



FROM THE **BAR**

A publication of the Federal Bar Association,
Hon. Raymond L. Acosta Puerto Rico Chapter



SPRING 2025 | ISSUE NO. 66

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Message from the Editors' Committee



Linette Figueroa-Torres | **Carla Loubriel-Carrión** | **Karena Montes-Berrios**

This Spring issue of *From the Bar* features articles with varied topics of interest in both federal and state practice. From lessons learned in insurance coverage litigation following the passing of the catastrophic hurricane María over Puerto Rico in 2017, to discussing how the recently enacted Foreign Extortion Prevention Act is closing the gap with other laws implemented to combat corruption globally by sanctioning foreign public officials abroad who demand or engage in acts of bribery or extortion. Another article included in this issue explores the negative consequences that a recent ruling on affirmative action has had on minority groups.

This issue also features a section of Case Law Overview that summarizes a series of noteworthy cases related to recent developments in matters pertaining to both federal and state courts.

The Hon. Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association presents the seven members of the Board of Directors of the UPR Law School Student Chapter. We also include a note of the personal experience of a law student who attended the First Circuit Reception, held on October 28, 2024, at the restaurant El Corcho in San Juan, recognizing the

importance of engaging with the legal community and attending networking activities.

We hope you enjoy this issue of *From the Bar* as much as we enjoyed putting it together. Our thanks go out to Nereida Meléndez-Rivera, Isabel Lecompte-Shiba, Laura G. Irizarry-Toro, Ericka C. Montull-Novoa, Paola Meléndez, Carlos Cabrera, Zulinette Pinzón-Rosario and Victor A. Gregory-Miranda for making this issue possible through their written contributions. We also give a special thanks to Ada I. García-Rivera, Esq., Clerk of Court, and Jorge Soltero-Palés, Esq., Chief Deputy Clerk, for their continuous commitment to our Chapter by contributing to the “Clerk’s Tidings” section included in every issue of *From the Bar*.

As always, the editorial committee of *From the Bar* welcomes all article or note submissions for publication in upcoming issues, by e-mail to: lft@tcm.law; cloubriel@cabprlaw.com; kmontes@mpmlawpr.com.



President's Message



Carla S. Loubriel-Carrión

President

Hon. Raymond L. Acosta Chapter
Federal Bar Association

Dear FBA members and colleagues:

This newsletter is one of our Chapter's most cherished traditions, and it has long provided a welcoming platform for members to share insights on legal topics that impact our federal practice, and engage in meaningful discussions that enrich our community. As a member of the Editorial Committee of *From the Bar*, I am especially honored to present this latest edition.

Reflecting on the months since our last publication of *From the Bar*, our chapter has hosted a variety of impactful events that have fostered learning, collaboration, and community among our members.

On June 12, 2024, we held an enlightening webinar on "Growing Client Relationships and Your Practice," with the participation of esteemed colleagues Nani Marchand-Sánchez and Luis Marini-Biaggi, and one of our 2023-2024 board members, Zarel Soto-Acabá. We also held in-person seminars on international arbitration and deposition techniques in August and October that were acclaimed by our membership. The first, "Introduction to the World of International Arbitration," took place on August 1, 2024, at the Colegio de Abogados de Puerto Rico, with leaders from the global firm Hogan Lovells: María Eugenia Ramírez, María Lucía Echandía, and Gonzalo Rodríguez-Matos. Attendees appreciated the depth of knowledge and practical insights provided by the speakers. The second seminar, titled "Las Deposiciones: Técnicas y Estrategias que Funcionan," was offered on October 25, 2024, by Prof. Nilda M. Navarro-Cabrer, a long-time FBA member and mentor of the student chapter at the University of

Puerto Rico School of Law. Participants praised this seminar for its practical strategies applicable to both state and federal litigation.

On August 1, 2024, I had the pleasure of joining our then-President, Carolina Velaz-Rivero, Esq., on a panel for incoming, first-year law students at the University of Puerto Rico School of Law, featuring Judge Sylvia Carreño-Coll and moderated by Prof. Navarro-Cabrer. Held during orientation week, the panel was lively, with students participating enthusiastically, asking many questions, and subsequently signing up for the UPR's student chapter. We hope to extend this experience to other law schools in Puerto Rico every year, to provide students with more opportunities to understand the breadth of opportunities in federal practice that they could explore as they begin their journey into the legal profession.

We held our popular Cocktails with the Bar event on August 29, 2024, at Jamón Jamón. Special thanks to Board members Mónica Rivera-Pagán and Linette Figueroa-Torres for their efforts to coordinate this event and make it the resounding success that it was. The event was well-attended and provided a great networking opportunity that highlighted the camaraderie within our chapter.

A highlight of our recent activities was the Annual Reception for the Judges of the First Circuit held at El Corcho restaurant, on October 28, 2024. This event is held at least once a year and allows us to reconnect with fellow practitioners and engage with staff and

President's Message

Continued from previous page

members of the federal bench, particularly those who serve on the First Circuit, whom our local attorneys do not have many chances to engage with. We are very grateful for the kind words of Chief Judge David J. Baron at the event. He highlighted how this reception has become a welcome tradition for the First Circuit during its bi-annual sittings in Puerto Rico. Thank you to everyone who supported this event with their attendance.

In the coming year, our chapter will continue to look for ways to offer better and more continuous networking events, as well as educational opportu-

nities for its professional and upcoming student members. We are particularly excited to develop a standing Committee for Civic Outreach, to develop our own educational and civic programming for non-lawyers and assist efforts by our local U.S. District and Bankruptcy Courts to foster civic engagement. If this is something you might be interested in, do not hesitate to contact any of our current Board members to learn more and share your thoughts.

Finally, I want to take a moment to express my heartfelt gratitude for the trust our membership and Board have placed in me as the incoming Presi-

dent of our chapter for the 2024-2025 term. It is an honor to serve, and I look forward to building upon the strong foundation laid by my predecessors.

I encourage all of you to stay engaged and participate in our future events, share your ideas, and connect with each other. Your involvement is crucial to the continued success of our chapter.

You can become a member or renew your membership by going to www.fedbar.org/join.

Gracias a todos por su apoyo.

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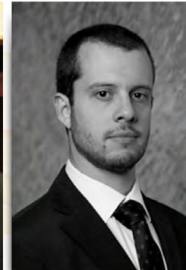
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Upcoming Events in 2025

Local

- **Webinar: Navigating the Future of Immigrations Laws Amid Political Uncertainty – What Companies Need to Know**
- March 26 at 3:00 p.m. – 4:00 p.m.
- **Legal Writing Seminar for Law Students, with Chief Judge Raúl M. Arias Marxuach**
- April 7 at 3:00 – 5:00 p.m. (Interamerican University Law School)
- **Cocktails with the Bar**
- April 9 at 6:30 p.m. (TBD)
- **Hybrid Event: The AI Wild West: Considerations to Tame its Impact in the Workplace**
- May 7 at 3:00 p.m. – 5:00 p.m. (Ferraiuoli LLC)
- **Seminar: A Conversation on Consenting and Referrals to Magistrate Judges, with Hon. Giselle López-Soller and Hon. Héctor L. Ramos-Vega**
- May 14 at 1:30 p.m. – 3:30 p.m. (Clemente Luis Nazario U. S. Courthouse, San Juan)

National

- **Webinar: Neurodivergence in Law: The Importance of Advanced Communication in Law Practice**
- March 25 at 2:00 p.m. – 3:00 p.m.
- **2025 Thurgood Marshall Memorial Moot Court Competition**
- March 26-27 (Washington, D.C.)
- **Capitol Hill Day**
- March 27 (Arlington, VA)
- **2025 FBA Leadership Summit**
- March 28-29 (Arlington, VA)
- **Webinar: Qualified Immunity in 2024-2025**
- April 2 at 2:00 p.m. – 3:00 p.m.

National

- **50th Annual Indian Law Conference**
- April 28-29 (Albuquerque, NM)
- **Law & Culture in Ireland**
- May 7-13 (Dublin, IRE and Belfast, UK)
- **Immigration Law Conference**
- May 16-17 (Arlington, VA)
- **2025 United States Supreme Court Admissions Ceremony**
- May 22 at 7:30 a.m. – 12:00 p.m. (Washington, D.C.)
- **40th Annual Insurance Tax Seminar**
- May 29-30 (Washington, D.C.)
- **2025 FBA Annual Meeting & Convention**
- September 12-13 (Minneapolis, MN)





Federal Bar Association

Hon. Raymond L. Acosta Puerto Rico Chapter



The Hon. Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association
Welcomes All Law School Students!

Join the Federal Bar Association
to take advantage of the **benefits**
the Law Student Associate
Membership offers

The Law Student Associate Membership offers:

➤ **FREE MEMBERSHIP**

- The opportunity to start **building your professional network** with the federal judiciary and practitioners
- **Access to resources** to help you identify career paths after graduation and beyond
- **FREE** conferences, seminars, and webinars on emerging federal, state, and practical topics
- Access to the award winning *From the Bar* newsletter with **insights on litigation and law developments**
- **Educational and networking events** at a national and local level of the Federal Bar Association
- Access to **information on current legislative issues** affecting the federal judiciary
- **Discount** on the federal bar exam review course offered by the Federal Bar Association



SCAN
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Bar Association**



Two Decades Were Not Enough: The Negative Impact of Banning Affirmative Action

by Paola Meléndez, Law Student at University of Puerto Rico School of Law



The phrase “Equal justice under law” is prominently inscribed above the entrance of the Supreme Court of the United States in Washington, D.C. Since the landmark decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), the Supreme Court has played a crucial role in defining equality through its interpretation of the Equal Protection Clause of the Fourteenth Amendment, notably rejecting the “separate but equal” doctrine as inherently unequal.¹ However, on June 29,

2023, the Court ruled in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023), that race-based affirmative action programs in college admissions violate this same Equal Protection Clause. In *Grutter v. Bollinger*, 539 U.S. 306 (2003), the Court had previously upheld affirmative action in higher education, recognizing diversity as a compelling interest while establishing strict guidelines to ensure that race is considered appropriately and justly in admissions processes.² This raises

an important question: What has changed in the two decades between these pivotal decisions? This essay explores the negative consequences that the recent ruling on affirmative action has had on minority groups, arguing that while *Grutter v. Bollinger* represented a step toward equality, the imposition of a time limit on such policies was not the appropriate solution.

In a 6-3 decision, the Supreme Court in *Grutter v. Bollinger* determined that the race-conscious admissions practices employed by Harvard University and the University of North Carolina were not sufficiently narrowly tailored to meet constitutional standards. The court’s decision acknowledged that race could still be considered through personal statements in which applicants describe their individual experiences.³ For example, applicants may discuss how their racial background has influenced their life and character, provided that such discussions are directly tied to qualities or unique abilities they can contribute to the university.⁴

However, this is not enough. There is a reason affirmative action was implemented in the first place: even when minority students have the same grades and extracurricular activities as others, their chances of being

¹ *Brown v. Board of Education*, 347 U.S. 483 (1954).

² *Grutter v. Bollinger*, 539 U.S. 306 (2003)

³ *Id.* at 338.

⁴ *Id.*

⁵ Karen Sloan, “Law Student Diversity, Especially at Top Schools, Shrank After

Affirmative Action,” *Reuters* (Apr. 1, 2024), available at <https://www.reuters.com/legal/government/law-student-diversity-especially-top-schools-shrank-after-affirmative-action-2024-04-01/>.

⁶ Niraj Chokshi, *Colleges Face Pressure to Release Data on Race in Admissions*

After Supreme Court Ruling, *N.Y. Times* (Sept. 27, 2024), available at https://www.nytimes.com/2024/09/27/upshot/colleges-affirmative-action-race.html?unlocked_article_code=1.Ue4.B8P2.gMbN-WYjcDa-9&smid=nytcore-ios-share&referringSource=articleShare&sgrp=c-cb..

Two Decades Were Not Enough: The Negative Impact of Banning Affirmative Action

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admitted to Ivy League and other top-tier schools are still lower than those of more privileged students.⁵ As the years pass following this decision, the repercussions will become clearer. Two decades are not enough to erase the biases that have been ingrained over centuries, and these biases are not likely to end anytime soon.

Currently, there is limited data on the repercussions of the decision. This is partly due to how recent it is, but since every October universities need to report their incoming classes data, more clarity should come soon.⁶ For the last three years preceding the affirmative action ban, the Law School Admission Council (LSAC) had assured that the entering classes were record-breaking in racial and ethnic diversity.⁷ One school that has openly opposed the decision has recently shed light on the first entering class since the ruling. New York University's (NYU) statistics are clear: this decision directly correlates with a decline in the acceptance rates of minority students, particularly African Americans, and Latinos.⁸ For the entering class of 2028, only 4% of students identify as Black, a 3% decrease from the previous year. As for Latinos, their percentage has dropped from 15% to 10%.⁹ It appears that the *Grutter v. Bolinger* decision exacerbates underrepresentation.

Evidently, the recent Supreme Court decision to eliminate race-based affirmative action in college admissions marks a significant regression in the pursuit of equality. While the Court's ruling suggests that race can still be

considered through personal narratives, this approach fails to address the systemic barriers that persist in higher education.¹⁰ The decline in acceptance rates for Black and Latino students at institutions like NYU underscores the detrimental effects of this decision, highlighting a troubling trend toward increased underrepresentation.

The removal of affirmative action not only jeopardizes diversity within academic environments but also risks perpetuating existing inequalities that affirmative action aims to rectify. The implications of this ruling extend beyond mere statistics—they resonate deeply within the fabric of society. By dismantling policies designed to foster inclusivity, the Court has inadvertently reinforced a status quo that favors privilege over merit.

As educational institutions grapple with these changes, it becomes increasingly clear

“

Evidently, the recent Supreme Court decision to eliminate race-based affirmative action in college admissions marks a significant regression in the pursuit of equality. While the Court's ruling suggests that race can still be considered through personal narratives, this approach fails to address the systemic barriers that persist in higher education.

that simply allowing for personal reflections on race is insufficient. True equity requires robust measures that confront and dismantle the biases embedded in our systems. The journey toward equality demands more than symbolic gestures; it demands a commitment to policies that recognize and address historical injustices, ensuring that all individuals have an equal opportunity to succeed.

⁷ Georgetown University Law Center, “Study: Law School Diversity Fell Substantially After State-Level Affirmative Action Bans,” *Feed Georgetown* (October 22, 2024), available at <https://feed.georgetown.edu/access-af-fordability/study-law-school-diversity-fell-substantially-after-state-level-affirmative-ac->

[tion-bans/](https://feed.georgetown.edu/access-af-fordability/study-law-school-diversity-fell-substantially-after-state-level-affirmative-action-bans/).

⁸ N.Y.U. Releases Data on the Class of 2028, N.Y.U. (Oct. 1, 2024), available at <https://www.nyu.edu/about/news-publications/news/2024/october/nyu-releases-data-on-the-class-of-2028-.html>.

⁹ *Id.*

¹⁰ Ben Erwin & Jennifer Thomsen, *Addressing Inequities in Higher Education: Policy Guide* (Education Commission of the States 2021), ERIC No. ED613902..



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Stephen G. Breyer Community Learning Center on Courts and the Constitution

BOSTON (March 21, 2025) -- Chief Judge David J. Barron is pleased to announce the official opening of The Stephen G. Breyer Community Learning Center on Courts and the Constitution. The center is intended to increase public understanding of the federal judiciary and its role in our democracy. The Breyer Learning Center will offer civic engagement activities for learners of all ages and backgrounds throughout the First Circuit, with a particular emphasis on teachers and students. Since its completion earlier this year, more than 175 students representing more than eight schools have visited the center.

Justice Stephen G. Breyer, Associate Justice of the U.S. Supreme Court (Retired), in his role as Associate Supreme Court Justice and former Chief Judge of the U.S. Court of Appeals for the First Circuit, has long championed civic education. His dedication to ensuring future generations understand their role in government, his influence on the First Circuit, and his role in the design of the John Joseph Moakley U.S. Courthouse reflect this commitment. The First Circuit proudly honors Justice Breyer with the establishment of the Learning Center.

Chief Judge Barron stated: "The federal judiciary's obligations extend beyond the courtroom to the community. It must make every effort to engage with the people it serves and to provide them with opportunities to learn about the place of courts in our constitutional system of government. I can think of no one more committed to this process of democratic engagement than Justice Breyer, so it is altogether fitting that the Learning Center bears his name."

The 2,800-square-foot center is located in the First Circuit Library, on the ninth floor of the John J. Moakley U.S. Courthouse in Boston. The Breyer Center includes a 1,000-square-foot training room and adjacent areas for group visits within the exhibit space. It provides a unique venue for hosting workshops, training sessions, and seminars, in addition to the student-centered programs offered by Discovering Justice, a civics education non-profit located in the Moakley Courthouse. Examples of such programs include Constitution Day and "The Supreme Court in Your Hometown" series.

As part of the official opening, several events are planned. On Monday, March 24, 2025, the center will host the Federal Bar Association's Breakfast with the Bench program, featuring Chief Judge Barron. On Tuesday, March 25, 2025, a formal reception is planned, including Justice Stephen G. Breyer and many of the partners who helped develop the concept for the Breyer Learning Center. Finally, in partnership with the American Bar Association, on April 11, 2025, CIVIC 101 will host a live recording on the Rule of Law from the Breyer Center. The episode will be recorded and aired on Law Day, May 1, 2025.

For additional information about these programs, to coordinate a visit, or to reserve the space, please contact Civic Engagement Coordinator, Allison Guenthner at allison_guenthner@ca1.uscourts.gov.

FBA LEADERSHIP SUMMIT 2025 MARCH 28-29, 2025 | ARLINGTON, VA

Join Us for Leadership Summit 2025!

The Leadership Summit is an empowering journey designed exclusively for FBA leaders to amplify their impact. The Summit offers engaging sessions and practical workshops while building in dedicated time for networking to develop national personal and professional relationships.

Please plan to attend the Summit events by participating in the Thurgood Marshall Memorial Moot Court Competition and Capitol Hill Day, as well as midyear business meetings.

Get ready to enhance your leadership abilities and drive positive change within the Federal Bar Association! Learn more on our website below.

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The Foreign Extortion Prevention Act: Empowering the Fight Against Corruption Globally

by Nereida Meléndez-Rivera, Esq. and Isabel Lecompte-Shiba, Esq. of [DLA Piper \(Puerto Rico\) LLC](#)

The United States government has effectively implemented a range of laws to combat corruption globally. One of the most notable efforts is the Foreign Corrupt Practices Act (FCPA), which has significantly transformed international business practices by imposing severe monetary and criminal penalties for American businesses and other U.S. persons who engage in corrupt practices. The FCPA has encouraged companies to establish strong compliance programs and cultivate a culture of transparency. However, the FCPA has been criticized for its inability to prosecute foreign officials who demand bribes.

Prosecution of foreign public officials has been challenging for the U.S. Government in past years. In a seminal case, *U.S. v. Castle*, 925 F.2d 831 (5th Cir. 1991), a court found that the FCPA excludes the foreign official who

demands or receives the bribe. [2] As a result, the Justice Department has used other laws, such as those related to fraud or money laundering, to prosecute foreign officials.

The recently enacted Foreign Extortion Prevention Act (FEPA) closes this gap by sanctioning foreign public officials abroad who demand or engage in acts of bribery or extortion. FEPA, enacted in December 2023, imposes specific penalties for these crimes. [1]

The definition of conduct prohibited by FEPA is broad. Under this law, a foreign public official is considered to be engaging in extortion when he or she solicits, obtains, or accepts any benefit or value from a U.S. citizen or company, seeking to offer in exchange an improper or improper advantage within the scope of international business. FEPA also extends beyond formal public officials, encompassing individuals who, although acting in an “unofficial” manner, are linked to or exert influence on behalf of public entities. FEPA sanctions not only the act of extortion but also those who participate or assist in the process.

The penalties for violating FEPA are severe. A foreign public official who extorts money from a U.S. person, as defined by the statute, can be fined,[3] imprisoned for up to 15 years, or both.

Enforcing FEPA introduces extraterritorial complexities, given that the effectiveness of penalties, particularly incar-

ceration, will depend substantially on the treaties in place between the United States and the nation of the public officials involved.

For U.S. corporations with operations abroad, the enactment of FEPA imposes a need to review and, if necessary, update internal policies to ensure compliance with the broad terms of this new legislation. Such policies must provide clear guidelines to employees on how to proceed and report extortion attempts by public officials. This includes establishing procedures for internal investigation and, if necessary, self-disclosure of these incidents to the U.S. Government. Transactions involving interaction with public officials, such as tender processes, must be subject to stringent oversight to avoid violations of both FEPA and FCPA.

In short, FEPA closes a loophole created by the FCPA and empowers the U.S. Government to continue fighting corruption beyond its borders. It also reflects the U.S. Government’s commitment to addressing any gaps that may foster impunity among those who request bribes for political favors.

“

Prosecution of foreign public officials has been challenging for the U.S. Government in past years. [...] The recently enacted Foreign Extortion Prevention Act (FEPA) closes this gap by sanctioning foreign public officials abroad who demand or engage in acts of bribery or extortion.

¹ 18 U.S.C. § 201

² See also *U.S. v. Hoskins*, 902 F.3d 69 (2d Cir. 2018).

³ Fines include a cap of \$250,000 or three times the monetary value of the thing of value solicited or received.

Lessons learned in Insurance Coverage Litigation after Hurricane María: A Plaintiff's Point of View

by Laura G. Irizarry-Toro, Esq. and Ericka C. Montull-Novoa, Esq. of [Casellas Alcover & Burgos, P.S.C.](#)



Hurricane María made landfall in Puerto Rico on September 20, 2017, leaving in its wake 2,975 deaths and approximately 43.1 million dollars in property damage. Seven years later, insurance coverage litigation over those damages continues, as both insurance companies and the insured, particularly condominiums, battle head-to-head in state courts and in appraisal procedures. After unsuccessfully trying to resolve claims directly with insurance companies, many insured condominiums opted to file claims in state court alleging breach of contract, dolus and damages against the insurance companies for failing to cover property damage caused by Hurricane María under the insurance policy. Meanwhile, insurance companies raised affirmative defenses that complicated litigation, including but not limited to fraud and the applicability of exclusions due to water infiltration and pre-existing damage.

Surely, Hurricane María will not be the last catastrophic event that Puerto Rico will ever face. The following are recommendations to avoid common

pitfalls for plaintiffs when addressing typical defenses raised by insurance companies during insurance coverage litigation for property damage caused by atmospheric events.

First, documentation is key. Attorneys from the insured's side should be ready to produce, during discovery, photographs of the damage caused by the catastrophic event to the property. Also, it is important to account for any invoices paid or quotes received by the insured to complete repairs on the property during this process. Furthermore, to avoid any allegations that the claimed damage was pre-existing and demonstrate that the damage was in fact caused by the catastrophic event, it is helpful for the insured to have photographs, invoices and evidence of the conditions and repairs made to the property before the event occurred.

The purpose of this exercise is dual in nature. On the one hand, proof of repairs from the insured serves as evidence of fulfillment of any duty to mitigate damages. On the other hand, it proves that damage to the property

occurred as claimed. Moreover, having this information handy helps provide accurate and sufficient information for an eventual expert witness to evaluate when drafting their report. In this regard, although it is not mandatory, in anticipation of collateral attacks from the insurance company as to an expert witness' credibility, the expert and/or their team should physically inspect the property in its entirety, conduct interviews with witnesses, and request any additional information to get a clear, first-hand view of the property damage.

This first recommendation is of extreme importance, since it applies to every phase of the claim against the insurance company. Robust documentation of the damage will not only help in the extrajudicial and judicial phases of a claim, but it is also essential for claims that go through the appraisal procedure, which is principally based on such documentation of the damage.

For claims that go to state court, counsel for the insured should also be ready to produce all documents related to

Lessons learned in Insurance Coverage Litigation after Hurricane María: A Plaintiff's Point of View

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any unfruitful efforts completed by the broker or the public adjuster during the extrajudicial phase to solve the claim with the insurance company. This may include but is not limited to: unanswered follow-up emails sent to the insurance company, communications showing that all requested information from the insurance company was provided, and any offers sent by the insurance company omitting damages or quantities owed under the policy. Any document showing a delay from the insurance company in fulfilling its duties under the policy could support a claim for dolus under the Puerto Rico Civil Code. Since *800 Ponce de León v. AIG*, 205 DPR 163 (2020), the Supreme Court of Puerto Rico has recognized that if an insured proves the insurance company incurred in dolus or acted in bad faith in the fulfillment of its obligations under the policy, it could be liable for the totality of the damage suffered by the insured under the Puerto Rico Civil Code. This means the insured could be entitled to compensation in excess of the policy limits, which further shows the importance of documenting the insurance companies' behavior toward the insured's claim. Furthermore, an insurance company's omission of amounts or categories owed under the policy, in accordance with the claim made, in any offers notified to the insured, could serve as evidence of false representations under Rule XLVII, Article 4 of the Insurance Code Rules.

Second, during discovery, request from the insurance company the production of both the underwriting file and insurance reserves. Generally, insurance companies tend to not inspect the property during the underwriting process even though they have the burden of proof to establish that an exclusion applies. Requesting the under-

writing file during the discovery process could help eliminate any dispute between the parties related to fraud and pre-existing damage. It is generally inappropriate for an insurance carrier to assert the pre-existing nature of the damage without properly inspecting the property during the underwriting process. In the case of insurance reserves, this information is relevant because it helps evaluate if the offer notified by the insurance company is fair, or just another attempt from the insurance carrier to delay the fulfillment of its obligations under the policy. Loss reserves are the insurance carrier's own estimate that best reflects what the insurer may eventually have to pay to settle the loss. This information is essential for the insured.

The Puerto Rico Court of Appeals has been consistent in permitting discovery of both the underwriting file and insurance reserves in cases involving dolus allegations from the insured and when the insurance company raises affirmative defenses such as fraud and pre-existing damage. See *Consejo de Titulares del Condominio Jardines del Parque Escorial v. Mapfre Praico Ins. Co.*, KLCE202201216 (P.R. Cir. Dec. 14, 2022); *Consejo de Titulares del Condominio Ávila v. Triple-S*, KLCE202100763, 2021 WL 4206263

(P.R. Cir. Aug. 9, 2021); *Consejo de Titulares del Condominio Casa del Valle y otros v. Triple-S*, KLCE202100152, KLCE202100153, KLCE202100154, KLCE202100155, KLCE202100393, KLCE202100400, KLCE202100408, 2021 WL 3196215 (P.R. Cir., June 29, 2021) y *Consejo de Titulares del Condominio Crowne Plaza v. Triple-S*, KLCE202100627, 2021 WL 3361855 (P.R. Cir., June 16, 2021).

Third, attorneys can request the advance payment of the adjustment notified by the insurance company during discovery. In *Carpets & Rugs v. Tropical Reps*, 175 DPR 615 (2009), the Supreme Court of Puerto Rico had described the insurance company's adjustment as the product of its investigation and official posture against the insured's claim. As such, an insurance carrier cannot retract the adjustment notified to the insured. Recently, the Supreme Court of Puerto Rico ruled that the insurance companies' adjustment determination was an acknowledgment of debt in favor of the insured. See *Feliciano Aguayo v. MAPFRE*, 207 DPR 138 (2021). As a direct result, the insured is entitled to payment of the claim's portion that was recognized by the insurance company as loss in the adjustment. This could be done during or after discovery ends. Preferably after,

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Robust documentation of the damage will not only help in the extrajudicial and judicial phases of a claim, but it is also essential for claims that go through the appraisal procedure, which is principally based on such documentation of the damage.

Lessons learned in Insurance Coverage Litigation after Hurricane María: A Plaintiff's Point of View

Continued from previous page

to avoid or reduce potential arguments by the insurance carrier that the adjustment was not yet final.

Readers might ask themselves, what procedural mechanism could be used to request immediate payment of the insurance company's adjustment? The answer is simple. It could be done either by a motion for partial summary judgment or an interlocutory request. The only difference between the two mechanisms is the finality of the court's determination. Because of this, counsel for the insured might also consider requesting the bifurcation of the proceedings under Rule 38 of the Puerto Rico Rules of Civil Procedure in anticipation of the insurance company's arguments about the partial summary judgment not complying with Rule 42.3 of the Puerto Rico Rules of Civil Procedure for not encompassing the entirety of a cause of action and only an element of the insured's claim.

As you can see, there are many ways to help move forward an insured's claim against insurance companies, both in state court and in appraisal procedures. If there is one lesson we want you to take from this article, not only as an attorney to the insured but as an insured yourself, is that the key to these claims is documentation. Documentation from before and after the catastrophic event occurs is essential and may have an impact at every phase of the claim – it is a key factor to resolve the claim in the extrajudicial phase, as an element of credibility for the expert witnesses, and to support the court's eventual determination at trial or through summary judgment. As always, it is important to note that these suggestions should be incorporated on a case-by-case basis.



Federal Bar Association
Hon. Raymond L. Acosta Puerto Rico Chapter

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The FBA Membership offers:

- ▶ Conferences and seminars on emerging issues of federal and state law
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SCAN
**to Join the Federal
Bar Association**

A Law Student's First Impression: The First Circuit Reception

by Carlos Cabrera, Law Student at University of Puerto Rico School of Law

On October 28, 2024, I attended the First Circuit Reception organized by the Hon. Raymond L. Acosta Chapter of the Federal Bar Association. The event was held at El Corcho, a Spanish-fusion restaurant in San Juan, Puerto Rico. This reception was a great opportunity for members of the Federal Bar to meet the judges from the First Circuit Court of Appeals, who make a brief stay twice a year in Puerto Rico to listen to oral arguments. It was my first activity of the Federal Bar Association.

Initially, I was a bit hesitant, debating whether I should go or not. I talked with my mom and she encouraged me to go. "It will be a great opportunity to meet new people and find new job opportunities," she said. After some consideration, I decided to go. I went with

Silvia Torres-Ortiz, friend and President of the Student Chapter of the Federal Bar Association at the University of Puerto Rico School of Law. To my surprise, we were the only law students there.

As soon as I arrived, I recognized my professor from Complex Litigation, Omar Andino, who quickly introduced me to several attorneys and Board members of the Federal Bar Association. I also met Anastasia Dubrovsky, Clerk of the Court and the law clerk for the Hon. Lara E. Montecalvo, from the First Circuit Court of Appeals. While talking with Judge Montecalvo's law clerk, I was interrupted by my law school Dean, Vivian I. Neptune, which made me think: "I must be in the right place if the Dean herself is here engaging with the people I'm meeting."

I also had the privilege of meeting Chief Judge Raúl M. Arias-Marxuach from the U.S. District Court for the District of Puerto Rico and Chief Judge Barron from the First Circuit Court of Appeals. At one point during the dinner, an attorney joined our table, and I overheard Chief Judge Arias-Marxuach telling Chief Judge Barron, "She was the first law clerk I hired." Later, I had a brief conversation with Chief Judge Barron, who asked me, "Are you thinking of applying to be a law clerk?" Without hesitation, I replied, "Yes."

Opportunities like this, to receive insight from legal practitioners and judges, are rare but they are possible at activities hosted by the Federal Bar

Association. It is somewhat disappointing that not many law students take advantage of these opportunities. A couple of attorneys said to me "You're doing the right thing going to activities like this one." These connections are invaluable; these are the people I will likely work with in the future as I begin to practice federal law, as co-counsel, opposing counsel or presenting a case to the judges. Although a few law students attended, attorney Jaime Torrens-Dávila said that there is a shift in the Federal Bar Association with a new generation of leaders. Now, you see a great number of young attorneys who are participating in the activities which revitalize the Federal Bar. He also mentioned the importance of participating in these activities to gain recognition among your peers in the legal community.

This event is a great example of the importance of keeping in touch with the legal community, engaging outside of the courtroom, and taking advantage of networking activities to enrich and develop our legal knowledge and connections. I am glad that I participated, and I'll look forward to the next activities of the Federal Bar Association!

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This event is a great example of the importance of keeping in touch with the legal community, engaging outside of the courtroom, and taking advantage of networking activities to enrich and develop our legal knowledge and connections.



Federal Bar Association

Hon. Raymond L. Acosta Puerto Rico Chapter

FROM THE BAR NEWSLETTER

We invite you to submit articles analyzing substantive legal issues, commentaries on developments in the law or rule changes, and judicial profiles (or any other interesting writings) for publication for the fall edition of our newsletter, *From the Bar*. There is no requirement on the length of your written submission; it can be a single paragraph or an article up to five pages.

Our newsletter strives to be a valued source of news and insights, as well as an outlet to report on educational and networking opportunities aimed at keeping our members informed and connected. Over the years, our newsletter has received awards for its articles and commentary on issues that impact federal litigators. Our newsletter has received numerous awards over the years, including an Outstanding Newsletter award in 2022, 2023 and 2024. With your contributions, we want to continue with that proud tradition.

*The deadline for submissions is April 18, 2025.

HELP UPR LAW STUDENTS GET TO D.C.

The Federal Bar Association Student Chapter of the University of Puerto Rico will be participating in the 2025 Thurgood Marshall Memorial Moot Court Competition in Washington, D.C. This prestigious event presents a unique opportunity for the students to showcase their skills and foster their professional development.

**To make this participation possible,
they need your support!**

Follow this link to donate:

<https://www.gofundme.com/f/help-upr-law-students-get-to-dc>



SUMMARY OF:

Gov't of Puerto Rico v. Express Scripts, Inc., 119 F.4th 174 (1st Cir. 2024)

by Victor A. Gregory-Miranda, Law Student at Inter American University of Puerto Rico School of Law

Re: Removal Under 28 U.S.C. § 1442(a)(1)

RELEVANT FACTS:

• **Plaintiff:** The Government of Puerto Rico filed a lawsuit in the Court of First Instance against pharmaceutical benefit managers (PBMs) – including Express Scripts and Caremark – alleging that these companies participated in an unlawful scheme to inflate insulin prices through complex rebate negotiations and unfair price-setting practices. This price inflation, Plaintiff argued, violates Puerto Rican competition laws, resulting in higher costs for consumers.

• **Defendants' Removal to Federal Court:** The Defendants sought to remove the case to federal court under 28 U.S.C. § 1442(a)(1). The PBMs claimed they were “acting under” federal authority because they managed rebate negotiations and set prices according to the Federal Employees Health Benefits Act of 1959 (FEHBA). Since PBMs negotiate drug prices on behalf of federal employee health plans – a role that involves oversight and compliance from federal government entities and regulations – Defendants argued that this case should be heard in a federal court.

• **Puerto Rico's Disclaimer:** To counter the Defendants' move, Plaintiff included a specific disclaimer in its complaint, stating that it did not seek relief related to the Defendants' federal actions, such as managing federal health plans. Plaintiff argued that this disclaimer should prevent Defendants from removing the case to federal court under § 1442(a)(1).

• **Defendants' Argument Against the Disclaimer:** The Defendants maintained that their rebate and price-setting activities under FEHBA are integrated and not easily separated into “federal” and “non-federal” categories. They argued that, since FEHBA requires PBMs to manage pricing for both federal and non-federal plans without distinction, Puerto Rico's disclaimer was ineffective. Because of this indivisible role, PBMs claimed the case should proceed in federal court.

• **District Court Ruling:** The U.S. District Court for the District of Puerto Rico remanded based on Plaintiff's disclaimer. The Court rejected Defendants' indivisibility arguments and cautioned that accepting such arguments would result in future parties, that work on behalf of federal and private enti-

ties, to seek removal from state court even when their federal work may not be at issue.

CONTROVERSY BEFORE THE FIRST CIRCUIT:

• Whether the disclaimer in the Commonwealth's complaint prevented Defendants from removing the lawsuit from state court under § 1442(a)(1).

• Whether Defendants' rebate and price setting negotiations could be divided into two separate categories.

RULING OF THE FIRST CIRCUIT:

• The First Circuit reversed the District Court's decision and concluded that Puerto Rico's disclaimer did not negate the Defendants' federal connection.

• The First Circuit agreed that, due to the indivisible nature of rebate negotiations under FEHBA, the Defendants' actions couldn't be divided into federal and non-federal categories.

• As such, the First Circuit concluded that Defendants met the requirements for removal under § 1442(a)(1).

SUMMARY OF :**Carrasquillo v. Cond del Parque, 2024 TSPR 101**

by Zulinette Pinzón-Rosario, Esq. of [Toro Colón Mullet P.S.C.](#)

Re: Statutory Employer Under Act 45

José Antonio-Carrasquillo was employed by Condominium Administration Services and Accounting (“CASA”) as a maintenance worker. He was on the job at Condominio del Parque 352 (“Condominio”) when he sustained a deadly accident in 2014. His sisters, Carmen D. Carrasquillo-Pérez, Ramona Navedo-Pérez and Encarnación Ayala-Pérez, filed a wrongful death suit against the apartment complex, the employer, and their insurance company, Seguros Múltiples. At the time of the incident, none of the defendants held an active insurance policy with the State Insurance Fund (“CFSE”, for its acronym in Spanish).

Seguros Múltiples moved for summary judgment, arguing that its policy did not cover the incident. The insurer cited a clause excluding coverage for obligations under “any worker’s compensation law” and for bodily injury to an employee while on the job. In response, the plaintiffs argued that the policy’s “Employer’s Liability (“Stop Gap”)” clause covered claims arising under the Puerto Rico Workmen’s Accident Compensation Act, P.R. Laws Ann. tit. 11, §§ 1-52 (“Act 45”), that were not covered by the CFSE. Seguros Múltiples

countered in a surreply, asserting that the Stop Gap coverage applied only if the insured met Act 45’s requirements, including maintaining active coverage with the CFSE.

The Court of First Instance dismissed the case against CASA’s insurer but maintained it against Condominio’s. Seguros Múltiples appealed the decision, claiming the lower court erred by failing to recognize Condominio as Carrasquillo’s statutory employer and by not applying the Stop Gap exclusion. The Puerto Rico Court of Appeals affirmed the lower court’s ruling, and Seguros Múltiples filed a petition for writ of certiorari before the Supreme Court of Puerto Rico.

The controversy revolved around the following: (1) whether Condominio was a statutory employer for the purposes of the Stop Gap policy and Act 45; (2) whether an apartment complex was required to carry Worker’s Compensation Insurance under the prior Condominium Act of 1958.

The concept of the statutory employer comes into play when there is a contract between the statutory employer

and the direct employer of a worker. The statutory employer has a relationship with both the direct employer and the worker by virtue of the contract. Statutory employer liability arises when a principal contracts with the direct employer to perform work, creating a direct obligation to insure the worker. A condominium, as the principal in a contractual relationship with the direct employer, has an obligation to insure its workers. Because of the Stop Gap policy, the insurance company is thus not liable for a worker’s damages.

In the present case, the Supreme Court of Puerto Rico found that a condominium is considered a statutory employer of its workers whenever a contractual relationship exists between it and the direct employer. As such, the Condominium was responsible for acquiring a Worker’s Compensation Insurance with the CFSE. The Court also held that Seguros Múltiples could exclude employer’s liability under the Stop Gap policy when the employer failed to comply with Act 45’s requirements. As Condominio failed to maintain the required coverage, Seguros Múltiples was not liable for Carrasquillo’s damages under the Stop Gap policy.

SUMMARY OF:**Colón v. Báez Pérez, 2024 TSPR 104**

by Zulinette Pinzón-Rosario, Esq. of [Toro Colón Mullet P.S.C.](#)

Re: Ownership of a trademark

In 2015, Jorge Rodríguez-González and José Daniel Báez-Pérez began promoting a future art venture named “MECA” on their personal social media accounts. By acquiring the domain name “mecaartfair.com” and publishing magazine articles, they laid the groundwork for what would become the MECA International Art Fair. In December 2016, they held a private event to unveil the MECA brand and announce the first art fair, scheduled for 2017. The following January, Rodríguez-González and Báez-Pérez formed a limited liability company along with Hazel Colón-Vázquez, María del Mar Frederique-Guzmán, and Mariangel González. The new company, Mercado Caribeño, would manage and promote the MECA International Art Fair under the management of all five members. MECA International Art Fair was held successfully in 2017, 2018, and 2019, but came to a halt with the arrival of the pandemic in 2020.

Internal conflicts led to the dissolution of Mercado Caribeño in 2021, and its assets were liquidated; however, the ownership of the MECA brand was left undiscussed. After a period of absence, Rodríguez-González and Báez-Pérez

announced MECA’s return in 2022. Colón-Vázquez and Frederique-Guzmán promptly filed a trademark infringement suit, requesting damages, as well as preliminary and permanent injunctions. The Court of First Instance dismissed the case for lack of standing, and plaintiffs appealed. They claimed ownership rights over the trademark through their shares in Mercado Caribeño. On the other hand, Rodríguez González and Báez Pérez maintained that the MECA brand belonged solely to them, as they had created and used it prior to the incorporation of Mercado Caribeño and they had never transferred their rights to the company. The Court of Appeals confirmed the lower court’s decision. Plaintiffs filed a petition for writ of certiorari before the Supreme Court of Puerto Rico. They alleged the appellate court had erred in finding that Rodríguez-González and Báez-Pérez had retained sole ownership of the MECA brand after the formation of Mercado Caribeño.

The Supreme Court reversed the lower courts’ decisions, holding that defendants were not the sole owners of the MECA brand. Instead, the Court ruled that the legal personhood of Mercado

Caribeño should continue for the purpose of liquidating its remaining assets, specifically the MECA trademark.

The Supreme Court rehashed the existing legal norm pertaining to trademarks. Specifically, it stated that a trademark serves to identify the source of goods or services and distinguish them from those of other merchants. As such, the trademark carries a company’s reputation and is inseparable from its goodwill. Allowing shared ownership of a trademark would dilute its function as a unique identifier of a single source, contrary to the principles of trademark protection. This makes the trademark indivisible. Under trademark law, rights are generally granted to the first party to use the mark in commerce with the intent of selling a product or service. Mere intent to use does not establish ownership rights over a mark; rather, there must be continuous and legitimate use in connection with goods or services.

In Puerto Rico, the General Corporations Act allows a corporation to retain its legal personality for up to three years post-dissolution to wind down its affairs. If corporate assets remain un-

CASE LAW OVERVIEW

Summary of: *Colón v. Báez Pérez*, 2024 TSPR 104

Continued from previous page

liquidated after this period, a court may place them in a trust, appointing a trustee to manage the assets for the benefit of the shareholders. A trademark, as an asset, can thus be assigned wholly to one corporate owner during liquidation proceedings, with the court designating a trustee to oversee its orderly transfer.

In this case, the Supreme Court's ruling underscores that a trademark, being indivisible, should be considered part

of Mercado Caribeño's remaining assets, subject to proper liquidation under judicial oversight. This decision reinforces the principle that trademarks embodying a company's goodwill cannot be fragmented and must be managed in a manner consistent with their original purpose.



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Federal Bar Association

Puerto Rico Chapter

The Hon. Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association and the Federal Bar Association's Student Chapter at the Interamerican University of Puerto Rico's School of Law, cordially invite all law students to the seminar:

INTRODUCTION TO LEGAL WRITING IN THE FEDERAL COURTS

**with Hon. Raúl M. Arias-Marxuach, Chief Judge of the
U.S. District Court for the District of Puerto Rico**

DATE

Monday, April 7, 2025

TIME

3:00 p.m. – 5:00 p.m.

LOCATION

Theater at the Interamerican
University of P.R. School of Law

170 Federico Costas St., San Juan, 00918

This event is free of cost to all law students. Walk-ins are encouraged, but you may also register online in advance at www.federalbar.org/events.

CLERK'S TIDINGS

by **Ada I. García-Rivera, Esq., CPA**

Clerk of Court
U.S. District Court for the
District of Puerto Rico

This is a section with news items, notices, and general information from the Clerk's Office of the United States District Court for the District of Puerto Rico ("District of Puerto Rico"), as part of a joint effort with the FBA to keep the Bar apprised of events and information, and to provide a better, faster service to its members. As part of this effort, we sometimes provide Internet link addresses to sites over which the Clerk's Office and the District of Puerto Rico are not responsible for the content, accuracy, or legality of linked sites.



The Court

The United States District Court for the District of Puerto Rico

The District of Puerto Rico currently consists of seven (7) active District Judges, two (2) senior District Judges, and five (5) Magistrate Judges.

District Judges

Hon. Raúl Arias-Marxuach, Chief Judge
Hon. Aida M. Delgado-Colón
Hon. Pedro A. Delgado-Hernández
Hon. Silvia L. Carreño-Coll
Hon. María Antongiorgi-Jordán
Hon. Camille L. Vélez-Rivé
Hon. Gina R. Méndez-Miró

Senior District Judges

Hon. Jay A. García-Gregory
Hon. Francisco A. Besosa

Magistrate Judges

Hon. Bruce J. McGiverin
Hon. Marcos E. López
Hon. Marshal D. Morgan
Hon. Giselle López-Soler
Hon. Héctor L. Ramos-Vega

Mariana E. Bauzá-Almonte Selected as United States Magistrate Judge

Chief Judge Raúl M. Arias-Marxuach announced that, on January 31, 2025, the Judges of the District of Puerto Rico unanimously selected Mariana E. Bauzá-Almonte to serve as United States Magistrate Judge. Attorney Bauzá-Almonte will fill the magistrate judgeship that will become available upon the retirement of the Honorable Bruce J. McGiverin on March 23, 2025.

Attorney Bauzá-Almonte was born in San Juan, Puerto Rico. She earned a bachelor's degree in psychology and political science from Brown University in 2000, and

subsequently a Juris Doctor from Harvard Law School. Bauzá-Almonte began her legal career in 2003 as a law clerk for the late Honorable Salvador E. Casellas, United States District Judge at the District of Puerto Rico. In 2005, she became an Appellate Assistant U.S. Attorney at the U.S. Attorney's Office for the District of Puerto Rico. In 2008, she transitioned to the Criminal Division where she prosecuted a comprehensive range of federal offenses for eight years, after which she was promoted to Deputy Chief of the Narcotics Division. In 2016, she was appointed Chief of the Appellate Division, a position she continues to hold to this day.

CLERK'S TIDINGS

Continued from previous page

Order of Final Adoption of Amendments to Local Criminal Rules 132, 132.1, and 144

On September 19, 2024, the District of Puerto Rico, unanimously adopted amendments to Local Criminal Rules 132 (Sentencing and Judgment), 132.1 (Disclosures in Revocation Proceedings), and 144 (Right to and Appointment of Counsel).

To read Local Criminal Rules 132, 132.1, and 144, [click here](#).

High School Students Explore the U.S. District Court Through Summer Camp Visits

In June and July 2024, the District of Puerto Rico hosted high school students from the University of Puerto Rico Law School's Legal Summer Camp. The visits, led by Judges Camille L. Vélez-Rivé, María Antongiorgi-Jordán, and Magistrate Judges Giselle López-Soler and Marcos E. López, included activities such as observing court proceedings, meeting legal professionals, and learning about courtroom operations. The sessions aimed to educate students about the judiciary's role, courtroom etiquette, and various legal careers, all while fostering civic awareness and engagement.

Chief Judge Raúl M. Arias-Marxuach presides over Mock Trial and Graduation of LEAD Program Students from Hogares Villa Encantada and Surcos de Vida

On August 9, 2024, Chief Judge Arias-Marxuach presided over a Mock Trial and a Graduation Ceremony for students and residents of Hogares Villa Encantada and Surcos de Vida, as part of the Legal Enrichment and Decision-making (LEAD) program initiative. The event took place at the Clemente Ruiz Nazario U.S. Courthouse and was attended by students, family members, school staff, and local government officials.

Project LEAD was established in 1993 by the Los Angeles County District Attorney's Office in partnership with the Constitutional Rights Foundation. It aims to teach students how the choices they make today can impact their future. This event was possible thanks to the collaboration of various federal and state agencies, including the U.S. Attorney's Office, District Court, Federal Public Defender, Puerto Rico Department of Justice, Puerto Rico Department of Education, and the U.S. Marshals Service, among others.



P.O.W.E.R. ACT EVENT: A Multidisciplinary Approach to Gender Violence

On August 30, 2024, the District of Puerto Rico hosted a public event in collaboration with Puerto Rico's Women Advocate Office at the Clemente Ruiz Nazario U.S. Courthouse. This event was part of the annual observance of the POWER Act (Public Law No. 115-237), titled "Conversatorio: Enfoque Multidisciplinario ante la Violencia de Género." The purpose of this event was to raise awareness about domestic violence, dating violence, sexual assault, and stalking, while also encouraging attorneys to offer pro-bono legal services to survivors of these crimes. A total of 68 attorneys and special invitees attended the event. The discussions emphasized the vital role legal professionals play in supporting survivors of violence. Speakers included Madeline Bermúdez-Sanabria, Esq., Interim Head of the Women Advocate Office, as well as various experts from the legal, health, and advocacy sectors.

Chief Judge Raúl M. Arias-Marxuach participates in First Regional Judicial Studies Institute-Alumni Conference in El Salvador

Chief Judge Arias-Marxuach participated in the first regional Judicial Studies Institute (JSI)-alumni conference, which took place from September 23-25, 2024, in San Salvador, El Salvador. The event, organized by the JSI and Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) El Salvador, brought together over 140 judges from nine Latin American countries, including Mexico, Honduras, and Colombia. Chief Judge Arias-Marxuach shared insights on judicial

CLERK'S TIDINGS

Continued from previous page

independence, emphasizing the importance of efficient and fair proceedings. He contributed to discussions aimed at enhancing the judicial process across the region. The conference marks a significant step forward in fostering collaboration and knowledge-sharing among the judiciary in the Western Hemisphere.



District Court of Puerto Rico Welcomes 30 New Bar Members

On October 11, 2024, the District of Puerto Rico held an admission ceremony to welcome 30 new members to its bar. The event was presided by District Judge Silvia L. Carreño-Coll and Magistrate Judge Héctor L. Ramos-Vega.



Civil Discourse and Difficult Decisions

On October 17, 2024, Chief Judge Arias-Marxuach and Magistrate Judge López-Soler welcomed 39 students from the Francisco Oller High School in Cataño to the Clemente Ruiz Nazario U.S. Courthouse. The students from grades 10, 11, and 12 participated in the “Civil Discourse and Difficult Decisions” program, which promotes civic education by allowing students to experience courtroom procedures and engage in discussions on critical issues.

The event was supported by an esteemed group of volunteers and attorney coaches, including Magistrate Judge Ramos-Vega, Assistant U.S. Attorney Jonathan Gottfried, Assistant Federal Public Defender Vivianne Marrero, and civil attorneys María Dolores Trelles and Henry Freese. Their guidance helped the students navigate legal concepts and understand the importance of civil discourse in the judicial process.



University of Puerto Rico Law Students Attend U.S. Court of Appeals Oral Arguments and Question & Answer session with Chief Judge Raúl Arias-Marxuach

On October 28, 2024, a group of 25 law students from the University of Puerto Rico visited the José V. Toledo U.S. Courthouse to attend oral arguments before the U.S. Court of Appeals for the First Circuit. The students, accompanied by Professor Nilda M. Navarro-Cabrer, observed the first two cases on the morning docket, gaining valuable insights into appellate advocacy. The visit culminated with a Questions and Answers session with Chief Judge Arias-Marxuach, where students had the opportunity to discuss the judicial process and engage directly with the Chief Judge. The event provided an enriching experience, fostering a deeper understanding of federal appellate proceedings.

CLERK'S TIDINGS

Continued from previous page



Latin American Judges Visit the Clemente Ruiz Nazario U.S. Courthouse

On December 5 and 6, 2024, the District of Puerto Rico welcomed 17 Latin American judges representing nine countries, as part of the U.S. Department of Justice's (JSI) program. The judges came from Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Panama, Peru, and Paraguay. They had the opportunity to observe federal court proceedings presided over by District Judge Pedro A. Delgado-Hernández.

The program included in-depth training sessions on District Court operations and case management led by District Judge Aida M. Delgado-Colón. Following this session, there was also a presentation from the U.S. Probation Office for the District of Puerto Rico.



Continuing Legal Education Event – December 9 and 10, 2024

The District of Puerto Rico hosted a Continuing Legal Education (CLE) program on December 9 and 10, 2024, at the Sheraton Convention Center Hotel. This two-day program covered essential topics for legal practitioners, including

legal writing techniques, ethical considerations for attorneys, developments in evidence law with a focus on expert testimony, and a review of recent U.S. Supreme Court rulings. The speakers for the program included Professor Ross Guberman, Professor Stuart Teicher, Professor Edward Imwinkelried, and Professor Amy Howe.

As part of the CLE program, the Honorable Judge José A. Cabranes, United States Circuit Judge for the Second Circuit, participated in an engaging conversation with members of the bar. Attorney Nilda Navarro-Cabrer, served as the moderator for this special event, which was attended by nearly 400 legal professionals. The conversation covered significant legal and professional topics, including the role of the District Court in Puerto Rico's history and Judge Cabranes' experiences during his tenure as a federal judge. He also reflected on his upbringing in New York and Puerto Rico, recounted his first meeting with United States Supreme Court Associate Justice Sonia Sotomayor at Yale Law School, and discussed the enduring connections he has maintained with the island throughout his career.



University of Ottawa and University of Puerto Rico Law Students Visit the District Court

On January 15, 2025, students from the University of Ottawa's Winter Session and the University of Puerto Rico School of Law visited the Clemente Ruiz Nazario U.S. Courthouse. They were accompanied by Professor Nilda Navarro and Dr. Paola Zaragoza as part of an academic exchange program. The students completed two courses in Ottawa and participated in a week-long program that included two additional courses in Puerto Rico.

During this visit, the students had a special opportunity to meet with Chief Judge Arias-Marxuach, who answered their questions and facilitated discussions about the judicial system in Puerto Rico. The group also had the opportunity to observe several criminal proceedings.



**Federal Bar
Association**
Puerto Rico Chapter

FEDERAL BAR EXAM REVIEW COURSE

April 2025

6:00PM - 9:00PM

\$400

INCLUDES DIGITAL MATERIAL
& CONFERENCES

VIRTUAL PROGRAM
VIA ZOOM

Tuesday, April 1, 2025

Nayuan Zouairabani, Esq.

Bankruptcy Practice and Procedure



Wednesday, April 2, 2025

Maritza González, Esq.

Federal Rules of Criminal Procedure



Thursday, April 3, 2025

Rica López de Alós, Esq.

Rules of Professional Conduct



Friday, April 4, 2025

Roberto Abesada, Esq.

Federal Rules of Appellate Procedure



Monday, April 7, 2025

Henry Freese, Esq.

Federal Rules of Civil Procedure



Tuesday, April 8, 2025

Carla Loubriel, Esq.

Local Rules



Wednesday, April 9, 2025

Carolina Velaz, Esq.

Federal Jurisdiction and Venue



Thursday, April 10, 2025

Stephanie Vilella, Esq.

Do's and Don'ts
Taking the Federal Bar Examination



Monday, April 14, 2025

Karena Montes, Esq.

Federal Rules of Evidence



SCAN
To Register

20% DISCOUNT USE CODE FBA25 FOR MEMBERS OF THE FBA STUDENT CHAPTERS

GROUP RATES AVAILABLE

You can become an FBA member by accessing www.federalbar.org/join and completing the registration process.

For any questions regarding registration, please contact:
Sagry Velázquez
puertorico@federalbar.org or (787) 424 - 4639

FBA Student Chapters

UPR LAW SCHOOL STUDENT CHAPTER

Meet the Board of Directors of the UPR Law School Student Chapter



Silvia C. Torres-Ortiz

I am ever grateful to the Federal Bar Association for the opportunity to engage with fellow aspiring federal practitioners and interact with members of our federal system. My goal in leading the University of Puerto Rico Law School Student Chapter is to create a legacy of Puerto Rican law students invested in remaining within the Federal Bar Association after graduation and a higher representation of my peers in federal career paths.



Fabiana A. Resto-Ortiz

Through the Federal Bar Association, I have gained access to invaluable networking and learning opportunities that have played a crucial role in my development as a future lawyer. Being able to connect with other law students and accomplished professionals who are equally passionate about the federal legal system has enriched my perspective and strengthened my commitment to pursuing a career in this field.



Paola R. Meléndez-López

The Federal Bar Association has given me, in a short amount of time, a plethora of opportunities. I urge fellow law students to engage in this endeavor. I assure them only good things will come of it. These distinct activities allow students to grow in diverse areas while also exposing us to our desired future and serving as a type of lifeline.



Judiber Ojeda-Velázquez

The Federal Bar Association is giving me the opportunity to connect with students that are interested in federal practice. I'm grateful to be part of this association and looking forward to all the great activities to come.



Diana Morales-Gorbea

The Federal Bar Association is important to me because it is an organization that empowers law students to engage with the federal jurisdiction and become an important link for those in the community that need it. It has connected me with a professional community that will allow me to be an effective link for those in the community that need it.



Jay A. Blanch-Santa

The Federal Bar Association has furnished me with unparalleled networking opportunities, connecting me with esteemed federal judges, seasoned attorneys, and a diverse array of legal professionals both locally and nationally. Furthermore, the FBA's free law student membership and vibrant activities of the Puerto Rico Chapter—recognized as one of the best chapters nationwide—provide a dynamic platform for engaging in meaningful discussions about the Constitution, civil discourse, and the rule of law, all of which are vital for my professional development and future career aspirations in federal law.



Giancarlo Rivera-Cabrera

Personally, the Federal Bar Association provides incomparable experiences for law students. Few organizations provide law students the opportunity to learn from and connect with prosecutors, lawyers and judges; people who in the near future will be their colleagues. I urge all who can to join this great association.

CHAPTER SPOTLIGHT EVENT: Panel on “Perspectivas desde el estrado”

by Student Chapter of the Federal Bar Association at the University of Puerto Rico School of Law



The Federal Bar Association Law School Student Chapter of the University of Puerto Rico is incredibly proud to have hosted the panel “Perspectivas desde el Estrado” on the night of October 3, 2024, in our Law Library Atrium. We had the pleasure of hearing from our special guest speaker the Hon. Gustavo A. Gelpí and panelists judges Silvia L. Carreño-Coll and María M. Cabrera-Torres. The conversation was moderated by Prof. Alfonso Martínez-Piovanetti and touched upon the nomination and confirmation process in the local and federal jurisdictions, courtroom procedure, their experiences as women in the legal profession, and words of advice to future attorneys. Students had the opportunity to ask questions about expert witness testimony, inclusive language in hearings, and the rights of pro se litigants. A very special thank you to our special guest speaker, panelists, moderator, the UPR Law Student Council, and the Federal Bar Association Puerto Rico Chapter.





Federal Bar Association

Puerto Rico Chapter

The Hon. Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association
cordially invites you to its webinar on:

NAVIGATING THE FUTURE OF IMMIGRATION LAWS AMID POLITICAL UNCERTAINTY – WHAT COMPANIES NEED TO KNOW

Panelists: Xana Connelly and Janine Guzmán, DLA Piper (Puerto Rico) LLC

DATE	Wednesday, March 26, 2025
TIME	3:00 p.m. – 4:00 p.m.
LOCATION	Virtual Classroom: Zoom
ADMISSION	FBA-PR Members: \$25 Non-FBA-PR Members: \$40
REGISTER	Online at www.federalbar.org/events

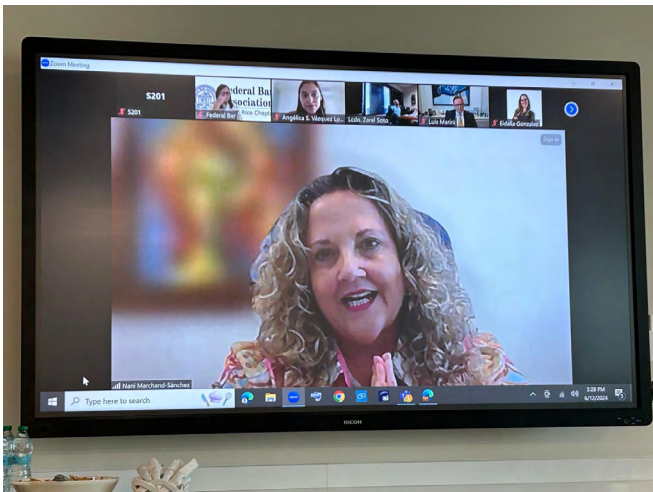
Additional Details: This seminar will be submitted to the Puerto Rico Supreme Court for Continued Legal Education (CLE) accreditation and participants will be required to provide their “RUA” number. To benefit from the discounted rate for FBA-PR members, you can become an FBA member by accessing www.fedbar.org/join and completing the registration process. If you have any questions, please contact Sagry Velázquez at puertorico@federalbar.org.

Highlights of Chapter Events 2024

Webinar: Growing Client Relationships and Your Practice...



It is our goal to provide meaningful and practical seminars that help federal practitioners in their networking and business development. What better way than to kick off the second half of 2024 with the webinar “Growing Client Relationships and Your Practice: Doing What Seems Obvious but Not Easy.” We are grateful for the insights, experiences and recommendations provided by the panelists Nani Marchand-Sánchez, Luis Marini and Zarel Soto-Acabá during this webinar held on June 12, 2024. And we thank our board members, Carolina Velaz-Rivero and Angélica Vázquez-Lozada for moderating the panel.



Seminar: “Introduction to the World of International Arbitration”



On August 1, 2024, we held the seminar “Introduction to the World of International Arbitration”, with panelists from the global law firm of Hogan Lovells, Maria Eugenia Ramírez, Gonzalo Rodríguez-Matos and María Lucía-Echandia. They shared their knowledge and recommendations on fundamentals of international commercial and investment arbitration, drafting and negotiating commercial arbitrations clauses, and emerging trends and global developments. We thank them for their valuable insights and hope to collaborate with them once again on this developing topic.



Seminar: “La Práctica de la Profesión Legal ante el Tribunal Federal”

It is our mission to support the development of our future practitioners. And in pursue of that effort, on August 2, 2024, we held the seminar “La Práctica de la Profesión Legal ante el Tribunal Federal” at the School of Law of the University of Puerto Rico, with panelists Hon. Silvia Carreño-Coll and our immediate past president Carolina Velaz-Rivero and president Carla Loubrriel-Carrión, and moderator profesor Nilda Navarro-Cabrer. The law students had insight into the federal legal profession from the perspectives of the bench and private sector. We thank all of those who attended. Stay tuned for upcoming events at the Puerto Rico law schools!



Cocktails with the Bar @ Jamón Jamón



On August 29, we had our last Cocktails with the Bar event for 2024 at the restaurant Jamón Jamón in Miramar. We enjoyed connecting with colleagues and friends over tapas, wine and sangria. We hope to see you all in April at our next Cocktails with the Bar. Stay tuned for details!



FBA Annual Meeting and Convention @ KC



The Federal Bar Association Annual Meeting & Convention was held during September 5-7, 2024, in Kansas City and our board members Carolina Velaz, Carla S. Loubriel, Linette Figueroa-Torres and Jaime A. Torrens-Dávila were there representing our Chapter. It was an incredible opportunity for them to connect with old friends and meet members of other

FBA chapters. In addition to enjoying great CLE programming on emerging federal legal topics, they also had the chance to sightsee around Kansas City and even attend the season-opener football game between the Chiefs and Ravens. They had a blast! Don't miss this year's annual convention in Minneapolis, MN during September 12-13, 2025. Save the date!

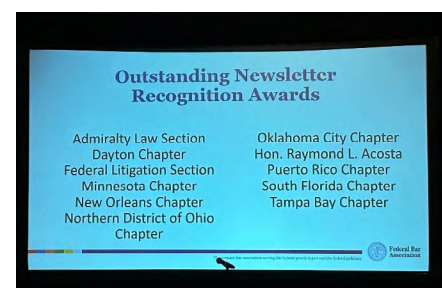


Induction of Fellows of the Foundation

During the 2024 Federal Bar Association Annual Meeting & Convention in Kansas City, our Chapter's immediate past-president Carolina Velaz and president Carla S. Loubriel were inducted as Fellows of the Foundation of the Federal Bar Association. Together with other Fellows from Puerto Rico, José González, Linette Figueroa-Torres and Jaime A. Torrens-Davila, they celebrated their induction at the Foundation's 70th Anniversary dinner reception. They had a wonderful time meeting other Fellows of the Foundation, some of which were inducted over 20 years ago. We congratulate not only Carolina and Carla, but all our Chapter members who have received this incredible distinction through the years. It's a testament of your commitment and leadership within our legal community and the FBA. And we thank you.



Newsletter Award Ceremony



For the third year in a row, our newsletter "From the Bar" received an award during the Federal Bar Association Annual Meeting & Convention in Kansas City. Two members of the Editors Committee, Linette Figueroa-Torres and Carla S. Loubriel, received the recognition of "Outstanding Newslet-

ter Award" on behalf of our Chapter. We could not be prouder of our newsletter and the members of our legal community who have contributed and supported this publication through the years. Thank you! And don't forget to submit your writings for the summer edition!

Seminar: “Depositions: Strategies and Techniques that Work”



On October 25, 2024, professor Nilda Navarro-Cabrer from the University of Puerto Rico Law School, offered a comprehensive seminar on taking effective depositions. We learned the proper techniques for obtaining admissions from witnesses, handling objections, gathering information, and other valuable skills. These techniques were put into practice during the seminar with a series of simulated depositions through which attendees learned how to implement these skills in their next deposition. We hope to continue collaborating with professor Navarro to provide our members with practical and effective litigation tools.



First Circuit Reception



On October 28, 2024, we held the First Circuit Reception at the restaurant El Corcho, in San Juan. We had a wonderful evening, connecting with judges of the U.S. Court of Appeals for the First Circuit and the U.S. District Court for the District of Puerto Rico, and fellow colleagues. Stay tuned for our next First Circuit Reception!



Federal Bar Association

Puerto Rico Chapter

The Hon. Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association
cordially invites you to:

A CONVERSATION ON CONSENTING AND REFERRALS TO MAGISTRATE JUDGES

With Magistrate Judges for the U.S. District Court for the District of Puerto Rico:

Hon. Giselle López Soler
Hon. Héctor L. Ramos-Vega

<u>DATE</u>	Wednesday, May 14, 2025
<u>TIME</u>	10:00 a.m. – 11:30 a.m.
<u>LOCATION</u>	Clemente Ruiz Nazario U.S. Courthouse
<u>REGISTER</u>	Online at www.federalbar.org/events

This event is offered free of cost to all interested attorneys and law students. If you have any questions, please contact Sagry Velázquez at puertorico@federalbar.org.



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