

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Gina Raquel Méndez-Miró

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.

Puerto Rico Court of Appeals
268 Avenida Muñoz Rivera
San Juan, Puerto Rico 00918

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

1974; 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.

1998 – 2001, University of Puerto Rico School of Law; J.D., 2001

1996 – 1998, Princeton University; M.A., 2000

1992 – 1996, University of Puerto Rico; B.A. (*magna cum laude*), 1996

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.

2016 – present
Puerto Rico Court of Appeals
268 Avenida Muñoz Rivera

San Juan, Puerto Rico 00918
Appeals Court Judge

2013 – 2016
Puerto Rico Senate
Capitolio Numero 1 Plaza de la Democracia
San Juan, Puerto Rico 00902
Chief of Staff

2008 – 2013
Puerto Rico Judicial Branch—Office of Courts Administration
268 Avenida Muñoz Rivera
San Juan, Puerto Rico 00918
General Counsel and Director of the Legal Affairs Office (2010 – 2013)
Director of Judicial Programs (2008 – 2010)

2006 – 2008
Puerto Rico Department of Justice
Calle Teniente Cesar Gonzalez
677 Esquina Avenida Jesus T. Pinero
San Juan, Puerto Rico 00919
Assistant Attorney General for Human Resources

2001 – 2006
O'Neill & Borges LLC
250 Avenida Muñoz Rivera
Suite 800
San Juan, Puerto Rico 00902
Associate

1999 – 2001, Summer 1994
Goldman Antonetti & Cordova, LLC
American International Plaza 250 Avenida Muñoz Rivera
Suite 1500
San Juan, Puerto Rico 00918
Law Clerk (1999 – 2001)
Paralegal (Summer 1994)

1997 – 1998
Princeton University
One Nassau Hall, Princeton University
Princeton, New Jersey 08540
Assistant in Instruction

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 was not required to register for the selective service.

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.

Princeton University

Department of Romance Languages and Literatures, Armstrong Academic Achievement Award (1996 – 1998)
Princeton University Fellowship (1996 – 1998)
Mellon Foundation Summer Fellowship (1997)
Fellowship for the Study of Latin (1996)

University of Puerto Rico

Magna Cum Laude (1996)
Francisco Matos Paoli Award for Best Student of Comparative Literature (1996)
Honors Program (1993 – 1996)
Dean's List (1992 – 1996)

University of Chicago, Fellowship for Summer Studies (1995)

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.

Hispanic National Bar Association

International Association of LGBTQ+ Judges

International Association of Women Judges

Puerto Rico Bar Association (2002 – 2014)

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, 2002

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.

Supreme Court of the United States, 2016
United States Court of Appeals for the First Circuit, 2002
United States District Court for the District of Puerto Rico, 2003

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.

Commonwealth of Puerto Rico Democratic Party
Vice-Chair (July – December 2016)

Democratic National Committee (July – December 2016)

Vanderbilt Lagoon Condominium Association
President (approximately 2008 – 2011)

- 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.

I have searched my files, databases, and the Internet for responsive publications. It is possible that I may have omitted one or more writings inadvertently.

Punto de Vista: Un nuevo Código Civil para Puerto Rico, El Nuevo Día (Nov. 29, 2016). 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.

To the best of my knowledge and recollection, I prepared or contributed directly to the preparation and editing of the following:

Award Nomination Memorandum for the “Premio Innovare Internacional” presented before the Ibero-American Judicial Summit, regarding the Specialized Domestic Violence Courts Program (July 2010). Copy supplied.

Manual del Estrado: Órdenes de Protección en Situaciones de Violencia Doméstica (May 2010). Copy supplied.

Protocolo para la Atención, Orientación y Referido de las Personas sin Hogar que se presentan en el Tribunal de Primera Instancia (Feb. 2010). Copy supplied.

- 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.

December 5, 2016: Statement as part of the Puerto Rico Senate Judiciary Committee Report regarding my nomination to the Puerto Rico Court of Appeals. Copy supplied.

- 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.

I have searched my files and other electronic databases in an effort to identify all events responsive to this question. It is possible that there are other events I have no record of and was not able to identify.

May 24, 2022: “Estándar de Revisión Judicial de las Determinaciones Administrativa, Tribunal de Apelaciones”, Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. PowerPoint supplied.

May 10, 2022: Speaker, “Manejo de casos de litigantes por derecho propio y casos presentados por confinados”, Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. PowerPoint supplied.

September 14, 2021: Speaker, Continuing Legal Education (CLE) Course “Jurisprudencia del Tribunal Supremo: Derecho de Familia; Derecho Apelativo; Derecho Administrativo y Recursos Extraordinarios - 1 enero al 31 diciembre 2019; 1 enero al 31 diciembre 2020; 1 enero al 30 abril 2021,” Educación Jurídica, Inc., San Juan, Puerto Rico. PowerPoint supplied.

May 5, 2021: Judge, Final argument for Research, Analysis and Legal Writing course, Interamerican University of Puerto Rico School of Law, San Juan, Puerto Rico. I was a volunteer judge for student arguments. I have no notes, transcript, or recording. The address for Interamerican University School of Law is Urbanization Industrial, Calle Federico Costa, #170, San Juan, Puerto Rico 00918.

January 22, 2021: Speaker, “Manejo de Casos de Litigantes por Derecho Propio y Casos Presentados por Personas Confinadas,” Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. PowerPoint supplied.

September 24, 2020: Speaker, Programa de Formación Inicial de la Judicatura del Tribunal de Apelaciones, Observación del Panel II, Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. As part of the curriculum of the Judicial Academy, newly appointed judges observed our three-judge panel discussion. I have no notes, transcript, or recording. The address for the Puerto Rico Judicial Branch is 268 Avenida Muñoz Rivera, San Juan, Puerto Rico 00918.

September 23, 2020: Speaker, “Manejo de Casos de Litigantes por Derecho Propio y Casos Presentados por Personas Confinadas,” Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. PowerPoint supplied.

October 18, 2019: Moderator, Círculo Literario de la Judicatura, Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. I moderated a discussion about the book “Cecil Snyder: entre Muñoz y Albizu.” I

have no notes, transcript, or recording, but press coverage is supplied. The address for the Puerto Rico Judicial Branch is 268 Avenida Muñoz Rivera, San Juan, Puerto Rico 00918.

October 11, 2019: Speaker, Continuing Legal Education (CLE) Course “Jurisprudencia del Tribunal Supremo: Derecho Administrativo y Derecho Procesal Apelativo - 1 de julio 2018 al 30 de junio 2019,” Educación Jurídica, Inc., San Juan, Puerto Rico. PowerPoint supplied.

August 29, 2019: Speaker, Continuing Legal Education (CLE) Course “Jurisprudencia del Tribunal Supremo: Derecho Administrativo y Derecho Procesal Apelativo - 1 de julio 2018 al 30 de junio 2019,” Educación Jurídica, Inc., San Juan, Puerto Rico. PowerPoint supplied.

September 27, 2018: Panelist, Presentation of the documentary RBG and panel discussion, Asociación de Exalumnas del Colegio Puertorriqueño de Niñas, Colegio Puertorriqueño de Niñas, Guaynabo, Puerto Rico. I spoke about Justice Ruth Bader Ginsburg’s contributions to the law. I have no notes, transcript, or recording, but press coverage is supplied. The address of Colegio Puertorriqueño de Niñas is 208 Turquesa Urbanization Golden Gate, Guaynabo, Puerto Rico 00969.

September 21, 2018: Panelist, Initiation Acts, Organización Estudiantil sobre Asuntos Legislativos y Política Pública, Interamerican University School of Law, San Juan, Puerto Rico. I spoke about the legislative process and my experience working at the Legislative Branch. I have no notes, transcript, or recording, but press coverage is supplied. The address for Interamerican University School of Law is 170 Calle Federico Costas, San Juan, Puerto Rico 00918.

August 29, 2018: Speaker, Continuing Legal Education (CLE) Course “Jurisprudencia del Tribunal Supremo: Derecho Laboral, Derecho Constitucional, Derecho Tributario - 1 de julio 2017 a 30 junio 2018,” Educación Jurídica, Inc., San Juan, Puerto Rico. PowerPoint supplied.

August 29, 2018: Speaker, Continuing Legal Education (CLE) Course “Repaso del Término Tribunal Supremo: 1 de julio de 2017 a 30 de junio 2018: Derecho Laboral, Derecho Constitucional, Derecho Tributario” Supreme Court Term Review on Labor Law, Constitutional Law, and Tax Law, Educación Jurídica, Inc., San Juan, Puerto Rico. PowerPoint supplied.

March 23, 2018: Judge, “Competencia de Debate Intramural XXIV Miguel Velázquez Rivera,” University of Puerto Rico School of Law, San Juan, Puerto Rico. I served as a judge in the debate competition. I have no notes, transcript, or recording. The address for the University of Puerto Rico School of Law is 7 Avenida Universidad Suite 701, San Juan, Puerto Rico 00925.

February 24, 2017: Remarks, Charles Hey Maestre Memorial, Colegio de Abogados y Abogadas de Puerto Rico, San Juan, Puerto Rico. I spoke about the memory of renowned attorney Charles Hey Maestre. I have no notes, transcript, or recording, but press coverage is supplied. The address for Colegio de Abogados y Abogadas de Puerto Rico is 808 Avenida Juan Ponce de León, San Juan, Puerto Rico 00907.

April 1, 2016: Guest Speaker, Swearing-In Ceremony for the Chief Justice of the Supreme Court of Puerto Rico, Supreme Court of Puerto Rico, San Juan, Puerto Rico. Speech and press coverage supplied.

December 16, 2015: Participant, Roundtables of “Mesa de Trabajo del Plan Decenal de Educación”, Fundación Agenda Ciudadana, San Juan, Puerto Rico. I participated in a roundtable as a representative of the Senate and spoke about education reform. I have no notes, transcript, or recording, but press coverage is supplied. The address for Fundación Agenda Ciudadana is City View Plaza, Suite 510, Carretera 165, Km 12, Guaynabo, Puerto Rico.

September 15, 2015: Speaker, “Acentúa la Pública,” Seriously Creative, San Juan, Puerto Rico. Video available at <https://youtu.be/HoiB1BDNQ28>.

August 12, 2011: Speaker, *Proceso de Investigación de Quejas Sometidas a la Oficina de Asuntos Legales*, Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. I spoke about the investigation process pertaining to judicial discipline and complaints submitted to the Legal Affairs Office. I have no notes, transcript, or recording. The address for the Puerto Rico Judicial Branch is 268 Avenida Muñoz Rivera, San Juan, Puerto Rico 00918.

September 2010 (specific date unknown): Panelist, Diálogo Transectorial Sobre Seguridad, Fundación Agenda Ciudadana, San Juan, Puerto Rico. I spoke about alternative courts in the justice system. I have no notes, transcript, or recording, but press coverage is supplied. The address for Fundación Agenda Ciudadana is City View Plaza, Suite 510, Carr. 165, Km 12, Guaynabo, Puerto Rico.

August 24, 2010: Panelist, “Mujer y violencia: una perspectiva multidisciplinaria,” Fundación Alas a la Mujer, San Juan, Puerto Rico. I spoke about the Judicial Programs and court initiatives addressing domestic violence cases, specifically about the specialized domestic violent courts. I have no notes, transcript, or recording, but press coverage is supplied. The address for Fundación Alas a la Mujer is 359 Avenida San Claudio, Suite 309A, San Juan, Puerto Rico 00926.

May 7, 2010: Speaker, “Promoviendo un mayor acceso a la Justicia,” Puerto Rico Judicial Branch, San Juan, Puerto Rico. I spoke about the “Protocol for Attention, Orientation and Referral of Homeless Persons who appear before the Puerto Rico Court of First Instance” court manual. I have no notes, transcript, or recording.

The address for the Puerto Rico Judicial Branch is 268 Avenida Muñoz Rivera, San Juan, Puerto Rico 00918.

April 20, 2010: Speaker, Seminar on Drug Courts, Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. I spoke about the Drug Court Program in Puerto Rico. I have no notes, transcript, or recording. The address for the Puerto Rico Judicial Branch is 268 Avenida Muñoz Rivera, San Juan, Puerto Rico 00918.

March 2, 2010: Speaker, "Expansión de la Sala Especializada de Violencia Doméstica a la Región Judicial de Bayamón," Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. I spoke about the expansion of the Specialized Domestic Violence Court in the judicial region of Bayamón. I have no notes, transcript, or recording. The address for the Puerto Rico Judicial Branch is 268 Avenida Muñoz Rivera, San Juan, Puerto Rico 00918.

December 17, 2009: Speaker, "Programas y Proyectos Innovadores de la Rama Judicial," Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. I spoke about the programs and innovative initiatives of the Judicial Branch as part of the education program for newly appointed judges. I have no notes, transcript, or recording. The address for the Puerto Rico Judicial Branch is 268 Avenida Muñoz Rivera, San Juan, Puerto Rico 00918.

September 30, 2009: Speaker, Seminar on Pro Se Program, Puerto Rico Judicial Academy, Puerto Rico Judicial Branch, San Juan, Puerto Rico. I spoke about the Pro Se Program for self-represented litigants. I have no notes, transcript, or recording. The address for the Puerto Rico Judicial Branch is 268 Avenida Muñoz Rivera, San Juan, Puerto Rico 00918.

- 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.

This list is based on a search of my files and other electronic databases, but it is possible that there are some that I have no record of and was not able to identify.

Maite Oronoz Rodríguez y Gina Méndez se convierten en madres de mellizos, EL NUEVO DÍA, Apr. 18, 2018. Copy supplied.

La jueza presidenta del Supremo y su pareja esperan gemelos, EL NUEVO DÍA, Jan. 14, 2018. Copy Supplied.

Noticias 360, Special Coverage of Democratic Party Presidential Primaries (June 2016). I am unable to locate a transcript or recording.

Cecilia la Luz, Democratic Party Primaries, "Saliendo del Closet" radio show, WKAQ 580 (June 2016). I am unable to locate a transcript or recording.

Sylvia Verónica Camacho, *Gobernador nombra una mujer al Tribunal Supremo*, Notiseis 360 PR (June 2014). Video available at <https://www.youtube.com/watch?v=NYzlpwIZxq4&t=31s>.

Keila López Alicea, *Fomentan el diálogo por una mejor educación*, EL NUEVO DÍA, Dec. 16, 2015. Copy supplied.

Nydia Bauza, "Necesitamos lo mejor de todos," PRIMERA HORA, June 5, 2014. Copy supplied.

Cindy Burgos, *Primera jueza abiertamente LGTB al Supremo*, METRO PR, June 4, 2014. Copy supplied.

Israel Rodríguez Sánchez, *En carrera por la silla del Supremo*, EL NUEVO DÍA, Feb. 25, 2014. Copy supplied.

Sergio Peña Clós, Celebration of "Expo Tribunales," "Las canto como las veo" radio show (May 2010). I am unable to locate a transcript or recording.

David Reyes, Court Initiatives Against Domestic Violence, WIPR television news station (2010). I am unable to locate a transcript or recording.

Nuria Sebazco, "Ley y Proceso," Univision Puerto Rico (Apr. 2009). Video available at https://youtu.be/sM_rvrPPGxg.

Idem Osorio, *Apasionadas de la literatura y la psicología*, DIALOGO, Oct. 1996. 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 served as an Appeals Courts Judge on the Puerto Rico Court of Appeals since December 2016. I was appointed by Governor Alejandro García Padilla and unanimously confirmed by the Puerto Rico Senate. The Court serves as the intermediate court of appeals in the Commonwealth, with jurisdiction over civil and criminal cases originating in the Court of First Instance, and over orders and determinations issued by administrative agencies. Its decisions are reviewed by the Puerto Rico Supreme Court.

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

As a judge in the Court of Appeals, I do not preside over cases to verdict or

judgment.

i. Of these cases, approximately what percent were:

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

ii. Of these cases, approximately what percent were:

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

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

See attached list of opinions.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Rodríguez v. Santiago Buono ER Services et al.*, KLCE202101445, 2022 WL 1638642 (P.R. Cir. Apr. 11, 2022)

Plaintiff filed suit against Santiago Buono ER Services and SB Medical Group (SB) for wrongful termination and breach of contract. SB filed a motion for summary judgment and argued that the plaintiff was an independent contractor whose contract was lawfully rescinded and sought dismissal of her claims. The trial court denied the request for summary judgment and determined that a hearing was required to determine whether the plaintiff was an employee or an independent contractor. SB sought review via certiorari at the Court of Appeals. I wrote the opinion for a unanimous panel reversing and granting partial summary judgment. In de novo review, we concluded that the plaintiff was an independent contractor since she had signed a "Service Agreement" that expressly identified her as such. In addition, the court found that the plaintiff had assumed the burden of her social security payments and tax obligations; that both SB and Rodríguez were free to terminate the contract with a 30-day notice; that SB did not exert a substantial amount of control over the way the services were provided; that the plaintiff controlled her own schedule; that her tax filings showed that she paid her taxes in accordance to the rate applicable to independent contractors and enjoyed the ensuing benefits, which included significant tax deductions; and that she provided services to multiple companies simultaneously. Those findings of fact showed that the plaintiff was not SB's employee and we accordingly directed the trial court to dismiss the wrongful termination claims filed by the plaintiff.

Counsel for the Plaintiff

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Bayamón, PR 00960
(787) 210-5313

Counsel for the Defendant

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2. *Pueblo v. Nelson Daniel Centeno*, KLCE202100016, 2021 WL 1560407 (P.R. Cir. Mar. 31, 2021), *rev'd*, 2021 TSPR 133, 2021 WL 5027431 (Sept. 9, 2021)

The defendant was charged with murder and other crimes. The state asked the trial court to instruct the jury that it needed to be unanimous either to convict or to acquit the defendant, which the court denied. The state appealed. I wrote the opinion for a unanimous panel affirming. We explained that, although the Sixth Amendment requires a unanimous guilty verdict (12-0), it permits a not-guilty verdict by a vote of 11-to-1, 10-to-2 or 9-to-3. Accordingly, nonunanimous *not-guilty* verdicts are authorized under Puerto Rico law. The state-requested instruction therefore misstated the requirements for acquittal. The Puerto Rico Supreme Court granted certiorari and reversed. The court reasoned that, while the Sixth Amendment requires a unanimous guilty verdict, Article II of the Puerto Rico Constitution requires voting proportionality between guilty and not-guilty verdicts, given the original intent of the constituent assembly delegates. A petition for a writ of certiorari was filed in the Supreme Court of the United States on April 28, 2022, seeking the reversal of the decision issued by the Puerto Rico Supreme Court. The petition remains pending.

Counsel for the Plaintiff

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Oficina del Procurador General
P.O. Box 9020192
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(787) 721-2900

Counsel for the Defendant

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(787) 751-7555

3. *PVH Motor, LLC v. Junta de Subastas de la Administración de Servicios Generales*, KLRA202100217, 2021 WL 3260275 (P.R. Cir. June 30, 2021) (Méndez-Miró, J., dissenting)

A disappointed bidder filed a bid protest action, claiming that the contracting agency violated regulation by failing to notify the bidder that its proposal was incomplete. A divided Court of Appeals dismissed the action on ripeness grounds, reasoning the contracting agency could not notify its decision by email, but only by ordinary or certified mail. I filed a dissenting opinion explaining that a recent amendment to the Puerto Rico Administrative Procedure Act allowed for an agency to notify its decision by email. I also alerted the fact that the disappointed bidder did not object clearly to the alleged notification inadequacy and had even sought review within the applicable term, which showed the contracting agency made an adequate notification. On review, the Supreme Court of Puerto Rico reversed the Court of Appeals and issued a judgment on April 12, 2022, adopting my position.

Counsel for the Plaintiff

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B5 Calle Tabonuco
Suite 205
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(787) 281-0707

Counsel for the Defendant

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4. *Rosario Luna v. Academia Presbiteriana Villa Carolina*, KLAN201801388, 2021 WL 3206824 (P.R. Cir. June 22, 2021)

Parents, individually and on behalf of student, brought negligence action against school after student was subjected to bullying. The trial court denied the complaint, and parents appealed. I wrote the opinion for a unanimous panel reversing. We held that, under Puerto Rico law, schools can be subject to civil liability when students experience bullying at school. We noted that a local tort statute demands that schools comply with a “rigorous standard of care” to prevent their students from suffering damages at school and concluded that the school failed to meet such standard. Additionally, we found that the school failed to

comply with applicable legislation requiring schools to have policies and procedures in place to prevent and address bullying. Accordingly, the Court of Appeals reversed the trial court's decision. The Supreme Court of Puerto Rico denied certiorari on October 21, 2021.

Counsel for the Plaintiff

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La Reserva 16
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(787) 525-7417

Counsel for the Defendant

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5. *Pellot Feliciano y Otros v. Monsanto Caribe, LLC y Otros*, KLCE202000487, 2020 WL 8367808 (P.R. Cir. Nov. 17, 2020)

An employee brought this action against employer to recover for work-related injuries, after exposure to certain chemicals without proper protective equipment. The employer moved for summary judgment, which the trial court denied, and the employer appealed. I wrote the opinion for a unanimous panel affirming. We explained that, although Puerto Rico's workers' compensation law provides for statutory employer immunity in certain circumstances, summary judgment was not proper in this case. Genuine issues of material fact existed as to whether employee's injuries resulted from employer's intentional acts, which would constitute an exception to the statutory immunity, thus precluding summary judgment.

Counsel for the Plaintiff

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Counsel for the Defendant

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6. *Pueblo v. Reyes del Valle*, KLAN201801330, 2020 WL 8091173 (P.R. Cir. Oct. 2, 2020) (Mendez-Miró, J., dissenting)

The defendant was convicted of felonies by nonunanimous verdicts. On appeal, the defendant raised several assignments of error, including evidentiary matters. While the defendant's appeal was pending, the U.S. Supreme Court held in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020) that a state court jury must be unanimous to convict a criminal defendant of a serious offense. Pursuant to that rule, a divided Court of Appeals vacated the convictions and remanded the matter to the trial court for a new trial, without considering the errors raised by defendant. I filed a dissenting opinion explaining that a sufficiency of evidence analysis must precede consideration of whether a verdict must be vacated and remanded under *Ramos*. The reason for reviewing sufficiency first is that the accused may be entitled to an acquittal, which would necessarily prevent any retrial. On review, the Supreme Court of Puerto Rico reversed the Court of Appeals and issued a judgment on June 22, 2021, adopting my position.

Counsel for the Plaintiff

Juan B. Ruiz Hernández
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Counsel for the Defendant

Brunilda Madera Toro
Urbanization Santa Rosa
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Bayamón, PR 00959
(787) 224-5595

7. *Gómez Rivera v. Walmart Puerto Rico, Inc.*, KLAN201901058, 2020 WL 6582792 (P.R. Cir. Aug. 27, 2020)

A former employee filed suit against their employer, claiming wrongful termination. The trial court entered judgment for employee, awarding attorney's fees. The employer appealed. I wrote the opinion for a unanimous panel affirming but reduced the award of attorney's fees. We concluded that the employer had breached its own disciplinary rules and regulations. Additionally, the court determined that, based on the employee's performance evaluations and the employer's divergence from its own procedures, the evidence established that the employee had been wrongfully terminated. We lowered the award of attorney's fees, noting that if an attorney considers that more than 15 percent of the indemnity should be awarded in fees, a verified memorandum must be submitted stating the number of hours worked and the rate to be charged, which the attorney failed to do. Accordingly, attorney's fees were lowered to 15 percent of the indemnity.

Counsel for the Plaintiff

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Counsel for the Defendant

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(787) 765-4646

8. *Espacios Abiertos v. Rosselló Neváres*, KLAN201801348, 2019 WL 13185089 (P.R. Cir. Mar. 6, 2019) (Méndez Miró, J., dissenting)

Non-profit organization brought mandamus action against government defendants to compel disclosure of certain documents and reports on discretionary tax abatements generated by the government. After a lower court issued the writ of mandamus, government defendants appealed. A divided Court of Appeals reversed and denied disclosure. I filed a dissenting opinion after finding production was warranted as a matter of law. Local law provides a sweeping right to access government records unless they fall under certain limited exemptions, not applicable to the case. Contrary to defendants' assertions, I noted that Puerto Rico law regarding the public's right to access documents was not inconsistent with the policy established by the federal law PROMESA and that the dispositions of that statute cited by the government were inapplicable.

Counsel for the Plaintiff

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Counsel for the Defendant

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9. *Plan de Bienestar de la UTM-PRSSA v. AIG Insurance Company-Puerto Rico*, KLAN201601583, 2019 WL 2176827 (P.R. Cir. Feb. 28, 2019)

Insured sued its insurance company for failure to pay a claim under a fidelity policy covering employee theft or dishonesty. The insurance company filed a

motion for summary judgment and the trial court summarily dismissed the complaint solely for lack of prompt notice of the loss by the insured, as required by the terms of the policy. The insured appealed. I wrote the opinion for a unanimous panel reversing. We explained that, in insurance contracts, to avoid liability, the insurance company must show that the breach of the notice requirement is something more than a mere technical departure from the policy. The omission must result in substantial prejudice and injury to the insurance company. These elements were lacking in the instant case, particularly considering that the insurance company's conduct amounted to a waiver of the notice requirement. Although the insurance company was in constant communication with the insured, and made several information requests, it never required a proof of loss document nor notified the insured that the claim documentation was incomplete. The case was remanded to the trial court for judgment on the merits.

Counsel for the Plaintiff

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Counsel for the Defendant

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10. *Pérez Velázquez v. Hospital Menonita de Caguas*, KLAN201601831, 2018 WL 4383243 (P.R. Cir. June 29, 2018)

Family members of a deceased patient brought a medical malpractice action against the hospital and physician. Following a bench trial that lasted five days, the trial court determined that the evidence presented by the family did not demonstrate negligence and that, even though the physician's acts did not adhere to the standards of care required by the medical profession, there was no nexus between his omissions and the patient's death. After the ruling by the trial court, the family members appealed. I wrote the opinion for a unanimous panel reversing. Upon de novo review, examining trial transcripts, including those of expert witnesses, medical records, and other documentary evidence, we concluded that the physician disregarded the medically recognized standards of professional care. Specifically, family members' expert testimony demonstrated the physician provided deficient medical care in that he performed an inadequate surgery, ignored findings in exams, disregarded patient's symptoms, omitted basic procedures, treatments, and clinical history, failed to take adequate notes of the

surgical procedures, among other errors. In consequence, we found that the evidence established the physician made a series of omissions in the patient's treatment that caused her eventual death. Therefore, we concluded that the trial court erred by dismissing the case and finding that there was no medical malpractice. The case was remanded to the trial court for a damages hearing.

Counsel for the Plaintiff

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Counsel for the Defendant

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- 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.

1. *Rodríguez v. Santiago Buono ER Services et al.*, KLCE202101445, 2022 WL 1638642 (P.R. Cir. Apr. 11, 2022)

Counsel for the Plaintiff

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Counsel for the Defendant

María Isabelle Ramos Artunduaga
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2. *Pueblo v. Nelson Daniel Centeno*, KLCE202100016, 2021 WL 1560407 (P.R. Cir. Mar. 31, 2021), *rev'd*, 2021 TSPR 133, 2021 WL 5027431 (Sept. 9, 2021)

Counsel for the Plaintiff

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Counsel for the Defendant

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3. *PVH Motor, LLC v. Junta de Subastas de la Administración de Servicios Generales*, KLRA202100217, 2021 WL 3260275, (P.R. Cir. June 30, 2021) (Méndez-Miró, J., dissenting)

Counsel for the Plaintiff

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Counsel for the Defendant

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4. *Rosario Luna v. Academia Presbiteriana Villa Carolina*, KLAN201801388, 2021 WL 3206824 (P.R. Cir. June 22, 2021)

Counsel for the Plaintiff

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Counsel for the Defendant

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San Juan, PR 00907
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5. *Iris Pellot Feliciano y Otros v. Monsanto Caribe, LLC y Otros*,
KLCE202000487, 2020 WL 8367808 (P.R. Cir. Nov. 17, 2020)

Counsel for the Plaintiff

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Counsel for the Defendant

Elaine Maldonado Matias
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Suite 990
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6. *Pueblo v. Reyes del Valle*, KLAN201801330, 2020 WL 8091173 (P.R. Cir.
Oct. 2, 2020) (Méndez-Miró, J., dissenting)

Counsel for the Plaintiff

Juan B. Ruiz Hernández
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(787) 590-9615

Counsel for the Defendant

Brunilda Madera Toro
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Calle Esteban Padilla #88
Bayamón, PR 00959
(787) 224-5595

7. *Gómez Rivera v. Walmart Puerto Rico, Inc.*, KLAN201901058, 2020 WL
6582792 (P.R. Cir. Aug. 27, 2020)

Counsel for the Plaintiff

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Counsel for the Defendant
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8. *Espacios Abiertos v. Rosselló Neváres*, KLAN201801348, 2019 WL 13185089 (P.R. Cir. Mar. 6, 2019) (Méndez Miró, J., dissenting)

Counsel for the Plaintiff
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9. *Plan de Bienestar de la UTM-PRSSA v. AIG Insurance Company-Puerto Rico*, KLAN201601583, 2019 WL 2176827 (P.R. Cir. Feb. 28, 2019)

Counsel for the Plaintiff
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10. *Pérez Velázquez v. Hospital Menonita de Caguas*, KLAN201601831, 2018 WL 4383243 (P.R. Cir. June 29, 2018)

Counsel for the Plaintiff

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

To my knowledge, and from a search of legal databases, none of my cases has been the subject of a petition for certiorari to the Supreme Court of the United States.

- 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.

I have authored opinions in the following cases, which were later reversed by the Puerto Rico Supreme Court:

Pueblo v. Centeno, KLCE202100016, 2021 P.R. App. WL 1560407 (P.R. Cir. Mar. 31, 2021), *rev'd*, 2021 TSPR 133, 2021 WL 5027431 (Sept. 9, 2021). Defendant was charged with murder and other crimes. The state asked the trial court to instruct the jury that it needed to be unanimous either to convict or to acquit the defendant, which the court denied. The state appealed. I authored the Court of Appeals decision affirming. I explained that, although the Sixth Amendment requires a unanimous guilty verdict (12-0), it permits a not-guilty verdict by a vote of 11-to-1, 10-to-2 or 9-to-3. Accordingly, nonunanimous not-guilty verdicts are authorized under Puerto Rico law. The state's requested instruction, thus, misstated the requirement for acquittal. The Supreme Court granted certiorari and reversed. The Supreme Court reasoned that, while the Sixth Amendment required a unanimous guilty verdict, Article II of the Puerto Rico Constitution required a voting proportionality between guilty and not-guilty

verdicts, given the original intent of the constituent assembly delegates. A petition for a writ of certiorari was filed at the Supreme Court of the United States on April 28, 2022, seeking the reversal of the decision issued by the Puerto Rico Supreme Court.

Deutsche Bank National Trust v. Soto Martínez, KLCE201900473, 2019 WL 2905823 (P.R. Cir. May 31, 2019), *rev'd*, No. CC-2019-0626 (Dec. 8, 2020). Bank brought foreclosure action against debtor. While the proceedings were pending, the bank sold its credit and rights to a mortgage servicer. Debtor sought to exercise redemption rights from such sale, in order to tender the price paid by the mortgage servicer and thus extinguish the litigated credit. The trial court granted the redemption of the litigious credit. I authored the Court of Appeals decision affirming, noting that Puerto Rico law confers a redemption right on defendant to extinguish any assigned litigated credit simply by reimbursing assignee for amount that it paid, thus preventing the trading of litigated credits at prices below their actual value. The Supreme Court granted certiorari and reversed, holding that the right of redemption was not available for a credit transfer under the Puerto Rico Commercial Transactions Act, which applied to the case at bar.

Gómez Márquez v. Periódico El Oriental, KLAN201701051, 2018 WL 7079198 (P.R. Cir. Oct. 3, 2018), *rev'd*, No. CC-2018-0967 (Jan. 14, 2020). Public employees brought defamation action against newspaper, for authoring several articles detailing a fraudulent scheme. The trial court ruled against newspaper, finding plaintiffs were not public figures. The newspaper appealed. I authored the Court of Appeals decision reversing. We concluded one of the employees was a public figure, due to the nature of her public post and notoriety in the region. Additionally, we held plaintiffs did not meet the applicable criteria for their claims to succeed, i.e., the negligence and the actual malice standard required in defamation suits brought by a private individual and a public figure, respectively. The Supreme Court granted certiorari and reversed. The Supreme Court found that both employees were private individuals and concluded the articles were defamatory.

Pueblo v. Acevedo Pagán, KLCE201800347, 2018 WL 2269624 (P.R. Cir. March 21, 2018), *rev'd*, No. CC-2018-0355 (June 26, 2019). Defendant was accused of murder and other crimes. After initially requesting a trial by jury, defendant moved to proceed with a bench trial, which the trial court granted. The state appealed. I authored the Court of Appeals decision affirming. We found defendant's request warranted, in light of changed circumstances, including the state's inclusion of new witnesses after the jury was sworn in. We noted that the state would not be materially prejudiced by the change, and that neither the witnesses nor the victims would be affected. We added that a jury trial would be delayed, which could potentially infringe other constitutional protections as the defendant was detained. The Supreme Court granted certiorari and reversed,

considering the state's opposition to the defendant's request and the lack of potential constitutional violations.

- 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.

To the best of my knowledge, all decisions issued by the Court of Appeals are published through publishing services and the Puerto Rico Judicial Branch website. All opinions are filed with the case at the Clerk's Office and are stored in the Puerto Rico Judicial Branch electronic database. I have identified 41 opinions that are not publicly available. Some cases are not published if they are classified by the Clerk's Office as confidential or for other administrative reasons.

- 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.

Díaz León v. Santiago Santiago, KLAN202100538, 2021 WL 5711179 (P.R. Cir. Oct. 15, 2021) (Mendez-Miró, J., dissenting)

Medina v. Estado Libre Asociado de Puerto Rico, KLAN202100323, 2021 WL 32066662 (P.R. Cir. June 29, 2021)

Rosario Luna v. Academia Presbiteriana Villa Carolina, KLAN201801388, 2021 WL 3206824 (P.R. Cir. June 22, 2021)

Pueblo v. David Martínez Ruiz, KLCE202001188, 2021 WL 2177075 (P.R. Cir. Apr. 30, 2021)

Pueblo v. Centeno, KLCE202100016, 2021 WL 1560407 (P.R. Cir. Mar. 31, 2021)

Vázquez v. Fernández, KLCE202000976, 2021 WL 1560221 (P.R. Cir. Mar. 23, 2021)

López Rodríguez v. FirstBank Puerto Rico, KLCE201901709, 2020 WL 3421504 (P.R. Cir. Feb. 21, 2020) (Mendez-Miró, J., dissenting)

Espacios Abiertos, LLC v. Roselló, KLAN201801348, 2019 WL 13185089 (P.R. Cir. Mar. 6, 2019) (Mendez-Miró, J., dissenting)

Gómez Márquez v. Periódico El Oriental, Inc., KLAN201701051, 2018 WL 7079198 (P.R. Cir. Oct. 3, 2018)

Rentas Sanabria v. ELA, KLAN201701405, 2018 WL 1787215 (P.R. Cir. Feb. 27, 2018) (Mendez-Miró, J., dissenting)

Báez Gonzalez v. Ryder Memorial Hosp., Inc., KLCE201701258, 2018 WL 1102015 (P.R. Cir. Jan. 31, 2018)

Pueblo v. Figueroa Alvira, KLCE201701703, 2017 WL 7118193 (P.R. Cir. Dec. 18, 2017) (Mendez-Miró, J., dissenting)

Pueblo v. Reyes del Valle, KLCE201700454, 2017 WL 2500614 (P.R. Cir. Apr. 19, 2017)

Pueblo v. Quiles Rojas, KLAN201501376, 2017 WL 1906453 (P.R. Cir. Mar. 20, 2017)

- 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.

I have not sat by designation on any federal court of appeals.

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:

- 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.

No litigant or party has ever requested that I recuse myself due to an asserted conflict of interest.

In Puerto Rico, Rule 63.1 of the Puerto Rico Rules of Civil Procedure as well as Rule 9 of the Rules of the Puerto Rico Court of Appeals and the Canons of Judicial Ethics set forth the grounds upon which a judge should disqualify himself or herself from a proceeding and establish the procedure by which recusal is perfected. Recusal may be entered *sua sponte* or by motion. A recusal motion must be sworn, stating the facts upon

which it is grounded. If the judge decides recusal is not appropriate, the motion is referred to another judge to adjudicate the recusal request. Grounds for recusal include instances where the judge's impartiality might reasonably be questioned, such as when a judge may have a personal bias or prejudice concerning a party or a party's attorney, personal interest in the outcome of the case, and family relationship with any of the parties or their attorneys.

The Puerto Rico Court of Appeals has a system that flags newly assigned cases based on recusal criteria that each judge identifies. The Clerk's Office ensures that cases falling under such criteria will not reach each judge.

I have recused myself *sua sponte*, in the following cases, for the reasons described below.

I recused myself from *Torres Reyes v. Hon. Juan E. Dávila Rivera*, KLEM202000005, because I consider plaintiff's attorney a former mentee and friend. While I thought that I could adjudicate impartially, out of an abundance of caution, I issued a Resolution providing my recusal and returned the case for reassignment. I later recused myself and followed the same procedure in the following cases which either stemmed out of, or were related to, case KLEM202000005:

Hon. Juan E. Dávila Rivera, Presidente De La Comisión Estatal De Elecciones, Juez Tribunal De Primera Instancia v. Carlos Bianchi Angleró, KLEM202000004.

In Re: Juan Ernesto Dávila Rivera, Presidente de la Comisión Estatal de Elecciones v. Carlos J. López Feliciano, KLEM202000006.

In Re: Solicitud de Destitución del Presidente de la Comisión Estatal De Elecciones, Honorable Juan Ernesto Dávila Rivera v. Juan Dalmau Ramírez, KLEM202000007.

Comisionado Electoral del Partido Proyecto Dignidad, Eduardo García Rexach v. Juan E. Dávila Rivera, KLEM202000008.

Comisionado Electoral, Partido Popular Democrático v. Juan E. Dávila Rivera, Presidente Cee, KLEM202000009.

I recused myself from *Rodríguez García v. Centro Médico Del Turabo, Inc. H/N/C Hospital HIMA San Pablo Fajardo, et al.*, KLAN201700708, because my sister-in-law oversaw medical malpractice litigation for defendant's insurance company.

I recused myself from *Martínez Viera v. Hospital Hima San Pablo*, KLAN201701072, because my sister-in-law oversaw medical malpractice litigation for defendant's insurance company.

I recused myself from *Lacomba Morales v. Sucesión de Andrés Colón Andino*, KLAN201800613, out of an abundance of caution, in light of a connection with one of

the parties' counsels. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Vázquez Rodríguez v. Zimmer Manufacturing B. V.*, KLAN201800733, out of an abundance of caution, because counsel for one of the parties is close to my family. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Sánchez Lamoso; C.I.G. Apparel Group, LLC y Avima Health, LLC, v. First Bancorp*, KLAN202100192, out of an abundance of caution, in light of a connection with one of the parties' counsels. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Rodríguez Vilá v. Wyndham Grand Rio Mar Beach Resort & Spa*, KLCE201800089, out of an abundance of caution, because counsel for one of the parties is close to my family. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Banco Santander de Puerto Rico v. Chávez Ardila*, KLCE201801241, because I have known defendant for many years.

I recused myself from *Umpierre Matos v. Juelle Abello*, KLCE201801405, out of an abundance of caution, in light of a connection with one of the parties and one counsel. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *García Medina v. Cabezas et al.*, KLCE201801646, because one of the defendant's was the company that administered the building where I lived at the time. While I thought that I could adjudicate impartially, out of an abundance of caution, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Rivera Vázquez v. Centro de Cirugía Ambulatorio Las Américas (CCALA Corp.); Zegarra et al.*, KLCE201900196, because I was a former patient of the defendant. While I thought that I could adjudicate impartially, out of an abundance of caution, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Natal Vázquez v. Administración de Servicios de Salud*, KLCE201900754, out of an abundance of caution, because counsel for one of the parties is close to my family. While I thought that I could adjudicate impartially, to avoid any

appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Ríos Muñiz v. Director Administrativo de los Tribunales*, KLCE201901322, out of an abundance of caution, in light of a connection with one of the parties' counsels. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Avilés Rivera v. Oficina de Administración de los Tribunales*, KLRA201900586, out of an abundance of caution, in light of a connection with a potential witness. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Sheriff Security Services, Inc. v. Junta de Subastas de la Rama Judicial*, KLRA202100168, out of an abundance of caution, in light of a connection with one the parties. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Evertec Group, LLC v. Oficina de Administración de los Tribunales*, KLRA202100479, out of an abundance of caution, in light of a connection with one the parties. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Agosto v. CEMEX Concretos, Inc. CONS. Cemex Concretos, Inc. v. Agosto*, KLAN201800597, KLAN201800631, because the law firm representing CEMEX had a professional contract with the Puerto Rico Senate when I served as Chief of Staff there. While I thought that I could adjudicate impartially, out of an abundance of caution, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Martínez Kim v. Petco Inc.*, KLCE201801553, out of an abundance of caution, in light of a connection with one of the parties' counsels. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *López Torres v. ELA de Puerto Rico*, KLCE202101547, out of an abundance of caution, because counsel for one of the parties is close to my family. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Pueblo v. O'Neill*, KCLE202101296, out of an abundance of caution, because of the case's previous procedural history. While I thought that I could

adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

I recused myself from *Gotay & Pérez P.S.C. v. Rivera Guzmán*, KLAN202200021 and KLAN202200098 out of an abundance of caution, because of the case's previous procedural history. While I thought that I could adjudicate impartially, to avoid any appearance of impropriety, I issued a Resolution providing my recusal and returned the case for reassignment.

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 other than judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed 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.

In 2016, I volunteered for the Hillary Clinton presidential campaign in Puerto Rico. I participated on strategic phone calls with the National Political Director and one of her Senior Political Advisors regarding platform language and outreach.

In July 2016, I attended the Democratic National Convention in Philadelphia, Pennsylvania where I served as a delegate for Hillary Clinton.

In July 2016 I was designated as Vice-Chair of the Puerto Rico Democratic Party. On December 5, 2016, I resigned from the position due to my nomination as judge of the Puerto Rico Court of Appeals.

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 did not serve as clerk to a judge.

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

I have not practiced law 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;

2001 – 2006
O’Neill & Borges LLC
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Associate Attorney

2006 – 2008
Puerto Rico Department of Justice
Calle Teniente Cesar Gonzalez 677 Esquina Avenida Jesus T Pinero
San Juan, Puerto Rico 00919
Assistant Attorney General for Human Resources

2008 – 2013
Puerto Rico Judicial Branch—Office of Courts Administration
268 Avenida Muñoz Rivera
San Juan Puerto Rico 00918
Director of Judicial Programs (2008 – 2010)
General Counsel and Director of Legal Affairs (2010 – 2013)

2013 – 2016
Puerto Rico Senate
Capitolio Numero 1 Plaza de la Democracia
San Juan, Puerto Rico 00902
Chief of Staff

2016 – present
Puerto Rico Court of Appeals
268 Avenida Muñoz Rivera
San Juan, Puerto Rico 00918
Appeals Court Judge

- 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.

I began private practice in 2001 at O'Neill & Borges. As an associate, from 2001 to 2006, I worked on a mix of trial court and appellate matters before federal and state courts, the diversity and complexity of which increased over the years. My work mostly involved civil litigation in labor and employment matters, where I worked on a variety of trial-stage litigation matters, appearing in court, answering pleadings, drafting and filing motions, handling discovery and settlements, among others. I also provided counsel on a variety of civil subject matters, including employment discrimination and retaliation claims, collective bargaining, wrongful discharges, drug testing, medical leave, wages and hours, ERISA, immigration, employment contracts and labor aspects of corporate reorganizations, among others.

From 2006 to 2008 I served as Assistant Attorney General for Human Resources at the Puerto Rico Department of Justice where I was responsible for directing human resources policies and providing legal counsel to the Attorney General, District Attorneys, and other administrative and supervisory personnel regarding compliance with local and federal employment laws and regulations. There, I litigated charges filed before the U.S. Equal Employment Opportunity Commission and oversaw litigation of employment cases involving sensitive and/or important public policy issues. In addition, in 2008, I was designated as a Special Prosecutor, where I briefly litigated criminal cases ranging from domestic violence to illegal appropriations.

From 2008 to 2010, as Director of Judicial Programs at the Puerto Rico Judicial Branch, I advised the Chief Justice of the Supreme Court and the Director of Courts Administration on public and administrative policy matters relating to access to justice and strengthening the judiciary's objectives and judicial functions. In that role, I was responsible for spearheading the development of projects and programs, such as Adult and Juvenile Drug Courts, Specialized Domestic Violence Courts, Self-Represented Litigant (Pro Se) Centers, Justice for the Elderly, Unified Family and Juvenile Courts, Court Improvement Project, and Protocol for Access to Courts for Homeless People.

From 2010 to 2013 as General Counsel and Director of Legal Affairs I was responsible for advising and representing the Puerto Rico Judicial Branch in civil and administrative matters. This included providing legal counsel to the Chief Justice of the Supreme Court, the Director of Courts

Administration, supervisors in all 13 judicial regions as well as other administrative divisions, on a wide range of topics from employment discrimination, ADA and OSHA compliance, as well as compliance with state and federal statutes and regulations. These matters involved the preparation of legal opinions, drafting and reviewing all contracts and agreements involving the Judicial Branch, coordinating special legislative and administrative projects and litigating before the trial and appellate courts cases and other matters of public policy. I counseled and oversaw the defense strategy in significant legal claims, disputes and litigation before several forums, including: the Puerto Rico Court of First Instance, the Puerto Rico Court of Appeals, the Puerto Rico Supreme Court, the state and federal Department of Labor, the Personnel Board of the Judicial Branch and the Office of the Ombudsman for Persons with Disabilities, among others. I also directly litigated high profile cases before the trial court and the Commission of Judicial Discipline of the Supreme Court of Puerto Rico and appeared on behalf of the Director of Courts Administration in charges brought before U.S. Equal Employment Opportunity Commission.

From 2013 to 2016 I served as Chief of Staff of the Puerto Rico Senate managing and leading the adoption of noteworthy legislation and policy work, including a criminal justice reform, with the drafting and approval of Senate Bill 1210, which was signed into law as Act 246-2014, known as the Penal Code of Puerto Rico; the review of the Civil Code via Senate Bill 1710; the introduction of education reform via Senate Bill 1456; the introduction of energy reform Senate Bill 837, which was signed into law as Act 57-2014, known as the Energy Transformation and Relief Act of Puerto Rico; the introduction of Senate Bill 238 barring employers from discriminating against any employee or job applicant based on their sexual orientation or gender identity, which was signed into law as Act 22-2013; among other significant legislation. As Chief of Staff, I also oversaw personnel matters of the Senate workforce and advised on compliance with state and federal statutes and regulations. In addition, I appeared on behalf of the Senate President and seven other Senators as amici curiae in *Conde-Vidal v. Rius-Armendariz*, No. 14-2184, 2015 WL 10574261 (1st Cir. July 8, 2015), a marriage equality case before the United States Court of Appeals for the First Circuit.

In 2016 I was appointed as an Appeals Court Judge in Puerto Rico.

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

During my years in private practice at O'Neill & Borges, from 2001 to 2006, I provided legal services to companies in the pharmaceutical, product-distribution, restaurant, and telecommunication industries. My

practice focused on labor and employment.

As Assistant Attorney General for Human Resources at the Puerto Rico Department of Justice I advised the Attorney General, District Attorneys, and other supervisory personnel. My practice focused on civil and administrative matters.

As Director of Judicial Programs at the Puerto Rico Judicial Branch I advised the Chief Justice of the Supreme Court and the Director of Courts Administration. My practice focused on public policy and administrative matters.

As General Counsel and Director of Legal Affairs at Puerto Rico Judicial Branch I advised and represented the Chief Justice of the Supreme Court and the Director of Courts Administration. My practice focused on civil litigation before the state trial and appellate courts and administrative litigation before state and federal administrative agencies.

As Chief of Staff at the Puerto Rico Senate I advised and represented the Senate President, Senators and Senate legislative and administrative staff. My practice focused on advising on legal, legislative and policy matters.

I do not have any clients in my role as an Appeals Court Judge.

- 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.

At O'Neill & Borges, from 2001 to 2006, I estimate that 100 percent of my practice involved civil litigation. Though many of my employment cases eventually settled, I appeared in court often in pretrial proceedings (status conferences, evidentiary hearings, pretrial conferences, among others) to argue dispositive motions.

As Assistant Attorney General for Human Resources at the Puerto Rico Department of Justice I appeared before the U.S. Equal Employment Opportunity Commission and oversaw litigation of employment cases but did not appear in court.

As Director of Judicial Programs at the Puerto Rico Judicial Branch I advised on public policy and administrative matters but did not appear in court.

As General Counsel and Director of Legal Affairs at Puerto Rico Judicial Branch, I estimate that 80 percent of my practice involved civil and administrative litigation, reviewing and drafting motions, briefs and other legal documents, as well as managing the litigation matters and the legal strategy of cases filed before

the trial and appellate courts and before administrative agencies. I appeared in court occasionally and before administrative agencies on behalf of the Office of Courts Administration.

As Chief of Staff of the Puerto Rico Senate I advised on legal, legislative and policy matters. I appeared once on behalf of the Senate President and seven other Senators as amici curiae in a marriage equality case before the United States Court of Appeals for the First Circuit.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 5% |
| 2. state courts of record: | 50% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 45% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 98% |
| 2. criminal proceedings: | 2% |

- 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.

When I was in private practice, most of the cases I handled were settled. One case, in which I was associate counsel, was tried to verdict. In the other cases, my responsibilities included pre-trial preparation (e.g., managing discovery, taking depositions, and drafting pre-trial pleadings and dispositive motions). I also assisted with drafting motions in limine, proposed jury instructions, and proposed findings of fact and conclusions of law for cases that were scheduled to be tried.

As General Counsel and Director of Legal Affairs at Puerto Rico Judicial Branch, as chief counsel, I tried one case before the Judicial Ethics Commission of the Puerto Rico Supreme Court to final decision.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 100% |
| 2. non-jury: | 0% |

- 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. *In re Santiago Concepción*, AD-2012-001, 189 DPR 378 (2013) (Puerto Rico Supreme Court)

This case followed a disciplinary proceeding against a trial judge for ethics violations involving domestic violence and use of illegal substances. From 2012 to 2013, I served as lead counsel representing the Office of Courts Administration, where I worked as General Counsel and Director of the Legal Affairs Office. As per the Puerto Rico Judicial Rules of Discipline, the Legal Affairs Office conducts all investigations pertaining to alleged violations to the Code of Judicial Ethics. The Legal Affairs Office also files the corresponding complaint before the Judicial Ethics Commission, the Supreme Court body that presides over judicial misconduct proceedings.

In this case, I conducted the investigation and filed the corresponding charges before the Judicial Ethics Commission. I drafted and filed a series of substantive and procedural motions, managed discovery, including witness preparation, appeared in the hearings and argued the case before the Judicial Ethics Commission. The Supreme Court unanimously decided to immediately remove the judge from office, disbar him as a lawyer, and refer the judge to the Attorney General for further investigation and action. The court adopted the Judicial Ethics Commission's findings of fact and determined the evidence sustained the charges brought against the judge for multiple violations of the Code of Judicial Conduct as well as the Code of Ethics applicable to lawyers.

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2. *In re Garcia Vega*, AD-2011-3, 189 DPR 741 (2013) (Puerto Rico Supreme Court)

This case involved a disciplinary proceeding against a trial judge who fled the scene of a traffic accident he caused. From 2011 to 2013, I worked as General Counsel and Director of the Legal Affairs Office in the Office of Courts Administration. In that capacity, I directly supervised and participated in the investigation and subsequent filing of disciplinary charges before the Judicial Ethics Commission. I drafted and reviewed a series of substantive and procedural motions and oversaw the litigation strategy that ultimately prevailed before the Judicial Ethics Commission and, later, at the Supreme Court.

I argued, for instance, that the criminal charges filed against the defendant did not have a collateral estoppel effect on the disciplinary proceeding. After the case was submitted to the Judicial Ethics Commission, and while the Supreme Court was deliberating, the defendant resigned. The Supreme Court eventually ordered the immediate suspension of the defendant from the practice of the law for a term of two years.

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3. *In re Sierra Enriquez*, AD-2011-2, 185 DPR 830 (2012) (Puerto Rico Supreme Court)

This case involved a disciplinary proceeding against a trial judge who incarcerated a pro se litigant for ten days because he did not obtain legal representation. From 2011 to 2012, I worked as General Counsel and Director of the Legal Affairs Office in the Office of Courts Administration. As such, I directly supervised and participated in the investigation of this case, as well as in the design of the litigation strategy necessary to prevail before both the Judicial Ethics Commission, as well as the Supreme Court, which ultimately suspended the judge.

Both the Judicial Ethics Commission and the Supreme Court found that the judge showed impatience, a lack of temperament, and excessive severity against the litigant, who appeared without legal representation in the criminal proceedings against him. The Supreme Court concluded that the judge's actions violated several canons of the Code of Judicial Conduct and suspended her from office for a month without pay. The court cited the increasing number of people who were litigating pro se, the affirmative measures the judicial branch was taking to promote and protect the right to access justice within the court system, as well as other public interest considerations.

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4. *Figueroa v. Caribbean Restaurants et al.*, DKDP2005-0301 (Court of First Instance, Commonwealth of Puerto Rico)

From 2005 to 2006, I served as co-counsel representing defendants in a labor and employment case before Judge Janet Cortés Vázquez at the Court of First Instance of Puerto Rico. Plaintiff claimed to have first suffered damages when her employer and two corporate officials refused to discipline a manager who had allegedly falsified plaintiff's signature, and subsequently, upon plaintiff's complaint to her employer, alleged the employer retaliated by transferring plaintiff to another site. This case regarded the scope of the employer's discretion to impose disciplinary measures and the legality of personnel transfers. I argued that under applicable law, the defendants' acts did not cause any damages to the plaintiff and that the transfer had a legitimate business purpose, necessary for the safe and efficient operation of the business. I participated in pre-trial proceedings and filed for summary judgment. The Court issued a judgment in favor of the defendants in 2007.

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5. *Ortiz-Fuentes v. Procter & Gamble et al.*, No. 05-1096 (D.P.R.)

From March 2005 to February 2006, I served as co-counsel representing the defendant in a racial harassment and constructive discharge case before Judge Juan M. Pérez Gimenez in the U.S. District Court for the District of Puerto Rico. I participated in the litigation of the case from its initial stages until pre-trial, filing the answer to the complaint, answer to crossclaim, request for summary judgment, and pretrial conference report, among other motions. I also appeared in court principally arguing that the complaint should be dismissed, since the plaintiff lacked standing to maintain the action, as she was not an

employee of the defendant, and that prompt and effective response taken upon allegations legally foreclosed liability. The court eventually issued a judgment in favor of my client, dismissing the plaintiff's claims with prejudice.

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6. *Suarez v. Comisión Estatal de Elecciones*, 163 DPR 541 (2004) (Puerto Rico Supreme Court)

From approximately November 2004 to February 2005, I was part of the legal team that represented the Puerto Rico State Elections Commission (CEEPR) before the Puerto Rico Supreme Court defending the right of the voter to be safeguarded against disenfranchisement. As an associate attorney, I drafted and filed various motions and legal documents during the litigation of the case, both at the trial and appellate level in the state courts.

This case involved the validity of certain state ballots that were cast in connection with the November 2, 2004, election. Mr. Suarez and others filed a certification petition before the Puerto Rico Supreme Court, regarding the order issued by the Puerto Rico Superior Court of San Juan in the case of *Suarez Jimenez et al. v. Comision Estatal de Elecciones et al.*, Civ. Num. KPE-04-3568. The Supreme Court issued a per curiam decision validating the votes cast on the ballots. The court reasoned that these votes fit within the definition of a "mixed vote" (also known as a split ballot) as defined by Puerto Rico electoral law and regulation.

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7. *Secretario del Trabajo v. JAF Comm'ns*, Civil No. APE2003-0071 (Court of First Instance, Commonwealth of Puerto Rico)

From 2003 to 2005, I served as co-counsel for a defendant in a wages and benefits suit, before Judge Héctor Conty Pérez at the Court of First Instance of Puerto Rico. Plaintiffs, more than twenty employees, claimed the right to vacation pay and holiday bonus. I participated in the case at both the trial and appellate stages, and principally argued for its dismissal since plaintiffs were independent contractors and not employees entitled to receive the requested salary benefits. I prevailed on the appeal of a trial court order allowing discovery requested by the defendant to obtain plaintiffs' tax returns, in order to prove their status as independent contractors in case KLCE0401145. The trial court dismissed the case after plaintiffs withdrew their claims.

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Robert E. Montalvo (Deceased)

8. *Ortega et al. v. Pall Biomedical et al.*, No. 02-1748 (D.P.R.)

I served as co-counsel representing the defendant from 2002 to 2004. I actively participated in the preparation and litigation of the jury trial held before Judge José A. Fusté at the U.S. District Court for the District of Puerto Rico. In this case, plaintiff filed a sexual harassment claim against defendants Mr. Berrocal and Pall Biomedical Corp. based on Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and Puerto Rico law. The court issued a partial judgment and dismissed all claims against Mr. Berrocal without prejudice. A one-week jury trial against Pall Biomedical was held in July 2003. The jury delivered a verdict in favor of the plaintiff. Post-verdict, the parties submitted the matter to mediation and reached a settlement regarding the jury award. The court issued a judgment dismissing the case with prejudice.

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9. *Luna et al. v. Pall Biomedical*, No. 02-1747 (D.P.R.)

From 2002 to 2004, I served as co-counsel representing an employer-defendant in a sexual harassment case brought before Judge Juan M. Pérez-Giménez in the U.S. District Court for the District of Puerto Rico. Plaintiff sought redress under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* The litigation commenced in May 2002 and the case proceeded to the pre-trial stage in 2004. During that period, I filed several motions, from the pretrial memorandum to the summary judgment, and appeared in court to argue dispositive motions. I asserted and argued various affirmative defenses, including failure to state a cause of action; that there was no actionable discrimination, sexual harassment, or retaliation; and that the defendant took immediate and effective measures to remedy the situation. All parties eventually reached a settlement agreement, and the case was dismissed with prejudice in October 2004.

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10. *Buxeda Amador v. Funerarias Buxeda*, KPE2002-0574 (Court of First Instance, Commonwealth of Puerto Rico)

This case involved a claim under the Puerto Rico Minimum Wage, Vacation and Sick Leave Act, and the Fair Labor Standards Act. Plaintiffs sought compensation for overtime pay, meal periods, and vacation pay. From 2002 to 2006, I served as co-counsel for the defendant in the case before Judge Carmen H. Pagani Padró at the Court of First Instance in Puerto Rico. I participated in all pre-trial proceedings, including preparing and filing several motions, from pretrial memorandum to summary judgment, and appeared in court to argue that the employees were exempted from those statutes. The trial court granted summary judgment and dismissed the complaint. I also worked in the appellate stage of the case (KLAN2004-01293). Although the judgment was reversed on appeal, plaintiffs eventually withdrew their claims upon settlement.

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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.)

In addition to my litigation experience, I have participated for many years in various legal activities to improve access to justice. Before beginning judicial service, I worked as an attorney in the Puerto Rico Judicial Branch developing important programs for underserved communities such as Adult and Juvenile Drug Courts, Specialized Domestic Violence Courts, Self-Represented Litigant (Pro Se) Centers, Justice for the Elderly, Protocol for Access to Courts for Homeless Persons, among other initiatives.

As Chief of Staff of the Puerto Rico Senate, I led a reform to overhaul the criminal justice system in Puerto Rico that historically criminalized poverty and underserved communities. These efforts led to the development of a significant proposal aimed at repairing systemic socioeconomic inequities by adopting less punitive sentencing and promoting the state's constitutional right to rehabilitation. This legislative work culminated in the adoption of Act 246-2014, known as the Penal Code of Puerto Rico.

At the Executive Branch, as Assistant Attorney General for Human Resources at the Puerto Rico Department of Justice, I provided legal counsel regarding compliance with state and federal employment laws and supervised litigation matters in sensitive cases. Additionally, I investigated claims and administered the imposition of disciplinary sanctions, while also participating in the following committees: Governmental Ethics; Recruitment of Assistant District Attorneys, Registrars of Property, and Special Prosecutors for Juvenile Affairs and Family Affairs; the Ombudsman for Persons with Disabilities; and Board for the Institute for Training and Judicial Thinking, among others.

Throughout my career I have participated as a panel or guest speaker at law schools and community-based presentations. I have participated as a judge for moot courts and provided mentorship to law students and young attorneys. I have also offered continuing legal education courses on appellate, constitutional, and administrative law, among other topics.

I have never performed lobbying activities or registered as a lobbyist.

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.

From August 1997 to May 1998, I was an Assistant in Instruction at Princeton University offering the courses Beginner's Spanish I and Beginner's Spanish II. Beginner's Spanish I covered the basic structures and vocabulary of the Spanish language at elementary/low intermediate levels of proficiency. The course integrated language and cultural content to develop strategic and cross-cultural competence. Beginner's Spanish II course stressed

oral practice of the Spanish language with emphasis on reading and communicative writing strategies. I am unable to locate the syllabi for these courses.

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.

None.

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.

None.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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.

If confirmed, I would recuse myself from cases where my spouse, who is Chief Justice of the Puerto Rico Judicial Branch, was involved or matters in which the Puerto Rico Judicial Branch appears as a party.

I do not foresee any category of litigation that would present me with a potential conflict of interest.

I have not entered into any financial arrangements that would present me with a potential conflict of interest.

- 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 as a district court judge, I would resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States Courts.

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.

Almost my entire career has been in public service, and I have therefore been precluded from personally engaging in active pro bono representation.

However, from 2008 to 2010 I served as Director of Judicial Programs for the Puerto Rico Judicial Branch and as such, worked as an attorney developing programs for underserved communities such as Adult and Juvenile Drug Courts, Specialized Domestic Violence Courts, Self-Represented Litigant (Pro Se) Centers, Justice for the Elderly, Protocol for Access to Courts for Homeless Persons, among others that facilitated access to justice and legal representation to disadvantaged populations.

Later, from 2013 to 2016, I served as Chief of Staff of the Puerto Rico Senate where I promoted access to justice policies and legislation to facilitate the legal representation for underserved communities.

Most recently, for the past five and a half years, while a sitting judge for the Court of Appeals, I have continued to ensure that indigent defendants and plaintiffs, including incarcerated and Pro Se litigants, are represented in court and that their constitutional and statutory rights are protected throughout the entire judicial process. Specifically, the Judicial Branch's Judicial Academy selected me as the appellate court's resource to offer training and education on this topic. I have been developing and offering judicial education courses to newly appointed judges regarding the Judicial Branch's policy on access to justice for Pro Se and indigent litigants.

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.

On September 14, 2021, I was contacted by the White House Counsel's Office to schedule an interview concerning a judicial vacancy on the District Court in the District of Puerto Rico. On September 20, 2021, I interviewed with attorneys from the White House Counsel's Office. On November 18, 2021, I was advised that I had been selected for Justice Department vetting. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 15, 2022, my nomination was submitted 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.