

Judicial Profile

ADA SOFIA ESTEVES

Hon. Jaime Pieras Jr. Senior U.S. District Judge, District of Puerto Rico

AT 5 A.M. ON the very first day of Judge Jaime Pieras' military career in Camp Lee, Va., his drill sergeant yelled at him: "Speak up, you %*!#!0+#!" Since then, Judge Pieras says, he has spoken loudly, especially after being appointed to the federal bench in 1982. This anecdote of his life before his judicial appointment is typical of Judge Pieras' character, and during a day in his chambers, you will hear many others. His civilian life, however, has always been as interesting as his first day in the military.

Stationed at Camp Lee, a young Judge Pieras was soon shipped to the Allied front in Italy with Division 88, which was in charge of rounding up German prisoners. Judge Pieras' job consisted of keeping guard of the German prisoners of war, yet he was an uncommon Allied soldier—while keeping guard, he would exchange cigarettes for the delicious coffee cake that the Germans made.

This type of behavior, however, is not what has characterized the judge during his years on the bench. Instead, he has become known as a stickler for deadlines as well as for efficient case management, which 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). His case management method is one of the best tools for efficiently managing cases and has been adopted by many other judges in their chambers.

Judge Pieras attended high school at Colegio San José, an all-boys school in San Juan, Puerto Rico. He pursued his undergraduate studies at Catholic University of America in Washington, D.C., graduating in 1945 with a B.A. in economics. While an undergraduate he was a member of the school's boxing team until his pugilistic career was cut short at a meet with Michigan State University, when he was socked in the eye. To this day, Judge Pieras claims that his opponent was, in fact, a part-time professional boxer. The end



of Judge Pieras' athletic career, however, led to a legal career, and he enrolled at Georgetown University Law School, from which he obtained his LL.D. in 1948.

As a freshly graduated young lawyer, Judge Pieras began his law practice in Puerto Rico with Luis Dubón Sr., serving as counsel to numerous merchants in San Juan. Later on, with the firm of Hartzell, Fernández & Novas, Judge Pieras represented Navieras de Puerto Rico (the Maritime Shipping Authority of Puerto Rico), which taught him how to negotiate collective bargaining agreements—a lesson that helped him greatly in his future law practice. Shortly afterward, he established his own firm, Pieras and Martín, with attorney Angel Martín, who would later become an associate justice of the Puerto Rico Supreme Court. Next, he became the partner of Juan R. Torruella, who would become a U.S. district judge and subsequently circuit judge.

Even when practicing law, however, Judge Pieras believed in giving something back to society. This might have been the reason he became involved in politics. He has always favored statehood for Puerto Rico, and because of that involvement, he was elected to be the Republican National Committeeman for the Republican Party in Puerto Rico, replacing Luis A. Ferré, the former governor of Puerto Rico. As com-

mitteeman, Judge Pieras' work was crucial to the appointment of several federal judges in Puerto Rico.

Judge Pieras himself was named to the federal bench by President Ronald Reagan in 1982. Even after having had a varied law practice, however, Judge Pieras' years on the bench were not without surprises; he had no experience whatsoever in criminal matters, and was forced to learn fast.

Out of the judge's commitment to excellence, the initial scheduling conference (ISC) method was implemented in his chambers several years before it was codified in the Federal Rules of Civil Procedure. The goal of the ISC method is to streamline litigation by familiarizing oneself with a case from the outset, so as to be in a better position to move the case along. Knowing the strengths and weaknesses of a case from the outset helps the attorneys conduct a more streamlined discovery process and ultimately either settle the case or take it to trial. After Judge Pieras was appointed to the bench, Congress approved the Civil Justice Reform Act, whose main goal was to reduce costs and delays in the judicial process. Judge Pieras' ISC method has certainly helped further this goal in the federal court in Puerto Rico. To this day, the method is still subject to changes and revisions that Judge Pieras feels might move cases along better.

In his cases, after the defendants answer the complaint, Judge Pieras issues the ISC call to all counsel in the case, instructing them to meet with the court on a specific date and time. Counsel are further instructed to file a memorandum with the court seven days before the scheduled date for conference; the memorandum must contain the following: explain counsel's theory of the case and applicable law, identify the facts that counsel believe are not contested, list their witnesses and the subject matter of their testimony, list expert witnesses and the subject matter of their testimony and give details of experts' reports, provide a listing of all documentary evidence counsel will be using at the trial and all documents they have exchanged with opposing counsel. By the time the conference is held, attorneys are expected to have completed written discovery and to know most, if not all, the witnesses and documentary evidence that they will be using at trial. Although Judge Pieras allows changes to the documents and the list of witnesses provided in each party's memorandum after the ISC is held, counsel must show good cause for the changes they desire and must explain why the particular witness or document they wish to add was not known to them before the ISC.

At the conference itself, the parties discuss with Judge Pieras the facts of their respective cases, and all depositions are scheduled with the court's approval. More important, the parties sit down and agree to a set of uncontested facts as a way to begin streamlining the case. At the ISC, dates for the filing of dispositive motions, pretrial and settlement conferences if desired, and the trial are also set. For a normal

case before Judge Pieras, the parties should expect a trial to start within six to eight months of the date the ISC call is issued. After the conference is held, an ISC order is issued, which contains all the agreements reached at the conference, a listing of all witnesses and documents, the uncontested facts agreed upon by the parties, and the remaining deadlines and important dates.

The ISC method was initially so successful that Judge Pieras was named chair of the committee to implement the Civil Justice Reform Act. Certainly, Judge Pieras' ISC has greatly contributed to the goal of the method, as counsel have expressed to Judge Pieras on many occasions. In addition, as a result of the judge's ISC method, the Puerto Rico Bar Association appointed to the committee that revised the local Rules of Civil Procedure, and in 1988 Judge Pieras appeared before the Supreme Court of Puerto Rico in that capacity. Among his many other notable roles, Judge Pieras served as a member of the Judicial Conference of the United States' Bicentennial Commission, which was formed to celebrate the 200th anniversary of our Constitution throughout the nation's federal courts.

Besides the ISC method, Judge Pieras has another claim to fame in Puerto Rico: he conferred upon Puerto Ricans the right to vote for President of the United States in 2000. *Igartúa de la Rosa v. United States*, 107 F. Supp. 2d 140 (D.P.R., 2000), was a case brought by Gregorio Igartúa, a statehood proponent who had always resided in Puerto Rico and was an American citizen by virtue of his birth in a territory of the United States. The complaint sought a declaratory judgment to allow the plaintiff and others similarly situated to vote in the upcoming presidential election and subsequent ones. The complaint also alleged a cause of action on behalf former stateside residents who had been eligible to vote in presidential elections while living in the U.S. mainland but were unable to do so upon taking up residence Puerto Rico. The case was filed on April 5, 2000, just in time for the November presidential election.

Although Judge Pieras did not immediately react to the case when it was assigned to him, the more he thought about it, the more he became convinced that Puerto Ricans had the right to actively participate in the political life of the United States, particularly when they risked life and limb in so many of the wars in which the United States had been involved since World War I. Under the existing law, Puerto Ricans, by not being allowed to vote for their commander in chief, were clearly at a disadvantage. Comparing Puerto Rican soldiers' inability to vote for their commander in chief to slavery, Judge Pieras called the present situation in his decision "... abhorrent to the most sacred of the basic safeguards contained in the Bill of Rights of the Constitution of the United States—freedom." Judge Pieras ruled that Puerto Ricans had a right to vote in U.S. presidential elections and that no constitutional amendment was necessary to grant U.S.

citizens residing in Puerto Rico the right to participate in presidential elections. He held that “[t]he right preexists the potential amendment by virtue that the Constitution itself provides that right. Requiring a constitutional amendment to grant U.S. citizens residing in Puerto Rico the right to participate in presidential elections is tantamount to entering into a democratic process to determine if democracy should prevail.” On Aug. 29, 2000, Judge Pieras declared that all U.S. citizens residing in Puerto Rico had a right to vote for the President and further ordered the Puerto Rican government to expeditiously organize the means by which such a vote was to be carried out in the upcoming November election.

Ballots were printed and were ready for the election. Puerto Rican citizens’ right to vote for the President, however, was short-lived. Two months later, the decision was appealed to the First Circuit Court of Appeals, which reversed the ruling. The First Circuit opined that its prior decisions held that the Constitution of the United States did not confer upon U.S. citizens residing in Puerto Rico a right to participate in the national election for President and Vice President, and that this issue was consequently *stare decisis*. *Igartúa de la Rosa v. U.S.* 229 F.3d 80 (1st Cir. 2000). One judge in the appellate panel, Judge Torruella, concurred with the result as the law stood at the time, but he wrote separately, stating that it was time “to serve notice upon the political branches of government that it is incumbent upon them, in the first instance, to take appropriate steps to correct what amounts to an outrageous disregard for the rights of a substantial segment of its citizenry.”

That was not the end of the matter, however, as plaintiff *Igartúa* filed yet another case when the 2004 presidential election approached. The District Court (albeit another district judge) dismissed the case. The plaintiff appealed again, and the First Circuit affirmed the dismissal. But the issue did not end with the

dismissal: a petition for rehearing was granted by the court, which decided to review the case en banc, ultimately affirming the lower court, albeit in a divided opinion. The en banc court held that residents of Puerto Rico had no constitutional right to participate in presidential elections, *Igartúa de la Rosa v. U.S.*, 417 F.3d 145 (1st Cir. 2005), however contained a sharp dissent by Judge Torruella regarding the continued violation of the civil rights of the four million U.S. citizens residing in Puerto Rico. Even though his deci-

sion was reversed, Judge Pieras feels that *Igartúa de la Rosa* was one of his best opinions, giving disenfranchised Puerto Ricans the power to vote for the chief executive of the United States—even though they had that right for a limited time.

Judge Pieras’ colorful nature is one of his best qualities. After 26 years on the federal bench, Judge Pieras has a sense of humor that has remained untainted. He feels that the best decision he made in his life was accepting the appointment to be a federal judge but only after having a good many years’ practice as a lawyer. He always said that after becoming a judge he had less stress, he made more money, and he could order lawyers around more than ever before! Judge Pieras can even make a bad situation better. For example, when the judge was taken ill a few years ago, a former law clerk visited him at the hospital and brought him chocolates. During the visit, the judge commented that the hospital wasn’t bad, but that the food was awful. After being discharged, however, he confessed to his former law clerk that he was unable to eat the chocolates she had brought him and gave them to the nurses instead, thus becoming famous and extremely well liked among the nursing staff (and known as “the man with the delicious chocolates”).

Judge Pieras now sits on the federal bench as a senior judge, a title he carries proudly, given that he was the first federal judge in Puerto Rico to take such status. He settles more cases than any other judge in the District of Puerto Rico. Happily married to his wife of 55 years, Elsie, he lives in close proximity to their son, Jaime, who is a lawyer, journalist, and scholar.

Today, Judge Pieras continues to contribute to the judicial system. Just recently, the judge was informed that the Puerto Rico Rules of Civil Procedure are in the process of being revised and his initial scheduling conference call and order are being modified so that they can be adopted at the state level. The judge quickly reacted to this news and worked with several lawyers and fellow judges to tailor his ISC method so that it can be applied to local courts. He sent the finished product to the commission responsible for the revision, which is still evaluating it. Certainly, Judge Pieras’ legacy of reducing costs and delays, which has served the federal judiciary so well for so long, will undoubtedly also better serve Puerto Rico’s judicial system for many decades to come. **TFL**

Ada Sofia Esteves is an associate at Indiano & Williams, PSC in San Juan. She served as a law clerk to Judge Pieras from 2001–2003 and 2004–2005.

Judge Pieras now sits on the federal bench as a senior judge, a title he carries proudly, given that he was the first federal judge in Puerto Rico to take such status. He settles more cases than any other judge in the District of Puerto Rico.