further the cause. Each group developed an educational talk on different legal topics. The FBA focused on “Basic Labor Laws for High School Students”.

Community service has been a big part our agenda. For the second year in a row we have collected items for a local charity: the Ernestina Rodriguez Geriatric Center, a senior citizens home for former homeless persons. Recently, Ponce's Mayor, Hon. María “Mayita” Meléndez, sent a letter to our Dean, thanking us for our efforts and dedication to give back to the community. Our annual blood drive exceeded the amount of blood collected last year and, finally, we coordinated a Sports Day visit to the children's home Hogar Andrés. This was a first joint activity with all three



student chapters of Puerto Rico's Schools of Law (PUCPR, UPR and UIAPR). This home caters to special needs children, ages ranging from 6-13 that have been removed from their homes by the state.

Last December we embarked on a student trip to our nation's capital, and we were fortunate enough to visit the FBA's Headquarters. The staff went above and beyond to make us feel welcome. We also toured the SCOTUS, Library of Congress and had a visit with Puerto Rico's Resident Commissioner Hon. Pedro Pierluisi. Our trip was an enriching experience for all who were able to partake.

Our Student Liaison, Mr. Joseph Feldstein, Esq. coordinated a tour of the Metropolitan Detention Center for all three Chapters. Learning about its operation and the in house legal department for the Federal Bureau of Prisons. We are hoping to visit other agencies, as well as going to court to witness hearings.

On March 31st, we held our annual Federal Day. We had two guest speakers: Aida Orenstein- Cardona, Esq. from The Customs and Border Protection Agency where she serves as Assistant Chief Counsel, whom provided us with an insight on how to go into public service in the federal government. Also Rosangela Sanfilippo-Resumíl, Esq. from Morell, Bauzá, Cartagena & Dapena, L.L.C. and a FBA member gave a great talk on Federal Labor Law: “The Practicing Attorneys Perspective”. Attorney Sanfilippo provided valuable advised on how to raise our standards as lawyers in our practice. It was an honor to have this two exceptional attorney at our faculty motivating our members.

As chapter member I am grateful for all the great opportunities this organization has given me in these past three years. However, as a chapter president and graduating student, I could not be any prouder of my board of directors for all their hard work and my chapter members for their motivation. We recognize the great job of our Student Liaison at the Young Lawyers Division, Joseph Feldstein. Last but certainly not least, we also recognize our Faculty Advisor, Ernesto Hernández-Milán, Esq. who has been mentoring us since the creation of our chapter 13 years ago.

2016 LEADERSHIP TRAINING AND CAPITOL HILL DAY

On May 20-21, 2016, the FBA will hold its Leadership Training and Capitol Hill Day where Chapter representatives will receive the tools to meet leadership standards within the Chapters and Sections of the FBA.

Capitol Hill Day will be held on May 19, 2016 at the Capitol Hilton in Washington, DC. FBA leaders from around the country will meet with officers of the House and Senate to discuss legislative issues that affect the administration of justice and the federal courts. Some of the Active Legislative issues to be discussed by FBA members during Capitol Hill Day include:

- Independence of the Federal Judiciary
- Funding for the Federal Courts
- Federal Judgeships and Caseloads
- Federal Judicial Vacancies
- Courthouse Security
- Federal Judicial Pay
- Respect for the Federal Courts
- Professionalism and Stature of Federal Attorneys
- Social Security Disability Appeals Backlog
- Authority of Bankruptcy Judges in “Core Proceedings”
- Authority of Bankruptcy Judges in “Core Proceedings”
- Patent Litigation Reform
- Expansion of Federal Jurisdiction Over State and Local-Prosecuted Crimes
- National Security and Civil Liberties
- Frivolous Litigation

Capitol Hill Day Agenda: Thursday, May 19, 2016

- 9:00 a.m. Legislative Advocacy Training : *Learn the issues and how to be effective on the Hill*
- 10:30 a.m. Participant meetings with Senate and House Offices begin and continue into the afternoon
- Lunch On Your Own
- 4:00 p.m. Group debriefing on Hill meetings



Federal Bar Association Annual Meeting and Convention 2016

September 15–17, 2016 | Cleveland, OH

More information available at www.fedbar.org/FBACON16

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.

USDCPR's Educational Outreach Program

Community and educational outreach is a very important component of the Court's mission. Our judges are pleased to host students of all levels, from elementary school through college, who are avid to partake in activities which enrich their lives as citizens. Many activities promote the participation of college and graduate students in courtroom activities which create a unique opportunity to learn more about legal and other careers within the federal judiciary and other federal government agencies.

District and magistrate judges actively participated in the Annual Trial Advocacy Competition hosted by the Inter-American University School of Law. Our judges also took

active roles in the Estrella Trial Advocacy Competition (ETAC) featuring competitors from law schools from across the entire Nation. The ETAC, organized in collaboration with The George Washington University Law School is open to 14 teams from ABA-accredited law schools who play the roles of attorneys and witnesses. The Court is pleased to lend its facilities at both the Clemente Ruiz Nazario and José V. Toledo U.S. Courthouses for this prestigious event.

Besides participating in local law school job fairs, District Court staff also offer students presentations as to the different functions and responsibilities of the Clerk's Office. Students are provided important information on Court operations and insight into the inner workings of the District Court.

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Chief Judge Aida M Delgado-Colón (center), with visiting Judicial Officers from Latin America.



Chief Judge Aida M. Delgado-Colón and attorney Eugene Hestres (front center) met with law students from the University of Puerto Rico School of Law Federal Practice Clinic.

Our judges are committed to contributing to quality judicial and other educational programs such as the Judicial Studies Institute (JSI) of the United States Department of Justice, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), which promotes enhancement to the capabilities of foreign justice sector institutions. Our Court is proud to host JSI-OPDAT visitors, which include judges and magistrate judges from Central and South American Countries, at least twice a year. These visits include training sessions and various court proceedings before Chief Judge Aida M. Delgado-Colón and other district and magistrate judges. Demonstrations of the state-of-the-art courtroom technology available throughout all courtrooms, including an overview of the Case Management/Electronic Case Filing (CM/ECF) system, are also offered, as well as presentations on court security by the U.S. Marshals Service.

The eVoucher Financial Integration Function



CJA eVoucher
Electronic Voucher Management System

On September 1, 2015, the Court activated the Financial Integration (FI) function of eVoucher. This upgrade provides an automatic interface with the system that issues checks to Criminal Justice Act (CJA) attorneys and service

providers (experts). Prior to implementation, vouchers had to be processed in two separate systems: the eVoucher system and the check-issuing CJA 6.1.5 Payment System. This enhancement eliminates the need to carry out parallel voucher processing steps, such as entering data and approving vouchers twice.

How to Delete an eMail Address Associated With Your Account

Case Management

CM / ECF

Electronic Case Files

Log into CM/ECF with your Court-issued login and password, and then click on the “Utilities” menu. On the next screen, click on “Maintain Your Account”, and then click on the “Email Information” button found on the bottom, left-hand side of the screen. Click on the desired email address you wish to delete. On the right hand side of the screen you will find the “Configuration Options”. There, you may either select the whole email address and delete until there is nothing left on the email field OR click once on the email field and you will see an ‘X’ at the end of the email field, click on the ‘X’ and that will delete the email address

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disappear. Enter the case number in the text field under the caption "Add additional cases for noticing" and click "Find This Case". Once the email address is deleted, click on the left-hand side of the screen button called 'Return to Person Information Screen'. If you delete your primary email address, you will not be able to receive Notifications of Electronic Filings in your secondary email address. When finished, click on "Return to Person Information Screen", and then click "Submit" on the proceeding screens. When you see "User Edit Complete", your account has been updated.

How to Add a Secondary Address to Your Account for Noticing



Log into CM/ECF with your Court-issued login and password, and then click on the "Utilities" menu. On the next screen, click on "Maintain Your Account", and then click on the "Email Information" button found on the bottom, left-hand side of the screen. Click on the "Add new e-mail address" link under Secondary e-mail addresses, and type in the email address in the text field under Configuration Options. When the system recognizes a valid email address, the configuration options will be displayed. You can now modify your Options accordingly. When finished, click on "Return to Person Information Screen", and then click "Submit" on the proceeding screens. When you see "User Edit Complete", your account has been updated.

How to change any email address associated with your account

Log into CM/ECF with your Court-issued login and password, and then click on the "Utilities" menu. On the next screen, click on "Maintain Your Account", and then click on the "Email Information" button found on the bottom, left-hand side of the screen. Click on the e-mail address you wish to update or change located on the left side of the screen. This will display the configuration options on the right side of the screen where the text field will show the email address for you to modify. Highlight the email address within the text field and type in the email address that you wish to set for your account. When finished, click on "Return to Person Information Screen", and then click

"Submit" on the proceeding screens. When you see "User Edit Complete", your account has been updated.

Federal Rulemaking



In 2015, the Judicial Conference Committee on Rules of Practice and Procedure approved publication of the following proposed rules amendments for comment:

Bankruptcy Rules 1001 and 1006; and Evidence Rules 803 and 902.

The comment period closed on February 16, 2016. Read the text of the proposed amendments and supporting materials at <http://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment>.

Encrypted Documents and Exhibits

On March 4, 2016, the judges unanimously determined that documents or exhibits filed or submitted to the Court **shall not be password protected or encrypted**. The Court administers a security protocol consonant to the standards approved by the Federal Judiciary and will not allow the use of encrypted data which requires the installation or use of decryption programs or products outside said protocol. To read the General Order entered by Chief Judge Aida M. Delgado-Colón, go to: http://www.prd.uscourts.gov/sites/default/files/documents/88/General_Order_16-mc-100_Encrypted_Docs_o.pdf.

Federal Bar Examination

The Court offered two district bar examinations, on April and October 2015, to a grand total of 559 examinees, of which 202 passed. The passing rates for April and October were 33 and 39 percent, respectively. A total of 213 attorneys were admitted to practice in the District during calendar year 2015 (this figure includes attorneys who passed the Bar exam in previous years).

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U.S. Sentencing Commission eLearning



2015 Amendments US Sentencing Commission

The U.S. Sentencing Commission offers HTML5 and Flash Supported versions of its eLearning Course as to the 2015 Amendments included in the *Guidelines Manual*. It features easy-to-use menus and screen-to-screen navigation which will allow you to familiarize with the basics of the new amendments with ease. To access the 2015 Amendments Online Education Program, go to: <http://www.uscc.gov/training/online-learning-center/elearning-2015-amendments>.

The Judicial Conference of the United States

The 26-member Judicial Conference is the policy-making body for the federal court system. By statute, the Chief Justice of the United States serves as its presiding officer and its members are the chief judges of the 13 courts of



appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade. A circuit chief judge term is concurrent with his or her term as chief judge of the circuit. District judge representatives are elected for terms of not less than three nor more than five successive years.

The Conference meets twice a year to consider administrative and policy issues affecting the court system, and to make recommendations to Congress concerning legislation involving the Judicial Branch.

To view the list of the March 2016 Conference Members go to <http://www.uscourts.gov/file/document/judicial-conference-members-march-2016>.

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>

FBA NATIONAL CALENDAR OF EVENTS



MAY

7 Minnesota Chapter: Annual Federal Judges' Dinner Dance

10 Cincinnati/Northern Kentucky Chapter: Pizza Night at Tender Mercies

10 New Orleans Chapter: Board Meeting

12-13 2016 Immigration Law Conference

12 Broward County Chapter: Courthouse Technology CLE

12-14 Utah Chapter: 9th Annual Southern Utah Federal Law Symposium

13 Immigration Law Section: Younger Lawyers Division Happy Hour (2016 Immigration Law Conference)

13 Palm Beach Chapter: Luncheon with Bruce Rogow

19 2016 Capitol Hill Day

19 Broward County Chapter: Judicial Reception

20-21 14th Annual Leadership Program

20 Utah Chapter: Criminal Law Seminar

24 Cincinnati/Northern Kentucky Chapter: Board Meeting

25 Minnesota Chapter: Monthly Luncheon

JUNE

1-3 Tampa Bay Chapter: 25th Annual Federal Sentencing Guidelines Seminar

2-3 28th Annual Insurance Tax Seminar

2-3 28th Annual Insurance Tax Seminar

3 Veterans and Military Law Section: 8th Annual Veterans Legal Assistance Conference & Training

14 Cincinnati/Northern Kentucky Chapter: Pizza Night at Tender Mercies

14 New Orleans Chapter: Board Meeting

16 Broward County Chapter: Law Clerk Panel

17 Board of Directors Meeting

20 Younger Lawyers Division: 2016 Supreme Court Admissions Ceremony

28 Cincinnati/Northern Kentucky Chapter: Board Meeting

29 Lafayette/Acadiana Chapter: Brown Bag CLE – IT for Attorneys

JULY

8 Broward County Chapter: Summer Associate Day

12 Cincinnati/Northern Kentucky Chapter: Pizza Night at Tender Mercies

12 New Orleans Chapter: Board Meeting

26 Cincinnati/Northern Kentucky Chapter: Board Meeting

27 Lafayette/Acadiana Chapter: Brown Bag CLE – Bankruptcy

AUGUST

9 Cincinnati/Northern Kentucky Chapter: Pizza Night at Tender Mercies

9 New Orleans Chapter: Board Meeting

23 Cincinnati/Northern Kentucky Chapter: Board Meeting

26 Broward County Chapter: Breakfast with the Bench

31 Lafayette/Acadiana Chapter: Brown Bag CLE – Criminal Law

SEPTEMBER

13 Cincinnati/Northern Kentucky Chapter: Pizza Night at Tender Mercies

15-17 2016 Annual Meeting and Convention

15 Board of Directors Meeting

27 Cincinnati/Northern Kentucky Chapter: Board Meeting

OCTOBER

13-15 Idaho Chapter: Tri-State Conference

13-15 Utah Chapter: 12th Annual Tri-State Conference

27 Utah Chapter: Ronald N. Boyce Federal Court Litigation Seminar

NOVEMBER

4 2016 DC Indian Law Conference

17-18 4th Annual International Conference on Legislative Drafting and Law Reform
Criminal Law Section
Environment Energy and Natural Resources Law Section
International Law Section

17-18 District of Columbia Chapter: 4th Annual International Conference on Legislative Drafting and Law Reform