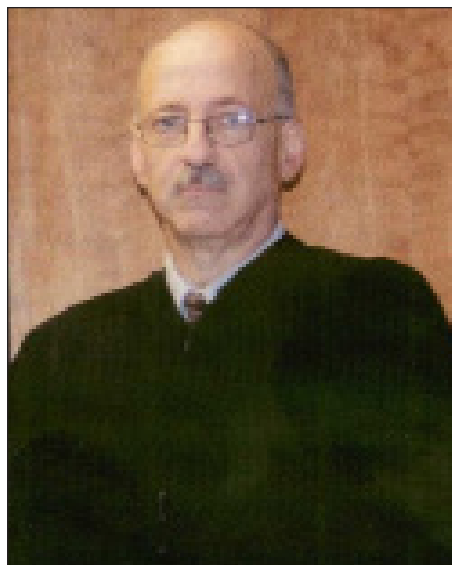


Judicial Profile

HÉCTOR L. RAMOS-VEGA

Hon. Justo Arenas Chief U.S. Magistrate Judge, District of Puerto Rico

IN APRIL 2011, CHIEF U.S. Magistrate Judge Justo Arenas will retire after 35 years of federal service. The Federal Bar Association nationally—and, in particular, the Puerto Rico Chapter—would be remiss if it did not honor his trajectory as a jurist and his commitment to public service, the legal profession, and justice. It is no coincidence that his name is Justo, the Spanish word for “just.” All those who have appeared before him can attest that the judge does honor his name in every decision and every ruling. Judge Arenas has always strived to be fair and impartial. He will be greatly



missed as one of Puerto Rico's most balanced and humane federal judicial officers. This profile is written in appreciation of his service to the legal profession, to the court on which he has sat for so many years, and to the community he has similarly served.

Justo Arenas was born and raised in Brooklyn, N.Y. His father, a Spaniard, and his mother, a Puerto Rican, operated a small cafeteria/dinner business. Despite not being wealthy, Judge Arenas' parents made sure that he received an excellent education. Because of a great deal of sacrifice on the part of his parents, Judge Arenas attended private schools in New York for elementary, junior, and high school. After graduating from high school, Judge Arenas enrolled in the City College of New York, from which he received his undergraduate degree. His undergraduate studies were interrupted in 1968, when he was drafted to serve in the Vietnam War.

Upon returning from Vietnam and after obtaining his bachelor's degree, Judge Arenas moved to Puerto Rico and enrolled in the University of Puerto Rico Law School and was awarded his juris doctorate degree in 1974. His former classmate and longtime friend Joseph C. Laws Jr., who until recently was the federal public defender for the District of Puerto Rico, recalls the first time he saw Judge Arenas. It was early in the morning during their first year in law school and Arenas walked into the classroom

wearing a uniform (at the time Arenas worked evenings for Eastern Airlines at the San Juan airport). As Arenas took his wings off the uniform, Laws remembers that Arenas sat down in the first row of the class and almost immediately fell asleep. Laws asked the person next to him, “Who is he?” and she replied, “He is a veteran from Vietnam, his name is Justo. ...” Laws said to himself, “That’s a good name for a judge.” While in law school and as part of his legal clinic requirements, Judge Arenas did an internship at the Office of the U.S. Attorney for the District of Puerto Rico. Soon after obtaining his law degree, and following a very short stint in private practice, Judge Arenas was hired by Judge Juan R. Torruella—a U.S. district judge at the time and currently a judge on the U.S. Court of Appeals for the First Circuit—to be his “elbow” law clerk. Judge Arenas clerked for Judge Torruella for two years.

From 1978 to 1981, Judge Arenas worked as an assistant U.S. attorney for the District of Puerto Rico. As chief of the Major Drug Traffickers Prosecution Unit in that office, Judge Arenas prosecuted all major drug conspiracies in the District of Puerto Rico, including seizures of illegal drugs on the high seas. He tried dozens of cases and argued many appeals before the First Circuit. Judge Arenas also applied for and supervised the first court-authorized wire interception in the history of Puerto Rico. Then, in March 1981, Judge Arenas was appointed to be a

trial attorney for Criminal Section of the Department of Justice's Civil Rights Division in Washington, D.C., but this appointment was short-lived. Soon after Judge Arenas assumed the position, the district judges in Puerto Rico appointed him magistrate judge.

Judge Arenas is currently in his fourth eight-year term as magistrate judge; and, in 2004, he was appointed chief magistrate judge. Although Puerto Rico's district judges set a term limit for this position in 2006, they grandfathered Judge Arenas' term so that he could serve in that capacity until his retirement; in this way the judges were able to recognize Judge Arenas' exemplary service and commitment to the court. During his tenure, Judge Arenas was appointed discovery master in a multidistrict litigation matter dealing with the fire that consumed the Dupont Plaza Hotel, a high-profile and complex case. He has also conducted verification proceedings for the transfer of prisoners in Peru, Bolivia, the Czech Republic, Spain, and Venezuela.

Judge Arenas' service as a transferee magistrate judge in the District of New Hampshire is also worth mentioning. Chief Judge Steven J. McAuliffe and Judge Paul J. Barbadoro from the District of New Hampshire shared their appreciation for Judge Arenas' assistance, noting that, for more than 20 years, Judge Arenas routinely and unselfishly volunteered to travel from Puerto Rico to New Hampshire (even in the winter) to assist that federal district whenever it was without the services of a magistrate judge. During the bank failure crisis that arose in New Hampshire in the early 1990s, Judge Arenas presided over and resolved scores of FDIC cases, becoming an expert in that field and earning the respect, gratitude, and appreciation of the New Hampshire bench and bar. Over the years, the judges and attorneys in the District of New Hampshire came to regard Judge Arenas as one of their own. During his visits to the Granite State, he always hosted a lunch for the clerk's office staff at the local American Legion Hall, and he could be counted on to participate in customary local activities with grace and good humor—such as winter night hikes in the woods at temperatures hovering around 10 degrees and weekly Friday night meetings at Hermanos' restaurant, where he invariably extended dozens of invitations to visit his homes in Puerto Rico and Spain. At the most recent First Circuit conference in Boston, the District of New Hampshire formally recognized Judge Arenas as an honorary member of its district court. Judge Arenas was presented with a seal of that court as a symbol of his status and was included in the court's formal photographic portrait. To say he is well-liked and highly regarded in the District of New Hampshire would be an understatement.

In nearly 30 years of experience on the bench, the judge has built a reputation for being an impartial arbiter. Criminal and civil attorneys all agree that

Judge Arenas runs his courtroom with the seriousness that such a setting deserves; he is strict when attorneys are not prepared but always treats all parties, litigants, and staff members with respect. It is fair to say that Judge Arenas is a no-nonsense type of judge. He manages his docket expeditiously and always keeps in mind the importance of saving judicial resources. Those who have worked for Judge Arenas know that he always tries to reach the correct decision regardless of personal opinion or ideology. He is aware that being a judge is a solitary job; usually one side is bound to be disappointed by his decision. Judge Arenas' motto is that being a judge is the complete opposite of a popularity contest; what is most important to him is to try to get the decision right every time.

And he does usually get it right. A simple review of First Circuit's published opinions in cases that he has handled on consent of the parties shows that he has been affirmed in a great majority of the cases. An even higher percentage of his reports and recommendations to the district judges is adopted and subsequently upheld on appeal as well. But the yardstick to use when measuring Judge Arenas' success is not necessarily a comparison of the instances in which his decisions have been affirmed vis-à-vis the number of times he has been reversed. The measure should be his unwavering commitment to the legal profession and to the community. Several examples of this commitment come to mind.

For more than 20 years, Judge Arenas has been a member of the visiting faculty of the National Advocacy Center in Columbia, S.C., where he helps train and educate federal prosecutors. He has also been a visiting faculty member, mock trial judge, and lecturer at the Attorney General's Advocacy Institute, a part of the U.S. Department of Justice's Office of Legal Education in Washington, D.C. In addition, Judge Arenas has served as a member of the Criminal Justice Act Committee in Puerto Rico and has been a resource and lecturer for the criminal defense bar.

His commitment to the community is demonstrated by his participation in a variety of activities. Judge Arenas has been a member of the Board of Governors of the Puerto Rico Chapter of the United Way. Until recently, he was the president of Three Kings Inc., a nonprofit organization that



Commander Arenas at his retirement ceremony from the U.S. Navy accompanied by his judicial assistant, Nydia Luz Gutierrez

has been providing toys and necessary items to underprivileged children and elderly people on Three Kings Day for more than 25 years. Every November, Judge Arenas and Three Kings Inc. would begin the process of recruiting the people who would play the role of the Magi. Prosecutors, public defenders, private attorneys, federal agents, interpreters, and probation officers, among others, would grow beards ahead of time in order to impersonate two or three sets of Magi for the event that took place on Jan. 6 every year. The Three Kings would then make a number of scheduled and unscheduled visits to deliver the toys to the kids. U.S. District Judge Gustavo A. Gelpí (who, as far as memory goes back, has always been clean-shaven) remembers that, when he was a law clerk in late 1991, he grew a beard for more than a month in order to join Judge Arenas during the Three Kings festivities. As Judge Gelpí recalls, "We would visit sick and orphaned children to bring them toys, but whenever Justo saw impoverished kids on the street, he would stop the car and vans full of toys and give presents to these children. At one point, we stopped by a Burger King for lunch, dressed as Magi, and all these kids started pouring into the place thinking we were the real deal. Of course, Justo was not about to disappoint them, and they all ended up with presents as well." Throughout the many years that followed, Judge Gelpí recalls that, from November to January, the courthouse's hallways in the basement area were always jammed with toys of all sorts that attorneys, judges, and court staff donated for the festivities. Undoubtedly, the cost, sacrifice, and effort involved in putting together these toy drives each year were great in terms of logistics and recruitment. But, according to Judge Arenas, bringing happiness to children on such special occasion made it completely worth the sacrifice.

Judge Arenas' history of service goes way beyond the service to his community and the legal profession. He has proudly served his country in the military. He served in the U.S. Army from 1968 to 1970 and was stationed at Bien Hoa, Vietnam, from 1969 to 1970. In 1983, Judge Arenas joined the U.S. Navy Reserve and retired in 2005 after achieving the rank of commander. In the Navy, Commander Arenas participated in multinational operations in Korea, Panama, Italy, Argentina, Chile, and Peru. Both in the Army and in the Navy, Judge Arenas was the recipient of several service medals.

Judge Arenas has been very active in the international community as well. He has promoted judicial and constitutional reform by giving lectures in the Middle East, the Balkans, Central Asia, Latin America, and Africa. Subjects include constitutionalism, federalism, domestic terrorism, trial evidence, the federal judiciary, grand juries, criminal procedure, death penalty litigation, standards of conduct,

ethics, and mediation.

Judge Arenas' achievements are a testament to the kind of judge, public servant, and human being he is, but they could not have been possible without the help of several people close to him. Gail, his loving wife of more than 30 years, has been at his side for as long as Justo, as she calls him, has been on the bench. The two are the proud parents of two well-rounded and exceptional young men: Justin, who is currently in law school, and Mark, who was recently admitted to medical school. But to know Judge Arenas in his role as a judge is to know a very important member of the judge's extended family: his judicial assistant Nydia Luz Gutierrez, who has been the judge's assistant for as long as the judge has been on the bench. She will retire with him in April 2011 after more than 35 years of federal service, which includes serving as a deputy clerk and a courtroom deputy. Unquestionably, Nydia Luz deserves an honorary mention in this profile for her loyalty, hard work, and professionalism in assisting Judge Arenas all these years.

Several judicial officers from the District of Puerto Rico and former law clerks were surveyed in the process of drafting this profile. The idea was to gather a few of their thoughts on Judge Arenas' career and perhaps an anecdote or two, particularly in view of the fact that most of the judges currently sitting in the District of Puerto Rico were appointed to the bench after Judge Arenas became a magistrate judge. Most of these district judges also litigated cases before Judge Arenas.

Chief District Judge Jose A. Fusté stated that he met Judge Arenas while the latter was in law school and a student in his admiralty course. Chief Judge Fusté remembers Arenas as a first-class student. "Whatever knowledge or lack of knowledge about admiralty law Justo has he owes to me," remarked Judge Fusté jokingly. Judge Fusté also remembers having practiced before Arenas for approximately three years before becoming a judge himself. The chief judge concluded by saying, "For 25 years I have thoroughly enjoyed my association with Justo as judicial officers. He is an honest and decent public servant who deserves all commendations from the bench and the bar of the court."

District Judge Daniel R. Dominguez, who has known Arenas for 30 years and practiced before him for 13 years before joining the bench, uses two words to describe Judge Arenas: "extremely reliable." Judge Dominguez says that Judge Arenas "is without a doubt, the jurist in Puerto Rico who has handled the most Social Security cases throughout the years, and knows the most about practice in this specialized area. As of his retirement the court will thus lose its resident Social Security guru."

District Judge Jay A. Garcia-Gregory, who practiced before Judge Arenas for 20 years, describes Arenas as "fast, furious, equitable, and extremely

just, giving honor to his name.”

District Judge Aida Delgado-Colon specifically remembers appearing before Judge Arenas for the first time 28 years ago. At the time, she was an assistant federal public defender. Even though she learned that he was a prosecutor at heart after countless professional and personal encounters, she still loved to appear before him because of his sharp legal mind, his instinctual common sense, his vigorous quest for justice, and his unfailingly kind heart. These qualities never ceased to amaze her. “Twelve years later, when I became a magistrate judge, that same devoted and unselfish professional became my friend and mentor. I will always cherish our conversations about our love for this court, our respect for and devotion to the position we have been blessed to hold, and our duty to honor the robe every single day through every single action.”

Judge Delgado also commented that, during the 12 years she served as a magistrate judge along with Judge Arenas, she is certain that there were difficult times, moments both happy and sad, and much more work that anyone can imagine. But she is equally sure that just as “Justo’s” love and passion for the judiciary carried him through those times, his “influence and inspiration were invaluable to me as well.” Judge Delgado concluded her reminiscences with the following comment: “Now, as a district judge who has been graced with Justo’s counsel and support throughout the past four years, I will hugely miss having a great friend close by. To my sometime advisor, my ‘Justikipedia,’ and my unwavering shoulder to lean upon, if I could ‘stay’ your retirement, I would. I know things will not be the same without you.”

District Judge Gustavo A. Gelpí, who also practiced before Judge Arenas and served as a fellow magistrate judge for five years, considers himself Judge Arenas’ “Padawan” (For those unfamiliar with the “Star Wars” movies, a “Padawan” is a Jedi apprentice or pupil.) “Justo has always been to me an example of how a judge should act on and off the bench, with humbleness, passion for the law, dedication, and respect towards all alike,” Judge Gelpí says. “We (the district judges) will certainly expect a whole lot from whoever is appointed to the seat he leaves vacant—he leaves some huge shoes to fill.”

Magistrate Judge Camille L. Vélez-Rivé, who has been on the bench since 2004, mentioned that Judge Arenas has altruistically shared his vast knowledge of the law and has provided invaluable advice (which Judge Arenas calls “pearls”) to the younger generation of magistrate judges based on his wealth of experience. “Justo is a mentor to all of us and he will be greatly missed,” said Judge Vélez-Rivé, whom Arenas fondly nicknamed “Junior” when she joined the bench, because she was the youngest judge on the court at the time.

Of the judges interviewed, Senior Judge Juan M.



At a ceremony for Magistrate Judge Arenas, at which he was presented with the Hon. Raymond L. Acosta Puerto Rico Chapter Honorary Past Chapter President plaque and the Foundation of the Federal Bar Association Life Fellow Certificate—(l to r) Chief Magistrate Judge Justo Arenas, U.S. District Judge Gustavo Gelpí, Judge Charles Cordero, Chapter President Katherine Gonzalez, Nestor Mendez, and FBA Past National President Russell Del Toro.

Pérez-Giménez was the only one who was actually involved in Judge Arenas’ appointment to the bench. In fact, Judge Pérez-Giménez was an assistant U.S. attorney when he first met Arenas, who was clerking for then District Judge Torruella. Judge Pérez-Giménez remembers that when Arenas was appointed assistant U.S. attorney, Pérez-Giménez gave Arenas, as a kind of prosecutorial baton, the 1971 edition of *Proving Federal Crimes*, a handbook that contains legal discussions and case law designed to aid federal prosecutors in their daily duties. Judge Pérez-Giménez jokingly mentioned that Judge Arenas returned the handbook to him only recently. In addition, Judge Pérez-Giménez commented on Judge Arenas’ sense of humor and humanity. According to Judge Pérez-Giménez, for as long as he can remember, “Justo” has always been involved in charitable events and has had great success in obtaining donations for the less fortunate. This is one of the most admirable traits possessed by Judge Arenas, Judge Pérez-Giménez remarked.

Moreover, all those who have worked for Judge Arenas say without reservation that working for him was one of the most rewarding experiences in their lives. Many of Judge Arenas’ former law clerks—if not all of them—concur. They say that working for the judge was always an adventure. Ricardo Casellas, a former law clerk for the judge and now an experienced civil practitioner with the law firm of Casellas Alcover & Burgos PSC, remembers that Judge Arenas once delegated to him the responsibility of presiding over an off-the-record status conference in a

civil case in which the attorneys were two of the most renowned attorneys in the district at that time: Harvey Nachman and Stanley Feldstein. Casellas describes the experience as intimidating, especially for a rookie law clerk like him. For an hour he tried as best he could to get the attorneys to stipulate to some facts, only to have Judge Arenas return and finish the conference himself in a matter of seconds. Casellas also remembers, as many of those who have clerked for the judge do, that upon hiring his law clerks, Judge Arenas always threatened to fire them if they ever cited a case that had been overruled. It is fair to say that Judge Arenas' former law clerks all had particularly strong "shepardizing" skills.

Everyone who has visited Judge Arenas' chambers agrees that it has a museum-like feeling to it. It holds some of Judge Arenas' most precious belongings, including antique electric trains that are still operable, a collection of antique cameras and typewriters, lead toy soldiers, different kinds of old and new toys, memorabilia, and artifacts from all the different countries that Judge Arenas has visited. Arturo Menendez, his former law clerk and currently an assistant federal public defender in Florida, remembers the toys in the judge's chambers in particular. Menendez recalls that the judge always had a model helicopter next to his computer. He never saw him actually work on it, even though Menendez could see the progress that was made on it in the course of the year. That model, of course, gave Menendez permission to bring toys he loved to work. "Once I broke the shifter on a small model of a '56 Thunderbird I had brought to work. I asked the judge if he had any model glue to help me fix it. ...We searched, and he did. He then followed me into my office and watched as I carefully put the piece back on, giving no commentary, not micro-managing, but just watching." When the job was done, Menendez recalls, Judge Arenas paused, gave a hearty nod, and returned to his office. Menendez always thought that even such minimal interaction said a lot about the judge.

All former law clerks interviewed for this profile agree that working for Judge Arenas was not only a relevant and extraordinary legal experience but also an opportunity to grow as human beings, and they all say that they will treasure the experience for the rest of their lives. Judge Arenas was an exceptional mentor, even though he would never see himself in such a light. He has helped form many outstanding legal professionals mainly by the example he sets.

This writer would like to close this profile by taking the liberty to speak on behalf of the membership of the Puerto Rico Chapter of the Federal Bar Association and express the chapter's appreciation to Judge Arenas for his contributions to the association. Judge Arenas has been extremely active in the Puerto Rico Chapter, having been a member for more than 30 years. His humility and commit-

ment to the FBA is demonstrated by an obscure fact that is almost forgotten. During the 1980s and early 1990s, Judge Arenas was a board member in the Puerto Rico Chapter, having served in every capacity except that of chapter president. When his turn came, however, he asked not to be considered in order to give an earnest younger, up-and-coming member the opportunity to be a chapter leader. That honor was thus bestowed on none other than the future national FBA president, Russell Del Toro, who kindly shared this anecdote in order to show his gratitude to Judge Arenas. In recognition of Judge Arenas' dedication to the FBA, the Foundation of the Federal Bar Association recently nominated and inducted him as a Life Fellow. In a similar show of appreciation, the Council of Past Presidents of the Puerto Rico Chapter of the FBA, through its current chair, Russell Del Toro, inducted Judge Arenas as an honorary past chapter president.

I am joined by many in the District of Puerto Rico, in the United States, and around the world in wishing Judge Arenas the best in his retirement, which is more than well deserved. By the same token, I am joined by all whose lives were directly or indirectly touched by him in thanking Judge Arenas for so many years of outstanding service. Thank you, and farewell judge! **TFL**

Héctor L. Ramos-Vega is an assistant federal public defender for the District of Puerto Rico and a member of TFL's editorial board. He clerked for Judge Arenas from 2002 until 2005. The author gives special thanks to the U.S. district judges for the District of Puerto Rico who came up with the idea of writing a judicial profile of Magistrate Judge Arenas on occasion of his retirement and for their significant collaboration and input. Thanks are also due to all the people who contributed biographical information, quotes, and anecdotes.