

## Judicial Profile

HON. GUSTAVO A. GELPÍ JR.

# Hon. Juan M. Pérez-Giménez U.S. District Judge for the District of Puerto Rico

DEC. 18, 2004, MARKED THE 25th anniversary of the tenure on the federal bench of U.S. District Judge Juan M. Pérez-Giménez, who presides in the U.S. District Court for the District of Puerto Rico. Just as the judge's entire career in the law, this milestone serves as an example and an inspiration to those dedicated to government service. It also gives clear evidence of the importance of an independent federal judiciary in our system of government.



At the time of his appointment by President Carter in 1979, Judge Pérez-Giménez was serving as a federal magistrate judge, a position he had occupied since 1975. Previously, he had worked as an assistant U.S. attorney for four years. Given Judge Pérez-Giménez's 33-year tenure in federal government service, which followed his jump from private practice, one would normally think that he has enjoyed senior or retirement status for quite some time. This is not the case for the judge. He is too young to even qualify for such status.

Judge Pérez-Giménez was born on March 28, 1941, in Puerto Rico, a U.S. territory. From the fifth grade until his graduation from high school, he attended Chaminade Preparatory School, a boarding academy in St. Louis, Mo. He received his B.A. from the University of Puerto Rico in 1963 and an M.B.A. from George Washington University in 1965. During his graduate studies, the judge was able to enroll in several law school courses. This experience ultimately convinced him to pursue a career in law rather than one in business. Upon his return to Puerto Rico, he was admitted to the University of Puerto Rico School of Law, from which he received his J.D. cum laude in 1968.

After passing the Puerto Rico bar examination, Judge Pérez-Giménez joined the law firm of Goldman, Antonetti and Subirá, where he practiced primarily 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, Judge Pérez-Giménez 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 before the court, most of them involving drug-related offenses. The judge's devotion to and passion for trying criminal cases — as well as his excellent preparation and performance — soon caught the eyes of the judges of the district, in particular, those of its then chief judge, the late José V. Toledo, who, in time, selected Judge Pérez-Giménez to fill the court's vacant magistrate judge position.

At the time of his ascent to a district judgeship in 1979, the federal court in Puerto Rico had four district

judges and two magistrate judges. Because of the high volume of work (Puerto Rico was and continues to be the second busiest district in the First Circuit), the size of the court nearly doubled during the early 1980s, with the addition of three more judgeships and one magistrate position. In 1984, when the district's chief judge, Juan R. Torruella, was appointed to the U.S. Court of Appeals for the First Circuit, Judge Pérez-Giménez succeeded him in office and occupied that position until his term expired in 1991.

Although Puerto Rico remains a U.S. territory, its federal court enjoys Article III status. Consequently, Judge Pérez-Giménez and his fellow judges enjoy life tenure and salary protection, just as their judicial colleagues in the continental United States do. An act of Congress conferred this rank to the court and its judges in 1966. The legislative history of that statute reveals the overwhelming national sentiment that "there does not appear any reason why the U.S. district judges for the District of Puerto Rico should not be placed in a position of parity as to tenure with all other Federal judges throughout our judicial system. Moreover, federal litigants in Puerto Rico should not be denied the benefit of judges made independent by life tenure from the pressures of those who might influence his chances of reappointment, which benefits the Constitution guarantees to the litigants in all other Federal Courts."<sup>19</sup>

Judge Pérez-Giménez's tenure on the federal bench is living proof that Congress acted correctly in altering the status of Puerto Rico's federal court from territorial to Article III. Had he not been an Article III judge, he would most likely not be sitting on the federal bench today. His lifetime tenure nonetheless has permitted him to dispense justice evenhandedly throughout his many years in the position, regardless of the political party in power or the public's perception of a given issue under his consideration.

Since taking office, the judge has presided over hundreds of civil rights cases brought against representatives of the Puerto Rican government — ranging from law enforcement and corrections officers to the governor and cabinet members. One particular case, however, stands out from the rest. In 1980, not long after assuming office, the judge held that the government's penal system violated the civil rights of inmates by imposing constitutionally unacceptable conditions of confinement.<sup>20</sup> Judge Pérez-Giménez proceeded to issue an injunction against the governor and the administrator of corrections. To date, the injunction still stands, and the case's docket contains thousands of orders, including severe contempt fines and sanctions adding up to millions of dollars levied against government officials.

On the criminal side of his docket, over the years, Judge Pérez-Giménez has also presided over hundreds of cases. Many of these have made national headlines, such as those relating to large-scale conspiracies involving large quantities of drugs, corruption of local

government officials, and trespassing on the former naval installation on the island of Vieques.

While the judge enjoys all facets of his casework, he prefers presiding over jury trials, particularly criminal ones. He jokes that he is looking forward to attaining senior status so that he can handle criminal cases exclusively. One of his former law clerks vividly describes just how much the judge loves his job: "A few days prior to the beginning of my clerkship I asked how early I should arrive to chambers, since I wanted to be at my desk before the judge would commence his daily schedule. In response, the outgoing law clerk grinned and resolutely advised me that I would never get to work before the judge, as he flies to his office every morning before the birds start singing." This may perhaps be a bit of a stretch, but no one scheduled to appear at an 8:15 a.m. conference before the judge will doubt for even a second that the judge will start proceedings at the exact time that has been announced.

Aside from managing his caseload, the judge's favorite duty is presiding over naturalization ceremonies, which he does on a regular basis. Although he is a natural-born U.S. citizen by virtue of his birth in a U.S. territory, his parents hail from Spain and became naturalized U.S. citizens. During his childhood, Judge Pérez-Giménez spent many summers in Spain with his relatives, including an uncle who at that time was an associate justice in the Spanish Supreme Court. It is in light of this diverse background that the judge always tells new American citizens that he is equally proud of three things: his Spanish heritage, the fact that he was born and lives in Puerto Rico, and his U.S. citizenship.

On a personal level, Judge Pérez-Giménez is truly a devoted family man. He and Carmen, his wife of 40 years whom he has known since childhood, raised two daughters and three sons and are now actively enjoying their 13 grandchildren, who reside in Puerto Rico and the continental United States. Incredibly, at one point, the judge and his wife, with great personal sacrifice, managed to send their five children simultaneously to private universities on the mainland. Given their exemplary commitment to family over these many years, the couple regularly participates in discussions of marriage with family unity groups.

Judge Pérez-Giménez is an avid golfer and an excellent cook. 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, which since then has become a professional one. Legend has it that, as a federal prosecutor and magistrate judge, the judge used to showcase his tremendous leaping ability and long-range shot at games played by federal officials on the basketball court located in the Old San Juan Customs House. After permanently hanging up his basketball shoes, the judge switched to golf, which in Puerto Rico is a year-round activity. Judge Daniel Domínguez, a federal district judge, is one of his frequent

golf partners who 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.’”

The judge has also been a mentor and fatherly figure to over 50 law clerks who have worked in his chambers over the years. These former law clerks are now partners or associates in major law firms, 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 the Puerto Rican government. All of them keep in close touch with Judge Pérez-Giménez.

Judge Pérez-Giménez has been a member of the Federal Bar Association throughout his federal career. He regularly participates in the Puerto Rico Chapter’s

activities and has always provided strong support for the organization. The judge is a role model to both judges and attorneys — both on and off the bench — and the federal judiciary and the bar will surely benefit from his experience and service for many years to come. **TFL**

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*Judge Gustavo A. Gelpí Jr. is a U.S. magistrate judge in the U.S. District Court for the District of Puerto Rico. He is a former law clerk to Judge Pérez-Giménez and currently serves as FBA vice president for the First Circuit. He was assisted in the preparation of this judicial profile by Assistant U.S. Attorney Marcos López, who is also a former law clerk to Judge Pérez-Giménez.*

#### **Endnotes**

<sup>1</sup>See Senate Report No. 1504, reprinted in 1966 U.S.C.C.A.N. 2786-2790.

<sup>2</sup>See *Morales Feliciano v. Romero Barceló*, 497 F. Supp.14 (D.P.R. 1979); see also *Morales Feliciano v. Rullán*, 378 F.3d 43 (1st Cir. 2004) (summarizing history of prison litigation case).