



Hon. Gustavo A. Gelpí

Judge of the U.S. Court of Appeals for the First Circuit

by Aaron J. Richards

A native of San Juan, Puerto Rico, Judge Gustavo A. Gelpí and his two younger siblings were raised by their parents, grandparents, and close relatives. His “very close-knit” family provided him with an enjoyable childhood and a strong foundation that has shaped who he is today. A proud father of two, Judge Gelpí has sought to follow the example his father set in both his legal practice and devotion to family. Growing up, Judge Gelpí went to bilingual schools where he studied Spanish and English. While recounting his childhood, Judge Gelpí noted that he was grateful for the principles instilled in him at home and in primary and secondary school at the Academia del Perpetuo Socorro, which he believes are reflected in his jurisprudence.

Judge Gelpí obtained his Bachelor of Arts from Brandeis University and his Juris Doctor from Suffolk University Law School. While in Boston, during the Larry Bird championship years, Judge Gelpí enjoyed supporting the hometown Boston Celtics, attending over 200 regular season and playoff games at the historic Boston Garden. To date, Judge Gelpí continues to support the Celtics, attending several games each year. He cherishes the many lessons learned from one of his greatest inspirations, Larry Bird, whom he views as a model of hard work, discipline, overcoming adversity, and going the extra mile. Judge Gelpí has sought to embody these characteristics in his everyday life and work.

Judge Gelpí has benefited from numerous mentors and role models throughout his life. Some of Judge Gelpí’s earliest mentors made a lasting impression on his career and work ethic. Judge Gelpí’s high school chemistry teacher, Mrs. Mariloly Lopez; World History teacher, Mr. José Leavitt; and his coach, Mr. Carlos Ruiz, pushed him to always go above and beyond his comfort level. While in law school, Judge Gelpí found a great mentor in civil procedure professor Joseph Glannon. His mentorship inspired Judge Gelpí’s love and passion for the law and his familiarity with civil procedure. After law school,

Judge Gelpí served as a judicial law clerk for the Honorable Juan M. Pérez-Giménez, United States District Judge for the District of Puerto Rico. Judge Pérez-Giménez was also a great mentor, friend, and an inspiration as a judge. While clerking for Judge Pérez-Giménez, Judge Gelpí met the Honorable David Souter, Associate Justice of the United States Supreme Court, when he had just joined the nation’s highest court. Over the years, Justice Souter and he remained in touch. Justice Souter became, and remains, a role model and a source of inspiration who Judge Gelpí has striven to emulate in his role as an appellate judge. In addition, Judge Gelpí has found role models and inspiration in the judicial leadership of other U.S. Supreme Court Justices, such as, the Honorable Sonia Sotomayor and the Honorable Stephen Breyer. In his time as a federal public defender, Judge Gelpí appeared before numerous judges of Puerto Rico’s federal district court and the First Circuit Court of Appeals, learning from, and developing meaningful relationships with, each judge.

For over 30 years, Judge Gelpí has been an active member of the FBA. He served as its National President and was the first Article III judge to serve in this capacity. Serving in numerous roles at the FBA prior to his presidency, Judge Gelpí was committed to diversifying the organization and focused on “promoting benchmarks, relationships, and judicial independence.” He credits the FBA with giving him the space to grow as an attorney and writer while serving as an editor of *The Federal Lawyer*.

Judge Gelpí’s various professional experiences have shaped his perspective on the law and his “holistic” approach to adjudicating cases. Having served as a Federal Public Defender, Solicitor General for the Commonwealth of Puerto Rico, civil practitioner in private practice, magistrate judge, district court judge, and appellate judge, Judge Gelpí is keenly aware of the impact of his decisions on the community. Regardless of a litigant’s background, he provides the same opportunity for each person to be heard and receive fair treatment. Over the course of his 15-year career as a magistrate and district court judge, Judge Gelpí authored more than 1,000 opinions and presided over almost 70 jury trials, with a reversal rate of less than 4%. Because of his work with the federal public defenders, Judge Gelpí believes that employing effective communication and treating criminal defendants with respect and dignity—no matter the charges against them—are indispensable to the administration of justice.

As a “living embodiment of Article III,” Judge Gelpí ensures that the Constitution and the laws of the country are upheld and protected. Judge Gelpí loves his job; even on his toughest days, he always goes home with the satisfaction and honor of having served his country. While serving as a district judge, he enjoyed settling cases and helping litigants leave with a favorable outcome for all. In criminal cases, Judge Gelpí strove to apply appropriate sentences and was gratified when former defendants became productive members of society. He cites sentencing as the toughest part of his job as a district judge. A happier judicial duty for Judge Gelpí is performing naturalization ceremonies for new U.S. citizens. Judge Gelpí has performed naturalization ceremonies in Puerto Rico, Guam, and Boston, and recalls with particular fondness a ceremony held in Boston where a diverse group of 400 candidates received U.S. citizenship. A highlight of these ceremonies for Judge Gelpí is reciting the Pledge of Allegiance at the ceremony’s conclusion with the new citizens and their family members.

Another aspect of Judge Gelpí’s job in which he takes special pride is selecting judicial law clerks. As a former clerk himself, Judge Gelpí

understands how vital clerks are to judges as well as how crucial a judge's mentorship is to his or her clerks, often maturing into a lifelong relationship. For this reason, Judge Gelpí personally reviews each application and interviews potential candidates. By considering a myriad of factors, Judge Gelpí selects clerks who are hard-working, amenable to peer review, experts in legal research and writing, and team players who contribute to the overall cohesion of his chambers.

When asked about his most memorable cases, Judge Gelpí shared two: the first Clean Water Act case tried in the United States before a jury, and a case involving the largest consent decree in the nation between U.S. Department of Justice and Puerto Rico's Police Department. Judge Gelpí is proud of the progress the Puerto Rico Police Department made under his court monitoring, particularly the promotion of women and minorities into the highest ranks of the department based on merit and expertise. By requiring more training and instituting a full curriculum at the police academy, Judge Gelpí brought about tangible police reform during his oversight of the consent decree. From LGBTQ rights to rights under the Americans with Disabilities Act, Judge Gelpí has never hesitated to uphold the Constitution and to defend the rights afforded to each American.

As the first public defender to sit on the First Circuit, Judge Gelpí brings a unique perspective to panel deliberations and a holistic approach to the adjudication of appeals. During his Senate confirmation hearing, Judge Gelpí was amazed by the overwhelming support he received from various organizations and groups in Puerto Rico and across the nation. He often reflects on how blessed he is and how he holds this job in high esteem. Judge Gelpí stated that "this is a great nation with 200 plus years of history... and for two hours the country's time was devoted to me during my confirmation hearing." Even though Congress remains politically polarized, Judge Gelpí was grateful for the bipartisan support he received for his confirmation. Since his Senate confirmation, Judge Gelpí has enjoyed having the opportunity to set precedent for the First Circuit. Judge Gelpí strives for excellence in opinion writing and values the appellate peer review editorial process. Although he "could not be the Larry Bird on the basketball court," he strives to be "the Larry Bird in the court of justice." As such, Judge Gelpí drafts opinions that are meticulous, accessible, and rooted in the Constitution.

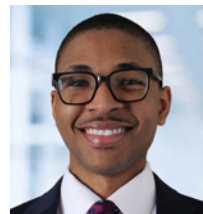
Reflecting on advice to share with future attorneys, Judge Gelpí encourages new attorneys to become learned in the law and participate wherever possible in trainings, moot courts, and mock trials. He recommends that law students take a variety of courses that expand their understanding of the law and lead them outside of their comfort zones. Similarly, he advises attorneys to cultivate well-roundedness, encouraging them "to try at least one case, work on an appeal, do pro bono work, and know a little bit about everything." In addition, he recommends that young attorneys join organizations like the FBA, find mentors, and develop relationships with other attorneys and judges. He encourages new attorneys to not be afraid to speak up and out for what is right, because "we are a Democracy!" Most of all, Judge Gelpí implores each attorney and future attorney to remain ethical and continue putting in hard work, opining that nothing worth having comes easy.

Judge Gelpí cherishes his life's story and would not change any chapter within it. He is most proud of keeping his commitment to being present for his children and all their important events, despite his busy schedule. Although Judge Gelpí makes numerous sacrifices in his capacity as a judge, he finds ways to make space for leisure reading,

traveling, and spending time with his loved ones and friends.

An avid reader, in his spare time Judge Gelpí enjoys reading in both Spanish and English and across multiple genres, including science fiction, history, and biography. One of his favorite books is *The Personal Memoirs of Ulysses S. Grant*. In addition, he enjoys James Fenimore Cooper books, such as *The Last of the Mohicans*, as well as the John Carter of Mars and Tarzan of the Apes series by Edgar Rice Burroughs, among others. He also holds a 10,000-volume collection of comic books from his childhood. Aside from reading, Judge Gelpí enjoys watching sports and movies. His favorite movie genres are superhero movies and classic horror movies from the 1930s and 1940s. In particular, *Hoosiers* (1986), *The Mark of Zorro* (1940), and *Frankenstein Meets the Wolf Man* (1943) are among his favorites. As a former basketball and volleyball player, he continues to stay fit by jogging on the beach, swimming, and walking almost everywhere. Judge Gelpí also has a passion for travel. He has traveled throughout South America, Central Europe, and almost all of the United States—he has visited 45 of the 50 states and hopes to visit the last five states when work permits.

Looking forward, Judge Gelpí recognizes that technology has been essential to improving judicial efficiency but warns against lawyers using technology as a substitute for preparedness. As the landscape of the judiciary and the First Circuit evolve, Judge Gelpí is honored to be part of that change. Judge Gelpí looks forward to making his contribution to society and hopes to inspire the next generation to pursue a career that effects positive change in their respective communities. ☺



Aaron Richards is a third-year law student at North Carolina Central University School of Law. Aaron received a B.A. in Anthropology and minor in Spanish, cum laude with Advanced Honors Distinction, from Georgia State University. Currently, he serves as a 2022 Justice John Paul Stevens Fellow at the Federal Public Defenders Office (EDNC) in Raleigh, North Carolina. In addition, Aaron serves on the Communications Subcommittee for the Federal Bar Association's Diversity & Inclusion Standing Committee.