

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Raúl Manuel Arias-Marxuach

2. **Position:** State the position for which you have been nominated.

United States District Judge for the District of Puerto Rico

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: McConnell Valdés LLC
270 Muñoz Rivera Avenue,
San Juan, Puerto Rico 00918

Residence: Guaynabo, Puerto Rico

4. **Birthplace:** State year and place of birth.

1967; San Juan, Puerto Rico

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1993 – 1994, Harvard Law School; LL.M, 1994

1989 – 1992, University of Puerto Rico School of Law; J.D. (*magna cum laude*), 1992

1985 – 1989, Boston College; B.A., 1989

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1995 – present

McConnell Valdés LLC
270 Muñoz Rivera Avenue,
San Juan, Puerto Rico 00918
Capital Member (2003 – present)
Income Partner (1999 – 2003)
Associate (1995 – 1999)

2011, 2013 & 2016
Inter American University of Puerto Rico School of Law
Calle Federico Costas # 170
San Juan, Puerto Rico 00918
Adjunct Professor

1994 – 1995
Fiddler González & Rodríguez P.S.C.
254 Muñoz Rivera Avenue 6th Floor
San Juan, Puerto Rico 00918
Litigation Associate (1994 – 1995)
Summer Associate (Summer 1990, Summer 1991)
Firm is now defunct.

1992 – 1993
Supreme Court of Puerto Rico
Avenida Ponce de León, Parada 8
San Juan, Puerto Rico 00919
Judicial Law Clerk

1990 – 1991
University of Puerto Rico School of Law
San Juan, Puerto Rico 00917
Research Assistant

Other affiliations (uncompensated):

2012 – present
Asociación para la Educación Integral, Inc.
Condominio Atrium Plaza II, Apartment 1503
230 Arterial Hostos Avenue
San Juan, Puerto Rico 00918
Vice President (2016 – present)
Member, Board of Directors (2012 – present)

2010 – present
Asociación de Fomento Educativo, Inc.
Urbanización Villa Caparra
Calle A # 48

Guaynabo, Puerto Rico 00966
Member, Board of Directors

2003 – 2007
Federal Bar Association, Puerto Rico Chapter
American International Plaza
250 Muñoz Rivera Avenue, Suite 800
San Juan, Puerto Rico 00918
Member, Board of Directors

1994 – 2005
PR-7, Inc.
1535 Calle Alda
San Juan, Puerto Rico 00926
Member, Board of Directors
Last known address.

1994 – 2003
Royal Sun Alliance Insurance (Puerto Rico), Inc.
Metro Office Park, Calle 1, Lote 4
Guaynabo, Puerto Rico 00966
Member, Board of Directors
Last known address.

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Chambers & Partners Global Guide – Recognized for Dispute Resolution in Puerto Rico (2006 – present)

Degree from the University of Puerto Rico School of Law conferred *Magna Cum Laude* (1992)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2006 – present)

Forum on Franchising (2006 – present)

Colegio de Abogados de Puerto Rico (1993 – 2009)

Federal Bar Association, Puerto Rico Chapter (1997 – 2007)
Board of Directors (2003 – 2007)

Maritime Law Association of the United States (2003)

Republican National Lawyers Association (2003)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Puerto Rico, 1993
Massachusetts, 2009

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the First Circuit, 1993
United States District Court for the District of Puerto Rico, 1995

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Asociación de Fomento Educativo, Inc. (2010 – present)
Member, Board of Directors

Asociación para la Educación Integral, Inc. (2012 – present)
Vice President (2016 – present)
Member, Board of Directors (2012 – present)

PR-7, Inc. (1994 – 2005)
Member, Board of Directors

Royal Sun Alliance Insurance (Puerto Rico), Inc. (1994 – 2003)
Member, Board of Directors

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

With Rafael Vizcarrondo, Jay A. Garcia Gregory, and Heriberto J. Brugos, *Civil Appeal Procedures in the Commonwealth of Puerto Rico, in Civil Appeal Procedures Worldwide* (Charles Platto ed., Graham & Trotman and Int'l Bar Ass'n 1996). Copy supplied.

Oral Argument: A Somewhat Grumpy Primer, Fed. Bar Ass'n, Puerto Rico Chapter, Newsletter (San Juan, Puerto Rico), Summer 2006. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other

communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

None.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Laura M. Quintero, *ExJuez Presidente del Supremo en la Silla Testifical por la UCA*, Noticel.com, Oct. 30, 2015. Copy supplied.

Manuel Ernesto Rivera, *Piden a Juez que Detenga Cuota*, Noticel.com, Jan. 4, 2011. Copy supplied.

Sigue Vista Judicial Sobre Demanda de Estudiantes Contra Presidente de UPR, PrimeraHora.com, Dec. 16, 2010. Copy supplied.

Juez Plantea Alternativa en Caso de UPR, WAPA.tv, Dec. 16, 2010. Copy supplied.

Un Mediador Entra a Escena, ElNuevoDia.com, June 12, 2010. Copy supplied.

Otro Alto al Pleito Universitario, ElNuevoDia.com, May 26, 2010. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system

by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Volunteer Lawyer, Campaign of Luis G. Fortuño-Burset for Governor of Puerto Rico (2008).

I provided advice on election law during the primaries and in the general election.

Volunteer Electoral Observer, Campaign of Luis G. Fortuño-Burset for Resident Commissioner (2004).

I monitored election results during primaries for the New Progressive Party.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to the Honorable Antonio S. Negrón-García of the Puerto Rico Supreme Court from 1992 – 1993.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1994 – 1995

Fiddler González & Rodríguez P.S.C.

254 Muñoz Rivera Avenue, 6th Floor

San Juan, Puerto Rico 00918

Associate

Firm is defunct.

1995 – present

McConnell Valdés LLC

270 Muñoz Rivera Avenue,

San Juan, Puerto Rico 00918

Capital Member (2003 – present)

Income Partner (1999 – 2003)

Associate (1995 – 1999)

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

Throughout my career, my practice has concentrated on complex civil

litigation. After clerking and earning my LL.M, I began my career at the law firm of Fiddler González & Rodríguez P.S.C. in San Juan. At Fiddler, I worked on cases presenting a wide range of issues, including federal subject matter jurisdiction, contracts, personal injury, patents, and trademark.

After approximately a year, I changed firms to McConnell Valdés LLC, where I have worked since. At the beginning of my career at the firm, maritime law formed a significant part of my practice, including cargo claims, fuel spills, and personal injury disputes. I also was responsible for responding to fines imposed by the Coast Guard.

As my career at the firm progressed, I began to develop expertise in other areas. Specifically, I have represented clients in distribution and sales disputes, products liability cases, and antitrust matters. I have also engaged in litigation regarding various constitutional issues, including First Amendment challenges, equal protection, and the Commerce Clause.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My clients generally have been businesses and their owners.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

1. federal courts:	63%
2. state courts of record:	30%
3. other courts:	___%
4. administrative agencies:	7%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	100%
2. criminal proceedings:	0%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have been involved in three cases in the U.S District Court for the District of Puerto Rico that were tried to verdict. I was lead counsel in one of the cases and associate counsel in the others. In addition, I have acted as lead counsel in seven preliminary injunction proceedings before the Courts of the Commonwealth of

Puerto Rico and the U.S. District Court for the District of Puerto Rico. I have been associate counsel in two other injunction proceedings. Finally, I was lead counsel in an evidentiary rate-making hearing before the Public Service Commission of the Commonwealth of Puerto Rico.

- i. What percentage of these trials were:
 - 1. jury: 46%
 - 2. non-jury: 54%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Schwarz v. Universidad Carlos Albizu, Inc.*, Case No. SJ2015CV00268 (907) (Ct. of First Instance of the Commw. of P.R.), *aff'd*, Case No. KLCE 2016-00940, 2016 WL 5390940 (P.R. Cir. 2016).

I co-led the trial team in the successful defense against a petition for preliminary injunction in an employment dispute whereby plaintiff sought to be reinstated as president of a small private university. The case settled after the Court of First Instance denied plaintiff's request for a preliminary injunction. Even though we prevailed on the preliminary injunction issue, we appealed to set aside prejudicial findings of fact entered by the Court of First Instance and prevailed on the appeal.

Judges:

Court of First Instance of the Commonwealth of Puerto Rico: Hon. Angel R. Pagán-Ocasio.

Puerto Rico Circuit Court of Appeals: Hon. Migdalia Fraticelli Torres, Hon.

Laura Ortiz Flores, Hon. Misael Ramos Torres.

Counsel for plaintiffs Angel Collado Schwarz et al.

José Antonio Andreu-Fuentes
Andreu & Sagardia Law Office
261 Avenida Domenech
San Juan, Puerto Rico 00918
(787) 754-1777

Carlos E. Díaz-Olivo
Avenida San Ignacio #1395 Altamesa
San Juan, Puerto Rico 00921
(787) 314-6000

Co-counsel for defendant Universidad Carlos Albizu, Inc.

Miguel Rivera Arce
Alejandro J. Cepeda-Díaz
McConnell Valdés LLC
270 Muñoz Rivera Avenue
San Juan, Puerto Rico 00918
(787) 250-5634

2. *Quality Cleaning Prods. R.C., Inc. v. SCA Tissue N. Am., LLC*, Case No. 12-2000 (D. P.R.), *aff'd*, 794 F.3d 200 (1st Cir. 2015).

I was lead counsel in the trial court in this contract dispute. We argued that the case was barred by the applicable statute of limitations. The district court granted our motion to dismiss. Plaintiffs appealed, and I co-wrote the brief on appeal. The First Circuit affirmed.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Carmen C. Cerezo.

U.S. Court of Appeals for the Third Circuit: Hon. Jeffrey R. Howard, Hon. Sandra Lea Lynch, Hon. Ojetta Rogeriee Thompson.

Principal counsel for plaintiffs-appellants:

Miguel Angel Rangel-Rosas
Maymi Rivera LLC
P.O. Box 11897
San Juan, Puerto Rico 00922
(787) 474-0070

Co-counsel for defendant-appellee SCA Tissue North America LLC:

Alejandro J. Cepeda-Díaz
McConnell Valdés LLC,

270 Muñoz Rivera Avenue
San Juan, Puerto Rico 00918
(787) 250-5637

3. *Carrelo v. Advanced Neuromodulation Sys.*, Civil No. 09-1671, 777 F. Supp. 2d 315 (D.P.R. 2011).

I was the lead defense counsel in this products liability case involving a neuro-stimulator. In addition to taking and defending all depositions, I drafted a motion in limine that resulted in an order striking the report and expected testimony of plaintiffs' proffered expert on the purported defects of the product on Daubert grounds. The case later settled.

Judge:

U.S. District Court for the District of Puerto Rico: Hon. Juan M. Pérez-Giménez.

Principal counsel for plaintiffs:

Jorge M. Izquierdo-San-Miguel
Capital Center Torre Sur, Piso 10
239 Arterial Hostos, Suite 1005
San Juan, Puerto Rico 00918
(787) 723-7767

Co-counsel for defendant:

Alejandro J. Cepeda-Díaz
McConnell Valdés LLC,
270 Muñoz Rivera Avenue
San Juan, Puerto Rico 00918
(787) 250-5637

4. *Shell Co. (Puerto Rico) Ltd. v. Los Frailes Serv. Station, Inc.*, Civil No. 03-1623 (D.P.R.), *aff'd*, 605 F.3d 10 (1st Cir. 2010).

I acted as lead counsel in the successful defense of counter-claims under the Petroleum Marketing Practices Act and the Robinson-Patman Act arising from a zone-pricing program established by a leading petroleum products wholesaler. The team obtained summary judgment dismissing the counter-claims, and this result was upheld by the First Circuit. In addition to supervising all the work performed after McConnell Valdés assumed Shell's representation from prior counsel, I took the deposition of defendant-counterclaimant's expert economist, drafted a motion in limine to strike the expert's opinions on monopolization and purported damages, and co-wrote the brief on appeal. I also presented argument and evidence before the District Court in support of client's trademark infringement claims.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Francisco A. Besosa.

U.S. Court of Appeals for the First Circuit: Hon. Sandra Lea Lynch, Hon. Bruce M. Selya, Hon. Kermit V. Lipez.

Co-counsel to plaintiff-appellee:

Nannette Berrios-Haddock
Sol Puerto Rico Limited
Torre De La Reina Building
Avenida Constitución # 450
San Juan, Puerto Rico 00901
(787) 721-0150
Formerly with McConnell Valdés LLC.

Frank La Fontaine
Deputy Compliance Officer & Assistant General Counsel
Comcast Cable
1701 J. F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103
(215) 286-2026
Formerly with McConnell Valdés LLC.

Principal counsel to defendant-appellant Los Frailes Service Station, Inc.

Carlos E. Montañez
Carlos E. Montañez Law Office
P.O. Box 362555
San Juan, Puerto Rico 00936
(787) 726-0961

Jose L. González-Castañer
González Castañer, CSP
128 F.D. Roosevelt Avenue, 2nd Floor
San Juan, Puerto Rico 00918
(787) 758-7819

5. *Univ. of Puerto Rico v. Laborde Torres*, Case No. K PE 2010-1514 (505)(Ct. of First Instance of the Commw. of P.R.), *rev'd*, Case No. CT 2010-0008, 180 D.P.R. 253 (P.R. 2010).

I was lead litigation counsel to the 11-campus University of Puerto Rico system during a system-wide student “strike”. I brought and defended multiple petitions for declaratory and injunctive relief filed by and against the University at all levels of the Courts of the Commonwealth of Puerto Rico, including the Puerto Rico Supreme Court. I also prosecuted disciplinary action against students for violations to the University’s code of conduct. The most significant case, *Univ. of Puerto Rico v. Laborde Torres*, reached the Puerto Rico Supreme Court

because of the constitutional questions presented. The Supreme Court of Puerto Rico reversed the Court of First Instance's Judgment dismissing as moot the University's request for a permanent injunction, and issued an opinion balancing student and university rights.

Judges:

Court of First Instance, San Juan Superior Part: Hon. José R. Negrón Fernández, *now in private practice with Marichal Hernández, Santiago & Juarbe, LLC.*

Supreme Court of Puerto Rico: Hon. Rafael Martínez L. Torres, Hon. Edgardo Rivera García, Hon. Midred G. Pabón Charneco, Hon. Erick V. Kolthoff Caraballo, Hon. Annabelle Rodríguez Rodríguez (dissenting), Hon. Liana Fiol Matta (dissenting).

Co-counsel for the University of Puerto Rico:

Maralyssa Alvarez-Sánchez
Jackson Lewis
American International Plaza
250 Muñoz Rivera Avenue, Suite 404
San Juan, Puerto Rico 00918
(787) 522-7314
Formerly with McConnell Valdés LLC.

Counsel to defendants:

Harry Anduze
1454 Avenida Fernández Juncos
San Juan, Puerto Rico 00909
(787) 723-7171

Carlos Cotto Cartagena
Apartado 4980
Caguas, Puerto Rico 00726
787-444-3060

Enrique G. Julia Ramos
P.O. Box 20016
Río Piedras Station
San Juan, Puerto Rico 00928
(787) 763-1309

Gaspar Martínez Mangual
P.O. Box 194422
San Juan, Puerto Rico 00919
787-250-0575

José Juan Nazario de la Rosa
Urbanización Santa Rita
867 Calle Domingo Cabrera
San Juan, Puerto Rico 00925
(787) 759-0315

Hans S. Perl Matanzo
Calle Madrid 2, Apto. 5-J
San Juan, Puerto Rico 00907
105 Avenida Arterial Hostos
Condominio Bayside Cove, Box 210
San Juan, Puerto Rico 00918
787-725-5839

Edgardo Luis Rivera Rivera
P.O. Box 360764
San Juan, Puerto Rico 00936
(787) 257-5757

Manuel Rodríguez Banchs
P.O. Box 368006
San Juan, Puerto Rico 00936
(787) 764-8896

Alex O. Rosa Ambert
100 Boulevard de la Media Luna 508
Carolina, Puerto Rico 00987
787-764-6752

Luis J. Torres Asencio
Urbanización Floral Park
Calle Padre Rufo 463, Apto. 4
San Juan, Puerto Rico 00917

Frank Torres Viada
Bufete Frank Torres Viada, C.S.P.
P.O. Box 192084
San Juan, Puerto Rico 00919
(787) 754-1102

6. *Next Step Med. Co., Inc. v. Johnson & Johnson Int'l*, Civil No. 09-1198 (D.P.R.), *aff'd*, 619 F.3d 67 (1st Cir. 2010).

This case involved a dealer's contract dispute arising out of defendant's decision to terminate plaintiffs' exclusivity while continuing to do business. I wrote (or co-wrote) all pleadings and motions in the case. I represented my client at the

preliminary injunction hearing, which resulted in a favorable order. I subsequently represented my client on appeal, both writing the brief in the First Circuit and delivering oral argument.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Francisco A. Besosa and Hon. Marcos E. López

U.S. Court of Appeals for the First Circuit: Hon. Michael Boudin, Hon. Ojetta Rogerie Thompson, Hon. Timothy B. Dyk (by designation).

Counsel to plaintiffs-appellants:

Benjamin Morales-Del-Valle
Morales Morales Law Offices
Urbanización Town Park
Marginal 181 A-1
San Juan, Puerto Rico 00924
(787) 755-1570

7. R & G Mortg. Corp. v. Fed. Home Loan Mortg. Corp., Case No. 08-2542, 584 F.3d 1 (1st Cir. 2009).

After R&G Mortgage Corporation and the Federal Home Loan Mortgage Corporation settled a contractual dispute, Doral Mortgage Corporation sought to intervene to challenge the settlement agreement. The district court denied the intervention, and the First Circuit affirmed this order. I co-wrote the brief and presented oral argument before the First Circuit on behalf of R & G Mortgage Corporation.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Jay A. García Gregory

U.S. Court of Appeals for the First Circuit: Hon. Jeffrey R. Howard, Hon. Bruce M. Selya, Hon. Kenneth F. Ripple (by designation).

Co-counsel to plaintiff-appellee:

Francisco G. Bruno
McConnell Valdés LLC
270 Muñoz Rivera Avenue
San Juan, Puerto Rico 00918
(787) 250-5608

John L. Oberdorfer
Timothy Vanderver, Jr.
2550 M Street NW
Washington, District of Columbia 20037

(202) 457-6000
Formerly with Patton Boggs LLP

Counsel to putative intervenor-appellant Doral Bank:

Nelson N. Córdova-Morales
Córdova Morales Law Offices
220 Domenech Avenue
PMB 255
San Juan, Puerto Rico 00918
(787) 302-0163
Formerly with Vicente & Cuebas

Harold D. Vicente-Gonzalez
Vicente & Cuebas
P. O. Box 11609
San Juan, Puerto Rico 00910
(787) 751-8000

Counsel to defendant-appellee Federal Home Loan Mortgage Corporation:

Ricardo F. Casellas
Casellas, Alcover & Burgos, PSC
P.O. Box 364924
San Juan, Puerto Rico 00936
(787) 756-1400

8. *Adrian-Silva v. Manley Berenson Montehiedra Mgmt.*, Case No. 03-1890 (D.P.R. 2007).

This was a premises-liability case arising out of a shooting at the parking lot of a shopping center, which left the plaintiff paraplegic. The case was tried in 2007. I was part of the trial team for the shopping center manager. I drafted a motion in limine, which resulted in plaintiff's voluntary withdrawal of its security expert. I co-wrote and argued a motion for judgment as a matter of law at the close of plaintiff's evidence. The case settled the day after the argument. An appeal was subsequently taken from an order refusing to set aside the settlement. The appeal settled, after the company's brief, which I co-wrote, was filed.

Judge:

U.S. District Court for the District of Puerto Rico: Hon. Francisco A. Besosa.

Counsel to plaintiff:

Paul H. Hulsey
Hulsey Law Group, Inc.
1156 104-C
Mount Pleasant, South Carolina 29464
(843) 723-5303

Jose F. Quetglas
Quetglas Law Office, P.S.C.
1353 Luis Vigoreaux Avenue
PMB 669
Guaynabo, Puerto Rico 00966
(787) 722-0635

Manuel San-Juan-DeMartino
Manuel San Juan Law Office
P.O. Box 9023587
San Juan, Puerto Rico 00902
(787) 723-6669

Co-counsel:

Gustavo A. Gelpi-Benitez
McConnell Valdés LLC
P.O. Box 364225
San Juan, Puerto Rico 00936
(787) 250-5605

Sonia I. Torres-Pabon
Mélendez Torres Law, PSC
255 Ponce de Leon Avenue
MCS Plaza, Suite 1200
San Juan, Puerto Rico 00917
(787) 281-8100
Formerly with McConnell Valdés LLC

Francisco E. Colón-Ramírez
Colón Ramírez LLC
PO Box 361920
San Juan, Puerto Rico 00936
(888) 760-1077

Arturo Díaz-Angueira
Cancio, Nadal, Rivera & Diaz
P.O. Box 364966
San Juan, Puerto Rico 00936
(787) 767-9625

Hon. Roberto Feliberti
Associate Justice, Puerto Rico Supreme Court
P.O. Box 9022392
San Juan, Puerto Rico 00919
(787) 724-4547

Formerly with Cancio, Nadal, Rivera & Díaz

Counsel to defendant Ace Insurance Company:

Jose H. Vivas
Vivas & Vivas
P.O. Box 330951
Ponce, Puerto Rico 00733
(787) 841-5359

9. *Matosantos Commercial Corp. v. Georgia Pac. Corp.*, Civil No. 02-2661, 369 F. Supp. 2d 191 (D.P.R. 2005).

This was a contract dispute that arose in the wake of George-Pacific Corporation's acquisition of Fort James Corporation and the ensuing DOJ-mandated divestiture of the assets of Georgia Pacific Tissue LLC. I was lead counsel and first chair in the two-week jury trial representing SCA Tissue North America LLC. Prior to trial, we obtained an order in limine striking plaintiffs' expert witness' two reports on damages and barring plaintiff from presenting evidence that the client was being indemnified by Georgia Pacific Corporation. The case settled during trial.

Judge:

U.S. District Court for the District of Puerto Rico: Hon. Jay A. García-Gregory.

Counsel to plaintiff Matosantos Commercial Corporation:

Héctor Saldaña-Egozcue
Carlos Lugo-Fiol
Saldaña & Saldaña-Egozcue PSC
Banco Popular Center Suite 1420
208 Ponce de Leon Avenue
San Juan, Puerto Rico 00918
(787) 758-7565

Co-counsel to defendant SCA Tissue North America LLC:

Francisco G. Bruno-Rovira
Henry O. Freese-Souffront
McConnell Valdés LLC
P.O. Box 364225
San Juan, Puerto Rico 00936
(787) 250-5608

10. *Wal-Mart Stores, Inc. v. Rodríguez*, Case No. 02-2778, 238 F. Supp. 2d 395 (D.P.R. 2002), *vacated*, 322 F.3d 747 (1st Cir. 2003).

This was a complaint for injunctive and declaratory relief alleging Commerce Clause violations by the Secretary of Justice of the Commonwealth of Puerto Rico

in her review of the acquisition of a supermarket chain by a Wal-Mart subsidiary. Among other tasks, I presented the testimony of an antitrust lawyer who was a fact witness and drafted the opposition to the Secretary of Justice's motion to dismiss on *Burford* abstention grounds. We obtained a preliminary injunction blocking the Secretary's lawsuit challenging the acquisition by a Wal-Mart subsidiary of a local supermarket chain. The case settled while on appeal. As part of the settlement agreement, the appeal was remanded with instructions to vacate.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Juan M. Pérez-Giménez.

U.S. Court of Appeals for the First Circuit: Hon. Sandra Lea Lynch, Hon. Levin Hicks Campell, and Hon. Jeffrey R. Howard.

Co-counsel for plaintiffs-appellees:

Ruben T. Nigaglioni
Nigaglioni Law Offices PSC
P.O. Box 9023865
San Juan, Puerto Rico 00902
(787) 765-9966

Veronica Ferraiuoli-Hornedo
Estudio Legal Ferraiuoli, PSC
P.O. Box 195384
San Juan, Puerto Rico 00919
(787) 296-4733

Michael H. Byowitz
Damien G. Didden
Wachtell Lipton Rosen & Katz
51 West 52nd Street
New York, New York 10019
(212) 403-1000

Lead counsel for Wal-Mart Stores, Inc. on appeal:

Bernard W. Nussbaum
Michael H. Byowitz
George T. Conway
Wachtell Lipton Rosen & Katz
51 West 52nd Street
New York, New York 10019
(212) 403-1000

Principal Counsel for defendant-appellant Hon. Annabelle Rodríguez-Rodríguez:
Harry Anduze

1454 Avenida Fernández Juncos
San Juan, Puerto Rico 00909
(787) 723-7171

Carlos Del-Valle-Cruz
Del Valle Law
P.O. Box 9022473
San Juan, Puerto Rico 00902
(787) 233-0202

Counsel for interested parties:
Néstor Méndez-Gómez
Pietrantoní Méndez & Alvarez
Banco Popular Center
208 Muñoz Rivera Avenida, Suite 1901
San Juan, Puerto Rico 00918
(787) 274-4909

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While litigation has been the mainstay of my practice, I have worked on non-litigation matters in which my training and experience as a litigator have proven valuable. In particular, I have worked on drafting contracts and structuring transactions so that clients are able to preserve their rights and avoid future problems that might lead to litigation. My work as a counselor to a client was particularly important during the system-wide student strike at the University of Puerto Rico, where I helped to analyze issues and develop responses that would help bring long-term stability to the situation.

I have also used my litigation skills to help the broader Puerto Rico community. In particular, I have previously worked as a member of the board of directors of the Puerto Rico Chapter of the Federal Bar Association. This experience has given me an excellent opportunity to help raise the standard for Puerto Rico practitioners. I have also served on board of several Puerto Rico non-profit organizations, where I have utilized my analytical skills to benefit their educational missions.

Although I am a member of McConnell Valdés LLC's Government Affairs Practice Group, I have not engaged in lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe

briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In 2013 and 2016, I taught a class at the Inter American University School of Law in Puerto Rico. In particular, I taught pre-trial techniques in Civil Litigation to graduate students in the LL.M in Advocacy Program (*Litigación Civil en las Etapas Anteriores al Juicio*). Syllabi supplied.

In 2014, I taught a week-long course at the University of Puerto Rico sponsored by the National Institute for Trial Advocacy (*Building Trial Skills: Puerto Rico*). My co-instructors and I taught trial techniques in a NITA-run course. I do not have a syllabus.

In 2011, I taught a class at the Inter American University School of Law in Puerto Rico. In particular, I taught about litigation and counseling concerning Puerto Rico's relationship statutes, which protect distributors and exclusive sales representatives from termination or impairment of their relationship with their principals without just cause. (*Protección de los Intermediarios Mercantiles: Distribuidores y Representantes de Ventas*). Syllabus supplied.

From 2010 until the present, I have taught Federal Civil Procedure twice a year for the Federal Bar Association's Puerto Rico Chapter Bar Review Course. I do not have a syllabus.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I am currently a Capital Member of McConnell Valdés LLC and have invested capital in the firm and in a related entity called McConnell Valdés Consulting. Per firm policy, McConnell Valdés LLC aspires to repay a former member's capital within 3 years of the member's withdrawal from the firm.

I currently participate in McConnell Valdés LLC's profit sharing retirement plan and in its 401(k) plan. If confirmed, I intend to transfer such funds into other retirement savings vehicle(s).

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If confirmed, I hope that I will be able to continue to teaching a law school course, to the extent that my judicial duties would permit. I have no commitments or agreements to do so, and no other plans for outside activities.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I own stock in various publicly traded companies. I intend to sell the stock and reinvest the proceeds in mutual funds.

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, McConnell Valdés LLC, represents a party. I will also recuse in any case where Amancio Ramón Arias-Guardiola, my half-brother and a practicing attorney, represents any party. I will enter a similar order recusing in any case where two close colleagues – Francisco G. Bruno-Rovira and Henry O. Freese-Souffront – appear. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in

...serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

My firm, McConnell Valdés LLC, actively encourages pro bono work and provides free legal advice to non-profit civic and charitable entities. I have taken on several pro bono assignments on my own initiative and through the firm. For example, in 2004, I assisted a disadvantaged elderly client with a petition to change her name. I estimate that this case required approximately fifteen hours of work. More recently, I was involved in two court-assigned pro bono cases before the District of Puerto Rico: *Almonte-Bautista v. Rosario-Batista*, Case No. 16-2393 and *Finance of America Reverse LLC v. Santiago Santos*, Civil No. 16-01921. I acted as a supervisory attorney in both cases, which required approximately ten hours of work.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

To my knowledge, there is no selection commission in Puerto Rico to recommend candidates for nomination to the federal courts.

On March 20, 2017, I was contacted by a member of the White House Counsel’s Office to schedule an interview to discuss the vacancy in the District of Puerto Rico. I then was interviewed by White House staff on April 4 and April 6, 2017. On April 13, 2017, I received a telephone call from the White House Counsel’s Office advising me that I had been selected as the preliminary candidate to fill the judicial vacancy, pending the completion of the required background checks.

Since April 13, 2017, I have been in contact with officials from the White House Counsel’s Office and the Office of Legal Policy. On April 10, 2018, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.