

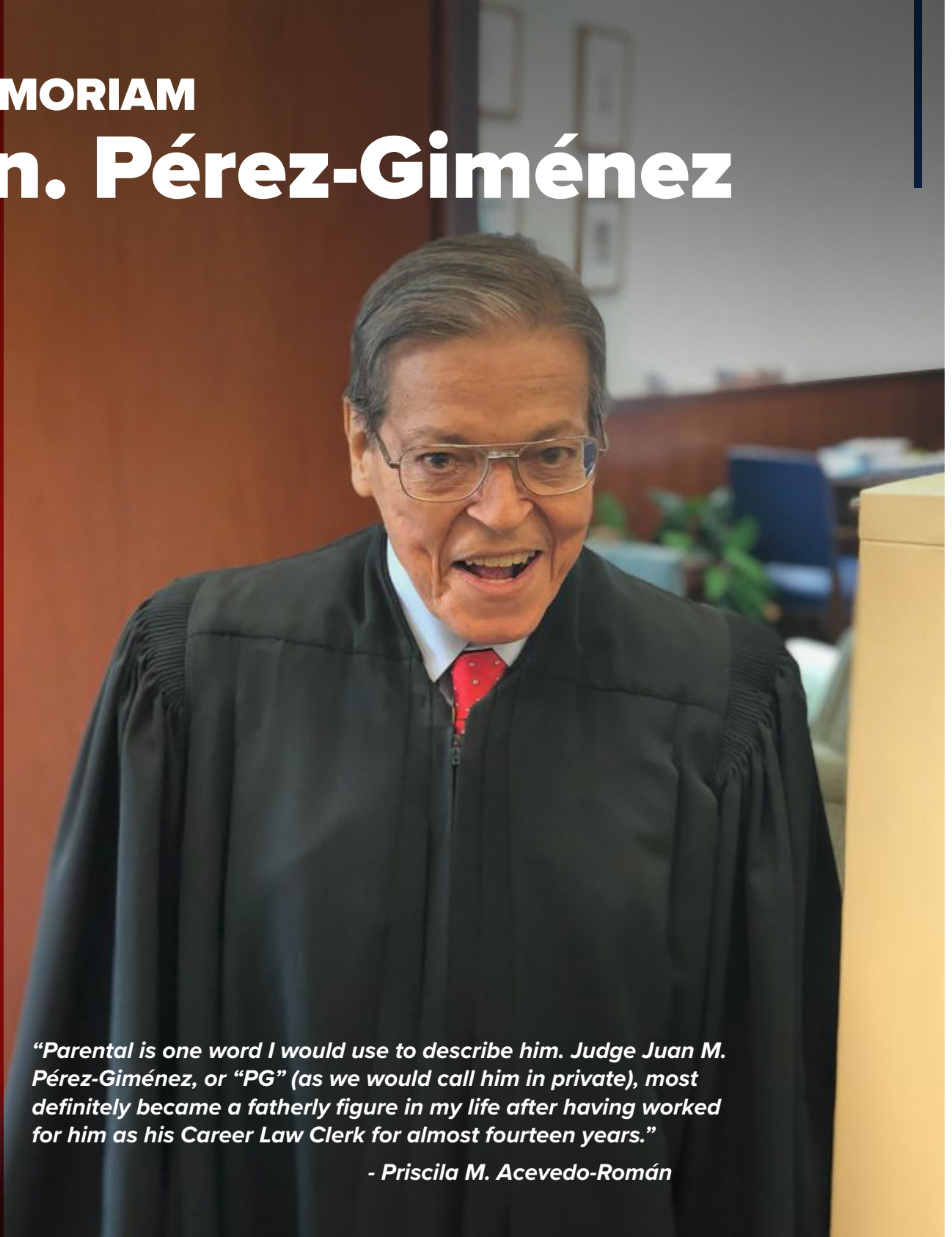


FROM THE  
**BAR**

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

**IN MEMORIAM**

# Hon. Pérez-Giménez



*“Parental is one word I would use to describe him. Judge Juan M. Pérez-Giménez, or “PG” (as we would call him in private), most definitely became a fatherly figure in my life after having worked for him as his Career Law Clerk for almost fourteen years.”*

*- Priscila M. Acevedo-Román*



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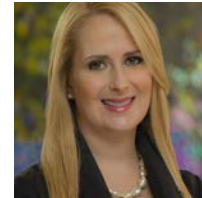
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## Message from the Editor's Committee



Sarika J. Angulo-Velázquez | Linette Figueroa-Torres | Cecilia M. Sua-Badía

With this issue we commemorate the Honorable Judge Juan M. Pérez-Giménez (1979-2020). In honor of Judge Pérez-Giménez, we look back to his legacy and remember with great appreciation his unconditional help to the Hon. Raymond L. Acosta PR Chapter of the Federal Bar Association. Particularly, since he was an active member of the Chapter throughout his federal career.

As you may already know, Judge Pérez-Giménez was selected by Judge Toledo to fill the then vacant magistrate judge position in 1975. On December 18, 1979, he was appointed as United States District Judge. He served as the Court's Chief Judge from 1984 to 1991 and took senior status in 2006. He presided over hundreds of civil rights cases and over a hundred of criminal cases. He was truly a devoted family man, with two daughters, three sons, and 13 grandchildren. An accomplished lawyer, scholar, writer, basketball player,

and golfer, Judge Pérez-Giménez will foremost be remembered as our esteemed friend, mentor, and colleague. Today we celebrate him.

In this issue you will find articles written by former law clerks and judges who had the privilege of working with Judge Pérez-Giménez during his tenure. We specially thank Hon. Gustavo Gelpí, Manny San Juan, Mariela Rexach and Priscila Acevedo for making this issue possible. We also thank María Antongiorgi, Esq., Clerk of the Court, for her contribution to this issue and look forward to learning more about the inner-workings of her office.

We hope you enjoy this issue of From the Bar as much as we enjoyed putting it together and invite you to submit your articles or notes for publication in upcoming issues by e-mail to: sangulo@amgprlaw.com; lft@tcm.law; cms@mcvpr.com.

## Past-President's Message

This issue celebrates the life and achievement of the late Honorable Judge Juan M. Pérez-Giménez. I had the honor to meet and get to know Judge Pérez-Giménez during my times at the District Court as a law clerk. At first, I found the Judge to be an intimidating figure yet once I got to know him, I found out that he was everything but that.

Although he was known for his work ethic and passion for justice, he was also a man of faith and values who always placed his family first. He enjoyed reading, cooking, fishing, basketball, and mentoring. But undoubtedly, as years have proven, one of Judge Pérez-Giménez's greatest attributes was his role as a mentor to numerous law clerks during his four decades on the bench. These law clerks have gone to become associates and partners in major law firms, prosecutors, criminal defense practitioners, government attorneys in

all three branches and, most recently, a sitting judge on the U.S. Court of Appeal for the First Circuit. In this issue of From the Bar, you will read their heartfelt memories, experiences, and stories of "PG", as they affectionately called him. While Judge Pérez-Giménez's absence is dearly felt, we can all find comfort in knowing that his legacy lives on through his family and extended Court family.

### Joseph G. Feldstein

Immediate Past-President  
Hon. Raymond L. Acosta Chapter  
Federal Bar Association



## Upcoming Events in 2022

- **Art Litigation and Fashion Law Conference (Virtual)**  
- February 10, 2022
- **2022 Qui Tam Conference (Virtual)**  
- February 23, 2022
- **Tax Law Conference (Washington, DC)**  
- March 3-4, 2022
- **Indian Law Conference (Albuquerque, NM)**  
- April 7-8, 2022
- **Immigration Law Conference (Detroit, MI)**  
- May 13-14, 2022
- **2022 FBA Annual Meeting and Convention (Charleston, SC)**  
- September 15-17, 2022

# The Passing of the Gavel

## Judge Pérez-Giménez: Mentor, Colleague & Friend

by Hon. Judge Gustavo A. Gelpí

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

Thirty-two years ago, during the summer between my first and second years of law school, I had the most life-changing experience of my professional career meeting and interning for then Chief United States District Judge Juan M. Pérez-Giménez. Back then I would never have suspected that he would become my life-long mentor, colleague and close friend. Moreover, I did not expect then that, like him, I would become passionate about the federal criminal process, nor that I would follow his footsteps as a Magistrate Judge, later District Judge, and more recently Chief Judge.

During my final year of law school I was in my apartment in Boston one Fall afternoon when the phone rang. It was Judge Pérez-Giménez calling to offer me a clerkship. Of course, I accepted on the spot, and immediately changed my post-graduation plan of remaining in Boston to practice law.

One of the many memorable highlights of my two years as his law clerk came when he sat by designation for two weeks in the District of New Hampshire during the late summer of 1992. He had been sitting there for some years to alleviate the workload of our sister District, given its judicial vacancies at the time. I accompanied him that year. The pace of work was exhilarating and challenging, given that each day he would preside over criminal trials and other proceedings, while on the civil side he would entertain arguments on motions and hold settlement confer-

ences during the afternoons. One case involved a ski accident, and Judge Pérez-Giménez did not waste time in letting the lawyers know with a witty smirk that, while he came from Puerto Rico, he had studied in the mainland for several years; hence he personally knew the effects of slipping and falling in snow. Suffice it to say, the case settled. Another most pleasant surprise was the fact that the neighbor to the visiting judge chambers happened to be Justice David Souter, who spent his summer months back in his home state. Every day we would run into him and he would invite us to his office. I recall how Justice Souter, himself a former trial judge, admired, respected and identified himself with Judge Pérez-Giménez's work.

Towards the end of my two-year clerkship, rather than seeking work at a corporate law firm, I was inclined to continue in public service doing criminal work. I sought advice from the Judge, who always spoke highly of the US Attorney's Office, yet encouraged me to consider the Federal Defender Office as an alternative. Looking back, I realize that Judge Pérez-Giménez - counter to his instinct as a former federal prosecutor - saw that my legal creativity and passion for writing both at the trial and appellate levels would best develop through federal defense work. He was right. There I immediately appeared almost every day before the court, and soon enough I appeared as counsel in several jury trials as well as briefed and argued appeals before

the First Circuit - any young lawyer's dream. As a matter of fact, I tried two cases before the Judge, the first resulting in a guilty verdict and the second in an acquittal.

“

*I recall how Justice Souter, himself a former trial judge, admired, respected and identified himself with Judge Pérez-Giménez's work.*

Following an incredible three years at the Federal Defender Office, I again sought the Judge's advice. While I was passionate about the job, I was offered the unique opportunity to work with the Puerto Rico Attorney General and would eventually become Solicitor General. Judge Pérez-Giménez encouraged me to accept, given that I would now be able to experience the other side. Indeed, it was a most welcome change, despite it being tough leaving the defender office and my colleagues there behind. At the Justice Department, one of my many roles - and indeed my favorite one - involved representing the Government of Puerto Rico in federal court, particularly in cases involving constitutional issues. Such litigation occurred in 1998 when the status plebiscite law



*Hon. Judge Pérez-Giménez and Hon. Judge Gustavo A. Gelpí*

was challenged multiple times in local court and I removed all cases to federal court, several ending up on the Judge's docket. These cases were truly challenging in that the complaints did not plead a federal question. Removal was, thus, premised on the complex doctrinal exception that notwithstanding, a significant federal issue had to be resolved in order to rule on the non-federal issue pleaded. In the first and most significant of these cases, Judge Pérez-Giménez, in an elaborate and analytical procedural opinion, held that removal was proper. That ruling, *Popular Democratic Party v. Commonwealth*, 24 F. Supp. 2d 184 (D.P.R. 2008), served as the basis of removal of all subsequent similar cases.

In the year 2001, I concluded my tenure at the Justice Department and moved on to private corporate practice. During that time I appeared before the Judge again, this time representing a private client in an antitrust case. Hence, I can say that I am perhaps one of a handful of attorneys that appeared before Judge Pérez-Giménez as crim-

inal defense counsel, government as well as private counsel. My time in private practice, however, was short-lived given that a fourth Magistrate Judge position was created for the District, and, of course, you can well guess who encouraged me to apply for the same. I did so, and was selected for the position on March 13, 2001, the day following the birth of my son Diego. A few months later I took the oath of office and joined the United States District Court, following my mentor's judicial career path.

In 2005, two judicial vacancies existed in the District, following the taking of senior status by judges. Cognizant that the President would be making nominations to soon fill both, Judge Pérez-Giménez did not hesitate in also taking senior status for the benefit of the court so that three new district judges, rather than two, could join the court. I was one of the appointees. The Judge took my oath of office on August 2, 2006 in a private ceremony. To me, this was logical. To Judge Pérez-Giménez it was a passing of the gavel.

As a senior United States District Judge, Pérez-Giménez remained quite active over the next fifteen years, handling a docket of both criminal and civil cases. He saw his new role as one wherein he could continue helping ease the court's congested docket. He was never shy in stepping in at the last minute to preside over a jury trial whenever any colleague had a calendar conflict. I called him "the secret weapon", a name which he was proud of. This came upon the fact that every time he was set to try one of my cases, the parties would reach an agreement. From then on, every time I scheduled a trial I would inform the parties that should I have a last minute calendar conflict, Judge Pérez-Giménez would substitute for me.

The Judge also played the role of elder statesman and mentor to the new district and magistrate judges who came to the court during his senior years. He was the court's criminal and evidentiary guru and any time I or one of my colleagues had a novel or complex issue we would seek his advice. Our

## The Passing of the Gavel Judge Pérez-Giménez: Mentor, Colleague & Friend

*Continued from previous page*

new judges who had no criminal law background prior to joining the federal bench also found the best possible instructor in him.

As the years passed, Judge Pérez-Giménez reduced his caseload; however, he always demanded his share of the criminal cases which were his passion. He also continued being available to assist his colleagues. In 2012, due to space constraints, I moved to the chambers next to his at the Old San Juan Courthouse. I would thus see him almost daily. Along with our other senior colleagues we would enjoy weekly lunches, and I also developed a routine of visiting his chambers. It was common stance to see him with visitors ranging from judges, prosecutors, defenders, attorneys, probation officers or court staff. All were there because he always took the time to hear each and every person as well as offer his advice.

On April 13, 2018, by virtue of seniority, I became the Chief Judge of the court. Judge Pérez-Giménez at the time was at home convalescing from post-surgery complications. I would have it no other way, so I decided to have him again take my new oath of office at his home. The Judge and his wife Carmen, hence, converted their dining room to a makeshift courtroom by having the US flag from his chambers brought over. Once again, another passing of the gavel took place.

Over the next two and a half years, upon his recovery, Judge Pérez-Giménez continued coming to the court, even during the covid pandemic. Although he further reduced his caseload, he was there day in and day out. My visits to his chambers continued and at times we even ventured outside the courthouse for lunch. For three decades he was my mentor, but also my colleague and, more importantly,

my good friend. He was always there for me during my career and judicial milestones, as well in both good and difficult times.

In December of 2019, along with his other former law clerks, we celebrated Judge Pérez-Giménez's 40th anniversary as a U.S. District Judge. Exactly one year later he passed away. Only a few days earlier he had been over at the Old San Juan courthouse presiding over various VTC criminal hearings and reviewing draft orders. He thus lived his life as he always wanted - wearing his robe and serving Justice until the end.

While I dearly miss seeing my great mentor, colleague and friend, he will always be with me in spirit. His wise teachings on and off the bench will live on and I too hope that someday it will be my turn to pass the gavel.

“

*He was never shy in stepping in at the last minute to preside over a jury trial whenever any colleague had a calendar conflict. I called him “the secret weapon”, a name which he was proud of.*



*Hon. Judge Gustavo A. Gelpí, Mrs. Irizarry, Hon. Judge Pérez-Giménez and Hon. Judge Aida Delgado-Colón*

# A Man for All Seasons

by **Hon. Judge Daniel R. Domínguez**  
(Senior U.S. District Judge)



*Hon. Judge Domínguez, Jack Nicklaus and Hon. Judge Pérez-Giménez*

I first knew Juan Manuel Pérez-Giménez, Juan, as I affectionally called him, on or about 1975 during an evening when he was a federal prosecutor in a criminal case. Meanwhile, I was aiding fellow counsel Hector M. Laffitte in a civil labor law case. The criminal case had preference over our civil case and therefore, we had to wait. I had the privilege of observing Juan's presentation. I distinctly remember that the defendant was a member of a prestigious Puerto Rican family. The presentation was outstanding demonstrating he was well prepared, well expressed all within the time provided by the Federal Judge. The Jury ultimately found the defendant guilty.

Juan eventually became a United States Magistrate Judge for the District of Puerto Rico. I had the privilege of appearing before him as a Magistrate Judge in many civil cases. Juan's judicial conduct and work ethic were equally very impressive and such credentials played an important role in his eventual nomination to become a federal district judge in 1979. During his time on the bench, he was nothing short of excellent in civil and criminal matters. Although my personal appearances before Juan were mainly in civil cases, he gained a reputation as a remarkable criminal judge as well.

"The Man for all Seasons" as I like to call him, was always very quiet and humble and very devoted to his religious faith. Since before he became a Federal Judge, he was a member of "Encuentro Matrimonial," (Marriage Encounter) an approved Catholic organization dedicated to save and strengthen the marriage of Catholic couples. His participation consisted in educating married Catholic members as to the Holy Bible and the importance of marriage. His wife, Carmen would also participate in educating Catholic couples as to the continuance of married life. During our decades-long friendship, Juan, and other members of "Encuentro Matrimonial" invited me and my wife, Carmen, to become members of this Catholic organization. I cherish the education and experiences received as a result thereof.

I take this opportunity to also recognize the very devoted family man that Juan was during his lifetime. Carmen and Juan raised two (2) daughters and three (3) sons. They all received a college education against all odds.

For all the above stated reasons, and many more, Juan was a man that I truly admired and respected. I wholeheartedly remember the many good times we spent together. Among others,

back on or around 1995, I invited Juan to play in a golf tournament with Jack Nicklaus, a professional legend who obviously had top of the line golf clubs. When Juan opened his vintage clubs, Jack surprisingly asked Juan, "What is that?" to which Juan replied with a smirk, "these are the best clubs a federal judge can afford."

Judge Pérez-Giménez was, in my opinion, a highly respected judge in the Puerto Rico law profession. Most of the lawyers knew Judge Pérez-Giménez to be a remarkable and fair judge who had an outstanding mastery of the federal rules of evidence in the Puerto Rico District. He was on the bench from 1979 up to his untimely demise in December 2020. Judge Pérez-Giménez certainly gifted the Puerto Rico law profession with forty-one (41) years of outstanding and incomparable public service on the bench. For that, and for his sincere friendship I shall always be grateful. He is truly missed.

Juan, may you rest in peace!

# The Judge's Profile

**Edited by Priscila M. Acevedo-Román, Esq.**

(Career Law Clerk for Hon. Judge Pérez-Giménez, 2006-2020)

Juan M. Pérez-Giménez was born on March 28, 1941, in Río Piedras, Puerto Rico, the son of Francisco Pérez-Fernández and Elisa Giménez-Cerra, who were Spanish immigrants to Puerto Rico. He was married to Carmen R. Ramírez-Vivoni for over fifty years, and they had five children and 13 grandchildren. Juan M. Pérez-Giménez attended Academia del Perpetuo Socorro through the fourth grade. He then attended Chaminate Preparatory School in St. Louis, Missouri, graduating in 1959. He received his B.A. from the University of Puerto Rico in 1963 and an M.B.A. from George Washington University in 1965.

Although he meant to run the family business after graduating business school, prior to such endeavor he audited some law school courses at the suggestion of the University's Dean. He decided to enroll in law school, and in 1968, he received his law degree, cum laude, from the University of Puerto Rico. While in law school, he was an Associate Editor of the Law Review. He was admitted to the bar of the U.S. District Court for the District of Puerto Rico, the Supreme Court of Puerto Rico, the U.S. Court of Appeals for the First Circuit, the United States Court of International Trade, and the District of Columbia Court of Appeals. After passing the Puerto Rico bar examination, Judge Pérez-Giménez joined the law firm of Goldman, Antonetti and Subirá, where he represented clients in matters of labor law.

In 1971, he was invited to join the Civil Division of the U.S. Attorney's Office. Shortly after arriving there, he was assigned to prosecute a criminal trial,

substituting a prosecutor who was unable to attend. Upon obtaining a conviction, the young prosecutor immediately decided that he did not want to go back to the civil division and asked to be assigned to the criminal division instead, where for the next four years he successfully tried numerous cases, most of them involving drug-related offenses.

Juan Pérez-Giménez's devotion and passion when trying criminal cases—as well as his excellent preparation and performance—soon caught the eye of various judges, in particular those of then-Chief Judge, the late José V. Toledo. Judge Toledo selected Pérez-Giménez to fill the court's vacant magistrate judge position in 1975. Despite being offered a prestigious cabinet position with the Commonwealth government during his tenure as Magistrate Judge, he politely turned it down, keeping his mind focused on his goal to someday become a United States District Judge for the District of Puerto Rico.

On December 18, 1979, Juan M. Pérez-Giménez was appointed as United States District Judge. He served as

the Court's Chief Judge from 1984 to 1991, and took senior status on his 65th birthday in 2006. Judge Pérez-Giménez presided over hundreds of civil rights cases, some of them brought against representatives of Puerto Rico's government—ranging from law enforcement and corrections officers, to the Governor and executive cabinet members. One particular case, however, stands out from the rest. In 1980, not long after taking office, the Judge held that the government's penal system violated the civil rights of inmates by imposing constitutionally unacceptable conditions of confinement. Judge Pérez-Giménez issued an injunction against the Governor and the Corrections Administrator. To date, the injunction is still in place, a measure that prevents inmate conditions from becoming unconstitutionally inhumane.

On the criminal side of his docket, Judge Pérez-Giménez also presided over hundreds of cases throughout his years on the bench and issued thousands of orders. Many of these made national headlines, such as those involving trespassers on the former naval installation on the island of Vi-

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*“When Judge Pérez-Giménez took out his vintage golf clubs, Nicklaus, who was playing with top-of-the-line equipment, surprisingly asked him ‘What is that?’ The judge, with a proud smirk, replied, ‘These are the best clubs a federal judge can afford.’”*



equies, or the ones in large-scale conspiracies involving massive amounts of drugs, as well as those for corruption of local government officials.

Judge Pérez-Giménez was a devoted family man, who also enjoyed fishing, reading, and cooking. Before he became a judge, he also spent considerable time on another type of court—a basketball court—lettering in the sport when he was in high school and, upon graduation, playing in Puerto Rico’s superior basketball league. Legend has it that, as a federal prosecutor and later magistrate judge, he used to showcase his tremendous leaping ability and long-range shot at games played with other staff and attorneys on a basketball court in the Old San Juan Customs House.

After permanently hanging up his basketball shoes, the judge switched to golf as his sports activity of choice. Judge Daniel Domínguez, one of his frequent golf partners, enjoys telling of the time they both participated in a tournament and were paired with professional golf legend Jack Nicklaus: “When Judge Pérez-Giménez took out his vintage golf clubs, Nicklaus, who was playing with top-of-the-line equipment, surprisingly asked him ‘What is that?’ The judge, with a proud smirk, replied, ‘These are the best clubs a federal judge can afford.’”

Throughout his judicial career, the judge also mentored over 50 law clerks who worked with him. These former law clerks are now either partners or associates in major law firms or run their own firms; serve as federal prosecutors or defense attorneys; work for

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*These former law clerks consistently agree that he mastered all matters of evidence and criminal law, possessed a sharp and reliable memory of events and past cases, and loved to tell the stories of the summers he spent in Spain as a young man.*

the executive and judicial branches of the federal government; and have held cabinet and high-ranking positions in Puerto Rico’s government. Most still assert that the best years of their careers were those during which they worked in the chambers of Judge Pérez-Giménez, who became a father figure and teacher to these young lawyers during their clerkships. These former law clerks consistently agree that he mastered all matters of evidence and criminal law, possessed a sharp and reliable memory of events and past cases, and loved to tell the stories of the summers he spent in Spain as a young man.

Judge Pérez-Giménez was a member of the American Bar Association, of the Federal Judges Association—being also a member of its Board of Directors in 1993—and was an active member of the Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association throughout his federal career.

# First Boss

by Mariela Rexach, Esq.

(Law Clerk to Hon. Judge Pérez-Giménez, 1997-1998)

I gave the draft a final read-thru and then printed it out for the Judge's review. This was the first draft of the first assignment at my first job after graduating from law school. I do not remember the case or the topic. I do remember the feeling. As I stapled the pages together and walked towards Judge Pérez-Giménez's office, I felt a knot in the pit of my stomach. What if I was not cutout for this? What if I was in over my head? What if he hated it? I held on to the papers and forced myself to place them in the Judge's in-box and turn around. It was a big office: the Judge's desk in the center, caddy-cornered in front of the windows facing Chardón Avenue. To the left was a conference table where he would hold case conferences; to the right a similar conference table brimming with case files. This was before the days of ECF/CM when everything was on paper and court orders were literally signed by the Judge with ink. The Courtroom Deputy Clerk would cart case files to and from the Clerk's Office where they would be reviewed and processed on that large table. I would later learn to look for the files with pages folded over and sticking out from the side, as this was the Judge's way of "flagging" my next assignment.

As I walked back to my desk, I stopped. The office was empty, so I reasoned no one would see me if I went back into the Judge's office and retrieved the draft so that I could give it one more read to make sure I had not overlooked any typos. Maybe it could use additional citations? Parentheticals? I could also triple-check my blue-booking. . . . I took a deep breath and told myself to get a grip. I sat down at my desk and tried to focus on my next assignment—a rather futile exercise as I

would keep thinking of that first draft, sitting in that box, waiting to be read by my new boss.

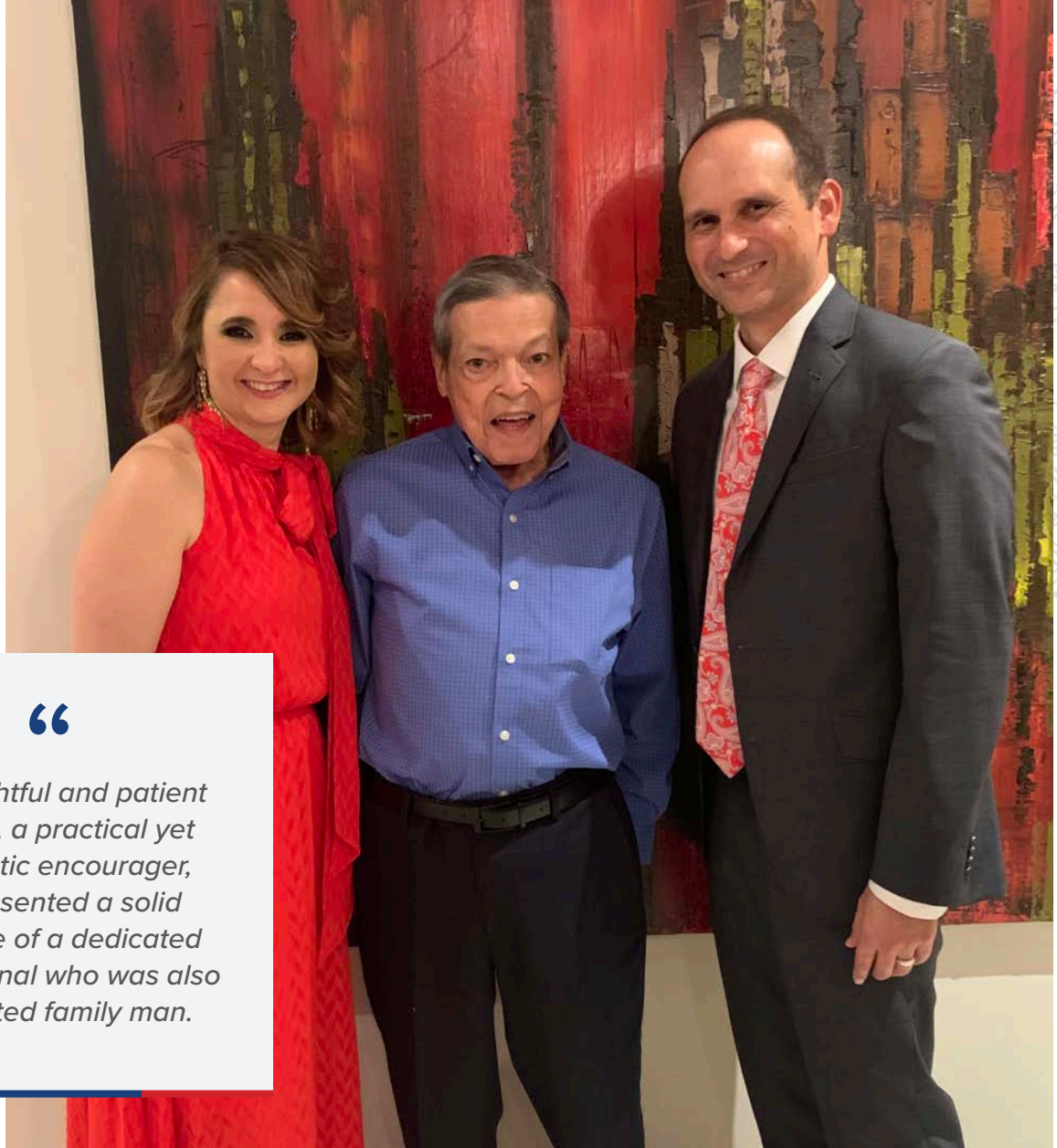
In truth, this was not my first job. It was not even my first legal job and, by then, I had already had several bosses. Still, it was my first job as a lawyer and I have always thought of PG (as his staff would affectionally call him) as my "first boss." Indeed, he is first not just in the temporal sense but also because he is foremost in importance. The impact he had on my professional and personal development has been deep and long-lasting. Experience is the best teacher and if first jobs help you learn about yourself and what you want, first bosses set the tone for that experience. I could not have asked for a better first job or first boss.

PG had a commanding presence, an extraordinary intellect and a profound understanding of the law. There is an inherent relational asymmetry between a Judge and his law clerk, between a supervisor and a subordinate. Yet, after the initial trepidation characteristic of the first days on any job, I quickly felt the collaborative atmosphere of the Judge's chambers. Regardless of the differences in age, experience, position and gender, conversations with the Judge never felt intimidating or condescending. There was honest curiosity and mutual intellectual respect in our work-related exchanges. He set a high bar and preparing for these conversations was hard work for anyone fresh out of law school, yet our discussions were always constructive and never stressful. Thoughtful and direct, he was generous with his time and always available to lend an ear and a word of advice. There was a casual confidence about him. He was

demanding without being overbearing and able to offer pointed praise without gushing. Talking to him always felt easy, even when our opinions differed. A thoughtful and patient listener, a practical yet optimistic encourager, he presented a solid example of a dedicated professional who was also a devoted family man.

I was fidgeting at my desk, still trying to concentrate on that second assignment, when PG walked in and casually dropped the draft on my desk. "Good job" he said with a knowing smile and walked away. That was all. I quickly perused the pages. There were a few typos noted in blue ink and some additional sentences added in his neat cursive handwriting but, all in all, no major edits. I was elated. But what still strikes me the most about that short exchange was that knowing smile and how it made me feel: confident. Without pomp and circumstance, in those few seconds, PG began to nurture my self-confidence by nonchalantly letting me know about his own confidence in my abilities. The fact that my year as PG's law clerk was all about learning to trust myself and not at all about proving myself to him is a testament to his character and his extraordinary mentoring skills.

As I look back, I realize how lucky I am to have had the opportunity to begin my career in such a positive environment and under such expert guidance. After one year, and the passage of Hurricane Georges, I finished my clerkship feeling like it was over a little too soon. Still, I felt ready to begin the next stage, now armed with all the practical and professional wisdom PG had shared. Beyond the obvious and well-known benefits of working as a judicial clerk, I



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*A thoughtful and patient listener, a practical yet optimistic encourager, he presented a solid example of a dedicated professional who was also a devoted family man.*

*Mariela Rexach, Esq., Hon. Judge Pérez-Giménez and Dr. José Rodríguez-Escudero*

had also gained a trusted and life-long mentor and joined the very large family of PG clerks. What a way to start a career.

The last time I saw PG was in December 2019 when, together with several generations of law clerks, he celebrated his 40th Anniversary as a United States District Judge. As I watched him move about the room taking the time to speak with every one of us and rem-

inise, I noticed his hair was more gray, his eyes more sunken and his posture more hunched. But, there it was . . . that knowing smile . . . just as I remembered it.

I hope I made him proud . . . as proud as am of having been his law clerk and as grateful as I am of him having been my first boss.

# PG Stands for “Parental Guidance”

by **Priscila M. Acevedo-Román, Esq.**

(Career Law Clerk for Hon. Judge Pérez-Giménez, 2006-2020)



—  
*Hon. Judge Pérez-Giménez as Federal Prosecutor.*  
*From left to right – Hon. Judge Pérez-Giménez; Prosecutor I. Rivera; Prosecutor Rios; Hon. Judge H. Cancio; Hon. Judge Toledo, Prosecutor, Prosecutor*

Parental is one word I would use to describe him. Judge Juan M. Perez Gimenez, or “PG” (as we would call him in private), most definitely became a fatherly figure in my life after having worked for him as his Career Law Clerk for almost fourteen years. We went through thick and thin together: successes, failures, celebrations, milestones, illnesses... But even in his darkest hours, he never failed to provide his chamber staff the support, care and guidance we needed to move forward, the only direction he knew.

During my time with him, people frequently asked me: “why are you still a law clerk for PG?” In good faith, people often warned me: “you are too sheltered in that job!” But in my heart and mind, it was always clear why I stayed so long: he was a caring boss, a brilliant mentor and I felt safe around him, just like I do around my own father. PG was like a big ol’ tree with long thick branches and dense foliage. He provided his chamber staff with the best shelter. Yes, I may have been in his shadow for more than a decade, but it was the coolest safest place where

I could nurture the roots of my legal acumen. In fact, most of his law clerks, if not all, will admit to the sense of loss that came after jumping off the nest of the mighty eagle that he was and the apprehension we all felt when it was time to fly on our own, without him by our side. Even after the conclusion of our clerkships, he was the proverbial “wind beneath our wings.”

What many people do not know, however, was that PG was very paternal in more ways than one. He fathered 5 biological children and “adopted” dozens of us as his law clerks or student law clerks. But during his free time he also provided food, clothing and shelter to the homeless, as well as spiritual guidance to many married couples in need. His wife recently told me a story about him that showcases how PG lived his Faith in God through simple actions in everyday life, not just the courtroom. She told me that once a week, their church community would feed the homeless in the Metro area. On one occasion, the nun in charge of coordinating these efforts asked PG his shoe size because she had just fin-

ished cleaning and bandaging ulcers on the feet of one of the homeless men, who seemed to be about PG’s shoe size. The nun asked PG to please bring shoes he wished to donate on the following week so she could give them to this man in need. “Where is he? Is he here? – PG asked. “Yes, he’s here today,” – the nun responded. Without a second thought, PG took off his shoes and gave them to the nun. “He can have these now and I will bring more next week.” – PG replied. And so he left. Barefoot. And true to his word, he brought more shoes the following week.

Towards the end of my clerkship, shortly before flying off the nest, I had a chance to give back at least a fraction of all considerations PG had bestowed on me. A few of his former law clerks and I organized the 40th anniversary celebration of his confirmation as a federal district judge. He had been ailing for some time and something told me that would be one of the last chances I would have to tell him how much I cared about him and appreciated him as a boss. That was not some-

thing one could do any day because he was just not the sappy type. I am glad I didn't pass up the chance knowing now he would only live one year after that day in which we all celebrated the magnificent boss and judge he was. And so, in December of 2019, in a room full of people there to witness him, one of the last meaningful things I said to him was this:

Good evening, all. For the past 13 years, I have been the Career Law Clerk for Judge Perez Gimenez. In turn, he has been my career. I still remember as if it was yesterday, the day I sat across from him in his courthouse chambers being interviewed for the post. I was so anxious and starstruck that I got "nervous deafness" and it suddenly felt like I was listening to the teacher character in the Peanuts' cartoons: "wah wah who wah wah." Fortunately, though, his interviews were atypical. They are more like a conversation because when he calls you in for an interview, he has already vetted you and determined if you're qualified. When he calls you in, he just wants to know if you're someone he can have a chat with. And that is so because as a supervisor, he is not a cold and distant judge. On the contrary, he is warm and accessible. And after the glorious moment in your legal career in which your life changes because he made you an offer of employment, you start getting to know the man that wears the long black robe. Though in the courtroom he is very serious, sometimes severe, in chambers he was kind, pleasant, funny, sharp, homely, and considerate of whatever difficulties his staff was going through. So in addition to admiring his intellect and professionalism, one would start caring about him at a more personal level. And that's when loyalty would set in.

Present today, all I see is a "PG Army." An army of attorneys that developed and matured under his palio. And in that process, he became an extension of our family, reason for which we defend him tooth and nail. To be in his circle of trust and to know the man that wears the gown is a privilege not known to many.

For all these reasons, I have stayed with him for so long. I want to thank him because as a career woman, he has always made me feel heard. My husband always reminds me of the quote that "people will forget what you said, people will forget what you did, but people will never forget how you made them feel." The Judge always made me feel validated, like my opinion on subjects mattered. So I want to thank him for letting me have a voice in the important matters that we deal with. I may not have a vote, but at least I have a voice.

Thank you, Judge, for being the living example of the phrase: "when the going gets tough, the tough get going." I have seen you go through so much, but your compromise has never wavered. You always show up.

Thank you, Judge, for the opportunity of a lifetime.

Shortly after his passing, I met his family to celebrate what would have been his 80th birthday. At that point, I had already started working at the U.S. Attorney's Office, where he once worked, and realized that PG had pulled a "Mr. Miyagi" on me, teaching me things I didn't know were lessons I would eventually need in my career. "Juanma said to me that you would miss him," – his wife told me cheekily. "Everyday." – I responded.

# A Remembrance of Judge Juan Manuel Pérez-Giménez: A Man of Principle

by Michael Sloan <sup>1</sup>

(Law Clerk to Hon. Judge Pérez-Giménez, 1995-1996)



Left to right – Hon. Judge Laffitte, Hon. Judge Pérez-Giménez, Hon. Romero Barceló, Hon. Judge Rivera-Pérez and Hon. Judge Cordero

I will always cherish the year I spent as one of Judge Pérez-Giménez's law clerks (1995-1996). It was an exhilarating experience – both culturally and professionally. The Judge was a wonderful mentor, patiently explaining the ways of the federal court, the nuances of the Rules of Criminal Procedure (of which he was a master), how to apply Puerto Rico law in diversity cases, and how best to navigate the tapón during rush hour (he frequently drove me home after work), and many others.

The Judge was fun, smart, and disciplined, but I recall him most fondly as one of the most moral and principled people I have known. He will always be remembered for his stewardship of the important and path-breaking pris-

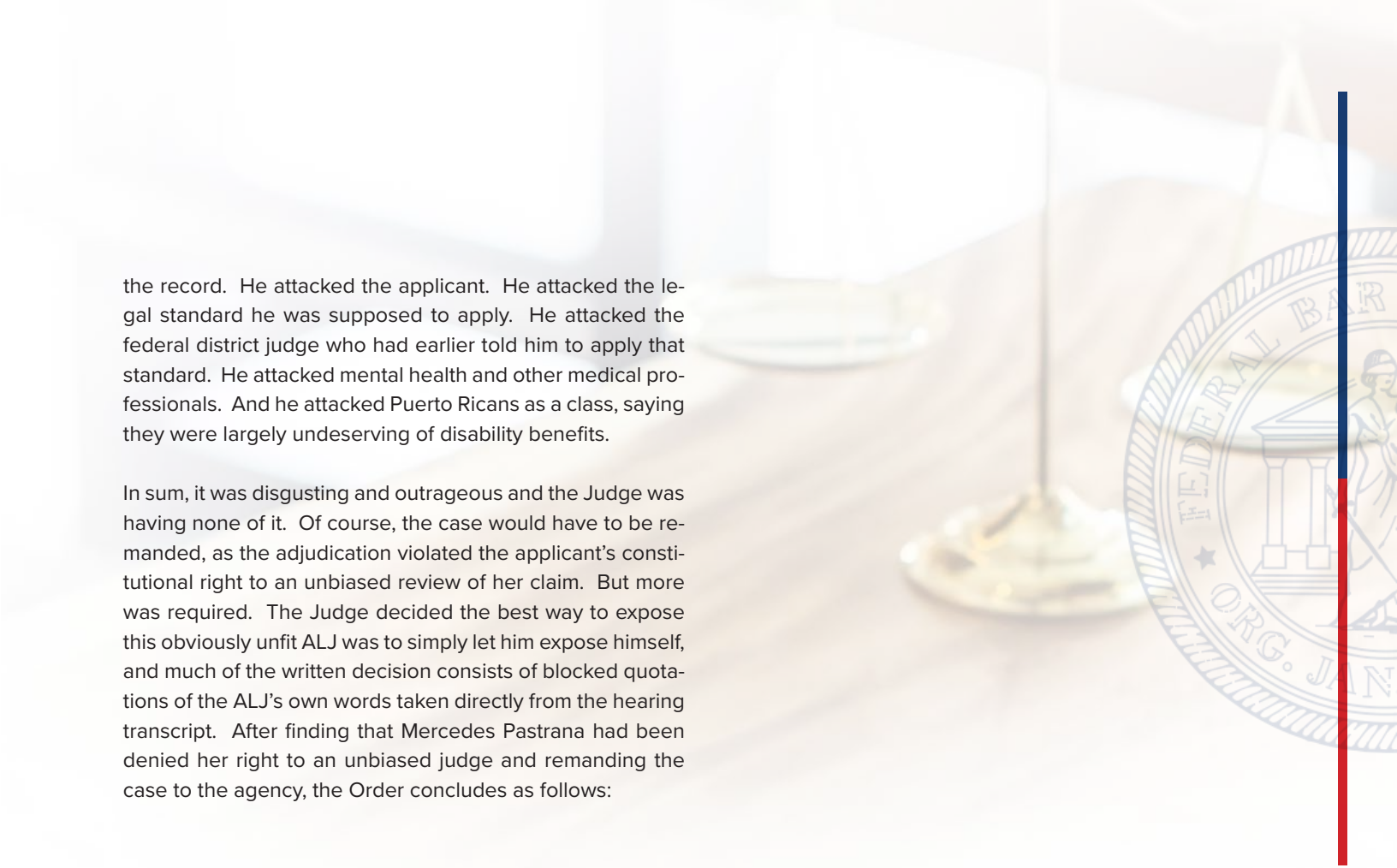
on condition cases (the Feliciano cases, whose docket number (79-4) I will always remember). It's worth re-reading the Judge's first decision in that case, from 1980. 497 F. Supp. 14 (D.P.R. 1980). It is a masterwork. The prisons were overcrowded, outdated, filthy, and dangerous, and the Judge's decision – which was based on, among other things, personal tours of the facilities – graphically describes the “horrors” suffered by the inmates.

Unfortunately, Feliciano was still active 15-years later, when I was his clerk, but conditions were a lot better by then. We once toured together a modern, clean, state-of-the-art facility, and as we admiringly walked the grounds, he compared them to the grizzly con-

ditions he found 15 years earlier, including the dungeon-like cells called calabozos, which housed mentally disturbed inmates, which the Judge told me made him physically ill when he saw them. He was outraged, and he used his position as a federal judge to improve things.

The Judge's moral compass guided him on matters both large (Feliciano) and small, such as the case I remember most vividly from my time with the Judge, *Pastrana v. Chater*, 917 F.Supp. 103 (1996). *Chater* was an appeal from a decision of the Social Security Administration (SSA) denying disability benefits to a woman named Mercedes Pastrana. Such cases were plentiful on the court's docket. They arrived in thick blue binders and it was difficult to keep up with them. And the “arbitrary and capricious” standard of review made the district court's analysis largely procedural. Our job was to simply make sure that the decision below was based on a discernable record and applied the correct legal principles. The court was not there to second-guess the agency's judgment.

But *Pastrana* was different. As clerk, it was my job to open the file and look for issues. I began reading the transcript of the hearing at my desk but went to speak with the Judge before I was half-way through. “You won't believe this,” I said, and we sat down at his long table and read it together. The ALJ was biased and – perhaps most shockingly – felt free to openly flout his bias on



the record. He attacked the applicant. He attacked the legal standard he was supposed to apply. He attacked the federal district judge who had earlier told him to apply that standard. He attacked mental health and other medical professionals. And he attacked Puerto Ricans as a class, saying they were largely undeserving of disability benefits.

In sum, it was disgusting and outrageous and the Judge was having none of it. Of course, the case would have to be remanded, as the adjudication violated the applicant's constitutional right to an unbiased review of her claim. But more was required. The Judge decided the best way to expose this obviously unfit ALJ was to simply let him expose himself, and much of the written decision consists of blocked quotations of the ALJ's own words taken directly from the hearing transcript. After finding that Mercedes Pastrana had been denied her right to an unbiased judge and remanding the case to the agency, the Order concludes as follows:

A case such as this leaves the Court in a quandary. The record unequivocally supports remand. In this instance, however, a simple remand seems insufficient. Based on the length of the transcript, the Court estimates that almost 10 minutes of the one hour hearing was taken up by the ALJ's disgusting, and often racist rantings. The Court believes the ALJ should be held accountable for his conduct. Therefore, in addition to condemning in the strongest manner possible the ALJ's statements and conduct, the Court will forward a copy of this Opinion and Order, along with a transcript of the hearing, to both the Commissioner of Social Security and to the Director of the Office of Hearings and Appeals. ... It is this Court's hope that appropriate disciplinary action will be taken against the ALJ in this case.<sup>2</sup>

This is how I remember the Judge. Standing up for the little person. Never taking the easy way out. Doing what was right. His memory is a great blessing to me, as I'm sure it is to many others.

*1 Michael Sloan is a Partner, and also Chair of the Communications Practice, at Davis Wright Tremaine. He has been in private practice in Washington, DC since leaving the Judge's chambers in 1996.*

*2 Pastrana v. Chater, 917 F.Supp. at 111.*

# The Last Trial of Judge Pérez-Giménez

by Manuel San Juan

(Law Clerk to Hon. Judge Pérez-Giménez, 1988-1989)

He had once been a gifted athlete; a basketball star who blazed down the court with feline grace. Now he shuffled along slowly, in another type of court, barely able to keep his balance, the black robe concealing the emaciated frame of a frail and elderly man. “I have five stents”, he told me enthusiastically, “I know what this case is about.” The man was Senior U.S. District Judge Juan M. Pérez Giménez, known as “Juanma” to his friends and family. It was January of 2020, the pandemic lockdown was still months away, and we were about to begin a civil jury trial. Sadly, it would be his last.

I daresay I knew the Judge well enough, having served as his law clerk over thirty years ago. “PG”, as we law clerks affectionately called him, was an exceptionally good boss. Never harsh and always accessible to talk to his clerks, often quite candidly, he fostered a working environment of absolute trust, instilling in us a sense of loyalty, almost like family. Over the years his cadre of former clerks grew, and we developed strong bonds with him, his wife Carmen, and his five children, gathering periodically to celebrate the Judge’s 20th, 30th and 40th anniversaries on the bench.

Unlike other Federal Judges in the District of Puerto Rico, PG mostly chose his clerks from local ranks, and many of us went on to practice before him. Despite the closeness of his relationship with his clerks, I never knew him to recuse himself from any of our cases. In truth, nobody could ever accuse

him of improperly favoring his former clerks. He invariably decided his cases based on the merits rather than the parties or the lawyers, calling them as he saw them and letting the chips fall where they may. I certainly lost more than a few cases before him, and if my adversaries also took their licks in PG’s courtroom, it had nothing to do with favoritism. In one memorable court-appointed criminal case I handled years ago, he declared a mistrial with prejudice due to misconduct by the government agents. When a naive prosecutor tried to imply that the Judge had favored my client because I was a former clerk, I responded with a chuckle: “Obviously, you don’t know Judge Pérez Giménez.”

Because he trusted me, PG was always very candid in his assessment of the merits of my cases. If he didn’t think much of my cause, I would find out in a hurry. If he thought I was in the right, he would let me know as well. This time, however, he was uncharacteristically silent. Although I felt the case was strong, it was certainly no slam dunk for my clients. My opposing counsel were two excellent lawyers, well versed both in the intricacies of medicine and the law of medical malpractice. I represented the family of a man who had died during a Percutaneous Coronary Intervention performed by a well-trained and experienced interventional cardiologist. The trial would be highly contested and involve contrasting testimony from some very prestigious expert witnesses. As with most civil cases that go to trial, there

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*He invariably decided his cases based on the merits rather than the parties or the lawyers, calling them as he saw them and letting the chips fall where they may.*

were strong arguments to be made both in favor and against liability. It would be a battle royale amongst the lawyers, and likely a tough decision for the jury.

As always, Judge Pérez-Giménez was ready. He truly loved to try cases. As a young federal prosecutor, he had learned to be an effective trial lawyer, butting heads with the legendary criminal defense lawyers of his time. He would often tell stories about his old nemesis, Federal Public Defender Gerardo Ortiz del Rivero, whom he characterized as a bit of a shark, a formidable adversary, and ultimately, a good friend. PG’s courtroom experience served him well. He was a true Master of evidentiary law and procedure. He was notorious for his habit of overruling an objection “on those grounds”, only to subsequently sustain it when counsel articulated the proper evidentiary foundation.

On the first day of trial, as the jury selection got under way, I felt somewhat



insecure. The Judge had been more than an hour late coming into court, and I wondered how his ill health would affect the trial. Pérez Giménez had suffered a serious medical crisis in 2018, spending months in the hospital. His recovery was slow and patchy. When he finally felt well enough to return to work, he was certainly not the dynamo he used to be. I prayed that his physical frailty had not spread to his mind.

I needn't have worried. Sure, he needed some help from his courtroom deputy getting from his office to the bench, and he had to excuse himself at least once every hour to use the restroom. But on the very first day of trial he let us all know in no uncertain terms that he was in full command of his courtroom, and that his legal acumen was as sharp as ever. As he considered and ultimately overruled the defendants' objections to the testimony of my expert witness, I breathed a sigh of relief. Old PG still had it.

Throughout the week-long trial, Judge Pérez-Giménez exhibited the well-balanced temperament of the veteran jurist he was. He was relaxed, thoughtful, fair and impartial. He displayed his usual good humor in his interactions with the jury. He was cordial with counsel, but also forceful when he needed to be. His evidentiary rulings were spot on. Some of them went our way, others did not. Both sides felt, I think, the great sense of confidence

that comes from appearing before a judge who is smart, knowledgeable and well prepared.

The trial proceeded slowly but on schedule, and before long both sides had finished presenting evidence. Next came the charging conference. With the help of his clerks, the Judge had carefully studied the applicable law and come up with a set of unassailably equanimous jury instructions. He did not give either side everything they wanted, but nevertheless gave us all enough to work with. It was, characteristically, a tour de force of balanced judicial craftsmanship.

After impassioned closing arguments, which the judge handled with absolute control, PG instructed the jury and sent them off to deliberate. Then he took a moment to congratulate the lawyers on our hard work and dedication during the trial. He told us that win or lose, our respective clients should feel satisfied. Before he left the bench, he told us to approach and added some further words of encouragement, particularly to one young lawyer who had done an exemplary job.

As we stood by, relieved at having concluded the trial, the conversation turned to the Judge's long career. He reminisced about his days as a fledgling prosecutor, and later as a Magistrate Judge. "It was a simpler time", he said, "when everyone in the court-

house knew each other, and things were resolved much more easily." He recalled that former Governor Carlos Romero Barceló had wanted to nominate him to be Secretary of Justice, but that he had declined, citing his growing family obligations. He told us he did not regret his decision and felt that he had contributed more as a federal judge, particularly in the institutional cases he had presided over, such as the Morales Feliciano prison reform case.

It was a fitting final colloquy from a giant of the bench in the twilight of his career, and I think I speak for my colleagues when I say we all felt honored to have been praised for our performance at trial and taken into his confidence. As I ruminated on the drive home that evening, I recalled with crystal clarity my first day on the job thirty years ago. He was about the same age as I am now, I mused. Confident, bold, decisive, dynamic: PG was everything I thought a Federal Judge should be. Three decades later, time had robbed him of his youthful vigor, but had not dulled his prodigious intellect or diminished his innate sense of fairness.

The next day, the jury returned its verdict. I won't comment on it, as the matter is still sub judice, except to say that it reminds me of the old joke where the lawyer telephones his client, who, upon inquiring as to the jury's verdict, is told that "justice was served." "Appeal immediately," the client replies.

All kidding aside, and regardless of the ultimate result, I am extremely proud to have had the singular distinction of serving as lead counsel for the plaintiffs at the last trial of Senior U.S. District Judge Juan M. Pérez- Giménez. It was an affair that I will not soon forget.

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*Confident, bold, decisive, dynamic: PG was everything I thought a Federal Judge should be.*

# Reflection from Judge H. Laffitte

by **Hon. Judge H. Laffitte**

(Retired Senior U.S. District Judge, 1983-2007)



*Left to right – Hon. Judge Pérez Giménez, Hon. Judge H. Laffitte and Hon. Judge E. Rivera-Pérez*

The Puerto Rico Chapter of the Federal Bar Association pays a deserving tribute to Judge Juan Pérez Giménez, a genuine Article 111 federal judge.

Judge Pérez-Giménez began his journey in public service first as an Assistant District Attorney, then as a Magistrate Judge, and finally, as a United States District Judge when passing away on December 10, 2020, while in office following 45 uninterrupted years of service to the federal judiciary.

I recall Judge Pérez-Giménez as an indefatigable laborer in the vineyard of the law who brought to the court a solid and strong command of the law. He represented the judicial function at its highest, giving much of himself, even during his failing health, while performing with integrity, decorum, and fairness.

I enjoyed a close and rewarding friendship with Judge Pérez-Giménez, both in and off the bench. I admired his

straightforwardness and fortitude. He was a devoted husband, a caring father, and a loyal friend. I was privileged in having navigated alongside Judge Pérez-Giménez for 25 years the straits of the judicial function. The memories of the times we shared together will last forever in my heart.

The court will not be the same without him.

# Reflection from Judge García-Gregory

by **Hon. Judge García-Gregory**  
(Senior U.S. District Judge)



*Hon. Judge Pérez-Giménez standing on the bench to gain some height – From left to right – Hon. Judge Cerezo, Hon. Judge Piera, Hon. Judge Laffite, Hon. Judge Pérez-Giménez, Hon. Frances Ríos de Morán, Hon. Judge Fusté, Hon. Judge Gierbolini, Hon. Judge Casellas and Hon. Judge García-Gregory.*

If there was a distinctive character trait of Judge Juan Pérez-Giménez, it was his unquestionable spirit of service and sterling performance of his duties as a judge.

I met him first as magistrate Judge when I was in private practice in the context of a very complicated civil case. I must say he handled masterfully all discovery and non-dispositive issues. He did so well that both adverse parties to the case asked him to continue presiding when he became a district judge. When I was appointed

to the Court with almost no criminal experience, he immediately offered a helping hand and extremely useful advice, particularly, when I had to preside over two death penalty cases.

Finally, I still remember when my criminal docket became extremely congested especially with multi-defendant criminal cases to the point of having scarcely any time for the civil docket. Lo and behold! I received a call from Judge Pérez with an unconditional offer for me to transfer to his docket cases ready to be tried.

Certainly, I will miss Judge Pérez' warm companionship. The Court will forever remain indebted to this great judge, jurist and human being who uncompromisingly defended its integrity and reputation as an indispensable judicial forum to preserve the rule of law and the Constitutional rights of litigants.

# The Judge and his Law Clerks



All Clerks of Hon. Judge Pérez-Giménez at his 40th Anniversary Celebration on the Bench

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I was blessed with the opportunity to work for more than nineteen years with the Honorable Judge Juan M. Pérez-Giménez as his law clerk. Those were nineteen years filled with great professional satisfaction and lasting friendships, not only with the Judge, but also fellow chamber and Courthouse staff and law clerk colleagues. In addition to his excellent judicial qualities, I admired the Judge's personal values, convictions, faith and his deep commitment to justice and the rule of law. He loved being a judge and was a terrific mentor to me and the many young lawyers who had the privilege of passing through his chambers, including my eldest son. I also admired his love and devotion for his wife Carmen, his children and grandchildren. As a great judge and human being, including as a wonderful and faithful godfather to my youngest son, Judge Pérez-Giménez will be sorely missed. He was a part of the family.

**-Marie Stubbe-Hertell**

(Clerked from 1979 to 2005)

So many lessons without words: his calm demeanor while standing his ground, his disciplined early arrival every day at work, his open door foretelling a warm handshake of encouragement, his willingness to always make time for his family, his down to earth way of life, and his faith in God... all are cherished memories of my clerkship in the chambers of Judge Juan M. Pérez-Giménez.

**-Marcos E. López, USMJ**

(Clerked from 1998 to 1999)

I can't think of a better way to start my career than working for Judge Pérez-Giménez. To this day, when faced with a difficult legal issue or adversary, I often find myself reaching out to the nuggets of wisdom the Judge instilled in me and find comfort – and sometimes even the solution – in them. I will forever be grateful to Judge PG for giving me a chance, making me a much better lawyer, and marrying me to my wife of now twenty years.

**-Rafael Lázaro**

(Clerked from 2000 to 2001)

Throughout his long tenure as a United States District Court Judge for the District of Puerto Rico, Judge Pérez-Giménez contributed to the practice of law in the Island even beyond the courtroom. One of his most laudable and progressive contributions was his commitment to advancing women's careers in the law and recognizing their potential by investing early on in their trajectories. Throughout his 41 years as a United States District Court Judge, at least one of his two assigned law clerks was always a woman and half the time both were. Personally, the experience of clerking for PG was the cornerstone of my legal career and I will always be grateful to him for the opportunity.

**-Mariela Rexach**

(Clerked from 1997 to 1998)

Before I became one, I viewed lawyers as fast-talking, one-liner savants who were gifted with photographic memory and a true vocation. After a few years in practice, however, I had given up on encountering that rare species...until I walked into Recinto Sur St. for a job interview with Judge Pérez-Giménez. The man behind the bench was imposing, yet kind; knowledgeable, yet curious; serious, yet funny. His memory was flawless. He remembered cases by their docket numbers and defendants by their full names and aliases. He could quote the rules of evidence and criminal procedure on the spot and would secretly smirk when frustrated attorneys shook their heads after he

overruled their objections with a sparse: Not on those grounds.

Fear could not touch him. I was alone one late night at the office when a dreaded call came in. "Where's the Judge? We have intercepted a message with a death threat. We need to find him." Upon learning the ominous news, he refused protection, shrugged off his staff's concerns, and went about his routine. He was, for lack of a better word, colossal. His law clerks would describe him as a father figure and mentor. To me, he was also the understanding voice that would push me to take days off work when my young son was sick (which happened more often than I can re-

call), and the scholarly figure that pointed to legal sources that my WestLaw search had failed to produce.

Like a slow-burning flame, the impact of those clerkship years comes to me as continual lessons that galvanize me when I least expect them. And every once in a while, I too, secretly smirk when I remember Judge Pérez-Giménez sitting on the bench, managing his courtroom with the dexterity of an orchestra conductor, and replying to a "Hearsay" objection with: "Not on those grounds."

**-Vanessa Carballido**  
(Clerked from 2012 to 2016)

Judge Pérez-Giménez "the Judge" instilled in me a life-long desire to see the injustice that the Insular Cases visited on Puerto Rico undone and, hopefully, the *Vaello Madero* litigation currently before the U.S. Supreme Court will achieve his dream.

**-Xavier Romeu-Matta**  
(Clerked from 1991 to 1992)

During some of his regular afternoon chats with the law clerks, Judge Pérez-Giménez asked about our professional and personal goals. He then shared his thoughts and advice. Much of it made sense right away, some made sense soon enough, and it all makes sense now, almost 20 years later. Thank you, Judge. You will be missed. Un abrazo fuerte.

**-Lara Garriga**  
(Clerked from 2002 to 2003)



It's difficult to write just a few words or lines about your mentor when you were mentored by the Honorable Judge M. Juan Pérez-Giménez. By the accounts of many, the mere mention of his name commands respect. On my first day in his Chambers, he pointed out with rhetorical wit how, upon confirmation, a federal judge is suddenly "the honorable." I believe Judge Pérez-Giménez spent his 41 years on the bench to do justice, not merely justice to the title. Point well taken.

**-Natalia del Nido Rodríguez**  
(Clerked from 2015 to 2019)

## The Judge and his Law Clerks

*Continued from previous page*

Epitomizing in a few short sentences the many lessons learned in Judge Pérez-Giménez's chambers is a tall order to fill. Above all else, the Judge taught me through practice and example the power of loyalty – he spent 41 years on the bench, steadfastly loyal to the Court, to the doing of justice, and to his values, beliefs and work ethic. Even more, the Judge was unyielding in the loyalty he showed to his loved ones, colleagues, and law clerks. I expect to spend a lifetime attempting to emulate his brand of loyalty in my own endeavors and relationships.

**-Ricardo Imbert-Fernández**  
(Clerked from 2019 to 2020)



Ten years ago I began my career as an attorney and I could not have been more fortunate that my first job was as a law clerk to Judge Pérez-Giménez. As a young lawyer with no experience, Judge Pérez-Giménez and his staff, Priscila and Marta, took the time to patiently teach me the inner workings of the court and discuss the merits of the many difficult cases that came before us. In reviewing our work, the Judge was always supportive and often full of praise; I could tell he was very proud of all of his law clerks. He not only treated us as valuable employees, but embraced us as his own family. Perhaps the best example of this is how he went out of his way to help me gain admission into the Federal Bar. My fondest memory is the Judge swearing me into the Bar in his chambers, while I wore a spare toga that he lent me for the occasion. I don't think I was able to thank him enough for that moment, so I do so here—thank you Judge, for everything.

**-Julio Guzmán**  
(Clerked from 2011 to 2012)



Judge Pérez-Giménez was, in all sense of the word, an institution. Always straight to the point with NO grey areas. More than my first boss, he was a father figure. The Judge instilled in me the importance of loyalty and respect to succeed not only in the legal profession, but in life. I kept a picture of the Judge on my desk when studying for the Bar exam, to remind me that I could not fail the person who had given me so much. The void left by the Judge cannot be filled, but the men and women he molded will continue to pursue life and the legal profession with as much fire and honor as he once did. We have and we will. Thank God for putting him in my path.

**-Andrés Guillermand-Noble**  
(Clerked from 1990 to 1991)



# CLERK'S TIDINGS

**By: Maria Antongiorgi, Esq.**

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 U.S. District Court for the District of Puerto Rico, as part of a joint effort with the FBA to keep the Bar appraised of events and information, and to provide a better, expedited service to its members. As part of this effort, we sometimes provide Internet link addresses to sites over which the Clerk's Office, or the U.S. District Court exercise no control and thus take no responsibility for their organization views, accuracy, contents, standards, copyright, or trademark compliance or legality.



## The Court

### United States District Court for the District of Puerto Rico

The District is currently composed of four district judges, three senior judges, and five magistrate judges. There are three judgeship vacancies in our District.

#### District Judges

Hon. Raúl Arias-Marxuach, Chief Judge  
Hon. Aida M. Delgado-Colón  
Hon. Pedro A. Delgado-Hernández  
Hon. Silvia L. Carreño-Coll

#### Senior District Judges

Hon. Daniel R. Domínguez  
Hon. Jay A. García-Gregory  
Hon. Francisco A. Besosa

#### Magistrate Judges

Hon. Camille L. Vélez-Rivé  
Hon. Bruce J. McGiverin  
Hon. Marcos E. López  
Hon. Marshal D. Morgan  
Hon. Giselle López-Soler

### Judge Gustavo A. Gelpí confirmed to the United States Court of Appeals

On October 18, 2021, District Court Judge Gustavo A. Gelpí was confirmed by the United States Senate to the United States Court of Appeals for the First Circuit. Judge Gelpí, who was nominated by President Joseph Biden on May 12, 2021, becomes the second judge of Hispanic origin to serve on the First Circuit Court of Appeals, following the late Judge Juan R. Torruella.

## CLERK'S TIDINGS

Continued from previous page

### Federal Rules

#### Federal Rulemaking

The Clerk's Tidings (Spring 2021) informed the new and amended rules that became effective December 1, 2020. Below are the proposed

amendments organized by the year they are projected to go into effect. These amendments will affect the Appellate, Bankruptcy, Civil, and Criminal Rules.

#### December 1, 2021

- Appellate Rules 3 and 6, Forms 1 and 2.
- Bankruptcy Rules 2005, 3007, 7007.1, and 9036.

#### December 1, 2022

- Appellate Rules 25 & 42
- Bankruptcy Rules 1007, 1020, 2009, 2012, 2015, 3002, 3010, 3011, 3014, 3016, 3017.1, 3017.2 (new), 3018, 3019, 5005, 7004, and 8023.
- Civil Rule 7.1 and Supplemental Rules for Social Security Review Actions Under 42 U.S.C. § 405(g).
- Criminal Rule 16.

#### December 1, 2023

- Appellate Rules 2 & 4.
- Bankruptcy Rules 3002.1, 3011, and 8003; new Rule 9038; Official Forms 101, 309E1, 309E2, and 417A; and new Official Forms 410C13-1N, 410C13-1R, 410C13-10C, 410C13-10NC, and 410C13-10R
- Civil Rules 15, 72, and new Rule 87
- Criminal New Rule 62.
- Evidence Rules 106, 615, and 702.

For more information on Federal Rulemaking please refer to: <https://www.uscourts.gov/rules-policies/current-rules-practice-procedure>.

### Court Orders

#### Standing Order on Reentry Supervised Released Court Alternative ("RESCATE") Program

On April 30, 2021, former Chief Judge Gustavo A. Gelpí issued an Order formally announcing the United States District Court for the District of Puerto Rico's sponsorship of the joint initiative led by United States Attorney's Office in partnership with the Federal Public Defender and the United States Probation Office, establishing a post-conviction re-entry pilot program: RESCATE (Reentry Supervised Released Court Alternative). This program aims to eliminate re-arrest rates of qualifying participants, promote community safety by means of intensive supervision, and provide qualifying participants with work and other significant opportunities during their reentry into the community. Upon conclusion of the program, the Court and team members will evaluate the overall success of the program. If deemed successful, a new group of participants will be selected, and the program will become permanent in the District of Puerto Rico.

The RESCATE pilot program, which will last one year per participant, launched with eight participants on June 9, 2021, with District Court Judge Silvia L. Carreño-Coll as the reentry judge overseeing the program.

For more information on Order re: Reentry Supervised Release Court Alternative (RESCATE) Program please refer to the URL link in the District Court's website: <http://www.prd.uscourts.gov/re-reentry-supervised-released-court-alternative-rescate>.

#### Standing Order on Electronic Monitoring Installation for Pretrial Defendants Released Outside the Court's Regular Hours of Operation

On August 4, 2021, former Chief Judge Gustavo A. Gelpí issued a General Standing Order ordering that any defendant granted pretrial release with a location monitoring condition who is released after the Court's regular hours of operation (8:00am to 5:00pm) will be allowed to report to the United States Probation Office the next business day for installation thereof. However, the installation of a location monitoring device on a defendant released after regular hours of operation on a Friday or on a weekday followed by a holiday will be made on the same day. This order is not applicable to pretrial defendants charged with a sex offense.



For more information on General Standing Order re: Electronic Monitoring Installation for Pretrial Defendants Released Outside the Court's Regular Hours of Operation please refer to the URL link in the District Court's website: <http://www.prd.uscourts.gov/re-electronic-monitoring-installation-pretrial-defendants-released-outside-court%E2%80%99s-regular-hours>.

## Legal Education

### District Bar Examination

The Spring and Fall 2021 bar exams were administered on May 8 and November 6, 2021, respectively. The Court adopted health and safety protocols and procedures to ensure the wellbeing of all applicants and court proctors. A total of 296 applicants sat for May 8 and November 6, 2021 exams, obtaining a 31% and 38% percent passing rates, respectively. The next Federal Bar Examination will be offered in Spring 2022.

### Virtual Continuing Legal Education (CLE) Programs by the United States District Court

The District Court, in its effort to provide continuous legal education to members of the Bar during the COVID-19 pandemic, continues to sponsor virtual programs.

On August 26, 2021, the United States District Court of Puerto Rico, and the United States Probation Office, in partnership with the Commonwealth of Puerto Rico's Women Advocate Office, held a Case Management and Attorneys' Responsiveness to the Needs of Domestic Violence Victims During COVID-19 Pandemic P.O.W.E.R. Act Event. This Pro Bono Work to Empower and Represent Act (POWER) Act virtual event aimed to raise awareness of domestic violence and sexual assault during the COVID-19 pandemic. The featured speakers were: Lersy Boria-Vizcarrondo, Esq., Solicitor PRWAO; Madeline Bermúdez-Sanabria, Esq., Deputy Solicitor PRWAO; Dr. Esther Figueroa Rios, and Victor Casiano, Deputy Solicitor of Legal Affairs PRWAO.

On August 31 thru September 2, 2021, the United States Sentencing Commission held a virtual training program, featuring its Deputy Director Alan Dorhoffer and trial attorney Ebise Bayisa. A total of 143 participants, including judges, chambers staff, U.S. Probation officers and criminal defense attorneys, attended the program, which included topics such as: Commission and Case Law up-

dates; National, Circuit, and District Statistics; Grouping Multiple Counts of Conviction; Economic Crimes and; Imposing a Sentence-Chapter 5 Determinations.

On October 14 and 15, 2021, the Court held a two-day, twelve-hour Virtual Continuing Legal Education Program free of charge to members of the Bar in good standing. The Program's featured speakers were Edward J. Imwinkelried, David L. Hudson, Jr., Barry P. McDonald, and Michael B. Landau. The CLE program consisted of the following lectures: The U.S. Supreme Court 2020-2021 Term in Review; Federal Rule of Evidence 404(b); Fourth Amendment Jurisprudence of Justice Sonia Sotomayor; Copyright Infringement, Trademark Infringement, and Social Media. A total of 542 participants attended the virtual CLE Program.

# FBA Student Chapters

## Inter American School of Law Board

In 2019, the world set the stage for a pandemic. Two years later, we still face the same challenges caused by the pandemic: quarantines, online learning, remote work, etc. However, that has not stopped Inter American School of Law. In 2020, Inter American made the shift from online to in-person learning at a slow pace.

Fall of 2021, we are back – with protocols set in place, of course. We are given the opportunity to hold events in person and we are ecstatic to do so, we still have the option of holding meetings online, of course. However, we are excited and have brainstormed ideas to benefit FBA members as well as the community.

Some members of our current E-board said goodbye in December. While a congratulations is in order for graduating law school, we are very grateful and appreciative of them in helping the President and Vice-President run the FBA at Inter American and set things in motion for the rest of the academic year.

We are very hopeful of what is to come. We are planning many events this year! Students will be exposed to learning the different opportunities in the federal field other than being an attorney and will learn about the Multi-state Professional Responsibility Examination (MPRE). They will also have an opportunity to be LexisNexis Certified! For community service, we partnered

**FBA E-BOARD 2021-2022**

 Ana Patricia Mercado President 3L (JD in English)	 Manuel del Valle Vice-President (Interim) 4L (JD in English)
 Elizabeth San Román Event Coordinator (Interim)/Vice-President 3L (JD in Spanish)	 Leysa Medina Secretary (Interim) 4L (JD in English)
 John Dell Treasurer 3L (JD in English)	



with Casa de Niños Manuel Fernández Juncos and collected clothes and toys for the children of Casa de Niños that were given as presents during Christmas time.

We are very excited for what is to come and we cannot wait to be surrounded by students of the FBA this year!

# Pontifical Catholic University School of Law Board

We hope that all the members of our prestigious organization are well after such an unusual year and full of many challenges. In this academic year, we have the goal and mission of taking advantage of each of the opportunities offered for individual and collective growth of all students from the different law schools and their respective chapters. We need to learn and promote experiences as a chapter that will help us finish shaping our country's legal future. We believe and sustain that by working every day, we forge a better chapter, which provides all the tools available for full professional development. Committed to this end, below is the list of our members, the Chapter of Ponce.



*Jesse C. Otero - President*



*Lucía Pérez - Liaison*



**30th Anniversary on the Bench with Associate Justice of the Supreme Court of the United States Hon. Sonia M. Sotomayor**

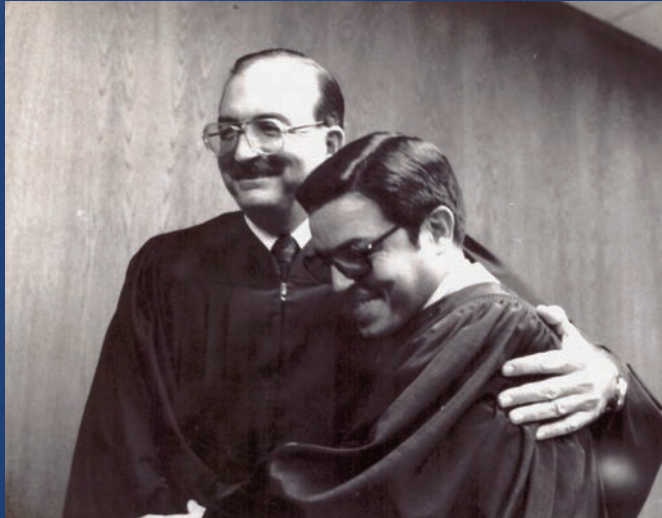




# Gallery of Judge Pérez-Giménez's Time on the Bench



*Left to right – Hon. Judge Laffitte, Hon. Judge. Gierbolini, Hon. Judge Cerezo, Hon. Judge Torruella, Hon. Judge Piera, Hon. Judge Acosta and Hon. Judge Pérez-Giménez*



*Hon. Judge Torruella and Hon. Judge Pérez-Giménez*



*Left to right – Hon. Baltazar Corrada del Río, Hon. Judge Pérez-Giménez and Hon. Judge Casellas*



*Left to right – Hon. Judge Laffitte, Hon. Judge Pérez-Giménez, Hon. Romero Barceló, Hon. Judge Rivera-Pérez and Hon. Judge Cordero*



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