



FROM THE **BAR**

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Jose V. Toledo Federal Building and United States Courthouse
(Photo by Osvaldo Ocasio/Wikipedia)

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MESSAGE FROM THE PRESIDENT

José L. Ramírez-Coll



This issue of *From the Bar* is our Chapter's first since hurricane María made landfall on our island's shores in September of 2017. María reshaped Puerto Rico's landscape—both literally and metaphorically—forever. Just like every American may recall exactly where she or he was on the fateful day of President Kennedy's assassination, or on 9/11, so will generations of Puerto Ricans have the date of

September 20, 2017 engrained into their collective consciousness. The question that today, months after surviving such a destructive natural phenomenon, still lingers in our mind, is as simple to ask as it is complex to answer: What now?

What comes next in Puerto Rico's immediate and short-term future has the potential to make or break an island with a reeling infrastructure and a stagnant economy. Much has been debated already as to what "a path to recovery" looks like, and opinions, as always, are as diverse as those who utter them. The decisions made by our leaders, both in Puerto Rico and the United States, can shape not only Puerto Rico's future, but the future of the United States as a whole. The immediate exodus of hundreds of thousands of Puerto Ricans is already being felt on the island as well as the mainland. Important decisions have to be made in the months and years to come, from how to respond to similar natural disasters in the future, to how to restructure Puerto Rico's multi-billion-dollar debt. These decisions—and the people who make them—have the potential of determining where our children may be going to school, living, and having children of their own. Entire communities may actually cease to exist or spring up, develop and flourish based on a few decisions made in a relatively short amount of time.

That being said, the question still remains: What now? Perhaps we can start by finding some common ground in the not-so-subtle premise articulated above: that the decisions that will shape our short and long-term future are as effective as those who make them. This, in turn, leads us to one inexorable conclusion: that we, as members of a community, in particular the legal community, have a duty to be active participants in these decisions.

This is not meant to be a call to political action, for the decisions I speak of are not merely political, but to action in general, however small or large in scope. There is much that we can all do, as members of the Bar, as advocates, legal practitioners, or just fellow citizens. This year, our Chapter of the Federal Bar Association, perhaps more than ever, remains committed to its mission statement: to strengthen the federal legal system and administration of justice by serving the interests and the needs of the federal practitioner, both public and private, the federal judiciary and the public they serve. We hope that the Federal Bar Association can serve as a vehicle for our fellow sister and brother counsel, our judges, and all those who comprise our legal community, to lead by example, to make a contribution—however small—to the recovery of Puerto Rico and be a catalyst for positive change and improvement.

HIRAM R. CANCIO (1965-1974)

by Judge Jay A. García-Gregory

I clerked for Chief Judge Hiram R. Cancio from June 4, 1973 to January 31, 1974. I was his last law clerk. Even though my tenure lasted less than eight (8) months, but it was certainly a rewarding experience. Judge Cancio would scrutinize every single document in the cases assigned to him to make sure he would fully understand the issues involved and decide justly according to applicable laws. He had a very well-balanced judicial temperament and would treat litigants, lawyers, and witnesses courteously. He would also listen attentively to what they had to say and would frequently ask questions during oral arguments and sometimes ask trial witnesses to clarify their position. He had an innate sense of justice and equity that he would incorporate into his decision-making process. He would frequently hold meetings with me not just for full briefings of facts and law, but to explore my own opinions on the issues to be decided.

Judge Cancio had been appointed to the former territorial U.S. District Court of Puerto Rico by President Lyndon B. Johnson in 1965, for a fixed term of eight years. While serving in that position, Public Law 89-571 of Sept. 12, 1966, was enacted, conferring Article III status on the District Court for the District of Puerto Rico and lifetime tenure on its judges, similar to that bestowed on their counterparts in the mainland. See Act of Sept. 12, 1966, Public Law 89-571, 80 Stat. 764 (1966). President Johnson reappointed Judge Cancio and he was sworn in again as an Article III Judge in 1966. As such, he was the first judicial officer to hold both commissions: that of an Article I and Article III judge. He served until January 31, 1974. During his first years, he was grossly overworked. In 1967, Judge Fernandez-Badillo was appointed judge, but it was not until the early 1970's that another judge, Hernan G. Pesquera was appointed.

Judge Cancio told me that even though he was an Article III Judge, he had made a commitment to serve only eight years, and he did. He resigned so he could serve as member of a recently created Ad Hoc Committee to study the Commonwealth of Puerto Rico.

While I served as his law clerk, I could perceive that Judge Cancio was convinced that the relationship between Puerto Rico and the Federal Government was one based on mutual respect and trust anchored in Public Law 600 and the Law of Federal Relations, whereby Puerto Rico had acquired sovereignty over its local affairs similar to that exercised by any State of the Union. He was convinced that Puerto Rico



had ceased to be a territory under Article IV Section 3 of the Federal Constitution. In *Hodgson v. Unión de Empleados de los Supermercados Pueblo*, 371 F. Supp. 56 (1974) for example, defendant union had challenged the applicability of the Labor-Management Reporting and Disclosure Act of 1947, 29 U.S. § 141 et seq. to Puerto Rico. Judge Cancio categorically made his position clear as to the status of Puerto Rico:

“Since the very beginning of the acquisition of Puerto Rico by the United States in 1898, when the Spanish regime over the island gave way to the American regime, and up to July 25, 1952, Puerto Rico was a Territory or a colony governed by the United States under a system of delegated powers to local authorities. Both during the two years of military government of the island and during the life of its two organic acts approved by Congress to provide for its internal government, there was no doubt that Puerto Rico was governed by the United States under the authority granted to it by Article IV of the Constitution. Between 1950, and 1952 upon the approval of a congressional enactment ‘In the nature of a compact’ with the people of Puerto Rico and its subsequent approval and acceptance by the direct secret vote of all the qualified electors of Puerto Rico, a series of politico-juridical events took place in Washington and in Puerto Rico which changed the relationship between the then territory of Puerto Rico, on the one part, and the United States, on the other. Puerto Rico ceased being a territory of the United States subject to the plenary powers

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of Congress as provided in Article IV, Section 3, Clause 2 of the Federal Constitution. From July 25, 1952, in which the Commonwealth of Puerto Rico was born, Puerto Rico ceased being governed by the unilateral will of the Congress; now it is being governed by the express, though generic, consent of its people, through a compact with Congress. Whatever authority was to be exercised over Puerto Rico by the Federal government would emanate thereon, not from Article IV of the Constitution, but from the Compact itself, voluntarily and freely entered into by the people of Puerto Rico, even without an express recognition of its sovereignty, and the Congress; a compact which cannot be unilaterally revoked either by Congress or by the people of Puerto Rico.” (footnotes omitted)

Judge Cancio went on to hold that Congress had retained its traditional power to regulate interstate commerce when it enacted the Federal Relations Act in the nature of a Compact with the people of Puerto Rico:

“Without having to decide whether the interstate commerce clause applies to Puerto Rico, and even assuming, as defendant claims, that it does not, it seems clear that there was no intention on the part of Congress and the people of Puerto Rico to deprive Congress of the powers similar to the ones it has in this field over the states. At least, there is no doubt that the Taft-Hartley Act, and laws similar to it that were being applied to activities in Puerto Rico which affect interstate commerce in the traditional sense, continued to apply to Puerto Rico only to those activities after 1952. And there is no indication to the contrary in the will expressed by both parties to the compact.” (footnotes omitted)

I still remember having assisted Judge Cancio in clarifying the scope of interstate commerce through notes 13 and 15 of the opinion:

“[13] Although it becomes unnecessary to decide this question, it is important to clarify that interstate commerce does in fact exist between Puerto Rico and the United States. However, the power to control such an interstate commerce relationship which once fell under Article IV, Sec. 3, cl. 2, now derives from the compact as provided in Public Law 600, Federal Relations Act, and Public Law 447. It is the source of power which changed, not the relationship itself. See *R.C.A. v. Gobierno de la Capital*, 91 P.R.R. 404 (1964). See also, *Buscaglia v. Ballester*, 162 F.2d 805, 806-807 (1st Cir. 1947), where the Court of Appeals explicitly recognized Article IV, Sec. 3, cl. 2 of the Federal Constitution as the exclusive fountainhead of congressional power to regulate

interstate commerce accepting the territory of Puerto Rico.”

“[15] Section 9 of the Federal Relations Act, 48 U.S.C. § 734, provides in pertinent part as follows:

“The statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States’ ...”

We believe that within the scope and intendment of the phrase ‘statutory laws of the United States not locally inapplicable’ is included the Labor Management Reporting and Disclosure Act, Note 12, supra (L.M.R.D.A.). Indeed, in its congressional findings, purposes and policy, set out at the beginning of L.M.R.D.A., 29 U.S.C. § 401, after reiterating more or less the same considerations which prompted it to enact the Taft-Hartley Act, Note 6, supra, Congress declares:

‘...from recent investigations in the labor field... there have been a number of instances of breach of trust, corruption, disregard of the right of individual employees, and other failures to observe high standards of responsibility and ethical conduct which require further and supplementary legislation that will afford necessary protection of the rights and interests of employees and the public generally as they relate to the activities of labor organizations, employers, labor relations consultants and their officers or representatives.’ (emphasis added in original)

It further finds that the enactment of this Act is necessary for the policies of the Taft-Hartley Act not to be distorted and defeated. It can be inferred from the language quoted above that the L.M.R.D.A. is not a ‘new’ statutory law, necessitating close scrutiny to determine whether it falls outside the ambit of Section 9, but an extension of pre-1952 congressional enactment covering the same labor relations field which the pre-Commonwealth Taft-Hartley Act covered, although fashioning new means and remedies of regulating the activities of labor-management and making more effective and advancing the policies which necessitated the former legislation. It would be absurd to say that when the people of Puerto Rico consented to the applicability of the Taft-Hartley Act in the Commonwealth, they simultaneously rejected any supplementary legislation by Congress that would keep the initial legislation responsive to the needs, purposes and policies prompting its enactment. Such an erosion of the effectiveness of the Taft-Hartley Act through supervening circumstances could not have been intended by the parties to the compact, unless such an enterprise was merely pro-forma and meaningless.”

Other cases wherein Judge Cancio upheld the “Compact” between Puerto Rico and the government of the United States were *Liquilux Gas Services of Ponce, Inc. v. Tropical*

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JOSÉ VÍCTOR TOLEDO (1970-1980)

by Priscila Acevedo, Esq.

José Víctor Toledo, known to his family as Pepito, and Pepe to his colleagues, was born in Barrio Hato Arriba, Arecibo, Puerto Rico on August 14, 1931. His father was José Toledo-Vélez, and his mother, Isabel Toledo-Alamo. Judge Toledo was the youngest of seven children. His mother Isabel passed away when Judge Toledo was about two years old. His older siblings and his maternal uncle, Domingo Toledo-Alamo, a well-known attorney and law professor, helped raise him.

His older brother and sisters wanted to provide José Víctor with the best guidance and education, so they convinced their father to allow Pepito to enroll as a boarding student at Colegio San José, a Marianist Catholic preparatory school led by Marianist priests, known for its academic excellence and open only to young men at the time, for grades 7 through 12.

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Gas Co., 303 F. Supp. 414 (D.P. R. 1969) and *U.S. v. Valentine*, 288 F. Supp. 957 (D.P.R. 1968).

Aside from these important decisions on the legal relationship between the Commonwealth and the federal government, Judge Cancio dealt with a broad spectrum of issues relating to admiralty, insurance, tort, contracts and criminal law. In the latter field, he has a noteworthy opinion showing his keen sense of individual justice and respect for differing views of defendants who appeared before him when the military draft was compulsory. *See, e.g., U.S. v. Gonzales Vargas*, 370 F. Supp. 908 (D.P.R. 974) and *U.S. v. Feliciano Grafals*, 309 F. Supp. 1292 (D.P.R. 1970).

In *Feliciano Grafals*, defendant had refused to join the Army due to his political belief that Puerto Rico should be independent. He wanted to be classified as a conscientious objector, something that the law did not provide for. Feliciano Grafals was convicted and Judge Cancio sentenced him to one-year imprisonment believing that it was the minimum sentence he could give. However, when the case was on appeal, he requested that it be sent back so he could amend the sentence. The Court of Appeals complied the 119th day after the original sentence had been entered and before the 120th day, when he would have lost jurisdiction, Judge Cancio resented defendant in absentia to one

hour detention in the Marshal's cell block. He thoroughly explained his reasons which show how seriously this Judge took his oath and duties, but at the same time, displayed tolerance, compassion, and a keen understanding of a defendant's personal history and characteristics, one of the sentencing factors now found in 18 U.S.C. § 1335(a)(1). *See Feliciano Grafals*, 370 F. Supp. at 1295-1301.

By contrast, and dutifully applying the law, Judge Cancio refused to dismiss the indictment of other codefendants on the basis of myriad political arguments challenging the prerogative of Congress to draft military personnel. *See Gonzales Vargas, supra.* (Prosecution of Puerto Rican citizens for violation of Selective Service Act is not cruel and unusual punishment and cannot be considered a violation of International Law).

All in all, Judge Cancio was a dedicated public servant who exercised his authority as a federal district judge prudently, legally and equitably and with powerful sense of justice imbued with a touch of mercy.

He certainly upheld the integrity and independence of the Federal District Court in Puerto Rico deciding all cases and controversies before him in accordance with applicable law, regardless of any personal political views. Hence, he deserves our respect as one of the staunch defenders of the Article III status of the Court during its 50th year of existence.

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One of his older sisters thought that José Víctor should pursue his higher education in the mainland, seeing as he had excelled at the Colegio San José. At the age of 18 (1948-1949) he attended Lon Morris Junior College in Jacksonville, Texas, the oldest private two-year college of arts and sciences in the tradition of the United Methodist Church. He then attended Southern Methodist University (SMU) in Dallas, Texas from 1949 to 1950.

In 1952, José Víctor Toledo obtained a Bachelor of Arts degree from the University of Florida. He attended the University of Florida Law School at Gainesville from 1952 to 1953, and then enrolled at the University of Puerto Rico Law School, where he obtained his Juris Doctor degree in 1955. He passed the Bar Examination with flying colors and was admitted to the Puerto Rico Bar in March 1956. On July 9, 1955 he married Clara J. Buscaglia, with whom he had two sons and three daughters.

From June to August 1956 José Víctor Toledo served as a District Court Judge for the Commonwealth of Puerto Rico in the towns of Guayanilla and Yauco. He was later drafted by the U.S. Army, where he was commissioned as First Lieutenant. From 1956 to 1960 he served as a member of the Judge Advocate Corps, stationed at Fort Brooke in San Juan.

From 1960 to 1961, he was an Assistant United States Attorney for the District of Puerto Rico. When Judge Hiram R. Cancio was the Attorney General of Puerto Rico, he invited then-AUSA Toledo to join the Justice Department, in light of the glowing recommendations he had received. Despite being offered the best possible working conditions, at the time Toledo chose to enter the private practice of law, instead.

In January 1961, Toledo joined the Rivera-Zayas, Rivera-Cestero & Rua law firm, becoming a partner in January 1962. By March 1963, he was opening his own law firm with attorneys Aldo Seguro-la-De Diego and Carlos Romero-Barceló, his long-time friend. In 1967, he became a partner in the Toledo & Córdova law firm. He continued in private practice in Old San Juan until 1970. From 1969 to 1970, he belonged to the San Juan Municipal Employee Grievances Committee, and was also a member and secretary of the Puerto Rico Civil Rights Commission.

As a citizen, he excelled as a distinguished leader of the Exchange Clubs of Puerto Rico, involved and committed at the local and the national levels.

On June 2, 1970, President Richard M. Nixon nominated José Víctor Toledo to a new judgeship that had been created for the District Court in Puerto Rico. On September 25, 1970 the United States Senate confirmed Judge Toledo, who received his commission on December 1, 1970, becoming, at 39, the youngest federal judge in the federal judicial system. Judge Toledo went on to become Chief Judge on January 31, 1974, taking the oath during Chief Judge Hiram R. Cancio's retirement ceremony. He served in office until his untimely death on February 3, 1980 at the age of 49.

When Judge Toledo joined the bench, the federal district court in Puerto Rico was going through a crisis because of its excessive caseload. In 1974, as Chief Judge, Toledo began to restructure the Court and the Clerk's Office in order to better handle workloads, modernize existing equipment, hire specialized support staff, and improve court personnel salaries. He fought hard so that each judge was assigned an interpreter, and hired a *pro se* law clerk to handle prisoner complaints.

... GIVEN THE EXIGENCIES
OF THE SPEEDY TRIAL ACT
AND THE STRAIN IT PLACED
ON THE THREE SITTING
JUDGES' AVAILABLE TIME
TO HANDLE CIVIL CASES,
JUDGE TOLEDO SET OUT TO
INCREASE THE SIZE OF THE
COURT FROM THREE TO
SEVEN JUDGES.

Concerned by the effects of the existing backlog on the parties, their attorneys, and the public in general, he started a student law clerk program whereby distinguished law students from the University of Puerto Rico could do their third-year legal practice in this Court during the school semester. The students' contributions aided in the disposition of cases and was a great learning experience for both the judges and the students. It is still a practice

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employed by many judges in the Court, which in turn improves the quality of those who will eventually be part of Puerto Rico's federal bar.

One enormous task that fell on Judge Toledo's shoulders was the implementation of the Speedy Trial Act of 1974. In view of the constraints of the Court, the lack of a sufficient number of judges, and the staffing limitations, the Federal Public Defender's Office for the District of Puerto Rico was established during his tenure in order to better handle the load of criminal cases. Additionally, given the exigencies of the Speedy Trial Act and the strain it placed on the three sitting judges' available time to handle civil cases, Judge Toledo set out to increase the size of the Court from three to seven judges. He steadfastly took his crusade to four different fronts: the Judicial Council of the First Circuit, the Judicial Conference of the United States, the Administrative Office of United States Courts and, through the office of Resident Commissioner Baltasar Corrada del Río, to Congress. His efforts bore fruit in 1978, when four new judgeships were created for the District of Puerto Rico.

In 1975, a second United States Magistrate Judge position was also obtained under Judge Toledo's leadership. In addition, he was instrumental in obtaining professional library services for the growing needs of the judges and the court's staff, convincing the First Circuit librarian to create a librarian's position in Puerto Rico to manage the court's collections and provide services to the judges and their staff. A First Circuit Satellite Library was created and a professional librarian joined the Court in June 1980, four months after Judge Toledo's death.

Judge Toledo was also responsible for overseeing the construction of a new courthouse in Hato Rey, which was no simple task in light of the court's changing needs and size. Leaving Old San Juan was not easy for Judge Toledo, who loved the city, the physical surroundings and the atmosphere, but he came to understand that there was no better location for the court than Hato Rey. So he procured the restoration and preservation of the Old San Juan Courthouse & Post Office in tandem with the construction of the Hato Rey courthouse.

Almost 19 years after Judge Toledo's death, the restored United States Courthouse and Post Office in Old San Juan was fittingly designated as the José V. Toledo Federal Building and United States Courthouse, by Public Law 106-077 of October 22, 1999. The judges of the United States District Court had unanimously recommended the naming

of the Old San Juan federal courthouse in honor of Judge Toledo because, as a fellow district judge said:

"Judge Toledo was not only admired by his colleagues, but he had earned the respect of the public, the bar, and the bench (...) and he had patience as a judge, impartiality, fairness, and decorum in the adjudication of the controversies brought before him. He was frank, but not blunt. He set high standards for himself, yet he had a refreshing humility and capacity to understand the problems of others. He was not only a learned jurist and an outstanding citizen, he was an excellent human being. His character was reflected in the language of his opinions (...) he was thorough in his research, clear, concise, and to the point. His style was not ornate (...) his preference was for clear and serviceable prose."

Judge Toledo was a hard worker, but also mindful of his family and civic duties. He was a good father and a loving husband who shared his family life with his staff. On November 17, 2000, during the dedication ceremony naming the Old San Juan Courthouse in his honor, a bronze plaque was unveiled in the presence of Judge Toledo's relatives. The engraving reads: "He led his life with nobility and grace. He served on the Court with dedication and distinction. He was an exemplary human being who stood for the highest ideals of Public Service. November 2000."

The judges that were present during the ceremony emphasized Judge Toledo's loyalty to his oath and commitment to the administration of justice; his sharp intellectual capacity; his compassionate and effective leadership; his extraordinary administrative skills; his people skills and great sense of humor; his generosity towards others, and his humbleness. Despite the personal tragedy he endured as a child, he always carried himself with fortitude, courage, and serenity. During the ceremony, Judge Torruella shared with the audience the wonderful moments spent with Pepe during the basketball games at the Customs House with other colleagues and friends, and the trips on the Cataño ferry to eat fish in Palo Seco, across the San Juan Bay. Judge Toledo's mentee, Judge Juan M. Pérez-Giménez, pointed out that Judge Toledo was very proud to be a Puerto Rican and loved his culture, music, folklore, food, and the Island's countryside. Judge Pérez-Giménez also mentioned how Judge Toledo's patriotic vein moved him to be the first to display Puerto Rico's flag side by side with the United States flag inside the judges' chambers and the Office of the Clerk.

A beacon and a mentor for all the judges in the District of Puerto Rico, a true friend, a model of professionalism and even-handed judicial temperament, to this day Judge Toledo remains as the most beloved judge ever to sit on this Court.

HERNAN GREGORIO PESQUERA-GUILLERMETY (1972-1982)

By Marcos E. López, USMJ

Hernán Gregorio Pesquera-Guillermety was born in Santurce, Puerto Rico, on May 25, 1924, just shy of six years after World War I had ended and roughly just about as long before the Great Depression kicked into full swing. After obtaining his Bachelor of Arts degree from the University of Puerto Rico in 1944, Hernán Pesquera joined the United States Army in 1944, where he served as a Platoon Sergeant, and was honorably discharged from active duty as a First Lieutenant in 1946. He then became a member of the United States Army Reserve, where he served for more than two decades until his retirement as a Lieutenant Colonel in 1973. In recognition of his service, he was awarded the Meritorious Service Medal; additionally, the United States Army Reserve Center on the Fort Allen grounds in Juana Diaz, Puerto Rico, has been named after him.

After his discharge from active duty in the United States Army, Pesquera pursued his legal studies at Cornell Law School, where he obtained his law degree in 1948. The following year he was admitted to the Puerto Rico Bar. Between then and his nomination to the federal bench in 1972 by President Richard M. Nixon, Hernán Pesquera had an active law practice in both the private and public sectors: the Luis E. Dubón Law Office (1949-1950); the Office of the General Counsel for the Puerto Rico Transportation Authority (1950-1951); the Puerto Rico Wholesale Merchants Association (1951-1952); and the Geigel, Silva & Pesquera Law Firm (1952 to 1972).

In October 1972, with the endorsement of both the Puerto Rico Bar Association and the American Bar Association, Hernán Gregorio Pesquera-Guillermety was unanimously confirmed by the Senate and received his commission to fill the vacancy left by Judge Juan B. Fernández-Badillo. He formally joined the federal bench on December 1, 1972 and served until 1982.

While fulfilling his many responsibilities as a judicial officer, Judge Pesquera found time to teach at the Pontifical Catholic University's School of Law, in Ponce, beginning in 1976. He taught courses in federal jurisdiction and criminal procedure, among other subjects.

On February 3, 1980, he became Chief Judge upon the untimely passing of José Víctor Toledo at the early age of 49. During his tenure, Judge Pesquera was an ardent supporter of having all proceedings in the United States District Court for the District of Puerto Rico conducted



in the English language, despite attempts in Congress by Resident Commissioner Baltasar Corrada-del Rio to allow at least some proceedings to be held in Spanish. Eventually, Judge Pesquera's view—and that of other First Circuit Judges, such as Frank M. Coffin and Levin H. Campbell, who testified before a Senate subcommittee—prevailed. To this day, proceedings in federal court are all in English, with interpreting services provided by the Court to defendants in criminal cases who are not fluent in the English language. Judge Pesquera's tenure as a Chief Judge, however, would not be lengthy, as he unexpectedly died from a heart attack on September 8, 1982 at age 58.

Soldier, lawyer, judge, teacher, and proud father of three daughters and one son, Judge Hernán Pesquera was warmly remembered during the commemorative session held in his honor upon his passing. Counselor in the fullest meaning of the word; witty, meticulous, analytical; intense and humble; a gregarious man; a man of unwavering integrity, deep understanding and passionate dedication to his work; kept his easy, open manner, his sense of humor, sense of balance and determination of purpose; strong opinions, but he never closed his mind; believed in justice, but he also knew the meaning of mercy; always a man of his word; a trial lawyer by heart and a voracious hard worker; an untiring judge; these were just some of the messages conveyed by several of the speakers on that occasion.

Perhaps José Luis Vilá, one of his former law clerks, summed him up the best: "He taught us the difference between law and justice. He showed us how best to combine them. We shared his grief whenever he could not."

JUAN R. TORRUELLA (1974-1984)

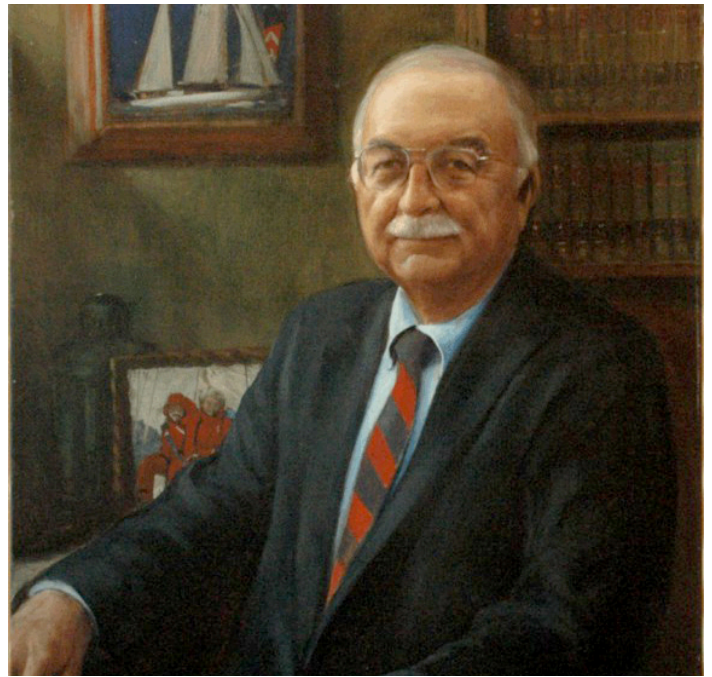
by Judge Pedro A. Delgado Hernández

On June 11, 1966, President Lyndon B. Johnson signed Public Law 89-571, establishing the United States District Court for the District of Puerto Rico as an Article III Court. Looking back eight years, to 1958, a young attorney, Juan R. Torruella, became a member of the bar of this Court. He went on to become a judge in this Court, then its Chief Judge, then a judge in the United States Court of Appeals for the First Circuit, and then its Chief Judge.

Juan R. Torruella was born in June 1933 on Allen Street, now Fortaleza Street, in Old San Juan, Puerto Rico. In March of that year, Franklin D. Roosevelt had become the Nation's 32nd President. The Governor of Puerto Rico was James R. Beverley, the Senate was presided over by Rafael Martínez-Nadal, Miguel A. García-Méndez was Speaker of the House of Representatives and Santiago Iglesias-Pantín was Puerto Rico's Resident Commissioner. Meanwhile, the sole seat of the United States District Court for the District of Puerto Rico was vacant. Judge Ira Kent Wells from Kansas had left office in January 1933. He had been initially appointed by President Calvin Coolidge to a four-year term in 1925. President Herbert Hoover reappointed him to another term in 1929. Judge Robert Cooper from South Carolina would succeed Judge Kent in 1934. By Presidential appointment, Justices Harvey M. Hutchison, Adolph G. Wolf, and Emilio del Toro from the Puerto Rico Supreme Court served as Acting Judges in the District Court.

Juan Torruella's formative years were spent near the ocean in San Juan. He attended Saint John's School in Puerto Rico, and the Admiral Farragut Preparatory School in New Jersey. From 1949 to 1954, he attended the Wharton School of Business at the University of Pennsylvania, majoring in Insurance. He received a Bachelor of Science Degree in Economics. He went on to Boston University Law School, receiving his law degree in 1957. Following graduation, he returned to Puerto Rico and was admitted to the Puerto Rico Bar. In 1955, he married Judith Wirt, his lifelong companion, in Copenhagen, Denmark, at the end of a bicycle trip through Europe. They have 4 children and 8 grandchildren.

From 1957 to 1958, Juan Torruella served as law clerk to Associate Justice Pedro Pérez-Pimentel of the Puerto Rico Supreme Court. After he completed his tenure as a law clerk, he joined the staff of the National Labor Relations Board, where he worked as an attorney on the Board's 24th Region in Puerto Rico until 1960. That year, he entered private practice with the San Juan law firm of Fiddler



González & Rodríguez, becoming a partner in 1963. His partners included the former Chief Justice of the Puerto Rico Supreme Court, Víctor Pons, and LATE Senior United States District Judge Salvador Casellas. He was an all-around litigator, but concentrated in labor law, aviation matters, and maritime law. In 1967, he left the firm to be a solo practitioner, and in 1969 joined Jaime Pieras, Jr., to establish the firm of Pieras & Torruella. Mr. Pieras was eventually appointed to this Court, serving with distinction until his passing in 2011.

In 1974, President Ford appointed Juan R. Torruella to a seat vacated by Hiram R. Cancio. He was confirmed by the Senate on December 18, 1974, and received his commission on December 20, 1974. He served as Chief Judge from 1982 to 1984. In 1984, President Ronald Reagan appointed him to the First Circuit. He was confirmed by the Senate on October 3, 1984, receiving his commission on October 4, 1984. He is the first Hispanic appointed to that Court.

Judge Torruella has had a very productive and high-ranked judicial career, authoring more than 1,690 published opinions, including 1,370 majority opinions and 230 concurring or dissenting opinions. From 1994 to 2001, he served as Chief Judge for the First Circuit, replacing Judge Stephen Breyer, who was appointed to the United States Supreme Court as Associate Justice. While serving as Chief Judge for the First Circuit, Torruella was appointed to the Executive Committee of the Judicial Conference and was the United States representative at the Conference of Chief Justices of the Americas in Chile, Panama, and Washington, D.C.

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In 1984, Judge Torruella received an LL.M. degree from the University of Virginia and an M.P.A. degree from the University of Puerto Rico. In 2003, he received a Master of Studies (M.St.) in Modern European History from Magdalen College at Oxford University. He has been the recipient of multiple awards for his legal scholarship and accomplishments. In 1995, he received an Honorary L.L.D. from St. John's University, and the Boston University Alumni Award. In 1998, he received an Honorary L.L.D. from Roger Williams University. He has been a lecturer at the University of Puerto Rico Law School, and a panelist in seminars and conferences in Puerto Rico, the United States, Mexico, El Salvador, Chile, Peru, Venezuela, Spain, and Uzbekistan. He is the author of numerous scholarly articles and of three books: *The Supreme Court and Puerto Rico: The Doctrine of Separate and Unequal* (1984), an interdisciplinary approach to the study of the Insular Cases; *Global Intrigues: The Era of the Spanish-American War and the Rise of the United States to World Power* (2004); and *La sombra larga del sol de mediodía* (2009), a novel.

Paralleling Judge Torruella's professional and academic accomplishments is a lifelong interest in sailing, associated to the landscape near the sea where he spent his childhood years. He represented Puerto Rico in the sailing event during the Olympic games of 1964 in Tokyo, 1968 in Mexico City, 1972 in Munich, 1976 in Montreal, and 1984 in Los Angeles. He received a silver medal in yacht racing at the 1966 and 1974 Caribbean Games, and was inducted into Puerto Rico's Sports Hall of Fame. The

International Olympic Committee honored him with its highest recognition, the Olympic Order, in 1998, and with the Pierre de Coubertin Medal for having been a member of the International Council of Arbitration for Sports from 2006 to 2014. He presided the Arbitration Court and the 2012 Winter Olympics in Vancouver, Canada, and the 2014 Olympic Games in London. He became the proud owner and captain of *Danza*. The *Danza* crew under his command raced the Atlantic Ocean during the *Gran Regata Colón* in 1992. In 1996, he also challenged the seas with *Danza* in a round trip of South America, sailing around the *Cabo de Hornos* on his way from the Pacific Ocean to the Atlantic Ocean and back to Puerto Rico.

Judge Torruella's extraordinary experience and accomplishments are a reflection of his self-discipline, dedication, and hard work. He is a source of pride to Puerto Rico and this Court. Closing his remarks at the elevation ceremony in 1984, he said:

"In closing I say that I am conscious of the fact that, like it or not, choose it or not, the eyes of many are cast upon me, and because of this, I am as much the judged, and the judge. Perhaps more important, I am aware that by my actions will be measured not only myself, but the community from which I most proudly come. This is a weighty burden, but one whose challenge I gladly accept. I thus pledge, before you, my family, my friends and my colleagues, that with your help and support, I shall strive to do my best, and that I will not let you down, so help me God."

Judge Torruella has kept his word. His work serves as an inspiration to all of us, and an everyday reminder of the importance of working to ensure Justice within the law.

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JUAN M. PÉREZ-GIMÉNEZ (1979-PRESENT)

by Priscila Acevedo, Esq.

Juan M. Pérez Giménez was born on March 28, 1941 in Río Piedras, Puerto Rico, the son of Francisco Pérez-Fernández and Elisa Giménez-Cerra, who were Spanish immigrants to Puerto Rico. He has been married to Carmen R. Ramírez-Vivoni for over fifty years and they have five children and 13 grandchildren.

Juan M. Pérez-Giménez attended Academia del Perpetuo Socorro through the fourth grade. He then attended Chaminade Preparatory School in St. Louis, Missouri, and graduated in 1959. He received his B.A. from the University of Puerto Rico in 1963 and an M.B.A. from George Washington University in 1965. Although he meant to run the family business after graduating from business school, prior to such endeavor he audited some law school courses at the suggestion of the University's Dean. He decided to enroll in law school, and in 1968, he received his law degree, cum laude, from the University of Puerto Rico. While in law school, he was an Associate Editor of the Law Review. He has been admitted to the bar of this Court, the Supreme Court of Puerto Rico, the United States Court of Appeals for the First Circuit, the United States Court of International Trade, and the District of Columbia Court of Appeals.

After passing the Puerto Rico bar examination, Pérez-Giménez joined the law firm of Goldman, Antonetti and Subirá, where he represented clients in matters of labor law. In 1971, he was invited to join the Civil Division of the U.S. Attorney's Office. Shortly after arriving there, he was assigned to prosecute a criminal trial, substituting for a prosecutor who was unable to attend. Upon obtaining a conviction, the young prosecutor immediately decided that he did not want to go back to the civil division and asked to be assigned to the criminal division instead, where for the next four years he successfully tried numerous cases, most of them involving drug-related offenses. Juan Pérez-Giménez's devotion and passion when trying criminal cases—as well as his excellent preparation and performance—soon caught the eye of the judges of this Court, in particular those of then-Chief Judge, the late José V. Toledo.

Judge Toledo selected Pérez-Giménez to fill the court's vacant magistrate judge position in 1975. Despite being offered a prestigious cabinet position with the Commonwealth government during his tenure as Magistrate Judge, he politely turned it down, keeping his mind focused on his goal to someday become a United States District Judge for the District of Puerto Rico. Over 35 years ago, on



December 18, 1979, Juan M. Pérez-Giménez was appointed as United States District Judge. He served as the Court's Chief Judge from 1984 to 1991, and took senior status on his 65th birthday in 2006.

Judge Pérez-Giménez has presided over hundreds of civil rights cases, some of them brought against representatives of Puerto Rico's government—ranging from law enforcement and corrections officers, to the Governor and executive cabinet members. One particular case, however, stands out from the rest. In 1980, not long after taking office, the Judge held that the government's penal system violated the civil rights of inmates by imposing constitutionally unacceptable conditions of confinement. Judge Pérez-Giménez issued an injunction against the Governor and the Corrections Administrator. To date, the injunction is still in place, a measure that prevents inmate conditions from becoming unconstitutionally inhumane.

On the criminal side of his docket, Judge Pérez-Giménez has also presided over hundreds of cases throughout his years on the bench, and issued thousands of orders. Many of these have made national headlines, such as those involving trespassers on the former naval installation on the island of Vieques, or the ones in large-scale conspiracies involving massive amounts of drugs, as well as those for corruption of local government officials.

Judge Pérez-Giménez is a devoted family man, who also enjoys fishing, reading, and cooking. Before he became a judge, he also spent considerable time on another type of court—a basketball court—lettering in the sport when he was in high school and, upon graduation, playing in Puerto Rico's superior basketball league. Legend has it that, as a

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GILBERTO GIERBOLINI ORTIZ (1980-2004)

by Marcos López, USMJ

Gilberto Gierbolini Ortiz was born on December 22, 1926, in beautiful Coamo, Puerto Rico, a town famous for its thermal springs, founded in 1579 and officially recognized as such in 1616. Perhaps the fact that he came from one of the older towns in Puerto Rico influenced his passion for history, as well as his love for culture as expressed through poetry and music. Sometimes these endeavors were more than just a hobby, as evidenced by the fact that he was one of the co-founders of the Fundación Pro Adelante de la Música.

In 1943, in the midst of World War II, he joined the U.S. Army's 65th Infantry Regiment and attained the rank of Second Sergeant. Once the war ended, Gilberto Gierbolini pursued studies at the University of Puerto Rico, but before he was able to graduate he was called in 1951 to serve as a Second Lieutenant in Korea. After transfers to Germany and Georgia, he was discharged as a Captain in 1957, and in that very same year successfully completed his Bachelor of Arts degree *magna cum laude* from the University of



Puerto Rico. Four years later, Gierbolini graduated cum laude from the University of Puerto Rico's School of Law.

He was admitted to the Puerto Rico Bar Association on September 29, 1961 and five days later was appointed to serve as an Assistant United States Attorney in Puerto Rico. In 1966, he became a Superior Court Judge by appointment from Governor Roberto Sánchez-Vilella, and served in that

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federal prosecutor and later magistrate judge, he used to showcase his tremendous leaping ability and long-range shot at games played with other staff and attorneys on a basketball court in the Old San Juan Customs House. After permanently hanging up his basketball shoes, the judge switched to golf as his sports activity of choice. Judge Daniel Domínguez, one of his frequent golf partners, enjoys telling of the time they both participated in a tournament and were paired with professional golf legend Jack Nicklaus: "When Judge Pérez-Giménez took out his vintage golf clubs, Nicklaus, who was playing with top-of-the-line equipment, surprisingly asked him 'What is that?' The judge, with a proud smirk, replied, 'These are the best clubs a federal judge can afford.'"

Throughout his judicial career, the judge has also been a mentor to over 50 law clerks who have worked with him. These former law clerks are now either partners or associates in major law firms or run their own firms; serve

as federal prosecutors or defense attorneys; work for the executive and judicial branches of the federal government; and have held cabinet and high-ranking positions in Puerto Rico's government. One of them is a United States District Judge and another is a United States Magistrate Judge. Most still assert that the best years of their careers were those during which they worked in the chambers of Judge Pérez-Giménez, who became a father figure and teacher to these young lawyers during their clerkships. These former law clerks consistently agree that he masters all matters of evidence and criminal law, possesses a sharp and reliable memory of events and past cases, and loves to tell the stories of the summers he spent in Spain as a young man.

Judge Pérez-Giménez has been a member of the American Bar Association since 1971, of the Federal Judges Association—being also a member of its Board of Directors in 1993—and has been an active member of the Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association throughout his federal career.

CARMEN CONSUELO CEREZO (1980-PRESENT)

by Ramón Santiago, Esq.

Carmen Consuelo Cerezo first saw the light of day in San Juan in 1940. She is the fourth of five children born to Consuelo Martínez-Cuebas and Pablo Vargas-Badillo. In her early years, and before ever dreaming of becoming the first woman to be appointed to the bench in the U.S. District Court for the District of Puerto Rico and the first Hispanic woman to sit on the bench of a federal court in the entire nation, Judge Cerezo—who was neither a judge nor a Cerezo at the time—was simply known as “Carmita” to her Dad and “Cuca” to her four siblings and friends. Cuca was her Mom’s confidant, her sisters’ partner in adventures and mischiefs, the typical bookworm in school, activities that she balanced with her passion for ballet dancing. Her passion for ballet was so strong that every Christmas Cuca asked Santa Claus for her ballet classes to resume, and after



graduating from high school she even considered pursuing further ballet training instead of attending college.

Yet Cuca’s destiny was not to become a famous prima ballerina but, rather, to serve her country as an esteemed

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capacity first in Bayamón (1966-1967), and then in Caguas (1967-1969). In 1969, Governor Luis A. Ferré appointed him to the position of Solicitor General for the Commonwealth of Puerto Rico. His final stop before embarking in the private practice of law took place during the latter half of 1972, when Judge Gierbolini served as Chairman of the Puerto Rico State Election Board.

Although Judge Gierbolini devoted most of his time to the private practice of law between 1973 and 1980, during some of those years he also taught at the University of Puerto Rico and the Pontifical Catholic University’s School of Law, in Ponce, Puerto Rico.

On November 30, 1979, President Jimmy Carter nominated Judge Gierbolini to be a United States District Judge for the District of Puerto Rico, and he was confirmed by the Senate on February 20, 1980. Throughout his tenure in federal court, Judge Gierbolini faced many challenging cases, perhaps the one that drew most public attention was the trial against former Police of Puerto Rico Lieutenant Colonel Alejo Maldonado and seven other defendants facing conspiracy and extortion charges related to the kidnapping

of a jeweler. The trial, which lasted more than a month and prompted Judge Gierbolini to order the jury’s sequestration, resulted in a guilty verdict against Maldonado.

On October 31, 1991, Judge Gierbolini became Chief Judge, and remained in that position until he assumed senior status on December 27, 1993. On March 5, 1992, then-Chief Judge Gierbolini delivered a thoughtful speech reflecting on how the Bill of Rights ought to be cherished and preserved. A portion of his remarks reveal once again his keen interest in history:

James Madison in a speech to the Virginia Convention on their adoption of the U.S. Constitution, noted that, “Since the general civilization of mankind, I believe there are more instances of the abridgement of freedom of the people, by gradual and silent encroachments of those in power, than by violent and sudden usurpations.” Our fervent hope is that through continued public vigilance, the rights and liberties secured by the Bill of Rights will be safeguarded for future generations.¹

Judge Gierbolini retired on March 23, 2004 and passed away on December 29, 2009, at age 83.

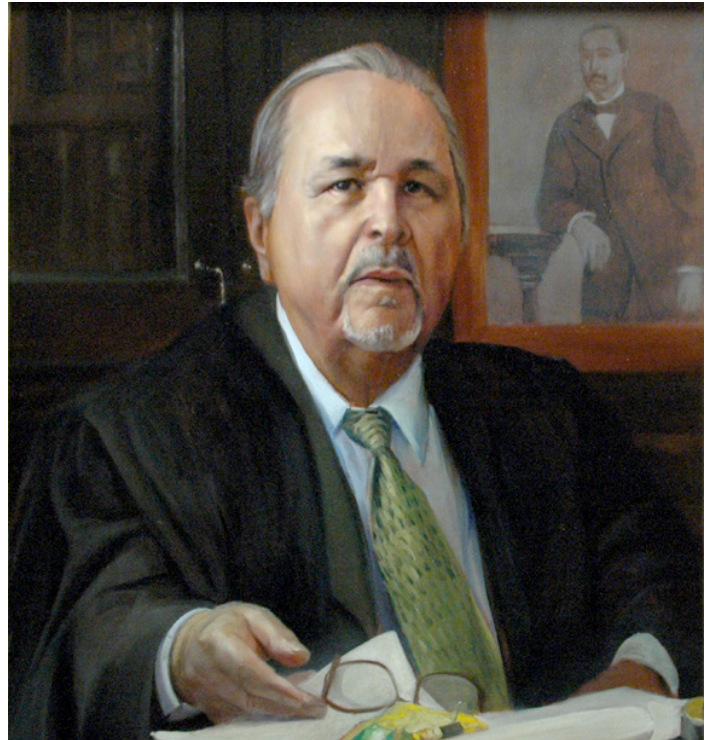
¹ Gilberto Gierbolini, The Bill of Rights: Remarks Upon the Dedication of the Plaque Commemorating the Bicentennial of the Ratification of the Constitution, 61 Rev. Jur. U.P.R. 527, 529 (1992).

JAIME PIERAS, JR. (1982-2011)

by Camille L. Vélez-Rivé, USMJ

Jaime Pieras, Jr. was born on May 19, 1924 in San Juan, Puerto Rico. He attended Colegio San José and graduated in 1942. He pursued his undergraduate studies at the Catholic University of America in Washington, D.C. where he graduated in 1945 with a B.A. in Economics. Pieras, Jr. then enrolled at Georgetown University Law School, but World War II interrupted his studies. Drafted by the Army and sent to Italy, Jaime Pieras served in the United States Army, in the Mediterranean Theater of Operations, as a tank commander with the 88th Infantry Division (Fighting Blue Devils) from 1946 to 1947. After the war, he went back to Georgetown University and completed his Juris Doctor degree in 1948.

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judge. Cuca obtained her high school diploma from St. John's School in 1958, and one year later enrolled in the University of Puerto Rico Rio Piedras campus where she graduated in 1963 with a bachelor of arts in philosophy, summa cum laude. She went on to law school where she met the love of her life, Benny Frankie Cerezo, whom she married in 1964 adopting his last name from then on. She received a Juris Doctor degree from the University of Puerto Rico School of Law in 1966. Her stellar career in public service started shortly thereafter. She served as law clerk to Justice Luis Negrón-Fernández, then Chief Justice of the Puerto Rico Supreme Court, from 1966 to 1967, and then to Judge Juan B. Fernández-Badillo from 1967 until 1972 in the U.S. District Court for the District of Puerto Rico.

In 1972, she was appointed by Governor Luis A. Ferré to serve as a judge in the Commonwealth Superior Court, thus becoming Judge Cerezo. Assigned to perform her judicial duties in the Superior Court of Bayamón, there she presided over civil matters. It did not take long for Judge Cerezo to move up in the judicial ranks, as her scholarly opinions earned her a slot in the so-called *Supremito*, a local intermediate appellate court to which she was designated by Chief Justice José Trías-Monge in 1976.

President James Carter nominated her to the federal bench on May 14, 1980, an appointment which the U.S. Senate confirmed on June 26, 1980. She has served on the bench for 44 years, 36 of them in the District of Puerto Rico, which she also administered as its Chief Judge from 1993 to 1999. In 1988, and while performing her functions as a federal district judge, Judge Cerezo received an LL.M. in Judicial Process from the University of Virginia School of Law.

During her tenure as a judge in the U.S. District Court in Puerto Rico, Judge Cerezo has handled countless criminal and civil cases. Salient among these were the Cerro Maravilla obstruction of justice/perjury trials, the Filiberto Ojeda-Rios' trial on assault and firearms charges, and the mass tort litigations involving the 1994 San Juan oil spill and the 1996 Rio Piedras gas explosion.

Any attorney that has stood before Judge Cerezo can attest to her comprehensive knowledge of the law, firm character, indisputable probity, strict control over her courtroom, profound respect for the jury system, and scholarly command of the rules of evidence. Those who have shared with her in less formal settings know about her profound love for Puerto Rico, her entrenched religious beliefs, her deep love for her family, and her down-to-earth sense of humor.

Judge Cerezo is the proud mother of Rosanna Teresa and Francisco Javier, and loving grandmother of Sara Gabriela. She is a Life Fellow of the Federal Bar Association.

HÉCTOR M. LAFFITTE (1983-2007)

by Judge Daniel R. Domínguez

It is my pleasure to recapitulate ever so briefly the professional background and career of my former law partner and judicial colleague, Héctor M. Laffitte. He obtained a Bachelor's Degree from the Polytechnic Institute of Puerto Rico (now Inter American University) in 1955, a law degree from the University of Puerto Rico in 1958, and an L.L. degree from Georgetown University in 1960.

Héctor Laffitte was a successful private practitioner for 25 years in the law firm of Laffitte, Domínguez & Totti. He had extensive litigation experience in local and federal courts. He also litigated in numerous arbitrations, participated in countless labor negotiations, and had a strong legal practice at the National Labor Relations Board and the local



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Jaime Pieras, Jr. had a diverse and accomplished private practice throughout most of his professional career. He began his law practice in Puerto Rico with Luis Dubón, Sr., serving as counsel to numerous businesses in San Juan. He later joined the firm of Hartzell, Fernández & Novas, where he represented the Maritime Shipping Company of Puerto Rico, among other clients. Shortly thereafter, Pieras and attorney Angel Martín founded their own law firm, Pieras and Martín. Angel Martín later became an Associate Justice of the Puerto Rico Supreme Court. Thereafter, Jaime Pieras became the law partner of Juan R. Torruella, who would later become a United States District Judge, and subsequently a Circuit Judge on the United States Court of Appeals for the First Circuit.

In 1982, Jaime Pieras, Jr. was named to the federal bench by President Ronald Reagan. Throughout his tenure on the bench, Judge Pieras implemented strategies to promote judicial economy and efficiency, and to reduce litigation costs and delays. Judge Pieras designed and implemented the Initial Scheduling Conference method in chambers several years before it was codified in the Federal Rules of Civil Procedure. This method is best exemplified in the Law Review article he published in the *Catholic University of America Law Review Journal*, "Judicial Economy and Efficiency through the Initial Scheduling Conference: The Method," 35 *Cath.U.L.Rev.* 943 (1986).

Judge Pieras' most noteworthy case was *Igartúa de la Rosa v. United States*, 107 F. Supp. 2d 140 (D.P.R. 2000),

in which he conferred upon Puerto Ricans the right to vote for President of the United States, and brought to the forefront of the Judiciary the violation of the civil rights of U.S. citizens residing in Puerto Rico as a direct consequence of the prevailing political status on the Island. Judge Pieras believed that this one was one of his best opinions because it gave disenfranchised Puerto Ricans the power to vote for the chief executive of the United States, albeit for a limited time.

Judge Pieras was the first federal judge in Puerto Rico to take senior status, continuing to contribute to the judicial system by presiding over cases that presented complex and challenging legal questions. He was proud of having helped settle more cases than any other judge in the District of Puerto Rico. While he was a judge, he still thought of himself as an attorney. This is the reason why he is depicted in his official portrait with an open robe that reveals his suit and tie underneath.

Judge Pieras will always be remembered for his colorful disposition and sense of humor. Federal practitioners will never forget his reference to colloquial phrases in Spanish that he literally translated into English, such as: "This Court is not painted on the wall"—meaning, it is not to be ignored or overlooked—(*Esta Corte no está pintada en la pared*); "a political sweet potato"—meaning, a political crony—(*una batata política*), "In this Court you have to wet your feet"—meaning, you have to jump in and not sit on the sidelines—(*En esta Corte usted tiene que mojarse los pies*), among others.

Judge Pieras passed away in office on June 11, 2011, after 29 years on the bench.

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Labor Relations Board. He quickly earned an outstanding reputation as an extremely competent and reliable lawyer who worked long hours and was always well prepared to represent his clients with undivided loyalty.

He was respected by everyone at the law firm, not because he was the first on the firm's name, but because of his impressive work ethic, always in being the first to arrive and the last one to leave every work day. I considered him amongst the few to have a panoramic view of the law. He was also known for being much sought and retained by other law firms.

He did not hesitate to take on civic and legal ad honorem appointments as a member of various prestigious associations, commissions, and advisory committees. He was a member of the Puerto Rico Bar Association since 1959, and also belonged to the Federal Bar Association, and the American Arbitration Association. He was part of the Puerto Rico Civil Rights Commission, first from 1969 to 1972, and then reappointed from 1977 to 1983. He was also a member of the Puerto Rico Governor's Advisory Committee on Labor Policy, the P.R. Labor Relations Practitioners Association until his appointment as a federal judge, and the Puerto Rico Governor's Advisory Committee on Judicial Appointments, to which he returned in 2009 after his retirement from the federal bench. He was Vice-Chairman of an Ad Hoc Committee to interview and evaluate candidates for vacant seats in the Supreme Court of Puerto Rico and in 1970 he served as Adviser to the Government of the Virgin Islands on Labor Practice and Procedures. He was recognized as a Life Fellow member of the Federal Bar Association.

In the spring of 1983, Héctor M. Laffitte received a personal call from President Ronald Reagan advising him of his nomination to a federal judgeship in Puerto Rico. Judge Laffitte served for close to 25 years on the bench. He also became Chief Judge of this District, and served in that capacity from April 1999 through April 2004. Judge Laffitte took senior status in December 2005, later retiring from office in February 2007. With more than 55 years of service to bench and bar, he is now Special Counsel at the McConnell Valdés LLC law firm.

His multiple achievements and accomplishments are known to many of us in the practice of law and those who are part of this federal forum. Among these are the implementation of the CM/ECF system in 2003, the promulgation of the revised Local Rules of 2004, and the naming of the Clemente Ruiz Nazario Courthouse in Hato Rey. He was

one of the moving forces in the acquisition of the Ruiz Nazario statute that currently stands in the courthouse's atrium. He was also responsible for the naming of the José V. Toledo Courthouse in Old San Juan, and the Luis A. Ferré Courtroom in Ponce, and was instrumental in enabling an additional vehicular exit from the courthouse premises onto O'Neill Street, as both a convenience and an added security measure.

He promoted and participated in the Court's outreach program by creating publications to help the general public understand the federal courts. He also hosted seminars for the press covering the court to help them better understand civil and criminal proceedings. These seminars, in turn, paved the way for the press to report on civil lawsuits and criminal matters with clarity and precision. Judge Laffitte's achievements and contributions reached far beyond Puerto Rico; he was frequently assigned to preside over jury and bench trials in the District of Maine, where he served with distinction and was greatly appreciated.

Judge Laffitte's leadership and creativity were instrumental in obtaining a fourth magistrate judge and a fourth bankruptcy judge, as well as in filling five district judges' vacancies. Last, but not least, he was the moving force behind the publication of the History of the Federal Court in Puerto Rico 1899-1989, which chronicles the first 100 years the court's history in Puerto Rico. Unsurprisingly, District Judge Gelpi dubbed him the "Super Chief".

Judge Laffitte's most noteworthy rulings are:

- *Matos-Rivera v. Flav-O-Rich*, 876 F. Supp. 873 (1995). Ruling that Puerto Rico is a mixed-law jurisdiction, and discussing the interaction between the Civil Code and the common law tradition in Puerto Rico, cited with approval by the Puerto Rico Supreme Court in *S.L.G. Rodríguez Rivera v. Bahía Park*, 180 D.P.R. 340 (2010).
- *The Archbishop of the Roman Catholic Apostolic Archdiocese of San Juan v. Guardiola*, 628 F. Supp. 1173 (1985). Holding that application of Puerto Rico minimum wage to secular employees of the church did not violate First Amendment's separation of church and state provision.
- *United States v. Casablanca Matos*, 863 F. Supp. 50 (1994). Holding that the current tax exemption Puerto Rico enjoys is at the mercy of Congress, because there is no basic principle in the United States Constitution preventing Congress from gradually increasing/decreasing its full taxing power over Puerto Rico.
- *Caribbean Int'l News Corp. v. Fuentes Agostini*, 12 F. Supp. 2d 206 (1998). Deciding that Puerto Rico's criminal statute penalizing attempts to influence judges with the delivery of books was unconstitutional because it unduly encroached upon the press' First Amendment rights, and was not narrowly tailored.

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SALVADOR E. CASELLAS (1994-2017)

By Ricardo J. Casellas, Esq. & Jose R. Davila, Esq.

Judge Salvador Casellas never lost his edge, even after reaching the lofty age of eighty-one. His mind was still as sharp as a scalpel, and he wielded it with a level of precision that only decades of experience could teach. Always a gentleman, Judge Casellas made it a point to treat everyone with equal dignity and respect. Although he passed away last November, barely two months after Hurricane Maria tore through the island, he left Puerto Rico a monumental and lasting legacy. It would take volumes to chronicle Judge Casellas' storied career. Here, however, we will simply share some observations we gathered during our time as his last two law clerks. These anecdotes, in our opinion, shed a brilliantly positive light on the man behind the gavel.

Judge Casellas was a devout catholic and possessed an innate sense of justice. He also believed that, as the legal maxim goes, "justice delayed is justice denied." Together, these pillars formed the basis of his judicial philosophy, and served as the lodestar for every case under his consideration. He also placed great emphasis on civility and professionalism. Not only did he encourage civility between opposing counsel, he demanded it through a code of conduct that he attached to his case management orders. His view was that zealous advocacy and civility were not mutually exclusive. He believed that a civil approach helped to reduce the rancor that litigation naturally creates, thus



easing the possibility of settlement.

As many lawyers who had the opportunity to appear before him will attest, Judge Casellas managed his cases effectively and was a highly skilled mediator. Much to his staff's chagrin—who were all itching to see him in action at trial—he helped settle nearly every case that came before his consideration. Perhaps his fantastic selection of bow ties had something to do with that.

For us, every settlement conference was a learning experience. Judge Casellas preferred to open those

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- *Ramos Padró v. Commonwealth of Puerto Rico*, 100 F. Supp. 2d 99 (2000), *aff'd* Gay Officers Action League v. Puerto Rico, 247 F. 3d 288 (1st Cir. 2001). A harbinger holding that Puerto Rico Police Department's regulation banning officers from associating with homosexuals is unconstitutional because it unduly encroached upon plaintiffs' First Amendment's associational rights.
- *Pérez Guzmán v. García*, 260 F. Supp. 2d 389 (2003), *aff'd* 346 F.3d 229 (1st Cir. 2003), cert. denied, 124 S. Ct. 1724 (2004). Ruling that a Puerto Rico statute requiring that each voter's signature on a petition to register a new political party be notarized was unconstitutional under the First Amendment.
- *Asociación de Educación Privada, Inc. v. García Padilla*, No. 03-1213 (Dec. 13, 2005). Holding that the Puerto Rico Department of Consumer Affairs' regulation and

Puerto Rico's statute governing selection of textbooks and textbook budget determinations violated private schools' First Amendment right to academic freedom and free speech.

Judge Laffitte followed in the footsteps of Judge Clemente Ruiz Nazario, living a life of integrity, fairness, and decorum, always bearing in mind how judges are perceived as the need to act at all times and under all circumstances in keeping with the highest ethical standards. He was also known for his contagious collegiality with all judges and the court's staff, which also contributed to bolstering the court's well-deserved status in the community as one of its most trusted and respected institutions.

In sum, Judge Héctor M. Laffitte will be remembered as an efficient, courteous, firm, and fair judge who still carries this District Court deep in his heart. I can proudly say that the District Court in Puerto Rico was well served under his leadership and legacy.

JUDGE CASELLAS...

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conferences by allowing the parties ample time to explain their respective positions. Only then would he start to work his magic. Oftentimes, the parties would settle simply because they had an opportunity to speak with each other in person, rather than through volleys of litigation briefs. Other cases, though, required the Judge to think outside the box.

One of these involved a complicated medical malpractice claim against a small hospital. The plaintiff had suffered extensive damages and required constant medical attention. Settlement negotiations were at a stalemate because any reasonable settlement amount would leave the hospital bankrupt. Instead of thinking about the settlement in terms of money, Judge Casellas recast the problem in terms of the parties' needs: the plaintiff needed medical care (beyond compensation for her damages), and the hospital needed to keep operating. The Judge was particularly worried about the impact any bankruptcy may have on the jobs that depended on the hospital, as well as the plaintiff's chances of recovery. As such, he proposed a "life care plan" —essentially a bespoke healthcare plan – through which the plaintiff would be interned at the hospital indefinitely, and the hospital would cover all medical care (including tests, medicines and doctors' visits). In exchange, the hospital remained open. Although the parties were initially skeptical, they ultimately realized it was the only way to achieve a mutually beneficial solution in that particular situation.

In chambers, Judge Casellas was courteous, respectful, generous, and funny; all around, he was a great boss. He was also deeply inquisitive, and he had no off switch for his intellectual curiosity. Whenever it came time to discuss a case or a potential opinion, "why?" was probably his favorite question to ask. "Why should the Court do this, instead of that?" Without a doubt, the Judge loved a good argument, and was always delighted whenever one of us came up with a novel (but sound) legal theory. If it passed muster, he would ask to publish the resulting opinion. Although it was slightly maddening and stressful, the Judge's constant inquiries invariably led to a better work product. He always pushed us to seek the most just result within the bounds allowed by law.

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The Judge also had many idiosyncrasies, some of which we found hilarious. For instance, he would get rather upset if he had to write with unsharpened pencils, or if he found a pen with a broken cap at his law clerk's desk (immediately followed by his disapproving glare and our sheepish grins). He would badger us for not keeping up with his prolific knowledge of current events. He would always ask us to set meetings at "una hora razonable" (a reasonable hour) – which, according to him and his age, meant somewhere around 10:00 a.m. Perhaps the most memorable one of all is what he said to us after the end of every single workday: "Gracias muchachos por todo. Nos vemos mañana." (*Thank you both for everything. I'll see you tomorrow*). As we reflect on our time with Judge Casellas, it is our turn to say: "Thanks for everything Judge. We'll see you later."

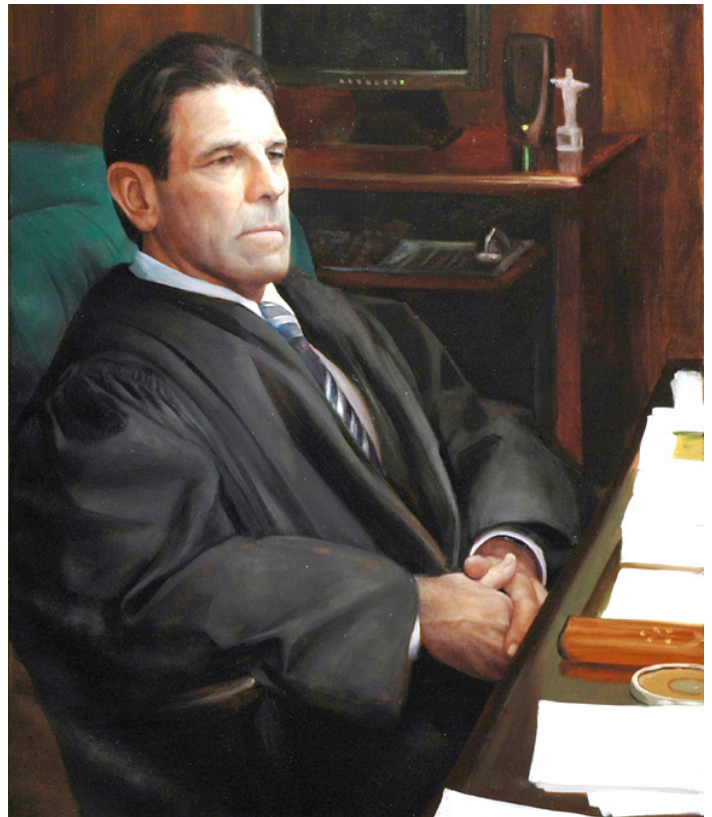
JAY A. GARCÍA- GREGORY (2000-PRESENT)

by César A. López-Morales, Esq.

Judicial restraint and passion for the law: two virtues that perfectly describe Judge Jay A. García-Gregory's career and legacy. When trying to describe Judge García-Gregory's contributions to the legal profession and the federal bench, one story from a long-ago conversation between two of our most prominent jurists comes to mind. Justice Oliver Wendell Holmes was having lunch with Judge Learned Hand and as Holmes headed to his carriage to return to work, Hand told him: "Do justice, sir. Do justice." Holmes instructed the carriage to be stopped and promptly replied, "That is not my job. It is my job to apply the law." Like Holmes, Judge García-Gregory believes his job is "to see that the game is played according to the rules whether [he] like[s] them or not." His relentless commitment to justice and to preserving the human dignity and integrity of those appearing before him is best understood in terms of his deep respect for the Constitution and the Rule of Law. He truly embodies the meaning of the phrase, "Equal Justice Under Law." Throughout his extensive and distinguished legal career, Judge García-Gregory has shown enviable restraint, humility, work ethics, measured approach, and compassion.

Jay A. García-Gregory was born in San Juan, Puerto Rico. He graduated in 1962 from the Academia del Perpetuo Socorro in Miramar. He then headed to Assumption College, a liberal arts Catholic college in Worcester, Massachusetts, to study international relations and hoping to pursue a diplomatic career. His interest gradually changed as he began taking courses in political philosophy and metaphysics. Philosophy became his new passion as he worked on further developing his writing and analytical skills. García-Gregory graduated from Assumption in 1966 with a Bachelor's degree in Philosophy, a discipline that has served him well throughout his professional career. He then pursued graduate studies in Spain and obtained a Master's degree in Philosophy from the Complutense University in Madrid.

Jay García-Gregory returned to Puerto Rico and enrolled in the University of Puerto Rico's School of Law, where he obtained his L.L.B. in 1972. He also pursued graduate legal studies at Columbia University Law School in New York. Upon his return to Puerto Rico, he was admitted to the Puerto Rico Bar. He began his legal career as a judicial law



clerk for the Honorable Hiram Cancio, the Chief Judge of the U.S. District Court for the District of Puerto Rico at the time. He will forever cherish this experience, and as result of it places a high value on judicial clerkships, which he sees as a way to mentor recent graduates, instill in others his passion for the law, and contribute to the development of young leaders and the new generation of lawyers. In short, he sees it as an integral part of the legal profession.

After the clerkship, García-Gregory joined the law firm of Fiddler González & Rodríguez in 1974, where he practiced for 25 years. As a partner at Fiddler, he worked along Salvador Casellas, also a long-time partner at the firm and now Senior U.S. District Judge, as well as Gustavo A. Gelpí, who worked there as a summer associate and is now a U.S. District Judge. His legal practice at the firm was varied, interesting, and dynamic. He managed complex civil litigation cases before the U.S. District Court in Puerto Rico and became one of the most preeminent appellate attorneys in the U.S. Court of Appeals for the First Circuit. He represented clients in admiralty, aviation, telecommunications, antitrust, insurance, intellectual property, securities, RICO, constitutional, administrative, tax, labor, contracts, and civil rights law.

García-Gregory proved to be a zealous advocate with sterling credentials who earned the respect and admiration of his colleagues, judges, clients, and even his adversaries. His unparalleled contributions to the development of the

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JUDGE GARCÍA-GREGORY...

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law in the First Circuit are evident; anyone reading the Circuit's case law will inevitably stumble upon Jay García-Gregory's appellate practice. Anyone familiar with his career would know of his masterful advocacy in *Cordova & Simonpietri Insurance Agency, Inc. v. Chase Manhattan Bank N.A.* and *Futura Development of Puerto Rico, Inc. v. Estado Libre Asociado de Puerto Rico*, among many others, as well as his participation in the *Morales Feliciano* case, which involved a class action lawsuit concerning the constitutional rights of inmates and the conditions of the Puerto Rico prison system.

While he was in private practice, García-Gregory held various positions in U.S. District Court committees, such as being a member of the Federal District Court Examination Committee, the Committee for the Review and Amendment of the District Court's Local Rules, and being Chairman of the Admissions Committee. In addition, he served as an Instructor of the Federal Jurisdiction and Appellate Practice Bar Review Course sponsored by the Puerto Rico Federal Bar Association, and was a member of the New York Stock Exchange Arbitration Panel, where he managed and presided over multiple complex securities arbitration hearings.

On April 5, 2000, in recognition of his outstanding legal career, President Bill Clinton nominated Jay A. García-Gregory to the seat left vacant by Judge Raymond L. Acosta, who took senior status in 1994. Given his impeccable reputation, unassailable character, judicial temperament, integrity, and commitment to professional excellence, he received the endorsement of the Hispanic National Bar Association, the Federal Bar Association, the Puerto Rico Government, and leaders across the political spectrum. On June 16, 2000, he was confirmed by the U.S. Senate, and received his commission on July 11, 2000.

As a judge in one of the most active district courts in the country, García-Gregory has presided over numerous high profile cases, including capital murder trials. He always cares for the human dignity and integrity of those appearing in his courtroom, particularly criminal defendants. Notwithstanding the egregiousness of the charged criminal conduct, the level of public outrage, political pressure, or media attention in any particular case, all those that come before him can rest assured that Judge García-Gregory will value the constitutional guarantees of due process and presumption of innocence above everything else. He truly sees the U.S. Constitution and the legal system as a framework to protect the innocent. He constantly says that

the most difficult part of his job is to sentence criminal defendants, a sentiment he evinces by wearing a black tie under his judicial robe in anticipation of sentencing hearings.

Judge García-Gregory is a strong believer in the rehabilitation of defendants, hand-in-hand with the protection of the community. He is also committed to promoting fair and equal access to the courts, particularly for those ostracized by society. In civil matters, he places great trust in alternative dispute resolution as a powerful and efficient method to resolve legal controversies.

Judge García-Gregory cares deeply about professional responsibility and ethical conduct. He has served as a Member of the Judiciary Committee on Rules of Conduct for the Judicial Conference, and gives a lecture every year on bioethics and medical malpractice to first-year medical students at the Medical Sciences Campus of the University of Puerto Rico's School of Medicine.

Anyone who knows Judge García-Gregory can attest to his personal and moral character. He sees his job as an opportunity to serve God and his fellow human beings by fulfilling his duty to administer justice in accordance with the Constitution and the laws of the United States. He attributes his successful professional career and constant motivation to the awareness of working towards something greater than himself.

He recognizes that none of his successes, including his appointment to the bench, would have been possible without the love and support of his family and friends. To Judge Jay García-Gregory, family always comes first. His wife of 46 years, Myrella, supported him throughout his extensive career and continued to do so until her recent passing. Those close to them know of the profound impact this devastating loss has had on him; she was his closest friend and confidant throughout life together. Judge García-Gregory is also blessed with the continuous love and unqualified support of his two daughters, Maite and Myrenchu, their respective families, and his grandson Max.

Those of us who have had the privilege and honor to work for him as judicial law clerks, along with his judicial assistant, courtroom deputies, and docket clerks, can attest to his incredible legacy over the past 18 years on the bench and his incessant desire to act with rectitude. Judge García-Gregory exhumes intellectual humility and a profound sense of discernment, and for this, he will forever be an example to his colleagues on the bench and to legal practitioners in Puerto Rico and the First Circuit.

FRANCISCO A. BESOSA (2006-PRESENT)

by Rebecca Szucs & Kathryn Debrason, Esq.

Francisco A. Besosa was born in San Juan, Puerto Rico, on October 26, 1949. He received his primary and middle school education in San Juan, and graduated from the Taft School in Connecticut in 1967. Francisco Besosa attended Brown University and received an A.B. in United States History in 1971. He is a proud Brown alumnus and served for more than 30 years as the Chairman of the Puerto Rico-Virgin Islands Area of the Brown Alumni Schools Committee.

Upon graduating from Brown, Francisco A. Besosa joined the United States Army. He graduated from the United States Army Infantry Officer Candidate School in Fort Benning, Georgia, and was commissioned into the Military Intelligence Branch. He served in various posts as a Counterintelligence Officer and also as Intelligence and Security Officer. He was awarded the Meritorious Service Medal and was discharged honorably with the rank of Captain in 1976.

After serving in the Army for five years, Besosa attended the Georgetown University Law Center, receiving his J.D. in 1979. He returned to Puerto Rico to begin his legal career and worked as an attorney in some of the leading law firms in San Juan. From 1983 to 1986, he served as an Assistant United States Attorney. In 1994, he was a founding partner of the Adsuar Muñiz Goyco & Besosa, P.S.C. law firm. He directed the firm's Litigation and Trial Practice Department and chaired its Recruiting Committee. While in private practice and as an Assistant United States Attorney, Francisco Besosa litigated and tried a variety of cases in the civil and commercial areas of the law, including several complex litigation cases.

On May 16, 2006, President George W. Bush nominated him to be a United States District Judge for the District of Puerto Rico. The Senate confirmed his nomination unanimously on September 25, 2006. He received his appointment on September 27, 2006, and took the oath of office on October 2, 2006.

Judge Besosa brought with him to the bench the discipline that he learned in the Army and the diligence that he exhibited in private practice. He is strict about managing his docket and works tirelessly to ensure that litigants receive a timely resolution to their motions. In turn, he holds attorneys practicing before him to high standards of timeliness and professionalism. Judge Besosa takes his commitment and duty seriously, carefully studying the law and facts of each case to arrive at a fair and just result. He



also lets his sense of humor shine through his work, both on the bench and in his written orders.

Meanwhile, Judge Besosa treats his current and former staff and law clerks as an extension of his family, and stays in touch with his former staff and law clerks. No birthday, anniversary, or special occasion goes by without a special notice in Judge Besosa's chambers, and he always gives the most thoughtful gifts and cards. During the holiday season, Judge Besosa's chambers are transformed into a Christmas wonderland decorated from floor to ceiling. His Christmas villages and centerpieces include porcelain shops named after his current and former staff members, highlighting a unique characteristic about each.

Judge Besosa has presided over several prominent cases during his judicial career. In 2011, he sentenced former Puerto Rico senate majority leader Jorge de Castro-Font to 60 months in prison after he pleaded guilty to numerous counts of public corruption. For six years, Judge Besosa presided over the class action and mass-joinder cases filed in the aftermath of the explosion and fire that took place in 2009 at the Caribbean Petroleum Corporation's Gulf Oil Facility in Bayamon, Puerto Rico. He guided those cases to successful settlement on the eve of trial. In a landmark decision in 2015, Judge Besosa struck down the Puerto Rico Debt Enforcement and Recovery Act as unconstitutional. The First Circuit Court of Appeals and the United States Supreme Court affirmed his decision.

For the past decade, Judge Besosa has served on this Court with integrity, dedication, and compassion. He respects the importance that the outcome in each case has for the litigants, and makes time to engage with those around him in a positive and personal way, while still espousing that high bar to which he holds the legal profession.

PEDRO A. DELGADO- HERNÁNDEZ (2014-PRESENT)

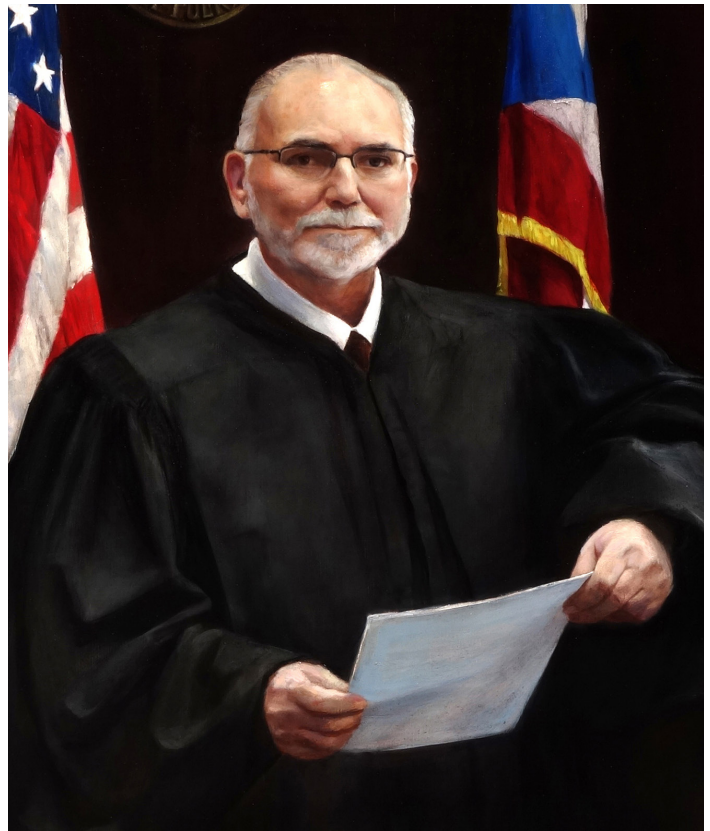
by Liza Rios, Esq.

Pedro A. Delgado-Hernández was born in San Juan, Puerto Rico on October 1, 1956. From 1979 to 1985 he served in the United States Army Reserve. In 1979 he obtained a Bachelor of Science degree and in 1983 received his Juris Doctor degree *magna cum laude*, both from the University of Puerto Rico.

If one looks at the ease with which he carries out his judicial tasks, it is difficult to believe he ever served in any other role. Although he spent more than half of his career in private practice, there were strong indications over the years that his true calling, his vocation, lay in the Judicial Branch. He began his legal career as a law clerk with the Puerto Rico Institute of Judicial Studies—now the Puerto Rico Judicial Academy. After that, his career has come full circle. Over 30 years ago he started to work in this court as a law clerk to Judge Juan R. Torruella, and then in the United States Court of Appeals for the First Circuit; he is now back as a District Judge.

From 1986 to 1993, Pedro Delgado worked as an associate and partner at O’Neill & Borges, LLC in San Juan, Puerto Rico. From 1993 to 1995 he was the Puerto Rico Solicitor General. Between 1995 and 1996, he served as a Judge in the Puerto Rico Court of Appeals. Returning to private practice, between 1996 and 2014 he was a partner in O’Neill & Borges, handling civil litigation in both state and federal courts. On June 26, 2013, President Obama nominated him to serve as a United States District Judge in the District of Puerto Rico, to fill the seat vacated by Judge Daniel R. Domínguez, who took on senior status on July 31, 2011. His nomination was confirmed on March 5, 2014 by a vote of 98-0. He received his commission on March 7, 2014, and was sworn in by Judge Torruella on March 27, 2014.

His judicial philosophy is clear: apply the law to the facts of the case in a fair, impartial, and diligent manner, limiting himself to the issues that have been properly presented, while treating litigants, witnesses, jurors, staff, and the public, with dignity, courtesy, and respect. Every time he opens court, he makes sure to welcome all those present, and when he adjourns he thanks everyone for being in his courtroom.



His desire is to emulate Judge Torruella, whom he has described as “a source of inspiration, embodying the characteristics I have referred to in describing my judicial philosophy.”

Judge Delgado-Hernández’ case management abilities are stellar. He knows that docket management is a critical task for any district court judge. As a result, he has developed a case management protocol to determine how each case filed could most efficiently and effectively proceed to resolution, and manage the case through the different stages of the litigation. He sets and maintains reasonable deadlines, discourages unnecessary extensions of time, and conducts status conferences to keep abreast of case progress. Judge Delgado-Hernández also abides by his commitment to rule promptly on motions and issues, and encourages litigants to highlight the issues and engage in settlement negotiations.

The tendency to turn entire conference rooms—or empty judges’ chambers—into “war rooms” while studying the issues before him continues. It is common to see him surrounded by stacks of exhibits, cases, and books, moving from one stack to another, committing everything to memory.

In sum, these two years on the federal bench have exemplified his commitment to serve in this position and devote himself to this task with discipline and hard work, as he said he would during his confirmation process.



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FBA CALENDAR

JULY

19 FBA National: Speed Mentoring Transportation and Transportation Security Law Event

AUGUST

3 PR Chapter: CLE on Labor Law

SEPTEMBER

13-15 FBA National: 2018 Annual Meeting and Convention

13 FBA National: Board of Directors Meeting - Fall 2018

13 FBA National: Younger Lawyers Division Awards Luncheon

NOVEMBER

2 PR Chapter: CLE on Veterans Law

8 PR Chapter: First Circuit Reception

DECEMBER

PR Chapter: Christmas Party

TBA

CARE/MPA/FBA Civics Activity

CLE on Criminal Law

CLE on Technology in the Courtroom, criminal and civil practice

CLE on Civil Rights