

FROM THE BAR

Special Puerto Rico
Convention Issue

Issue No. 51

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The Federal Bar Association Newsletter



An Outstanding National Convention

On September 26–28, 2013, the Federal Bar Association continued its longstanding tradition of hosting extraordinary Annual Conventions in Puerto Rico. Over 500 guests and their family members gathered at the Caribe Hilton in San Juan and enjoyed a breathtaking array of offerings, from the opening beach reception to the amazing swearing-in ceremonies at the Antiguo Casino, to one of our most memorable firsts: the swearing-in of United States District Judge Gustavo A. Gelpí, Jr. as FBA National President. Judge Gelpí thus becomes the first-ever FBA President from Puerto Rico to be sworn in as National President in Puerto Rico.

Judge Gelpí made best use of his home court advantage. Every session that he attended featured heartfelt odes to Puerto Rico, its hard-working courts, its devoted attorneys, and its amazing people. In Judge Gelpí's judgment, this year's Annual Convention was the best convention in the FBA's history. We agree!

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FEDERAL BAR ASSOCIATION
2013 ANNUAL MEETING AND CONVENTION

SAN JUAN,
Puerto Rico

September 26–28, 2013 • CARIBE HILTON HOTEL



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.

FBA National Convention a “Great Success”

By Hector L. Ramos-Vega

It had been more than 15 years since Puerto Rico hosted the Federal Bar Association’s National Convention until September 2013 when it was held in our Island again. This event could not have been more special. Not only was Puerto Rico a hospitable and sunny host, but also our own Gustavo A. Gelpí, U.S. District Judge for the District of Puerto Rico, was sworn in as the FBA’s National President in his native San Juan. *From the Bar* approached Judge Gelpí to obtain his impressions about the convention.

FTB: *How was the decision made to hold the convention in San Juan?*

GAG: Puerto Rico previously hosted the FBA Convention twice before in 1997 (when I was PR Chapter Treasurer), and sometime in the mid 1980s. For several years our national membership kept asking when we would hold another convention here, given the great time everyone had. Upon joining the FBA’s National Board of Directors in 2006, I immediately started making a push for holding another convention in the island. In 2009, we held our quarterly board meeting at the Caribe Hilton. Along with the Chapter leadership, we convinced the then executive director of the FBA to consider Puerto Rico as a future venue. The rest is history.

FTB: *What did the organization of such an event entail both for FBA National and the local Chapter?*

GAG: Previously, the local Chapter had to raise the convention funds and sponsor the same. This changed this past year, as National now covers the convention’s costs and secures sponsors. The Puerto Rico Chapter, however, sponsored the reception at the Old San Juan casino. I also want to recognize Past Chapter President Carlos Valldejuly who served (and still serves) in the National Convention

Committee. Along with the Puerto Rico Chapter leaders, he also coordinated many details to ensure that our attendees were all given the VIP treatment. For example, visiting FBA leaders and judges all received baskets of Don Q rum.

FTB: *How did it make you feel swearing in as National President in your home town?*

GAG: It was a once in a lifetime experience! My family was able to join me, as did my colleagues. It was also an honor to have Governor Garcia Padilla attend our reception and personally welcome our many guests. It’s the first time in almost 100 years that a Governor has done this. But for the federal government shutdown, Congressman Pierluisi would have also attended our gala dinner. However, he sent a warm message.

FTB: *What kind of feedback did you receive from the participants regarding Puerto Rico as host?*

GAG: Everyone is asking, “when are we coming back to Puerto Rico?”

FTB: *In closing, what else would you like to share with our Puerto Rico Chapter members?*

GAG: I’ve been an FBA member for over 22 years, joining the association when I passed the bar exam. It’s been a wonderful experience serving throughout this time, first at the Chapter level until my presidency in 2000, and then at the National level until now. Over this time, I’ve met many attorneys and judges across the Nation, who are now great friends. I’ve also had the opportunity to help support our federal judiciary, the bar that practices therein, and more importantly, the public we all serve. I really encourage all to join and participate in our great organization. There’s a place for all. And, I’m very happy that our student chapters continue to thrive and that more and more younger lawyers are getting involved.

President’s Message

Continued from page 1

Another important first at our Annual Convention: this year marked the first time in FBA history that both the Chief Judge of the United States District Court in Puerto Rico and the Chief Justice of the Puerto Rico Supreme Court swore in our Chapter’s President and its Board of Directors. I am deeply thankful to Chief Judge Aida M. Delgado-Colón and to Chief Justice Federico Hernández Denton for their inspiring show of comity.

Another milestone from the Convention: for the first time in FBA history, a sitting Governor attended the Annual Convention and addressed its

attendees. Our thanks go to Governor Alejandro García Padilla for joining us at this historic event.

I want to acknowledge our Chapter’s Past Presidents Carlos Valledjuly, Manuel Pietrantoni and Oreste Ramos for their hard work in helping to make this the best Annual Convention in Federal Bar Association history. A special thank you to Oreste for an unexpected—some would say shocking—impromptu performance that would have made former Journey lead singer Steve Perry proud.

We owe so much to our Chapter’s Past Presidents, who have devoted

their time and energy to making our chapter what it is today. As I reflect on our successful convention, I think about those pioneering attorneys who carried the torch for our Chapter from its inception. They were a handful at the start, to be sure, but it is because of them that we can now be proud of our current stature as one of the leading chapters in the country.

I look forward to our next Annual Convention in Puerto Rico. And I look forward to new firsts.

—Andrés W. Lopez, FBA-PR
President

FEDERAL BAR ASSOCIATION
2013 ANNUAL MEETING AND CONVENTION

Welcome Reception at the Caribe Hilton Beach

On the evening of Thursday, September 26, the beach area of the Caribe Hilton Hotel was the place to see and be seeing, as the FBA Annual Convention kicked off its social agenda. The area was transformed into an outdoors restaurant under the palm trees, a clear blue skies and a beautiful sunset. What a way to welcome our guests and FBA members! Puerto Rico proved to be the true Island of Enchantment!



FEDERAL BAR ASSOCIATION 2013 ANNUAL MEETING AND CONVENTION

Fellows of the Foundation and Awards Luncheons

Every year at the Annual Convention, the FBA recognizes new fellows of the Foundation of the FBA or those who have reached a milestone. The FBA also recognizes those chapters that have done a superior job in exceeding the objective criteria of activities worthy of an award. The following were recognitions that went to the Puerto Rico Chapter and/or its members.

- The Puerto Rico Chapter received the Presidential Excellence Award under the Presidency of Oreste Ramos.
- Judge Gustavo A. Gelpí became Life Fellow of the Foundation of the FBA.
- U.S. Magistrate Judge Camille Velez Rivé became Life Fellow of the Foundation.
- Mariano Mier, Puerto Rico Chapter National Delegate, became a Fellow of the Foundation.

In addition, the Newsletter Recognition Awards Committee recognizes meritorious and outstanding chapter, section, and division newsletters as a way to encourage the continued publication of these valuable communication tools.

- The Puerto Rico Chapter newsletter *From the Bar* received the Outstanding Newsletter Award under its Chief Editor Katherine Gonzalez.



FEDERAL BAR ASSOCIATION
2013 ANNUAL MEETING AND CONVENTION

Reception at the Antiguo Casino

Sponsored by the Hon. Raymond L. Acosta Puerto Rico Chapter

On the evening of Friday, September 27, 2013, the Puerto Rico Chapter hosted a reception at the Antiguo Casino in Old San Juan. Guest speakers included the Governor of Puerto Rico, Hon. Alejandro García Padilla. Hon. Federico Hernández Denton, Chief Justice of the Supreme Court of Puerto Rico, administered the oath to the Puerto Rico Chapter's new President Andrés López and Chief Judge of the US District Court of Puerto Rico Aida M. Delgado-Colón administered the oath to the Board of Directors. Hon. Gustavo A. Gelpí, Immediate Past Chapter President Oreste Ramos, Chapter President Andrés López and Past Chapter President and National Convention Committee member Carlos Valldejuly greeted with warm and colloquial messages the guests and FBA members who travelled from all over the US mainland (including attendees who came from as far as Hawai'i and Alaska).





FEDERAL BAR ASSOCIATION
2013 ANNUAL MEETING AND CONVENTION

Tribute to Judge Robert E. Bacharach

As a preamble to the Presidential Installation Banquet on Saturday September 28, the Circuit Vice Presidents hosted a cocktail reception to honor Judge Robert E. Bacharach as a tribute to his appointment as Circuit Judge to the Tenth Circuit Court of Appeals and years of exemplary and unwavering service as a Tenth Circuit Vice President. Before the Convention, the Circuit Vice Presidents joined forces and raised an impressive \$3,530, with 100% of the Vice President's participating, to hold this ceremony to enable them to personally congratulate the Judge. Judge Bacharach was available via Skype to listen to the remarks in his honor and speak to attendees. Chair of the Circuit Vice Presidents Ray Dowd, Incoming Chair Richard Dellinger and First Circuit Vice President Katherine Gonzalez of the Puerto Rico chapter presented the Judge with a lighthearted message of appreciation and a jersey with the number 93 representative of the 93 senate votes confirming his appointment.



FEDERAL BAR ASSOCIATION
2013 ANNUAL MEETING AND CONVENTION

Presidential Installation Banquet at the Caribe Hilton Hotel

The evening of September 28 marked the beginning of Puerto Rico's own Judge Gustavo A. Gelpí's term as National President of the FBA. It was truly a memorable event. Judge Gelpí was sworn in by a former FBA National President, also from Puerto Rico, Russell Del Toro. At the Banquet, the approximately 480 attendees shined, dined and laughed with unique video appearances by some who were in Puerto Rico and some who were unable to be physically present at the Convention. Adopting Judge Gelpí's words, "This has been a significant achievement for the Federal Bar Association, nationally as well as for the Puerto Rico chapter. We have even stimulated the local economy during September, which is pretty much a dead season for tourism." The turnout at the activity was great including a good number of district judges and justices from the Puerto Rico Supreme Court.







PANEL ON THE DUPONT PLAZA FIRE LITIGATION

Taming a Mass Torts MDL Case: A Review of the Expert Handling of the 1986 San Juan Dupont Plaza Hotel Fire Case— Lessons to Draw in 2013

By David C. Indiano

It was 28 years ago that a small fire set in a ballroom of the Dupont Plaza Hotel turned into a conflagration that took the lives of 100 people and injured so many more. From that monstrous fire, a monstrosity of a litigation emerged.

There had never been a case quite like the Dupont Fire Litigation before that New Year's Eve fire of January 31, 1986. One hopes that there never will be again.

But as the ashes cooled, litigation teams on all sides began to coalesce. The hotel attorneys took control of the hotel and tried to figure out how best to withstand the inevitable slew of lawsuits to be filed. Plaintiff attorneys from the mainland flew to Puerto Rico to explore the potential for this mass tort frenzy. Attorneys in Puerto Rico fielded calls left and right from victims and potential defendants. How would this ever get organized?

Puerto Rico never seemed to be the right place for an appointment by the Panel on Multidistrict Litigation before this tragedy because of its physical location. But there was no escaping the confluence of events that made Puerto Rico the only place for discovery, and later trial, of this case. Hence, MDL-721 was born.

If there is a hero in this case, it is undoubtedly Judge Raymond L. Acosta. Once Judge Acosta was assigned to the case, he did not hesitate. The Judge quickly appointed an Interim Plaintiffs' Steering Committee and allowed them access to the hotel for investigative purposes. An evidence warehouse was set up. A document depository was established. MDL -721 was off and running.

The Federal Bar Association recognized the historic significance of this massive litigation and a panel discussed this case at the FBA's Annual Convention in Puerto Rico in September, 2013. The panel was presided by Judge Roberto Castillo, Chief Judge for the United States District Court for the Northern District of Illinois. Vilma Vilá, one of Judge Acosta's extraordinary law clerks brought the Court's perspective to the audience. Accomplished defense attorney Auturo Díaz Angueira, who represented the alarm company at the hotel, spoke for the defendants' point of view. Yours truly spoke for the plaintiffs.

The numbers that emerged from this litigation are still hard to believe: 2,400 plaintiffs, 250 defendants, 2,300 depositions, 3 million documents, 18,000 docket entries. All of this before e-mail and electronic filing.

As a youngster of 31 years of age at time of my appointment to the plaintiffs' side, I was assured by the mainland attorneys that "these cases never go to trial." In early 1989, we tried Phase 1 of the case against the hotel for 3½ months before a settlement was reached. From mid-1989 to the end of 1990, we tried Phase 2 for 15½ months, settling 111 of the 120 defendants along the way. Nine were left standing. Four were found liable. Five were not. In 1991, we tried a 3½ week case against an insurance broker and it was found liable.

So much for conventional wisdom.

NO MATTER HOW MANY
LAWYERS ARE AGAINST YOU
AT TRIAL, ONLY ONE
CAN TALK AT A TIME.
RESPECT ALL,
BUT FEAR NONE.

The case started with a hotel which had only \$1 million in insurance and the plaintiffs eventually recovered over \$240 million. All sides had their "day" in court. Judge Acosta managed this case with no template to follow. Along the way, both defendants and plaintiffs built and staffed fully functioning offices just for this case. The Federal Court system build a courtroom exclusively for this case with unique features: a jury enclosed behind glass so sound could be cut off from them on sidebars; a public area equally separate and room for about 150 lawyers.

During the trial, Judge Acosta approved the use of satellite transmission for live witnesses residing stateside. This was unheard of at the time and the technology was just emerging at \$17,000 per witness. This innovation has yet to catch on although one wonders why not?

Both defendants and plaintiffs were put on tight time tables from the beginning for discovery and trial matters. The

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Taming a Mass Torts...

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Judge's guiding light was always, "what's good for the goose, is sauce for the gander." (John Ray, English Proverbs (1670) – there.... I saved you the trouble of looking it up!)

Plaintiffs used a shadow jury that sat in the public area every day in Phase 2. And every day, the shadow jury provided feedback to the Plaintiffs' Steering Committee and the PSC made adjustments the next day at trial. The defendants, for their part, used the case as a laboratory to explore new (and shifting) defense alliances to stymie the PSC when they could.

Was it a fair fight? The PSC was outnumbered by the defense 10 to 1 and outspent routinely but the court's management of the case evened the playing field to some extent. In the end, tremendous and lasting bonds of friendship were forged between and among attorneys for all sides based on the mutual respect that was forged in the crucible of MDL-721.

At the conclusion of the Panel, we were asked to tick off some "lessons learned" from the experience. Here were of few of mine:

- Explore creative settlement strategies and techniques;
- Keep lines of communication open with opposing counsel;
- Respect your opponent and see things from their perspective (but);
- Exploit your opponent's weakness relentlessly;
- Invest in your cases;
- View your case objectively;
- No matter how many lawyers are against you at trial, only one can talk at a time. Respect all, but fear none.



David C. Indiano is a founding partner of Indiano & Williams, P.S.C. and has served as FBA Chapter President (1994–1995) and Editor-in-Chief of *From the Bar* (1994–2005). He is a Fellow of the Federal Bar Association, the American College of Trial Lawyers and the International Academy of Trial Lawyers.

Remember to Vote! FBA National Elections FY 2015

As of June 15, 2014, the FBA National office will be notifying voting ballots to each FBA member in good standing for the FBA's National Elections for FY 2015.

We congratulate Katherine Gonzalez-Valentín, who has been nominated by the 2014 Nominations & Elections Committee of the FBA, to run for National Office as one of the FBA's Directors. Katherine, a federal litigator who heads the Labor & Employment Department of Ferraiuoli LLC is a former PR Chapter President and current Editor-in-Chief of our newsletter *From the Bar*. She also holds a position as an FBA First Circuit Vice President and is a member of the FBA's Chapters Activity Fund and of the Board of Directors of the Federal Litigation Section.

For more information on the election process, Katherine's participation in the FBA or becoming a member of the Association visit: <http://www.fedbar.org/Leadership/Leadership-Resources/Chapter-Leadership-Tools/FBA-Structure-and-Operational-Information/FBA-National-Elections-Nominations-and-Elections-Procedure.aspx>

<http://www.fedbar.org/Leadership/VPCs.aspx>

Please, remember to vote! All ballots to be counted must be received by the Committee by 5 p.m. EDT on **August 1, 2014**.

Understanding the Impact of Gender on the Retention and Advancement of Women in the Legal Workplace

by Katherine González-Valentín

The 2013 National Convention was the FBA's overture to highlight the need for more forums addressing professional women's issues by showcasing two panels about *Women in the Law*. The first panel, [Lessons from our Past and Judiciary](#), featured our Hon. Aida M. Delgado-Colón, Chief Judge for the U.S. District Court, District of Puerto Rico along with other exceptional speakers. I was honored to speak in the second panel, [Understanding the Impact of Gender on the Retention and Advancement of Women in the Legal Workplace](#), which also featured FBA leaders such as former FBA National President Ashley Belleau, Partner, Montgomery Barnett LLP; Kelly Scalise, Shareholder, Liskow & Lewis; Elizabeth Smith, Law Offices of Elizabeth G. Smith; and, Maria Vathis, Of Counsel, Bryan Cave LLP.

In presenting the statistical realities of the workplace from a gender perspective and women's roles, I explained how this information is key to understanding the issues associated with the advancement and retention of women in the legal workplace and beyond. I also discussed how awareness of the legal framework applicable to this topic is equally important. Thus, I guided attendees through a discussion of both spectrums along with day-to-day scenarios to share pointers for law firms as employers and female attorneys in an effort to aid in the latter's promotion and advancement.

No workplace is immune from the impact of the economic downturn. Even though the economic recession was technically over in 2009, its vestiges are still making it hard for many businesses and professionals to stay afloat or advance in their careers. Accordingly, if statistics still show significant disparities so adverse to women in the workplace, difficult circumstances created by a bad economy are most likely contributing to reduced opportunities for women's advancement and retention if nothing is done to address those disparities and challenges.

So, where do we start? My recommendation has been to look for opportunities to educate and train ourselves, our staff and management and learn about issues concerning women's professional growth and how to best address them. In the end, this is proving to be beneficial for all; that is, for coworkers, business leaders and for the businesses themselves.

There are multiple reasons for employers to commit to the objective of retaining and advancing qualified female attorneys or employees. A few reasons include that men's role as caregiver has increased, working parents are increasingly relying on fathers as primary childcare providers and more couples have dual caregiving roles as well as dual careers. We cannot forget other important benefits which include contributing to clients' desired diversity of talent; establishment of law firm and workplace policies counting on views of both genders; increasing a positive morale

among coworkers which can also lead to increased retention of employees; increased male counterpart's ability to also plan family or personal time away from office; reduction or elimination of reliance on stereotypes that may be applied to both male and female coworkers; and, reduction of potential legal exposure for allegations of sex discrimination.

In glancing at the realities of today's workplace, it is important for employers to also remember the broad spectrum of protections that apply in this context. These include, among others, the prohibition of discrimination because of sex, gender stereotyping, pay disparities that are not properly justified, an employee's (male or female) association with a disabled individual who is receiving care from the employee, failure to grant leave to care for a spouse or child and failure to reinstate an employee back to work after taking leave to care for a family member. Again, training, education and adequate workplace policies are the winning tools to properly address the above legal requirements.

Perhaps it is time for the more traditional business mentality to change deliberately but swiftly. The new realities of the workplace require that we all take steps to address the negative aspects of this issue while at the same time benefiting from a changing workforce, new generations and a more diverse workplace. It is clear that operations are calling for new and better ways to do business and that may well require that we take a close look at both, new generational needs and their expectations as well as the continued increase of women in the workforce and their valuable roles and contributions.

As continued constructive dialogue on this topic is being embraced by more businesses and associations, we see more renowned companies also embracing women on boards and in leadership positions because of the value they contribute to the businesses in many fronts. For example, women leaders have been found to be stronger in interpersonal skills and more collaborative than their male counterparts in today's diverse workplace. Thus, planning early on to adapt to diversity could prove beneficial to and help companies emerge as the strongest in the near future.

I invite you to consider attending to or bringing to your offices, firms or businesses training on this topic. I will be happy to direct you to resources and also please visit <http://www.fedbar.org/Education/Calendar-CLE-events/Women-in-the-Law.aspx> for information on the FBA's signature event: Women in the Law Conference that will be held on July 11, 2014 in Washington, D.C.



Katherine González is a Senior Member and Director of the Labor & Employment Department of Ferraiuoli LLC. She frequently lectures on employment and litigation-related topics and is an active litigator in federal and state courts and provides legal advice to management on employment matters.

JUDICIAL PROFILE

Hon. Aida M. Delgado-Colón Chief Judge, U.S. District Court for the District of Puerto Rico



By Natalia Morales-Echeverría, Esq.

Hard worker, just, humanitarian, perfectionist and a role model—these are some of the words that describe the Hon. Aida Delgado-Colón, Chief Judge for the United States District Court for the District of Puerto Rico. Born in Lares, Puerto Rico on August 31, 1955, Chief Judge Delgado is the oldest of 4 children born of Luz Colón, a teacher, and José Antonio Delgado, owner of a small scale agro business and local farmer. Part of a close-knit family, Chief Judge Delgado learned early in life the importance of helping others. She remembers with pride when her father used to help other farmers with administrative work, like filling out the forms needed to receive certain government benefits. These documents were being taken, unnecessarily, to attorneys for completion. Even though the farmers could not afford the lawyers' fees, they were still being charged. From that time, Chief Judge Delgado knew that she wanted to become a lawyer and help those in need of legal services.

She completed her primary and secondary schooling at a private Catholic school in her hometown. Throughout her school years, she took part in, and excelled at, school competitions and also engaged in voluntary community service. These experiences served as a foundation for her future personal and professional achievements, and helped her grow more conscious of the problems that plagued her community.

In 1977, she obtained her bachelor's degree in Business Administration from the College of Agriculture and Mechanical Arts of the University of Puerto Rico in Mayagüez, Puerto Rico. After college, she entered Law School at Pontifical Catholic University in Ponce, Puerto Rico. She graduated from both institutions with honors. While studying for the bar exam, she attended a job interview at the Puerto Rico Department of Labor and Human Resources ("DLHR"). The round of job interviews started at 9:00 a.m., and by 4:00 p.m. she had the job.

In September 1980, she joined the Governor of Puerto Rico's Advisory Council on Labor Policy at the DHLR as a legal investigator. Shortly thereafter, from 1981 until 1982, she became Director of Research and Investigation. In August 1982, Chief Judge Delgado joined the federal government—becoming the first woman to work as assistant federal public defender for the District of Puerto Rico.

At the time, very few women had ventured into the federal criminal law practice. In fact, the hiring authority shared with her his concern in hiring a woman for the task. She realized

“HER IMPECCABLE RECORD IN PUBLIC SERVICE AND IN THE FIELD OF LAW HAS EARNED HER A PLACE AMONGST THE MOST DISTINGUISHED JURISTS AND ATTORNEYS IN PUERTO RICO.”

—Hon. Luis Fortuño, Governor of Puerto Rico, at the 2nd Session of the Confirmation Hearings on Judge Delgado's Federal Appointment held on February 7, 2006.

that the task was not easy but, once again, accepted the challenge. She proved her boss wrong in a very short time. Three years later, the federal public defender had hired two other female attorneys. She was quickly promoted to first assistant federal public defender and later served as the acting federal public defender for the District of Puerto Rico from 1991 to 1993. By then, she had opened the door for other female lawyers within the field of criminal litigation in Puerto Rico.

Chief Judge Delgado remembers her days at the public defender's office as “challenging and exciting, but most of all, a true learning experience, both professionally and personally”. She learned about the strengths and weaknesses of human beings, the social consequences of poverty, and the consequences of a lack of education, unemployment and greed. Another significant lesson learned was that in criminal defense work, as in life, the concepts of failure and success—the notion of winning or losing a case—acquire a different dimension and meaning. She also learned to be a good listener and welcomed every opportunity to assist the public defender's clients beyond the scope of her legal duties. One of her most rewarding experiences was when she was assigned to defend a young adult charged with drug trafficking. That individual later became a witness for the government in a case that, given its complexity, lasted several years before the court. While the case was pending, and upon Chief Judge Delgado's insistence and advice, this person completed his bachelor's, master's and doctorate degrees. Today, he is a professor at a well-known university

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JUDICIAL PROFILE...

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in the United States. This is one of the many experiences as a public defender that proved to Chief Judge Delgado the potential for rehabilitation in every person.

Chief Judge Delgado began her judicial career in 1993 by becoming the first female magistrate judge in the District of Puerto Rico. She was appointed to an eight-year term and re-appointed to a second term in 2001. She recalls with great satisfaction and humility that during her induction ceremony, the federal public defender, her former boss, asked to be a speaker. That day, he publicly recognized that women can perform quality criminal litigation work and predicted that, one day, she would become the second woman appointed to the federal bench in Puerto Rico. When that day materialized in 2006, her former supervisor, then 90 years old, was also one of the key speakers at her induction ceremony.

While a magistrate judge, she presided over numerous high-profile cases, including the case of Teatro del 60. Teatro del 60, which was her first civil trial, was a copyright infringement case regarding the production of the musical "The True Story of Pedro Navaja", shown in Puerto Rico and New York, based on the character of Pedro Navaja from the popular Rubén Blades song. The trial lasted 30 days. During those 30 days, Chief Judge Delgado came face to face with the lifelong dilemma of applying the law and doing justice in situations in which both objectives could not be simultaneously met. At the end of the case, her commitment to the rule of law remained firm.

Early on in her judicial career, she learned that not case is "too small or too simple". Many cases present social, economic and political considerations, and public scrutiny is always at stake. The responsibility is huge and most of the time, the allies are few. Along these lines, she recalls the Vieques cases. Vieques is a small island off the main island of Puerto Rico. From the 1940s to 2003, the U.S. Navy performed military training, including bombing practice, on grounds it owned on the island. After an incident in 1999, where a civilian was accidentally killed in one of the bombings, Puerto Ricans from diverse political and religious beliefs united and protested against the target practices in Vieques. The protests most commonly took the form of occupation of military grounds, where some of the protesters camped out. The civil disobedience encampments on military grounds were evacuated by U.S. Marshals and federal law enforcement agencies. Hundreds of protesters were arrested for trespassing on U.S. military territory. Even though the cases were legally straightforward, the social and political aspects, as well as the public scrutiny involved, proved to be difficult and demanding for Chief Judge Delgado. To date, she remembers the social, political and legal repercussions, and the adverse media coverage that resulted from those seemingly simple trespass cases.

During her tenure as magistrate judge, she had over a 98 percent adoption rate by the District Court on both civil

and criminal proceedings. From 1999 through 2003, she resolved over 60 percent of all criminal pre-trial matters and over 55 percent of all civil pre-trial matters from the total of matters assigned to the magistrate judges of the District Court. These matters ranged from pre-trial evidentiary hearings to civil trials on consent.

On October 25, 2005, Chief Judge Delgado was nominated by President George W. Bush to an Article III judgeship, recommended by the Puerto Rican at-large Congressional delegation and endorsed by then-Resident Commissioner and Republican National Committeeman, the Honorable Luis Fortuño, as well as Democratic National Committeeman and then Puerto Rico Senate President Kenneth McClintock. Her nomination was also supported by the Puerto Rico House of Representatives, the Hispanic National Bar Association, and the Federal and American Bar Associations.

The process was hectic, accelerated and nerve-wracking, but in the end very satisfactory. She was confirmed on unanimous consent by the U.S. Senate on March 6, 2006 and received commission on March 17, 2006. As predicted by her former boss in 1993, Chief Judge Delgado became the second female on the Puerto Rico Federal bench. In 2011, she also became the second female to hold the position of chief judge for the District of Puerto Rico.

As Chief Judge, she has to balance both her caseload and the multitude of administrative tasks for which she is now responsible. Judge Delgado presides over a court with 10 district judges and four magistrate judges. Since she benefitted from having worked closely with her experienced predecessors, her goals are to preserve collegiality among fellow judges, promote professionalism among members of the bar, and maintain high public trust and confidence in the federal court. She also seeks to have the court become involved in more outreach programs to help society restore basic values, such as respect for human life, respect to human rights and respect for governmental institutions. To her, compromise, dedication and verticality are the key ingredients to becoming a successful professional. Along this line, she has promoted and remains supportive of pro bono and community outreach programs. Currently, along with personnel of the U.S. Probation Office, fellow judges and personnel of other federal agencies, task forces have been deployed to do community work at homes for the elderly, orphanages and community centers. Programs designed to prevent drug addiction, safe use of social media and counter cyber-bullying are being regularly carried out at private and public educational institutions.

Chief Judge Delgado has also been an active participant in court committees. For the past five years, she has been a member of the Court Administration and Case Management Committee for the Judicial Conference of the U.S. Courts, and an active supporter of the Judicial Reform Programs, through which the U.S. Department of Justice and U.S. Department of State promote judicial reform in Central and South America.

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JUDICIAL PROFILE...

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In addition, Chief Judge Delgado has a passion for teaching. From 2002–2004, she taught as an adjunct professor of federal civil and criminal forensics practice at the Pontifical Catholic University of Puerto Rico School of Law. Describing it as one of the most rewarding experiences of her life, she believes that every judge and lawyer should intervene and contribute with the education of future lawyers and the improvement of the legal profession. After all, to Chief Judge Delgado, lawyers are agents of social change who have responsibilities and obligations towards the community.

In her free time, Chief Judge Delgado enjoys gardening and the art of stained glass windows. She also has a passion for horses, traveling and reading. Going back to her formative years in her hometown, she enjoys spending time on the countryside where she finds the solitude and tranquility needed to balance her hectic work life. Her success as a lawyer and judge are an example of her mantra in life: "If you really wish for something, with a clean heart and clean hands, it will come true."

WOMEN IN THE LAW

POWER AND PROGRESS



The Federal Bar Association's inaugural conference will feature vibrant and dynamic discussions of the unique challenges and successes of women in law and leadership from a number of perspectives. Speakers will include judges, academics, and thought leaders from corporate, nonprofit, government, and law firm backgrounds.

CONFERENCE AGENDA

OPENING REMARKS

Hon. Gustavo A. Gelpí, *U.S. District Judge, District of Puerto Rico, and President, Federal Bar Association*



MORNING KEYNOTE

Hon. Patricia A. Millett, *Chief Judge, U.S. Court of Appeals for the D.C. Circuit*

HISTORY OF WOMEN IN THE LAW

Mary Elizabeth Gately, *Co-managing partner, DLA Piper, Washington, D.C.*

Stacy Leeds, *Dean, Arkansas Law School*

DEVELOPMENT OF DOMESTIC LAW AS IT AFFECTS WOMEN

Lt. Gen. Flora D. Darpino, *Judge Advocate General's Corps., U.S. Army*

Catharine A. MacKinnon, *Elizabeth A. Long Professor of Law, University of Michigan Law School*

Hon. Loretta A. Preska, *Chief U.S. District Judge, Southern District of New York*

LUNCHEON KEYNOTE



Hon. Beverley McLachlin, *Chief Justice, Supreme Court of Canada*

BREAKING BARRIERS: THE GLASS CEILING IN THE LEGAL PROFESSION

Hon. Aida Delgado-Colon, *Chief U.S. District Judge, District of Puerto Rico*

Camille Nelson, *Dean, Suffolk Law School*

Michele Roberts, *Partner, Skadden, Arps, Slate, Meagher & Flom LLP*

HOW HOLLYWOOD AFFECTS LAWYER BEHAVIOR: A PRESENTATION ON ETHICS

Nancy Rapoport, *Gordon Silver Professor of Law, University of Nevada–Las Vegas William S. Boyd School of Law*

JULY 11, 2014 / WASHINGTON, D.C.

Learn more at www.fedbar.org/womeninthelaw

Class Actions, Multidistrict Litigation and Other Travesties; or, How I Learned to Stop Worrying and Love Case Management

As did most young lawyers in federal court in the 60's, I cut my teeth on relatively simple cases, usually one-on-one, one plaintiff against one defendant, or perhaps two or three defendants. My cases in those days usually involved a single plaintiff, a longshoreman, say, against a single defendant, perhaps a ship owner, and maybe a third party defendant.

A complicated case was one involving more than ten defendants; for example, an association of insurance brokers and agents who conspired to boycott an insurer. In such a case, each defendant had to be named separately and served individually with process. Each defendant responded separately by moving for an extension or to dismiss. No scheduling orders and no strict sequence of discovery were necessary or expected. The cases moved at a leisurely pace unless a visiting judge called counsel in to urge settlement and schedule the trial to apply pressure. The average age of a civil case seldom reached two years before trial was scheduled. Even commercial cases were uncomplicated.

Discovery was usually limited to boilerplate interrogatories and requests to produce, with brief depositions of parties and key witnesses as the principal method of getting a handle on the case. Some judges required a joint pretrial report, which often was little more than a list of witnesses and documents, and a cryptic description of the testimony. Judges usually let the attorneys for the parties run the show. Trial, when the case did not settle, lasted no more than three days, jury selection included. One could count on several jury trials a year.

Things began to change when the criminal docket exploded in response to new federal legislation (the "war on drugs") and a notable increase in the personnel and resources of the office of the U.S. Attorney. The criminal docket, once an appendix to the civil docket, began to demand the lion's share of the court's attention.

Not too gradually, civil cases became the minority, if not in the number of cases, certainly terms of the court's time and effort. At the same time, civil litigation gradually became more complex, not only in terms of the number of parties or the technical difficulty of the subject matter, but also because of internal complications of the court system and the process of adjudication. On the United States mainland, protracted antitrust cases, among others, led to the publication in 1969 of a *Manual for Complex Litigation*, which envisioned the judge as an active case manager, rather than as a referee.

In Puerto Rico, civil litigation in federal court remained more or less unchanged for a while longer. The discovery during the

litigation arising from the Dominicana de Aviación disaster of 1970 was scheduled and conducted by the parties and the attorneys, with minimal judicial intervention. Although there were numerous plaintiffs (102 fatalities: 97 passengers, 5 crew members), most relied on a handful local attorneys, without need of a court-appointed committee. There were only a few defendants and the insurers worked out their differences informally, without going to court. Only at the settlement stage did the judge take an active part.

It was not until the Dupont Plaza Hotel fire litigation, which began early in 1987, that civil case management took hold in federal court in Puerto Rico. The ashes were still warm after the fire on New Year's Eve, 1986, when "stateside" lawyers who had been involved in other disaster cases—including one lawyer who had figured prominently and notoriously in the Bhopal gas tragedy a year before—descended on the scene. The Dupont fire, admittedly set by arsonists, took 97 lives and left 140 persons injured. The death toll in the Dominicana and the Dupont cases was similar, but the difference in how the two cases went through the court system was abysmal. In the Dupont case, over 2000 plaintiffs filed 264 lawsuits against 230 defendants, including the hotel corporation and its stockholders, and every person or entity that had anything to do with the design, operation or furnishing of the hotel. The arsonists and their union were not sued, presumably because they were judgment-proof.

The first case, filed in Puerto Rico, fell to Judge Raymond Acosta, and in due course the Judicial Panel on Multidistrict Litigation referred all the subsequent civil actions, filed in Puerto Rico and elsewhere, to Judge Acosta, who adopted the *Manual for Complex Litigation, Second*, as his bible.¹

Groups of stateside and local attorneys lobbied and jockeyed for appointment to the plaintiffs' steering committee, whose members are often very well compensated when a case is concluded.² Judge Acosta appointed steering committees and took other measures, many innovative. His handling of the logistics of the case was called "a model of judicial craftsmanship and practical ingenuity". Judge Bruce Selya of the United States Court of Appeals for the First Circuit

¹ By 1985, complex litigation had become so prevalent in federal courts in the United States, that a second edition was deemed warranted.

² Compensation is usually based, not on the number of plaintiffs represented by the attorney, but on the number of hours devoted to the case. At the end of the case the court reviews the hours and the hourly rate requested, then depending on the result and other factors, multiplies the sum by a "lodestar". In other cases, a percentage of the recovery is used; or at times combination of both is used.

called the case a “litigatory monster” and described having to review proceedings in the case as descending into the “belly of a beast”. More than 3 million documents were produced and over two thousand depositions were taken. Estimates of attorneys’ fees and expenses, even at the discovery stage, were in the tens of millions of dollars. The litigation required two trials and at least three stages, with numerous appeals that resulted in “a phetora of opinions” that “pockmark the pages of the Federal Reports”, as described in Judge Selya’s always colorful style. During and after the trials there were intramural disputes among attorneys and insurers, who fought over their share of fees and liabilities. The Dupont litigation provides eloquent examples of what Judge Richard Posner has described as the “internal complexity” that afflicts the federal judiciary.³

In spite of the plaudits bestowed on the administration of the case, I was not persuaded. As one of the lawyers for the corporate owners of the hotel, I thought that the first purpose of Rule 1 of the Federal Rules of Civil Procedure—“to secure the just, speedy and inexpensive determination of every action and procedure”—was given short shrift. Weighty legal issues, including serious issues of personal and subject matter jurisdiction were postponed or dispatched without much discussion. Some of us detected the not-too-subtle hand of a “settlement judge” who had been appointed to work with Judge Acosta. We wryly commented that the attitude seemed to be, “Don’t bother me with the facts or the law, let’s get a pot of money together and settle this”. I commented to a newspaper reporter, who had been authorized to interview counsel, that I was not happy; and was chided for it by Judge Acosta, who came up to me at a lunch break during the first-phase trial and said, “If you think that it’s easy to manage a case like this, you try it”, or words to that effect. The first phase was settled after 45 days of trial, so I was free to kibitz from the sidelines, except for a few later skirmishes with an insurer about our firm’s fees and expenses.

The Dupont case was an example of mass tort litigation, one species of complex litigation. Class actions are another. Often, most of the effort, time, and money in class action litigation is expended before the merits of the case are even broached. The prime goal of plaintiffs’ counsel in federal class action litigation is the certification of a class, because in many cases, once a class is certified the case is soon settled. Defense counsel’s goal is to defeat certification, for a similar reason.

My next significant experiences with complex litigation were class actions, including a particularly nasty version of them, RICO actions, which were described by the US Court of Appeals for the First Circuit as “the litigation equivalent of a thermonuclear device” and were recognized by the Supreme Court as having an in *terrorem* effect on defendants. The Trebol Motors/Volvo litigation, for example, involved a class of plaintiffs who brought a RICO action because they were supposedly deceived about the model of car they bought, and paid in excess of the “true value”

³ Richard A. Posner. *Reflections on Judging*. Harv. U. Press (2013).

THE DUPONT LITIGATION
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of their Volvos. One attempt at class certification failed, but new counsel, before a different judge, were more successful; and after “rancorous” discovery during three years and three amendments to the complaint, the case went to trial. Trebol Motors, tapped out, engaged in “a remarkable eve of trial default”, but the jury returned a \$43 million dollar verdict against Volvo and the remaining defendants, which was trebled to \$129 million. Although the verdict against Volvo was eventually overtuned on appeal, the litigation was so costly that it forced Trebol Motors to bankruptcy court. Because Volvo had deep pockets and did not settle, the in *terrorem* effect did not carry the day. The plaintiffs received coupons and the attorneys got relatively little money.

In 1990 Congress passed the Civil Justice Reform Act, known as the Biden bill, to address the mounting complaints about the cost and delay prevalent in civil litigation in federal courts. Following the Biden bill’s mandate, the Chief Judge of the District of Puerto Rico appointed an advisory group in 1991 to study the condition of the civil docket and to propose a plan to reduce the costs and delay of civil litigation. Judge Jaime Pieras was appointed judicial chairman of the group. I acted as reporter. After two years, in 1993, the advisory group rendered a report which endorsed “one crucial, overriding principle: early intervention by the Court, judicially monitored discovery and a prompt trial setting.” In other words, the judge as a case manager. By 1993, I found myself on the side of those who favored case management.

By the end of the century, judicial and congressional hostility to civil RICO litigation, securities litigation and other class actions had taken a toll. The Private Securities Litigation Reform Act of 1995 placed new and formidable hurdles for plaintiffs to overcome; federal courts submitted RICO pleadings to exacting scrutiny; and amendments to Rule 23 of the Federal Rules of Civil Procedure, together with the Class Action Fairness Act of 2005, had placed strictures on class actions unheard of decades before. In recent years, many plaintiffs’ lawyers in Puerto Rico turned to the local courts, where favorable legislation and a propitious judiciary have made class certification an easier goal.

Continued on page 18

Puerto Rico Chapter & FBA National Upcoming Events

- ★ **June 4, 2014** – PR Chapter Board Meets the U.S. Ambassador to the Dominican Republic, his Excellency James “Wally” Brewster at the Library of the Supreme Court of Puerto Rico
- ★ **June 12, 2014** – PR Chapter Luncheon with the Hon. Pedro A. Delgado, U.S. District Judge – 12:00 p.m. at Los Chavales Restaurant in Hato Rey, PR
- ★ **June 15, 2014** – **FBA National Elections Ballot Distribution**
- ★ **June 16-20, 2014** – “Building Trial Skills” Program by the NITA and co-sponsored by the FBA Puerto Rico Chapter
- ★ **July 11, 2014** – FBA National signature event – Women in the Law Conference, Washington, D.C.
- ★ **August 15, 2014** – PR CLE: The U.S. District Court Speaks: an extended Q&A with the federal judges of the District of Puerto Rico.
- ★ **PR Chapter Cocktails with Bar: every last Thursday of the month**
Don't miss our monthly guest speakers hosted by the PR Chapter's Young Lawyers' Division
- ★ **September 4-6, 2014**
FBA Annual Meeting & Convention, Providence, RI
- ★ **TBA: CLE on Social Media and Employment Law**
- ★ **TBA: CLE on Admiralty Law and the Jones Act**

Class Action...

Continued from page 18

Another phenomenon was evident by 2000: the decline or demise of civil jury trials. All of the developments I have described, particularly the inordinate demands of the criminal docket on judicial time and attention, contributed to a situation where civil jury trials were few and far between. Young lawyers during the past two decades could not count on significant experience in civil cases tried to a jury. A number of aspiring trial lawyers considered a career in criminal defense law or even pro bono criminal defense work⁴, as a means to obtain trial experience, although their preference was civil litigation. The strong public policy endorsed by the Supreme Court of the United States in favor of arbitration has also limited the number of civil trials in federal courts. Some commentators have justified the trend towards the disappearance of trials⁵, as a reflection of the original purpose of a trial as a fact-finding exercise. Once notice pleading and liberal discovery became the norm after 1939, the theory goes, the value of the trial was diminished.

If one compares the statistics included in the 1993 report of the Biden bill advisory group to those for the year ended in September 30, 2013, certain trends stand out. There were 1,775 civil filings in 1992, but only 997 in 2013. On a per

judgeship basis, there were 277 civil filings in 1992 and 142 in 2013. In 1992, seven judges completed 182 trials, of which 98 were civil trials, but only 21 were jury trials. In 2013, the same number of judges completed 117 trials, both civil and criminal, almost 40% fewer trials. Because I was unable to obtain a breakdown of civil versus criminal trials, or jury versus non-jury trials, I rely on anecdotal evidence to conclude that civil jury trials are now even fewer in the District of Puerto Rico. One judge, before whom I tried a non-jury case last year, bemoaned the fact that it was his first civil trial in many months. The reason, he explained, was that criminal trials had priority. Death penalty cases, in particular, consume enormous amounts of judicial time and effort.

Developments during the past 25 years and the current state of affairs lead me to accept the fact that civil case management is here to stay, and is probably a good thing; but I also conclude that it makes little practical difference because there are fewer civil cases and because civil jury trials are an endangered species.

About the Author



Salvador Antonetti Zequeira is counsel to Fiddler, Gonzalez & Rodriguez, PSC, where he was head of the litigation division until 2009. He is still involved in litigation, although less intensively. He can be reached at santonet@fglaw.com.

⁴ Pro bono or CJA work does not guarantee trial experience, because the Sentencing Guidelines and the entire system is geared towards plea bargaining.

⁵ John H. Langbein. “The Disappearance of Civil Trial in the United States”. 122 *Yale L. J* 522 (2012).

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.

Court to Provide Wireless Internet Access to Members of the Bar



We are pleased to announce that Chief Judge Aida M. Delgado-Colón has approved free wireless internet access service for all members of the bar in all courtrooms and adjacent open spaces. This will encompass the Clemente Ruiz-

Nazario U.S. Courthouse and the fourth floor courtrooms at the Federico Degetau Federal Building in Hato Rey, the José V. Toledo U.S. Courthouse in Old San Juan, and the Luis A. Ferré U.S. Courtroom in Ponce. This initiative by Chief Judge Delgado-Colón fulfills the Court's commitment to provide members of the bar with valuable technology to enhance the flow of presentation of evidence and courtroom practices. We will announce the implementation date shortly.

Happy Birthday, CM/ECF!



The federal judiciary's Case Management/Electronic Case Files (CM/ECF) System revolutionized the way in which federal courts interact with the public and manage their cases and documents. This revolution reached the District of

Puerto Rico in 2004. The Hon. Aida M. Delgado-Colón, Chief U.S. District Judge, was a strong supporter of CM/ECF early on when, in 2003, then Chief U.S. District Judge Héctor M. Laffitte teamed with U.S. District Judge José A. Fusté, chair of the Court's Technology Committee, to pave the way towards its successful deployment. At the time, the Clerk of Court devised, assisted by the Systems staff, a pre-implementation phase whereby the Clerk's Office staff were trained to become trainers themselves. The Clerk of Court then devised a massive training plan whereby literally hundreds of training sessions were held for practitioners

and their staff. Thus, when CM/ECF went live in early 2004 it was a total and unprecedented success.

According to the Public Access to Court Electronic Records (PACER) Service Center Year End Usage Reports, 3,048 users accessed the District of Puerto Rico's server during calendar year 2004 (247,143 sessions). This number skyrocketed to 7,314 users during calendar year 2013 (755,401 transactions; 4,614,043 pages).

Our District looks forward as CM/ECF continues to evolve; a transition to a Next Generation of CM/ECF is well underway. Although the project is in the design and development phase, the initial schedule calls for the first Next Generation release to be available to the courts in 2014, followed by full transition over several years. The first release is expected to include central sign-on functionality, which will allow users of CM/ECF and PACER to maintain one account across all courts and to sign in one time to access multiple courts.

The Court Welcomes U.S. District Judge Pedro A. Delgado-Hernández



On March 27, 2014, Chief U.S. District Judge Aida M. Delgado-Colón, the U.S. District Judges, the U.S. Magistrate Judges, and the Clerk's Office staff heartily welcomed the Honorable Pedro A. Delgado-Hernández to the Court Family. U.S. District Judge Delgado-

Hernández received his J.D. magna cum laude in 1983 from the University of Puerto Rico School of Law. Besides his vast experience in civil litigation in both state and federal court, as a judge on the Puerto Rico Court of Appeals, and a solicitor general, he served as a law clerk to the Honorable Juan R. Torruella, first on the U.S. District Court for the District of Puerto Rico and then on the U.S. Court of Appeals for the First Circuit. Judge Delgado-Hernández's



chambers are located in the Clemente Ruiz-Nazario United States Courthouse in Hato Rey.

50th Anniversary of the First Article III Judgeship in the District of Puerto Rico



U.S. District Judge Hiram Rafael Cancio

The U.S. Courthouse in Hato Rey boasts the name of Judge Clemente Ruiz Nazario, the first Puerto Rican to be appointed to the federal bench in Puerto Rico in 1952. In September 12, 1966, Congress enacted Public Law 89-571, "[t]o provide the same life tenure and retirement rights for judges hereafter appointed to the United States District Court for the District of Puerto Rico." Thereafter, on January 16, 1967, President Johnson nominated Judge Hiram Rafael Cancio, who had been appointed to the bench pursuant to Article I of the Constitution since 1965.

Chief U.S. District Judge Delgado-Colón has announced that the Court, together with the Federal Bar Association's Puerto Rico Chapter, will commemorate the 50th anniversary of the first Article III judgeship in our District with a special celebration to be held on 2016. The details of the activity will be revealed in due course. Stay tuned to *The Clerk's Tidings*!

Portable Document File (PDF) Documents in the CM/ECF System



All of the pleadings in the CM/ECF system are stored in PDF format. It is the responsibility of the filer to ensure that the document is correct and that personal identifiers are redacted prior to e-filing. When a document has been filed successfully in CM/

ECF, a Notice of Electronic Filing (NEF) is automatically generated and emailed to the registered parties in the case. The NEF includes the text of the docket entry, the unique electronic document stamp, a list of the case participants receiving email notification of the filing, and a hyperlink to the document(s) filed. Most recipients receive one free viewing of the document. Once a document is filed it is part of the official docket of proceedings. There shall be **NO SUBSTITUTION or REMOVAL of an electronically filed document**. If you have e-filed a document erroneously, contact the Clerk's Office **CM/ECF Hotline at 787.772.3449 for assistance**.

Courtroom Attire: Making the Right Statement

As members of the bar, attorneys are called to observe conduct and choose attire that shows respect for the judge and for the proceedings. The goal is to look professional without detracting from the solemnity of the proceedings. Attorneys are strongly encouraged to dress according to their role: look professional. Don't appear in court looking disheveled, provocative or sportive. While it is important that clients and witnesses dress to make a good impression, attorneys should aim to do the same.



District Bar Examination

On November 2, 2013, the Court administered the District Court Examination (DCE) to 257 applicants. The results yielded 148 successful applicants for a 58 percent overall pass rate, the highest passing rate in 4 years. As of April 28, 2014, a total of 183 attorneys have been admitted to practice in the District of Puerto Rico after July 16, 2013 (including attorneys who passed the DCE in previous years, as well as other admissions). The most recent DCE was administered on Saturday, May 10, 2014, from 8:00 a.m. to 12 Noon, at the Inter-American University School of Law.



Federal Rulemaking

The Judicial Conference Advisory Committees on Bankruptcy and Civil Rules proposed amendments to their respective rules and forms. The public comment period closed on February 14, 2014. The proposed amendments would become effective on December 1, 2014, if they are approved, with or without revision, by the relevant Advisory Committee, the Committee on Rules of Practice and Procedure, the Judicial Conference, and the Supreme Court, and if Congress does not act to defer, modify, or reject them. The revisions to the Official Bankruptcy Forms would become effective on December 1, 2014, if they are approved by the rules committees and the Judicial Conference.

- Bankruptcy Rules 2002, 3002, 3007, 3012, 3015, 4003, 5005, 5009, 7001, 9006, and 9009
- Official Bankruptcy Forms 17A, 17B, 17C, 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, 22C-2, 101, 101A, 101B, 104, 105, 106Sum, 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106Dec, 107, 112, 113, 119, 121, 318, 423, and 427
- Civil Rules 1, 4, 6, 16, 26, 30, 31, 33, 34, 36, 37, 55, 84, and Appendix of Forms

You can read the Preliminary Draft of Proposed Amendments [here](#).

2014 Marks the 225th Anniversary of the Judiciary Act



The Judiciary Act was enacted on September 24, 1789, during the first session of Congress, upon which President George Washington made his first judicial nominations, and the first federal judges were began service two days after.

The Judiciary Act established one federal court system across the entire nation creating the world's first dual-court system. The new federal courts handled interstate and international cases, disputes regarding the U.S. Constitution, and civil and criminal cases arising under federal laws. State court continued to oversee cases involving state law and civil disputes within states. Although amended throughout the years by Congress, the basic outline of the federal court system established by the First Congress remains largely intact today.

The United States Marshals, the first Federal law enforcement officers in America, were also designated pursuant to the Judiciary Act. President Washington nominated the first 11 United States Marshals on September 24, 1789. The United States Marshals Service was created in 1969 by order of the Department of Justice, and achieved Bureau status in 1974.

To view a copy of the Judiciary Act of 1789 contained in the appendix of the Annals of Congress, click [here](#).

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Special thanks go to our exceptional graphic artist, Gina Robles-Villalba.

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