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The Federal Bar Association Newsletter

President's Message



Back in August 2012, as we helped usher in a new year for the board of the Hon. Raymond L. Acosta Puerto Rico Chapter of the FBA, we expressed our gratitude to our membership for their valuable and continued contribution to the success of our chapter. For over 40 years, the mission of the FBA in Puerto Rico has been to improve federal practice in our district by way of seminars, educational programs, and conferences. And yes, social gatherings have also played an important role in allowing us to interact in more relaxed settings.

These efforts have been recognized at the national level. Last year under the leadership of Manuel A. Pietrantoni was no exception. We received the Presidential Excellence Award as well as the Outstanding Newsletter Award during the National Conference and Meeting in San Diego. Thank you, Katherine González Valentín — our past chapter president and current Circuit VP — for all the work you do with *From The Bar!*

This year the board geared up to follow in the footsteps of our predecessors and welcomes new challenges. As most of you know by now, the FBA's National Convention and Meeting will be held in San Juan this September. At that time, U.S. District Judge Hon. Gustavo A. Gelpí will be sworn in as the new National President for the 2013–14 term. Our members are excited and proud to have Judge Gelpí become the second member of our chapter to serve as a national president, the first one being Russell del Toro.

As the host chapter, we will need the full support of our membership to make the convention a resounding success. We expect hundreds of our stateside brethren to come to Puerto Rico and take in a few days of conferences, continued education and, hopefully, some R&R. I can personally attest about the enthusiasm that our stateside colleagues have about coming to Puerto Rico, having attended the National Convention last September in San Diego. Although we have a tough act to follow, I am certain that we will rise to the occasion. To help ensure a successful convention, I exhort all of you to become involved in the Chapter. Your help can be in one of several ways, including, but not limited to, financial by way of sponsorships, by recruiting new members to the FBA or by reminding those in your office who are no longer active or who may have their membership past due to check on their status and activate their membership at www.fedbar.org.

I want to take this opportunity to thank the following firms for lending their financial support to the National Convention: Correa-Acevedo & Abesada Law Offices, P.S.C.; Ferraiuoli, LLC; Fiddler González & Rodríguez, PSC; Jiménez, Graffam & Lausell; McConnell Valdés LLC; O'Neill & Borges LLC; and Pietrantoni Méndez

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The Federal Bar Association Newsletter Hon. Raymond L. Acosta Puerto Rico Chapter



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Requests for additional copies, submissions, or address updates should be directed to Katherine González at kgonzalez@ferraiuoli.com.

Summary Judgment in Labor and Employment Cases Lecture

By **Maritza I. Gómez, Esq.**

On August 16, 2012, the FBA Puerto Rico Chapter held as part of its *Lecture Series* the conference titled "Summary Judgment in Labor and Employment Cases" with U.S. District Court Judge Daniel R. Domínguez. The conference was held at the U.S. District Court for the District of Puerto Rico in Hato Rey.

Those who had the opportunity to attend benefitted from Judge Domínguez's wisdom and knowledge about said topic, which is so important when litigating Labor and Employment cases. The activity was such a success that due to the demand it had among federal practitioners, the FBA Puerto Rico Chapter will repeat the same at a later date. Thank you for your support!



Maritza I. Gómez and the Honorable Daniel R. Domínguez

Luncheon with Resident Commissioner Hon. Pedro R. Pierluisi

On October 17, 2012, the Hon. Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association held the first in a series of luncheons for the 2012-2013 term with the candidates to the office of Resident Commissioner. The first of the two was held at Restaurant Antonio's in Condado with the Honorable Pedro R. Pierluisi (D-PR).

Congressman Pierluisi focused his remarks on the November 6, 2012 Puerto Rico status plebiscite, its importance, the reasons why he does not support the current status of the Island and why in his view the people of Puerto Rico should choose statehood to replace the current status.

We thank the Congressman, the many members of the chapter and the board and our student chapters for attending.



Honorable Pedro R. Pierluisi, Chapter Past President Carlos Valdejuly and Chapter President Oreste R. Ramos.

Luncheon with Candidate to the Office of Resident Commissioner Rafael A. Cox Alomar



Rafael A. Cox Alomar, Esq.

On October 25, 2012, the Hon. Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association held a luncheon with the candidate to the Office of Resident Commissioner of the Commonwealth of Puerto Rico for the Popular Democratic Party, Rafael A. Cox Alomar, Esq. The event was held at El Zipperle Restaurant in San Juan, Puerto Rico and was the second in a series of luncheons with the candidates to said office. A number of student members as well as attorneys from our Chapter's regular membership were in attendance. Mr. Cox spoke about his vision of the Office of the Resident Commissioner and his plans for said office during the next term, including without limitation an initiative for the amendment of Section 933 of the Internal Revenue Code. Mr. Cox also spoke briefly about his position regarding the November 6, 2012 plebiscite held with the general elections and the reasons behind the same.

2012 Annual Meeting and Convention: Escapade to San Diego and the Coast of the Pacific Ocean

By Mariano Mier

California's second largest city, San Diego, hosted the 2012 Annual Meeting and Convention of the Federal Bar Association on September 20-22, 2012. As in previous years, the Puerto Rico Chapter was well represented. In attendance was a group of present and past officers and members of the Chapter, who gathered at the Manchester Grand Hyatt Hotel, right next to the San Diego Bay, together with members and officers of the rest of the FBA's Chapters.

In San Diego, the Puerto Rico Chapter was again honored with the Chapter Activity Presidential Excellence Award and the Outstanding Newsletter Award. These awards were given during the FBA Awards Luncheon on September 22, and received by the Chapter president, Oreste Ramos, and the editor of the From the Bar newsletter and 1st Circuit Vicepresident, Katherine González. In addition, past Chapter board officer, Jose González Noguerras, received an award for the FBA's Labor and Employment Law Section, which he chaired.

Among those in attendance from Puerto Rico besides the preceding awardees were our Hon. U.S. District Judge and president-elect of the FBA at the national level, Gustavo



(L-R) Chapter Past President Carlos Valldejuly and Camelia Montilla, Chapter President Oreste Ramos, Chapter Past President Dora Monserrate, FBA President-elect Hon. Gustavo Gelpí Jr., Settlement Counsel First Circuit Court of Appeals Hon. Charles A. Cordero, former Chair of the FBA Labor & Employment Section José González, Chapter Past President Katherine González and Gustavo Gelpí, Sr.



Judge Gelpi plays Great Balls of Fire at Kansas City BBQ , where scenes from movie Top Gun were filmed. This is the actual piano where Goose played Great Balls of Fire and the Mavericks and others sang the immortal song by Jerry Lee Lewis.



(L-R) Carlos Valldejuly, Gustavo Gelpí, Sr., Oreste Ramos, Chapter National Delegate Mariano Mier and José González; and, sitting: Camelia Montilla, Judge Gustavo Gelpí and Katherine González at the FBA Awards Luncheon.



(L-R) Chapter Past Presidents Roberto Santana, Dora Monserrate and Katherine González with Hon. Gustavo A. Gelpí at the swearing in and admission ceremony for the U.S. Court of Appeals for the Ninth Circuit.

Gelpí Jr; past Chapter presidents Roberto Santana, Carlos Valldejuly (and his spouse Camelia Montilla) and Dora Monserrate; National Chapter Delegate, Mariano Mier; and, longstanding members Hon. Charles A. Cordero, Settlement Counsel for the U.S. Court of Appeals for the First Circuit, and Gustavo Gelpí Sr.

Attendees of the convention were able to enjoy a varied offering of seminars and panels for continuing legal education, social events such as the cocktail and tour at the U.S.S. Midway Aircraft Carrier, the Open Air Fiesta by the San Diego Bay, a Fellows' luncheon by the Foundation of the FBA and the Presidential Installation Banquet. The annual convention was also the occasion for meetings of the different entities and components of the FBA, such as the Vicepresidents for the Circuits meeting, the Section and Division Chairs meeting, the Foundation of the FBA Board, the Federal Bar Building Corporation Board, and offerings for the development of FBA officers, such as the Vice Presidents for the Circuits Training and the Chapter Education Program.

During the convention, enthusiasm was evident for the upcoming 2013 Annual Meeting and Convention to be held here at San Juan, Puerto Rico, on September 26-28 at the Caribe Hilton Hotel.



Induction Ceremony FBA PR Student Divisions

By Hector L. Ramos-Vega

On Friday, October 12, 2012, the Honorable Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association ("FBA") held an induction ceremony for the student divisions of the University of Puerto Rico School of Law, the Interamerican University of Puerto Rico School of Law and the Pontifical Catholic University of Puerto Rico School of Law. The ceremony was held at the Hato Rey Federal Courthouse and it was presided by the Honorable Gustavo A. Gelpí, United States District Judge, the Honorable Francisco A. Besosa, United States District Judge, the Honorable Marcos E. Lopez, United States Magistrate Judge, the Honorable Brian K. Tester, United States Bankruptcy Judge, and the Honorable Roberto Feliberti, Associate Justice of the Puerto Rico Supreme Court.

The Court began by recognizing Oreste R. Ramos, President of the Puerto Rico Chapter, who gave opening remarks. Next, the presidents of the respective student divisions, Manuel Franco (Interamerican University), Lourdes Martinez (PUCPR) and Christian Guillen (UPR) briefly addressed their fellow students. Their messages invited the student members to actively participate in the activities that the divisions organized. This semester's activities included both educational and social events. The students were also encouraged to take advantage of the many benefits that the membership in the FBA carries.

President's Message...

Continued from page 4

& Alvarez LLC. We also thank our past Chapter President Carlos A. Valldejuly for his involvement and leadership in the National Convention Committee.

With that said, I hope you enjoy this issue of FTB which highlights some of the events that our chapter has helped plan during the first term of the year. Of course, these events would not be possible without the help of the Judges, Magistrate Judges, the Clerk's Office, and its staff, and our membership! I am sure you will agree with me that we've hit the ground running.

With best regards,
Oreste R. Ramos
President

...THE JUDICIAL OFFICERS
INDIVIDUALLY ADDRESSED
THE NEW STUDENT MEMBERS
... EXPRESSING HOW
THEIR OWN INDIVIDUAL
MEMBERSHIPS IN THE
FBA HAD HELPED THEM
IN ACHIEVING THEIR
PROFESSIONAL GOALS.

Justice Feliberti took the students' oath. Thereafter, the judicial officers individually addressed the new student members congratulating them on their decision to join the organization and expressing how their own individual memberships in the FBA had helped them in achieving their professional goals. Judge Gelpí went into great detail to highlight the benefits of belonging to the FBA as students and as attorneys. Judge Lopez and Judge Tester as well as Justice Feliberti narrated their own individual experiences as members of the organization before being appointed to the bench. Judge Besosa was the keynote speaker and invited the students to consider making *Pro Bono* work part of their legal careers upon graduation from law school. You can read Judge Besosa's speech in this edition of *From the Bar*.

In all, the Judges, the students and the family members in attendance enjoyed their participation in the induction ceremony. At the end of the ceremony, the Judges and the students mingled and the students had the opportunity to take photographs with the Judges. Afterwards the students from the three law schools met at a nearby establishment in an impromptu mixer.

Pro Bono Service



What I am going to say today is not new. The value of *pro bono* service has been repeatedly extolled in law schools and seminars and discussed *ad nauseam* among attorneys and among judges. Putting *pro bono* service into practice, however, has not been a common occurrence. The idealistic desire that a young attorney

brings from the academic setting more quickly than not hits a wall consisting of constant pressure to grind out substantial billable hours and supervising partners who today, rightly or wrongly, view the practice of law more like a business than a profession in the traditional sense.

Law firm culture was once friendly to *pro bono* service; *pro bono* work by young attorneys was encouraged by firms. In today's world, however, with commendable exceptions, *pro bono* service is at best tolerated, but more often than not discouraged by law firms. I mention commendable exceptions because some law firms are once again "discovering" the value and satisfaction that *pro bono* service may bring, both to the young attorney who participates in it and the law firm which encourages it. Some firms assign a partner to coordinate *pro bono* activities; some firms give credit for *pro bono* work as part of their billable hours requirement. Unfortunately, that has not been the case in Puerto Rico. Of course, there have been tentative inroads into the area of *pro-bono* service, but no serious commitment has surfaced to represent the indigent in court proceedings, which is what interests my fellow judges and me.

Pro bono work can and should be a regular component both of a young attorney's professional life and of the law firm where that young attorney is employed. There are five main reasons why young attorneys should make the extra effort to find time for *pro bono* work and why law firms should encourage them to do so.

First and foremost, *pro bono* work will help young attorneys to become better trial lawyers. They will assume responsibilities that a young lawyer often does not, speeding up the process of becoming an able trial lawyer. These responsibilities include meeting directly with clients on matters which have important legal significance and consequences for those clients; negotiating; personally appearing in court; and actually trying a case to the bench or before a jury. Doing those things is certainly a respite from the predictable routine of shifting through documents produced in discovery, drafting motions and attending depositions at which the young attorney may not even be allowed to participate, even though he or she was instrumental in

the preparation for the deposition. The variety of *pro bono* work is difficult to be duplicated elsewhere, and it does present situations and opportunities that may prove useful elsewhere in the young attorneys' practice. *Pro bono* work sharpens skills in very facet of lawyering.

Second, *pro bono* work helps the indigent who would otherwise be deprived of their day in court. For young attorneys, it may be a personal act of charity; for law firms, *pro bono* work may be the equivalent of a financial donation to charity on a more personal level.

Third, *pro bono* work assists the Court. Cases filed *pro se* are usually the most difficult and time consuming for judges, not because the issues involved in the case are novel or difficult, but because *pro se* cases are just simply procedurally cumbersome. A lawyer's participation in *pro se* cases enables the Court to handle and dispose of these cases efficiently and professionally. And of course, judges will appreciate the lawyer's service, and the reputation of the lawyer and the law firm for which the lawyer works is enhanced.

Fourth, *pro bono* service plays an essential role in making sure that the system of justice serves both rich and poor equally.

Fifth, and last but not least, *pro bono* service is very satisfying — a matter proven many times over by lawyers who mention their *pro bono* work as one of the more satisfying professional experiences in their legal careers.

Courts also share the blame in the failure to put *pro bono* service into practice. Our Court was no exception. It is the policy of our Court to encourage members of the bar to represent parties who are unable to afford counsel. For many years, an *ad hoc* method existed to appoint counsel to represent *pro se* litigants. That method, if it can even be called a method, was found to be insufficient to put into effect the Court's policy of equal access to justice. The *pro bono* program recently established by the Court fully implements that policy.

We judges used to spend an inordinate amount of time attempting to find lawyers willing to represent the indigent. Before the establishment of the Court's *pro bono* program, I encountered two situations where I telephoned attorneys to take on cases filed *pro se*. In one, the attorney accepted immediately, handled the case and obtained a settlement. In the other, every time the *pro se* plaintiff filed a motion, I became more and more convinced that he needed legal representation. When the plaintiff participated in a status conference, I knew I had to appoint counsel for him. I had to

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November 2012 Lecture: Criminal Law

By: **Hector L. Ramos-Vega**

The Honorable Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association (“FBA”), in co-sponsorship with the Puerto Rico Association of Criminal Defense Lawyers (“PRACDL”), held a seminar titled: “Federal Criminal Practice and Procedure Basics for Civil Practitioners — A Basic Overview: Bail/Detention, Discovery, Plea Negotiations and Sentencing.” This seminar was held at the Old San Juan Federal Courthouse on November 16, 2012. The lecture, provided at no cost to FBA members, featured the Honorable Gustavo A. Gelpí, United States District Judge as speaker. The seminar also featured Jose Luis Novas-Debien, a criminal defense attorney and president of PRACDL, and this writer who works at the Office of the Federal Public Defender.

Even though each speaker was assigned to address a specific subject, the seminar followed a relaxed and casual format that permitted intervention by the other speakers and the audience. The main goal of the seminar was to provide civil practitioners with a general overview of four of the main subjects in federal criminal procedure. The idea was, in part, to arouse the interest of civil practitioners in criminal litigation in order for them to consider joining the Criminal Justice Act panel. Judge Gelpí covered the area of criminal discovery, attorney Novas-Debien discussed sentencing, and this writer addressed the subjects of bail/detention and plea bargaining. The almost 60 attorneys and students in attendance also had the benefit of a slide show that they could follow as the speakers discussed the different topics.

The November lecture was a success and a second phase of the seminar to cover different topics is already in the works. The seminar has also been submitted to the Puerto Rico Supreme Court for approval as a Continuing Legal Education program.



Top row, left to right: Alberto Velázquez, Treasurer; Brenda Montañex, Secretary; Johnny Luna, Vice-President; Lourdes N. Martínez, President; and Tatiana Colón, Communication Officer. Second row, left to right; Hon. Brian K. Tester, United States Bankruptcy Judge; Hon. Gustavo A. Gelpí, Jr. United States District Judge; and Hon. Roberto Feliberti, Associate Justice of the Puerto Rico Supreme Court



Message to FBA Student Members by Manuel Franco, President of the Student Division at Interamerican University of Puerto Rico Law School



Message by Lourdes Martinez, President of the Student Division at the Pontifical Catholic University of Puerto Rico Law School



Message by Christian Guillen, President of the Student Division at the University of Puerto Rico Law School Student Division



Student Lecture on Federal Criminal Procedure

By: **Alberto Velázquez Vargas**

On October 30, 2012, the Puerto Rico chapter, Hon. Aida Delgado Student Division at the Pontifical Catholic University of Puerto Rico had the honor of hosting the conference: “Federal Criminal Procedure 101: A Crash Course For Life”. The controversial nature of the topic attracted a large number of students, demonstrating the ongoing interest of law students on criminal and federal law. The night initiated with the welcoming remarks given by the chapter’s Student Council. The main speaker for the night was Hector L. Ramos Vega, Supervisory Assistant of the Federal Public Defender for the District of Puerto Rico and Director of the FBA Raymond L. Acosta Puerto Rico Chapter.

The conference offered law students an organized step by step guide to Federal Criminal Procedure. Attorney Ramos employed a sequential stage structure for the discussion of a federal criminal case. Pretrial procedures such as warrants, arrests, indictments, discovery, and detention hearings initiated the discussion all the way through trial and sentencing procedures. Law students were particularly interested in the discussion of The Bail Reform Act of 1984, 18 U.S.C.A. § 3142 due to the procedural differences compared to a Puerto Rico state court where bail is a guaranteed constitutional right. Puerto Rico had recently celebrated a referendum where the people exercised their right to vote for or against a proposed legislation that would amend the Constitution. The Constitution of Puerto Rico guarantees an absolute right to bail for every person

accused of a crime. It reads: (...) Before conviction every accused shall be entitled to be admitted to bail. (...) (P.R. Const. art. II, § 11). The amendment consisted on providing judicial discretion to deny the right of bail to people accused of first degree murder if the State proved an unusual risk of obstruction of justice or dangerousness to the community. The similarities between some of the federal bail procedures and the proposed constitutional amendment were a major discussion topic among the students.

Case law particularly relating to discovery procedure and evidence law proved to be another point of interest for the students. Landmark cases such as *Brady v. Maryland*, 373 U.S. 83 (1963) were discussed in order to offer the students a complete understanding of federal criminal procedure by lecturing on both procedural rules and case law. In this case the United States Supreme Court held that “withholding exculpatory evidence violates due process.” The conference proved to be a success and an essential tool for the professional development of the students at the PUCPR Law School.

The night concluded with a reception where the main speaker, professors, and students alike had the opportunity to fraternize and share their thoughts on other topics of the law. The conference was a successful way for the PUCPR Student Division to continue on its mission to develop the legal minds of the future and ignite the students’ interest in federal law.

Night at the Paseo

By: **Lourdes N. Martínez Vélez**

On November 14, 2012, the Hon. Aida M. Delgado Student Chapter of the Pontifical Catholic University of Puerto Rico celebrated the event titled “Night at the Paseo,” held on Miarella’s at the Paseo on the heart of Downtown Ponce. The event gathered around 80 guests composed by students from different student chapters, as well as students from the PUCPR Law School. The guests enjoyed unlimited *hors d’oeuvres* and a special selection of wines. The Rice and Beans band was in charge of the musical performance, bringing back to life the musical hits from the ‘70s, ‘80s, ‘90s and the recent ones.





A Snapshot of the Work of FBA Puerto Rico Chapter Student Division at the University of Puerto Rico Law School

The FBA Puerto Rico Chapter Student Division at the University of Puerto Rico held various activities designed to familiarize students with federal practice. As such, on September 20, 2012, experienced attorney Teresa Lube Capó gave a conference on Bankruptcy Practice explaining the recent changes in bankruptcy law in Puerto Rico as well as her own experience in the practice. Days later, on September 25, 2012, attorneys Dora Peñagaricano and Carla Ferrari offered a conference on Counterfeiting and other Infringements in Fashion Law. In said conference attorneys Peñagaricano and Ferrari discussed the latest news in intellectual property, trademark and patent law, geared toward the fashion industry. Both attorneys explained the recent cases in Puerto Rico and other states, and discussed the differences between counterfeited and original merchandise. Last, but not least, on October 15, 2012, the University of Puerto Rico Litigation Association and the FBA-UPR Chapter co-sponsored the Federal Litigation Week which included conferences by different special guests on: Money Laundering and Drug Trafficking, Government Corruption, Bankruptcy, Fraud, Application of Federal Statutes on White Collar Crimes and White Collar Crimes Investigations.



Attorney Teresa Lube Capó addresses the students.



Attorneys Dora Peñagaricano and Carla Ferrari

WHITE COLLAR CRIMES

ASOCIACIÓN DE LITIGIO
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Para más información, contáctanos:
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LUNES 15
Tema: Lavado de Dinero en el Contexto de Tráfico de Drogas
Recurso: José F. Santiago
Agente de U.S. Immigration and Customs Enforcement
Hora: 11:30am - 1:00pm

MARTES 16
Tema: Estatutos Federales sobre Crímenes de Cuello Blanco y su Aplicación en P.R.
Recurso: Ernesto López, Fiscal Federal - Departamento de Justicia Federal
Hora: 11:30am - 1:00pm

MIERCOLES 17
Tema: Panel sobre las Diferentes Perspectivas en el Manejo de un Caso de Cuello Blanco
Recurso: José Laureano, Investigador Federal de O.I.G. H.U.D. José Santiago, Investigador Federal de I.C.E. Ernesto López, Fiscal Federal Esther Castro, Abogada Defensora
Hora: 11:30am - 1:00pm

JUEVES 18
Tema: Esquema de una Investigación de Cuello Blanco Desde la Querrela al Juicio
Recurso: José Laureano, Investigador Federal de O.I.G. H.U.D.
Hora: 11:30am - 1:00pm

Tema: Contapón Gubernamental
Recurso: Juan Agosto Perez, Auditor, D.O.J.
Hora: 3:00-5:00pm

VIERNES 19
Tema: Fraude de Quiebras
Recurso: Mercedes Lozano, Síndico de Corte de Quiebras, D.O.J.
Hora: 11:30am - 1:00pm

Conversatorio sobre el Estudio y la Práctica del Derecho Federal en Puerto Rico

El panel de invitados estará compuesto por:

Hon. Daniel Domínguez, Juez del Tribunal de Distrito de Estados Unidos para el Distrito de Puerto Rico

Hon. Silvia Carreño-Coll, Jueza Magistrada del Tribunal de Distrito de Estados Unidos para el Distrito de Puerto Rico

Prof. Nilda M. Navarro Cabrer

Prof. Eugene F. Hestres Vélez

jueves 29 de noviembre | 4pm | Salón Aula Magna L1

A Winning Tradition: The PR Trial Advocacy Competition

by **Anibal Rosario Lebrón, Auxiliary Director PRTAC**

For the fourth consecutive year, the Puerto Rico Chapter of the Federal Bar Association (PR-FBA), honoring its commitment with the betterment of the legal community, sponsored the Puerto Rico Trial Advocacy Competition (PRTAC). In a short period of time, this trial competition, hosted by the Inter American University of Puerto Rico School of Law, has become one of the best and most sought-after competitions in the nation. In fact, the PRTAC is now considered a *first tier* competition and receives dozens of applications from the most prestigious institutions in the United States.

Temple Law won this year's edition held last October. The champion of the 2012 competition defeated Harvard Law School (the 2010 Champion) in the semi-finals and Catholic University in the final round from a field which included: Alabama, Brooklyn Law, Emory (2011 Champion), Houston, Howard, Interamerican University of Puerto Rico, Lewis & Clark, Suffolk, and South Dakota.

This event epitomizes the spirit of federalism as it promotes the joint participation and interaction between the state and federal bars. Distinguished members of the state and federal bench, as well as seasoned and respected attorneys and professors from the community, participated as judges and jurors on this year's edition. The competition featured as evaluators, among others, Associate Justice of the Supreme Court of Puerto Rico Hon. Anabelle Rodríguez; Judges and Magistrates from the United States District Court for the District Court of Puerto Rico, including Hon. Francisco Besosa, Hon. Jay Garcia-Gregory, Hon. Héctor M. Lafitte (ret.) and Hon. Sylvia Carreño and from the Bankruptcy Court, Hon. Enrique S. Lamoutte, Hon. Mildred Cabán, Hon. Edward Godoy and Hon. Brian Tester; and attorneys Oreste Ramos (President of the PR-FBA Chapter), Manuel A. Pietrantonio (Past President of the PR-FBA Chapter), Charles S. Hey Maestre (Executive Director Legal Aid Puerto Rico), Francisco Rebollo, Harold Vicente, Jaime Toro, César Alcover, Harry Anduze, Ricardo Casellas and María Domínguez (First Assistant U.S. Attorney).

The consensus among the attorneys who had the opportunity of judging the advocacy and trial work of the participant students was that the quality of teams was absolutely the best. The most echoed comment in the courtrooms of the U.S. Bankruptcy Court for the District of Puerto Rico in Old San Juan was that "the kids" were ready for real life action. Members of the PR-FBA Chapter asserted that this type of activity not only provides students the opportunity to apply concepts and theories in a practical setting but it serves as a venue for the academia and legal practitioners to come together. Likewise attorneys from the Bar concluded that these initiatives result in a more solid and better local legal community.



Interamerican University School of Law Team



The two teams that made it to the final round



Round of the competition presided by Chapter Past President Manuel Pietrantonio

Proud Director of the competition, Professor Carlos Concepción Castro, thanked the FBA PR Chapter for becoming the main sponsor of this year's edition and its members for participating in this event directed toward enhancing the quality of the federal practice, bench-bar relations as well as promoting the early development of trial advocacy skills. He also expressed gratitude to the First Circuit Court of Appeals, the U.S. District Court for the District of Puerto Rico, and particularly the Bankruptcy Court for the Puerto Rico District for so generously hosting the competition in their Old San Juan facilities. Without a doubt this event has become a winner tradition that fosters the ties of our legal community. We hope to see more members of the bar join in the tradition next year.

Pro Bono ...

Continued from page 5

place several calls, however, before an attorney agreed to take on the case. By just amending the complaint, the attorney assisted the Court in deciphering what the allegations were and in framing the causes of action presented. The case then proceeding smoothly to a conclusion.

That was the challenge we faced at the Court. How did we meet that challenge? The Court and attorneys worked together to devise a program that provides every trial lawyer (but especially younger ones) an opportunity to accept a pro bono assignment.

We enacted Local Rule 83L which established the *pro bono* program. Every fiscal year, 25 to 50 attorneys are selected at random by the Clerk. From that group, the Court appoints *pro bono* counsel for indigent parties during that fiscal year. Through the Clerk, the Court obtains information from the attorneys, such as general level and area of trial experience and preference for type of matter. The information is used to assist, where possible, in matching attorneys to appropriate cases. Additionally, the Court weeds out meritless cases.

In addition, the *pro bono* program reimburses the attorneys for some expenses that result from the pro bono appointment from the proceeds of admissions fees.

The Court and the bar must collaborate, therefore, to maintain the *pro bono* program because it works for the benefit of the Court, the bar, the indigent and society as a whole. Remember that if you are called to represent an indigent person once you become a member of the bar.

One final note. You may be familiar with the Criminal Justice Act and its requirement that each district court place in operation a plan to furnish representation for any person financially unable to obtain adequate legal representation

in criminal cases and other proceedings. The Office of the Federal Public Defender, in which Mr. Ramos is an attorney, handles many of these cases. Additionally, our Court has appointed many attorneys to a panel from which they are selected to represent persons who qualify pursuant to the Criminal Justice Act. It is not a *pro bono* program; CJA attorneys are paid an hourly rate, currently \$125, plus certain expenses necessary for the adequate representation of the defendant, including payment for services other than by counsel, such as by investigators and experts. Even though the CJA program is not *pro bono* service, I also encourage you young attorneys to apply to be selected to the Court's CJA panel, and law firms to allow young attorneys to apply. Handling criminal cases will also hone an attorney's lawyering skills and help him or her become a more effective trial lawyer. For those attorneys with little or no trial experience, or little or no knowledge or practice in criminal law and procedure, a thorough mentoring program exists to assist the applicants before and after they are appointed to the CJA Panel, and even during their representation of indigent defendants. It includes training sessions conducted by the Clerk's Office, the Magistrate Judges, the Office of the Federal Public Defender, the Probation Office, the United States Sentencing Commission, and assistance by trial attorneys experienced in handling and trying criminal cases.

Chief Judge Delgado, who is also the Chair of the Court's CJA Committee, has already spoken with managing partners seeking their assistance in this important matter. Fortunately, the response has been positive.

I urge each and every one of you law students to include a commitment to *pro bono* service or to participate in the CJA program as part of your professional life style, and I urge you, as law students and future members of the bar to join the Court in maintaining a viable *pro bono* program.

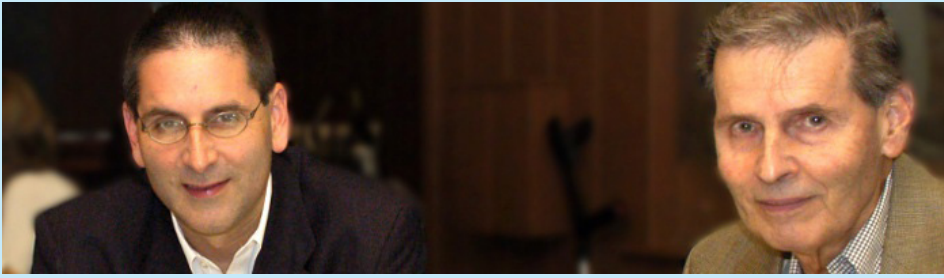
Conversatorium with Judge Silvia Carreño-Coll

By Manuel A. Pietrantonio

On September 13, 2012, the Chapter held a Luncheon at Mesón Gallego featuring Hon. Silvia Carreño-Coll. The theme was a "Conversatorium with Judge Silvia Carreño-Coll: Reflections on a career as a government attorney and life on the Federal Bench." The conversatorium was moderated by Judge Gustavo A. Gelpí, who asked Judge Carreño-Coll questions on her observations and experiences during the past year on the federal bench as compared to when she appeared as a litigator before the same court. The questions included those prepared by Judge Gelpí, as well as those submitted by the persons who attended the luncheon, Judges of the US District Court of Puerto Rico, Justices of the Puerto Rico Supreme Court, practicing attorneys, and students. Judge Carreño-Coll's comments were candid, insightful, and interesting. The luncheon was a success, and the Board is very appreciative of Judge Carreño-Coll and Judge Gelpí's contributions.

On this occasion, Judge Carreño-Coll took the oath of the new board of the Honorable Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association.

Sponsor Your Son, Daughter or Spouse as an FBA Member



The Honorable Gustavo A. Gelpí, Jr., 2012-2013 FBA President-Elect with his father, Gustavo Gelpí, Sr.

When I began my legal career over twenty years ago my father, an attorney, gave me his candid professional advice in a nutshell. He told me to always act ethically, and to be respectful to judges and opposing counsel. He also told me that I had to work with the utmost zeal towards my clients' causes.

Finally he said to me, "and son, join the Federal Bar Association."

I heeded dad's advice and immediately joined the FBA. Looking back, I must say that membership in the FBA has been one of the most important professional decisions I have ever made. Right from the start I got to meet a great group of attorneys and judges, many who went on to become close friends and mentors. I also was exposed to several areas of federal practice — civil and criminal — through seminars and other educational events led by top federal practitioners and judges.

As I acquired legal experience, my FBA colleagues invited me to work on the Chapter Newsletter's editorial board, to speak at CLE and seminars, and to help organize such events. This made me well known among members of the federal bench and bar. It also helped me — an otherwise shy young man — to enjoy speaking in public and to become a leader in the FBA.

My participation in the FBA continued to increase and I was elected Chapter director. Some years later I became Chapter President. Following that, I have served at the National level in various FBA committees, as a Circuit Vice President, a National Director, Treasurer and now as President-Elect of the FBA.

My national FBA experience has allowed me over the years to expand my associational work closely with other attorney and judge members from outside my Chapter and from across the Nation. I have worked on a wide array

of committees and matters, touching upon topics such as professional ethics, law student outreach and moot court, CLE, and writing articles for our publication, *The Federal Lawyer*. I have also made over the years so many great friends from across the Nation — attorneys, prosecutors, defense attorneys and judges.

Recently, Past National President Bill La Forge's son, Clayton, started working as my law clerk. Last week he passed the Virginia bar exam. When I called Bill to congratulate him, I immediately recalled my dad's wise FBA advise of many years ago. I then told Bill, "you should make your son a FBA member"! Being the southern gentleman he is, and knowing that you do not say no to a federal judge, Bill accepted the task. Thanks to him, Clayton will now receive perhaps the best legal education he will receive outside law school and his job.

Like Bill La Forge, there are many other active FBA members whose son or daughter, or even spouse or significant other, recently graduated from law school and passed the bar exam. One of the most valuable gifts you can give to that new attorney in your family is an FBA membership. I can vouch for that, attesting that my professional growth and career path were in large part the product of my participation over the years in the FBA.

Hon. Gustavo A. Gelpí, Jr.
U.S. District of Puerto Rico
FBA President-Elect

...I MUST SAY THAT
MEMBERSHIP IN THE FBA
HAS BEEN ONE OF THE MOST
IMPORTANT PROFESSIONAL
DECISIONS I HAVE EVER MADE.

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.

Presenting Checks to the Court as Payment



Effective January 15, 2013, the Court will use the OTCnet Check Capture Application to process all over-the-counter check payment transactions. OTCnet is a web-based online application process for converting paper checks into electronic debits.

With OTCnet, any check presented to the Court as payment, either in person or through the mail, is converted into an automated electronic funds transfer to be debited from the financial institution account usually on the same day of its receipt. When a check is presented as payment, you are authorizing the Court to use information on the check to process a one-time electronic funds transfer or to process the payment as a check transaction. As with any electronic transfer of funds, the transaction should be reflected on the account holder's statement but the check will not be returned by the financial institution.

Because with OTCnet, the transfer of funds may occur on the same day the Court receives payment, you should be sure that you have sufficient funds in your account to process the transaction accordingly. Please note that, in the event an electronic funds transfer cannot be completed due to insufficient funds, a mandatory \$53 returned check fee will be imposed.

For a complete overview of OTCnet, visit www.fms.treas.gov/otcnet/

CM/ECF UPGRADE

The U.S. District Court for the District of Puerto Rico will upgrade its CM/ECF System to Version 5.1.1 during the first week of February 2013. In a nutshell, this new version will bring the following new features and modifications to attorney users:

- Secure Passwords
- A 'sort by' option for 'document number' in the docket sheet
- JPML (Judicial Panel on Multidistrict Litigation) Case Tracking
- Message reminding users to close browser

Valuable information regarding these new changes will be posted on the court's website, www.prd.uscourts.gov.

Revamped Information Kiosk at the Clemente Ruiz Nazario U.S. Courthouse

The Information Kiosk located at the lobby of the Clemente Ruiz Nazario U.S. Courthouse in Hato Rey, has been totally revamped. It now boasts a new touch-screen interface (much similar to the iPhone/iPad interface) and updated information on the court's proceedings and telephone directory, judges' biographies, and the Historical Flags Project.





Jury Questionnaires

The Court has developed a new infrastructure which enables attorneys to access jury questionnaires via the Internet. The program, which will be used in select cases and by specific Court order, requires registration of a username and password to view the content.

The Court's Pro Bono Program



Each member of the bar of District Court has the responsibility to represent any person unable to afford counsel in a civil case. Each year, pursuant to Local Civil Rule 83L(c), the Clerk randomly selects members of the bar of this Court to create a *Pro Bono* Panel from which counsel are appointed to represent an eligible party by order of the Court. Pursuant to Local Civil Rule 83L(f) the Panel is also comprised by volunteer attorneys who meet the applicable eligibility requirements.

During Fiscal Year 2012, a total of thirty attorneys were randomly selected to serve on the *Pro Bono* Panel of which three were exempted pursuant to Local Civil Rule 83L(e); in addition, one attorney volunteered to be on the Panel. A total of twenty pro bono appointments were made.

With the commencement of Fiscal Year 2013, on October 1, 2012, the Clerk selected fifty attorneys to the *Pro Bono* Panel.

Since its inception, the *Pro Bono* Panel has been a success. We recognize the members of the bar who have undertaken pro bono cases, and encourage all to engage in *pro bono* work as a public service.

Federal Rulemaking

The following amendments to the Federal Rules of Practice and Procedure were approved by the Supreme Court and scheduled to take effect on December 1, 2012:

- ★ **Federal Rules of Criminal Procedure: Rules 5, 15, and new Rule 37.**
- ★ **Federal Rules of Bankruptcy Procedure: Rules 1007, 2015, 3001, 7054, and 7056.**

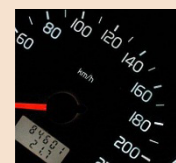
The text of the amendments is available at the Judiciary's public website at, www.uscourts.gov/RulesAndPolicies/rules.aspx.

Increases to the Miscellaneous Fee Schedules



Effective May 1, 2013, the Judicial Conference approved several changes to the Miscellaneous Fee Schedules: a new \$25 fee for the transfer of a claim in a bankruptcy case; and, a new \$50 general administrative fee for civil cases in district courts. The administrative fee for filing a civil action, suit, or proceeding in a district court does not apply to persons granted in *forma pauperis* status under 28 U.S.C. § 1915.

New Mileage Rates



Effective January 1, 2013, the reimbursement mileage rates for privately owned vehicles increased as follows: automobiles \$0.565 per mile; motorcycles \$0.535 per mile; and, airplanes \$1.33 per mile. These fees apply for official travel performed on or after the effective date.

Privacy Policy for Electronic Case Files



The Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure that implement the E-Government Act of 2002 became effective on December 1, 2007. Appellate Rule 25, Bankruptcy Rule 9037, Civil Rule 5.2, and Criminal Rule 49.1 require that personal

identification information be redacted from documents filed



with the court — Social Security and taxpayer identification numbers, names of minor children, financial account numbers, dates of birth, and, in criminal cases, home addresses.

Members of the bar are responsible for redacting personal identification information. Clerk's Office staff will not review, redact, or restrict documents containing personal identification information. Thus, counsel must exercise caution when filing a document containing personal identifiers.

Over the years, the Judicial Conference policy on privacy and public access to electronic case files has evolved to provide for remote access to all electronic civil, bankruptcy, criminal, and appellate case files with appropriate privacy safeguards. The Conference continues to review its policy as the need arises and will seek public comment where appropriate.

Major, Widely Known or Publicized Cases

On December 13, 2012, the Court entered a new Standing Order concerning major, widely known or publicized cases. See, Misc. No. 08-214(ADC). Members of the bar are encouraged to become familiar with this Standing Order which regulates access to the Courthouse, seating, and the conduct to be observed by visitors, employees, and members of the press. The Standing Order is available for download at the Court's website, www.prd.uscourts.gov.

Chief Justice's 2012 Year-End Report on the Federal Judiciary



Chief Justice John G. Roberts, Jr., has issued his "2012 Year-End Report on the Federal Judiciary" focusing on efforts by the federal courts to contain costs and addressing the much publicized "fiscal cliff." To see

the full report, go to www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx.

Post Judgment Interest Rates



Interest is allowed on most judgments entered in the federal courts from the date of judgment until paid. The types of judgments generally fall under one of three statutes: 28 U.S.C. §1961, which governs civil and bankruptcy adversary judgment interest; 18

U.S.C. §3612(F)(2), which governs criminal judgments or sentences; and 40 U.S.C. §3116, which governs deficiency judgments in condemnation proceedings. Note: Always check statutory references with reliable commercial databases, or other reliable sources of the U.S. Code for the latest changes.

Under these statutes the current rate of interest used in calculating the amount of post judgment interest is the weekly average 1-year constant maturity (nominal) Treasury yield, as published by the Federal Reserve System, each Monday for the preceding week (unless that day is a holiday in which case the rate is published on the next business day). Prior to December 21, 2000 the rate of interest allowed under the statutes was based on the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week t-bills settled immediately preceding the entry of the judgment.

The way the rate is used differs under each of the cited statutes, so those sections should be reviewed to determine how to apply it to any particular judgment.

To see the current rate, go to www.federalreserve.gov/releases/h-15/current/

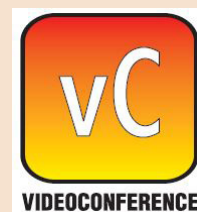
To see the prior current rates, go to www.federalreserve.gov/releases/h15/

To see interest rates prior to December 21, 2000, go to www.uscourts.gov/FormsAndFees/Fees/PostJudgementInterestRates/RatesPrior2000.aspx

District Bar Examination

On October 13, 2012, the Court administered the District Court Examination (DCE) to 216 applicants. The results yielded 71 successful applicants for a 33 percent overall pass rate. A total of 208 attorneys were admitted to practice in the District of Puerto Rico during calendar year 2012 (including attorneys who passed the DCE in previous years, as well as other admissions).

Video Conference Service for Inmates Relocated Outside of PR



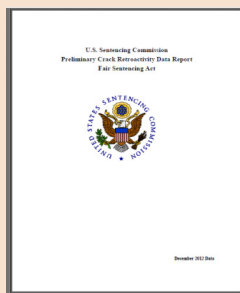
The Criminal Justice Act Committee, chaired by Chief Judge Aida M. Delgado-Colón, approved the use of video conferencing as a means of communication between those criminal defendants temporarily housed at the Robert A. Deyton Detention Center Facility in Lovejoy, Georgia, and their attorneys in Puerto Rico. Accordingly, the United States District Court for the District of Puerto Rico and the United



States Marshals Service installed a video conference system in a witness room at the Clemente Ruiz Nazario U.S. Courthouse. The system allows for secure and private attorney/client meetings with high quality video and audio capability from both ends. Criminal Justice Act Panel attorneys have praised the system as a viable and helpful tool to promote communication and facilitate the attorney-client relationship.

For more information regarding the video conference system contact the U.S. Marshals Service at 787-766-6000.

Fair Sentencing Act Amendment Retroactivity Data Report (December 2012)



The Fair Sentencing Act (FSA) Amendment Retroactivity Data Report, which provides data concerning the application of the 2011 amendment to the federal sentencing guidelines implementing the Fair Sentencing Act of 2010, is now available online at www.ussc.gov.

The data represents information concerning motions decided through November 27, 2012. The data is preliminary and subject to change as the Commission receives, analyzes, and reports on additional cases.

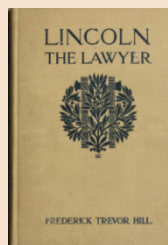
The FSA increased the quantities of crack cocaine that trigger the five and ten-year statutory mandatory minimum penalties — from five grams to 28 grams for five-year mandatory minimums and from 50 to 280 grams for ten-year mandatory minimums — and eliminated the five-year mandatory minimum for simple possession of crack cocaine.

In 2011 the Commission submitted to Congress permanent guideline amendments implementing the FSA, which took effect on November 1, 2011.

Notice of Proposed Amendments to the 2013 Federal Sentencing Guidelines

The Notice of proposed amendments to the sentencing guidelines, policy statements, and commentaries is now available online. Written public comment regarding the proposed amendments and issues for comment, including retroactive application of any of the proposed amendments, should be received by the U.S. Sentencing Commission not later than March 19, 2013. Public comment should be sent to: United States Sentencing Commission, One Columbus Circle, N.E., Suite 2-500, Washington, D.C. 20002-8002, Attention: Public Affairs. For more information go to www.ussc.gov.

Lincoln and the Law at the Library of Congress



The Library of Congress has digitized a historical collection illustrating three periods in which the law played a prominent part of the Lincoln era: *Lincoln the Lawyer*, covers Lincoln's work as a lawyer in Illinois; *Habeas Corpus* and the *War Powers of the President*, covers contemporary literature on Lincoln's controversial balancing of civil liberties against the demands of war aims; and, *The Assassination: Trials*, includes period transcripts and reports of the trial of the surviving conspirators in Lincoln's murder. Enjoy the collection online at www.loc.gov/law/help/rare-books/lincoln.php#president.

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FTB Publicity & Publications Committee

The publication of *From The Bar* is possible thanks to the collaboration of the Chapter's Publicity & Publications Committee and valuable contributions from different members and friends of the Chapter. If you would like to advertise in our Newsletter or submit an article or other information for consideration to be published in one of our upcoming editions, please contact a member of the committee:

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