RULES OF THE SUPREME COURT OF PUERTO RICO

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Rule 1. Name

These Rules are adopted pursuant to the authority invested in this Court by Article V, Section 4 of the Constitution of the Commonwealth of Puerto Rico to adopt rules for the conduct of its business.

These rules will be known as "Rules of the Supreme Court of Puerto Rico."

Rule 2. Seal

The official seal of the Supreme Court will have a circular purple field bearing the following symbols:

A gold-colored segment of the sun lies overhead with six (6) rays shining toward the center, representing Divine Power, the Majesty of the Law, Wisdom, Love, Mercy, and Honesty. Superimposed on the sun is a hand holding the scales of Equality and Justice in blue, the color of truth. Between the scales, a white lamb bearing a flag with a cross and banner lies on a red book.

A golden band encircles the seal bearing the following inscription: "ESTADO LIBRE ASOCIADO DE PUERTO RICO, TRIBUNAL GENERAL DE JUSTICIA." The words "TRIBUNAL SUPREMO" appear in gold below the book.

Rule 3. Definitions

In these Rules, the term "Court" includes any of its divisions, when this is not incompatible with the purposes of the rule.

The term "decision" includes any judgment, resolution, order, ruling, or any other action of the Court, of any of its divisions or any of its Justices in the appropriate cases, or of any other court or agency. The singular includes the plural and the plural includes the singular, except when this is incompatible with the spirit and purpose of the provision.

Rule 4. Operation of the Court

(a) *En banc*

The Court en banc will entertain all civil and criminal actions and will intervene in matters concerning the discipline and rehabilitation of judges, lawyers, and notaries.

The decisions of the Court en banc will be adopted by a majority of the participating Justices, but no law may be declared unconstitutional except by a majority of the total number of Justices who make up the Court.

Issuance of a writ by the Court en banc will require a majority of the participating Justices. When the votes are tied, the resolution will state that the Court is equally divided and that the discretional writ will be denied without further proceedings.

Issuance and denial of all discretionary matters and of other matters decided by the Court will be considered directly by the Court en banc.

(b) *Operation by divisions*

The Court may sit in one or more divisions to entertain any matter, except those matters for which the Constitution requires a minimum number of Justices. No less than three (3) Justices may sit in each division. The Justice sitting in each division who is senior in commission will preside over the same. When the Chief Justice sits in one of the divisions, he or she will preside over the same. The Court will designate, though the issuance of a resolution, the Justices who will sit in these divisions.

The Court will designate the Justices who will sit in these divisions, but no Justice may be excluded against his or her will. If necessary, to avoid exclusions, the members of the division or divisions will be rotated.

The Justices sitting in a division will take part in the consideration and determination of the matters submitted to said division. The decisions of a division will be identified as originating in that division and will state the names of the Justices who make up the division. The votes of at least half of the participating Justices are required to recommend the issuance of a writ.[1] When a division determines that the writ should be issued, it will refer it to the Court en banc. When a division decides to deny the writ, it will refer the matter to the Court en banc upon request of the Justice who voted to the contrary. The Court en banc will ultimately decide whether to issue the writ regarding the matters that have been referred by a division.

The Chief Justice must sit in any division to break a tie. When for any reason the Chief Justice is unable to participate to break a tie, he or she will designate, according to seniority, another Justice who is not a member of the tied-up division, to take his or her place.

When a member of a division is unable to participate in the determination of any matter, the Chief Justice will designate another Justice to complete said division. This designation will be made in order of reverse seniority, starting with the most recently appointed Justice who is not sitting in the division of the Justice being replaced, up to the Justice with most seniority who is not a part of that division, and so on.[2] If the Justice replaced is the chief judge of said division, the Justice who is senior in commission among the members of the division will sit as chief judge for the consideration of said matter.

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[1] The word "recommend" implies that each division only has the authority to recommend the issuance of a writ, not to issue it. Their recommendation will be sent to the full Court, who will ultimately decide whether or not to issue a writ. Through this procedure the Court en banc will always pass upon the issuance of the writ, thus preventing the exclusion of members of other divisions who have not had the opportunity to study the petition for which the issuance of the writ is recommended, and promoting a collegial decision.

[2] The added text aims to bestow objectivity to the designation of Justices to replace a Justice sitting in a division who will not intervene in a matter. The seniority standard guarantees that all Justices are designated with the same frequency.

Motions to reconsider a decision issued by a division will be decided by a different division, except when the composition of the division has been altered, in which case the motion may be considered by any division or by the Court en banc. If a subsequent motion for reconsideration (rehearing) is filed, it will be decided by a division other than the one that issued the decision or from the one that decided the first motion for reconsideration. Motions to reconsider a decision rendered by the Court en banc will be decided by the Court.[3]

A list of matters to be considered by the divisions and by the Court en banc will be disclosed after notifying the parties.[4]

(c) *Term of Court*

The Term of the Court commences every year on the first working day of October and ends on the last working day of June unless otherwise decided by the Court.

During the recess, the Court may, by agreement of the full Court, sit in one or more of its divisions. In that case, the Court must determine the number of divisions and of the Justices who will constitute the same, which may not be less than three (3). The Chief Justice will order the creation of special divisions during the recess when the current divisions are unable to entertain to an action or matter. The divisions' recommendation of the recess division will be set forth in writing and circulated among the members of the Court at the start of the term of court.

When no divisions are established during the recess, the Chief Justice or, in his or her absence, the Court, will designate one of its members to sit as acting judge on vacation. This judge will exercise, in the name of the Court, all the powers inherent to acting judges on vacation under the law and these Rules.

During the recess, the chief judge of the division, if any, will assume the duties assigned by this rule to the Chief Justice unless the Chief Justice or the acting Chief Justice is discharging the duties of his or her office.

(d) *Disqualification*

(1) Any Justice of this Court who receives an oral or written communication outside the regular judicial channels, which communication is intended to transmit information to the Justice or to influence him or her with regard to any matter before this Court, will inform this to the Court en banc and decide whether or not to disqualify himself or herself. The above is without prejudice to the other causes for

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[3] The amendment introduced in this paragraph intends to give all three divisions an opportunity to pass on the merits of a petition before definitively deciding against the issuance of a writ. This allows the full Court to decide whether or not to recommend issuing a writ. This amendment promotes that the decision to issue a writ is a collegial decision.

[4] This provision aims to make the Court docket public, so that the parties know when their case will be considered by any division or by the Court en banc's monthly conference. The parties will also know the Court decision with regard to their case. Likewise, the public will have access to that information. In sum, this measure seeks to keep the general public informed on the matters considered by the Court.

disqualification established by law, by the Canons of Judicial Ethics, and by judicial custom and tradition, and, also, without prejudice to the sanctions the Court may impose on any attorney who encourages or permits such communications.

(2) When a motion for recusal or an application for disqualification of a Justice is filed with the Court, the Clerk of the Court will send the motion for recusal or the application for disqualification to the Justice concerned, who will decide on the matter without intervention of the Court en banc.

When entertaining a motion for recusal, the Justices of the Court may take into consideration the grounds for disqualification established by law, by the Canons of Judicial Ethics, and by judicial tradition.

Any Justice may disqualify himself or herself on his or her own motion without stating the reasons therefor.

Rule 5. Adjudication on the Merits

(a) The cases for adjudication on the merits will be assigned to the Justices by the Chief Justice when he or she voted with the majority of the Court during the conference meeting of the Court en banc, by memorandum or otherwise. When the Chief Justice has not voted with the majority, the case will be assigned to the Justice who is senior in commission and who voted within the majority of the Court. In both cases, this will be done within five (5) days following the date when the cases were submitted to the Court.

Following an oral argument on a case, the Court en banc will convene in a conference on the same day, unless the Court provides otherwise, to discuss the case on the merits. In that conference, the discussion of the case will be opened by the Justice who presented it to the Court en banc. Thereafter, each Justice in inverse order of seniority (from the most recently appointed Justice to the most senior in commission) will discuss the case. Following the discussion, each Justice will indicate his or her proposal for the disposition of the case. At the conclusion of the conference, if the Justice who opened the discussion is in the majority, the Chief Justice will then assign the case to that Justice. If the Justice who opened the discussion does not share the position of the majority, the Chief Justice will assign the case to a Justice in apparent majority, provided the Chief Justice shares the position of the majority. When the Chief Justice does not agree with the proposal made by the majority, the case will be assigned to the most senior member of the Court who shares the position of the majority.[5]

[5] This provision is a combination of the internal rules of the Supreme Court of Idaho, the Supreme Court of Pennsylvania, and of the Supreme Court of the United States. *See*, Rule 12 of the Internal Rules of the Supreme Court of Idaho, available at https://isc.idaho.gov/rules/Internal_Rules_ISC_2008.pdf (last visited May 10, 2011); Section III(B) of the Internal Operating Procedures of the Supreme Court of Pennsylvania, available at http://www.pacourts.us/assets/files/setting-312/file-2395.pdf?cb=d04707 (last visited May 10, 2011). The aim of this provision is to promote the prompt

When assigning cases, the Chief Justice or the corresponding Justice will take the following considerations into account: (1) the fair distribution of work among the members of the Court; (2) the likelihood that the Justice to whom the case is assigned can express the view of the majority; and (3) the amount of work the Justice has invested in that case or in the issues involved.[6]

The drafting and examination of position papers assigned for adjudication on the merits is a priority for the Court. As a rule, the Justice who is assigned a case on the merits will circulate a position paper to all members of the Court, absent extraordinary circumstances, within three hundred sixty-five (365) days of assignment. However, as a rule, when a case has been assigned on the merits after oral argument, the position paper will be circulated to all members of the Court within two hundred seventy (270) days of assignment. In all cases, a memorandum of assignment will be prepared, which will indicate the expiration date of the term to circulate the position paper. If a Justice takes longer than the term fixed to circulate his or her position paper in a case on the merits, depending on the applicable term, he or she will issue a memorandum within ten (10) days after the due date expired stating the reasons for the delay. This memorandum will be addressed to the Chief Justice with copies served on the members of the Court.

The above paragraph only applies to cases assigned to Justices after this paragraph is adopted. By way of exception, the terms fixed in the foregoing paragraph will not apply to cases reassigned to recently appointed Justices.[7]

(b) When the Justice who was assigned the case on the merits circulates the original position paper, the Justices who take part in the decision of a case will state their position within twenty (20) days after a position paper is circulated as a judgment, or within thirty (30) days after it is circulated as an opinion. Any Justice who would examine the position paper more closely will notify such intent to the other Justices within the indicated period and will have an additional fifteen (15) days therefore, which term will be staggered among the member of the Court. The Court may extend this term for good cause shown. When the Justice has stated his or her

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discussion of cases on its merits when an oral argument has been held before the case is assigned. These cases will be assigned to one of the Justices who shares the majority's opinion. As a result, the Court ensures with this provision that the cases that are to be adjudicated on its merits are assigned to the Justices who share the majority's opinion.

[6] This provision has its source from the Internal Operating Practices and Procedures of the Supreme Court of California. Basically, it establishes guidelines to regulate the assignment of cases more objectively. *See*, Section VIII(B)(4), available at https://www.lectlaw.com/files/crs05.htm (last visited May 10, 2011).

[7] This paragraph establishes an important exception to the Justices' duty to circulate their position papers in cases assigned to them within the term provided in the previous paragraph. This paragraph recognizes that it would be too burdensome for recently appointed Justices to comply with these terms in cases reassigned to them from other Justices when they begin to discharge their commission in the Court. For this reason, the term will apply to cases after the first conference convened by the Court en banc; to wit, after the full Court has passed on the issuance of the petition.

position in writing, the other Justices will express their position within five (5) days after said written expression circulates, when the original position paper circulated as a judgment, or within ten (10) days when the original position paper circulated as an opinion.

When a Justice does not express himself or herself or does not draw his or her papers within the terms provided in the above paragraphs, the decision may be certified, stating that said Justice took no part in the decision, or stating his or her position, if any. No position paper may be certified that does not circulate among all the Justices at least ten (10) days before it is certified, unless a majority decides otherwise, or the urgent nature of the matter requires that the term, not the circulation, be dispensed with.

When a position paper is circulated as a judgment and the Justice who authored it changes it to an opinion before the expiration of the twenty (20) day term provided for the Justices to state their position, ten (10) days will be added to the twenty (20)-day term. Should the opposite occur, that is, if a position paper is circulated as an opinion and the Justice who authored it changes the opinion to a judgment before the expiration of the thirty (30)-day term, the thirty (30)-day term will be reduced by ten (10) days, provided that the twenty (20) days to circulate the position paper has not run out. When more than twenty (20) days has elapsed, the change from an opinion to a judgment will not alter the original term of thirty (30) days. In any case, the Justice who wrote the position paper will issue a memorandum notifying the change, the new term that the remaining Justices shall have to state their position, and the new expiration date of said term.[8]

When a position paper circulates and all the Justices agree with the same, the author will certify it as the decision of the Court. Upon the expiration of the terms, when the majority of the Justices agree with the circulated position paper, the author will issue a memorandum of intent, notifying that within a period of at least three (3) working days he or she will circulate a 24-hour memorandum mentioned in this paragraph. If a position paper is amended or circulated within such three (3)-day period, the other Justices will have forty-eight (48) working hours to state their position on said paper. When this term runs out and no position paper or an amendment to a circulated position paper has circulated, the majority position is

[8] This amendment recognizes the authority of the Justices to convert a position paper circulated as an opinion to a judgment and vice versa. It also establishes that when this is done before the term expires, the terms of the corresponding position paper will be adopted. In other words, if a position paper is circulated as an opinion and the Justice who authored it wants to convert it to a judgment, the Justice may do so before the original term has lapsed, provided it is notified by memorandum, setting forth the new term and the new expiration date of the term. Where the opinion has been circulating for more than twenty (20) days, it will not be necessary to shorten the term to ten (10) days because it has already exceeded the term provided for circulating position papers as judgment; thus, the term for the position paper remains unchanged. On the contrary, if the position paper is circulated as a judgment and is converted to an opinion, ten (10) days will be added to the original term of twenty (20) days for the Justices to state their position.

ready for certification. At least within a period of twenty-four (24) hours before certifying the position paper adopted by a majority as the decision of the Court, the Justice who authored it must inform that he or she will proceed to do so (24-hour memorandum), also stating the circulation date, the names of the Justices who disqualified themselves or who took no part in the decision, and the concurring and dissenting Justices. No changes to the position paper adopted by a majority may circulate, nor may other position papers or amendments thereto may circulate, with the 24-hour memorandum.[9]

All positions in a case or matter will be simultaneously certified, except in the circumstances described in the paragraph above. When a position paper is certified, the author will inform the other Justices in writing. Once a position paper is certified, it cannot be amended or modified in any way unless a majority of the Court allows it. If authorized, the Justice who authored the amended position paper will notify the other Justices of the changes introduced. Any changes in the original vote will be stated in the certification.

The Justices may reserve their right to issue a position paper only after a decision of the Court has been certified when, pursuant to the nature of the matter involved, the majority of the Court has decided to shorten the terms prescribed herein. In these circumstances, the Justice who has reserved such right must circulate his or her position paper within a period of ten (10) days after notice of the right reserved has been given. The other Justices will have an additional term of five (5) days to state their position on said paper. After these terms have simultaneously expired, all position papers or views will be certified, and from then on, no other position paper or view on the case will be certified.

(c) For position papers circulated during the last ten (10) days before the Term of the Court ends, the prescribed periods will start to run on the first working day of the next term. Specifically, concerning position papers circulated during the first month of the Term of the Court, the period to return or respond will be of forty (40) days. By agreement of the majority of the Court, position papers may be certified during the recess, in keeping with the above-prescribed periods.

In all circumstances described herein, no position paper may be certified that has not been circulated among all members of the Court. Position papers include judgments, opinions, separate or explanatory votes or opinions, and any other written expression of a Justice.

[9] This amendment seeks to lay down the process to close the circulation of positions papers and changes to the majority position and other position papers to prevent changes from circulating minutes or hours before certification.

Rule 6. Sessions: The Court en Banc and in Divisions

(a) As a general rule, the full Court will hold regular sessions every Friday, beginning at 9:30 A.M.

Nevertheless, when the Court sits in divisions, as a general rule, the full Court will hold regular sessions every last Friday of each month, beginning at 9:30 A.M.

As a general rule, the Justices will submit the matters they want to address at each meeting at least three (3) days before the date of the meeting, except for those matters that affect the Court operations or that involve changes to any rules adopted by the Court, which will be notified ten (10) days before the meeting.

By agreement of a majority of the Justices of the Court, any matter may be considered in the regular session of the Court en banc.

The Court will continue to convene on successive days until all the matters submitted by the Justices are considered.

(b) The Chief Justice, or a majority of the Justices, may convene the full Court to a special session, and an agenda will be circulated specifying the matters to be addressed at said meeting. Before the meeting, all the available information on the matters to be considered will be furnished to the Justices.

If, during the recess of the Court, a matter or case should arise warranting a special session of the full Court, one such special session may be convened by the Chief Justice, by a majority of the Justices of the Court, or by a majority of the Justices that make up the summer division transacting business at the moment the matter arises.

The Court will continue to convene on successive days until all the matters included in the agenda for the special session have been considered.

(c) The most recently appointed Justice will keep a record of the decisions taken by the full Court, which he or she will circulate within the three (3) days following the meeting. The minutes must reflect any agreements adopted at the meeting. Any subsequent amendment made to the minutes must be in writing and attached to the same.

(d) The Court divisions will meet on a weekly basis on the date and time agreed by the members of each division. This agreement will be set forth in writing and circulated to all members of the Court, with a copy sent to the Clerk of the Court at least two weeks before the meeting of the corresponding division. This document will state the composition of the division and the date and time of the weekly division meeting.[10]

[10] This amendment serves a dual purpose. It bestows the members of each Court division with greater flexibility to determine which day of the week to meet and to inform the Clerk of the Court the days when each division will hold session. Thus, the Clerk of the Court is in a better position to prepare the matters to be discussed in each division in an adequate and timely fashion.

Rule 7. Quorum

Five (5)[11] Justices constitute a quorum when the Court is sitting en banc. Three (3) Justices constitute a quorum for a division.

Rule 8. Chief Justice

The Chief Justice will preside over the Court and will have the powers and obligations assigned by the Constitution, by the law, and by these Rules.

If by reason of absence, illness, or for any other reason, the Chief Justice is unable to perform the duties of his or her office or if the office is vacant, the Associate Justice most senior in commission who is able to act will substitute for the Chief Justice and exercise all his or her powers and duties as Acting Chief Justice until the Chief Justice resumes his or her work, or until the vacancy is filled.

Rule 9. Clerk

The Clerk of the Supreme Court is a high-ranking administrative official appointed by the Supreme Court sitting en banc. The Clerk of the Court is responsible for the good management of the Clerk's office and will exercise the necessary functions to ensure and oversee compliance with the duties established in these Rules.

(a) The Office of the Clerk will remain open to the public from 8:30 A.M. to 5:00 P.M., but the Court will always be considered open for the purpose of issuing any order. The Clerk is authorized to extend the office hours of all or any of his or her employees when the business of the Court may so require.

(b) It will be the duty of the Clerk to receive and file all records, copies, and other papers and documents filed for such ends, to number and safeguard all records, and to perform all other functions belonging to that office.

(c) The Clerk must see to it that all the papers filed with the Court comply with the provisions of these Rules. When any paper fails to comply with said provisions, the Clerk will note the fact that it was filed, but will return it, retaining only one copy and setting forth the deficiencies found, which must be corrected within the jurisdictional or strict-compliance term, as the case may be. This provision does not release the attorney from his or her responsibility to perfect the appeal within the jurisdictional or strictly mandatory term, as the case may be.

(d) The Clerk will issue certified copies of the records and public documents in his or her custody upon request and upon payment of the fees prescribed by law. In the same manner, the Clerk will issue certified copies of the translations made of said documents, as provided by Section 2 of Law No. 87 of May 31, 1972 (4 LPRA § 502), which lists the duties of the Bureau of Translations.

[11] Quorum for the divisions is fixed at three (3) Justices, although a division may be composed of more than three (3). For the Court en banc, quorum will still be majority of its members, which is now five (5) out of nine (9) Justices.

(e) The Clerk will keep on file all the decisions of the Court and any other document entrusted to him or her. The Clerk will notify the parties of any decision made by the Court, setting forth the date of entry and of the notice to the parties.

(f) The Clerk will be the keeper of the seal of the Court, and all documents signed by the Clerk in original or facsimile on which the seal of the Court has been affixed will be deemed to be authentic.

(g) In any case in which a resolution or judgment of the Court requires the issuance of an order to any person, the Clerk will prepare the corresponding order and issue it under his or her hand and the seal of the Court, ordering said person to comply with the order of the Court. Also, where appropriate, the Clerk will issue an order directing the marshal to notify a certain person or persons of any decision of the Court.

(h) The Clerk will keep a docket of all the cases and matters filed in this Court, which must include a brief summary of the status of each case. The Clerk will also keep separate dockets for:

(1) matters of original jurisdiction;

(2) civil appeals from the Court of Appeals;

(3) certiorari;

(4) administrative appeals;

(5) certifications;

(6) filing of complaints against attorneys, notaries, or judges;

(7) motions for order in aid of jurisdiction or urgent motions;

(8) motions for oral argument;

(9) miscellaneous briefs of whatever nature on matters unrelated to cases before the Court; and

(10) any other petition for which there is no docket. The Clerk may keep auxiliary record books as prescribed above.

(i) The Clerk will keep a roll of attorneys, containing, in chronological order, the names of all persons authorized by this Court to practice the legal and notarial profession. All attorneys must register their signature in said roll. Notaries must also register their mark, seal, and flourish.

The Clerk will keep the Master Roll of Attorneys of Puerto Rico with the first and last names of all attorneys authorized to practice law and the notarial profession, their dates of admission, the number assigned to them by the Supreme Court, their office and personal telephone numbers, fax number, mailing and physical addresses of their office and residence, the location of their notarial office (if any), and their email address.

All attorneys and notaries are required to keep their information updated and to make any change thereto in the Master Roll of Attorneys. All attorneys and notaries will also file a special declaration with the Court when the information

updated in the Master Roll of Attorneys may bring about an exclusion or a review thereof pursuant to the Rules for the Appointment of Counsel in Puerto Rico.

Said special declaration will be filed electronically, through a system enabled for such purposes, and will include a certification stating that his or her profile and all other information contained in the Master Roll of Attorneys is up-to-date. Specifically, the attorney or notary will confirm that his or her contact information (telephone numbers, mailing and physical addresses, location of the notarial office, if any, and email addresses) is correct and has updated his or her employment history and areas of practice. The special declaration will also include the request for exclusion or review of an exclusion granted under Rule 7 of the Rules for the Appointment of Counsel in Puerto Rico, as the case may be.

(j) The Clerk will keep a record of attorneys who have been suspended or separated from the legal practice and a similar record of those separated from the notarial practice. Both records must indicate the date of suspension or separation and the term of the same.

(k) The Clerk may not permit that any court record or document in his or her custody be removed from the Court, except by order of the Court or of the Chief Justice; and, during the Court recess, by order of the chief judge of a Court division or of the acting judge, as the case may be, or by order of a majority of the members of the division.

(*l*) The Clerk will send a digital copy in Spanish of all the opinions and judgments rendered by the Court to the Office of Court Administration, to the Central Investigations Panel, to the Secretary of Justice, to the Library of the Supreme Court, to the Office of the Reporter of Decisions, to the professional associations of attorneys and notaries, and to the law school libraries, and to any bona fide entity that requests it for publication.

(m) The Clerk will stamp on all papers filed in his or her office the date and time on which they were filed. To such ends, a time stamp may be used.

(n) When the attorneys or the parties fail to comply with any of the provisions of these Rules, the Clerk will inform this fact to the Court for the appropriate action.

(nn)[*] The Clerk must notify the parties of the date the cases are submitted to the Supreme Court for adjudication on the merits.

(o) The Clerk will keep a record of all attorneys who render professional services through a limited responsibility partnership pursuant to Law No. 154 of 1996, known as the "Limited Liability Partnerships Act," 10 LPRA § 1861 *et seq*. In this record, the Clerk will enter the name of the partnership, the address and telephone number of the partnership's main office, and the partners' names, addresses and telephone numbers. The Clerk will also certify that the partnership

[*] Translator's note: The letter "ñ" used in the Spanish version of these Rules has been replaced here with "nn."

has filed with the Department of State the documents required by the Limited Liability Partnerships Act.

(q) Requests for exclusion or exemption pursuant to the Rules for the Appointment of Counsel in Puerto Rico will be granted by the Clerk of the Court unless an exclusion is requested on the grounds of a permanent or indefinite disability, in which case the Supreme Court exclusively reserves its authority to pass upon the matter.

If a request for exemption or exclusion is denied, the Clerk will indicate the reason therefor. The attorney aggrieved by the Clerk's decision may file a petition for reconsideration with the Clerk of the Court. Petitions for reconsideration will be filed electronically within the term of ten (10) working days following notice of the Clerk's decision. Any request for enlargement of the term to file a petition for reconsideration will be denied outright.

If, as a result of a petition for reconsideration, the Clerk amends or in any manner modifies its initial decision, the attorney affected by the decision may file a new petition for reconsideration with the Clerk of the Court within the term of ten (10) working days following notice of the Clerk's decision.

The attorney may file with the Supreme Court a motion for reconsideration within a term of three (3) working days following notice of the Clerk's final decision. Pursuant to Rule 4(b), the Court will sit in a division to entertain the motion for reconsideration. A recommendation to grant the motion for reconsideration will require at least half of the votes of the participating Justices. When a division decides that the motion for reconsideration should be granted, it will refer it to the Court en banc, which will ultimately decide whether to grant said reconsideration.

When an attorney files a special declaration to request exclusion on the grounds of a permanent or indefinite disability, the Supreme Court will likewise sit in a division. A recommendation to grant this exclusion will require at least half of the participating Justices. When a division decides that it should be granted, the matter will be referred to the Court en banc, which will ultimately decide whether to grant the exclusion. The full Court will pass upon a motion for reconsideration filed with the Supreme Court, pursuant to the provisions of Rule 45.

Rule 10. Marshal

(a) The Marshal, himself or herself, or through one of his or her deputies, will be in charge of the security of the Justices, of their closest relatives, and of the employees of the Court.

(b) The Marshal, or one of his or her deputies, must attend each Court session, or see to it that one of his or her deputies does. The Marshal will also be in charge of the maintenance and general inspection of the Court building, and of all the furniture and other property of the Court.

(c) The Marshal will deliver all writs, orders, communications, and notices issued by the Court or under the authority of the Court and will make due return of

such documents, or see to it that one or more deputy marshals do so under his or her supervision and responsibility.

(d) The Marshal, without need of special orders to such effect, must maintain security and order in the Court premises.

(e) When the Justices take their seats on the bench, the Marshal will announce that the Supreme Court of Puerto Rico is in public session. The Court will remain open from that time until the Justices leave the bench, thus ending the session for the day unless otherwise ordered. In such case, the Marshal will make an announcement in that respect.

(f) The Marshal will see to it that the Office of Court Administration provides each Justice with adequate means to keep in constant communication with the Court and with the other Justices.

Rule 11. Library

(a) The Head Librarian of the Supreme Court will be in charge of the administration of the Library of the Court and will have custody of the Court's bibliographical resources.

(b) The Library of the Supreme Court may be used by attorneys, by Government justice officials, and by any person who obtains permission from the Head Librarian.

(c) The Library will be open during the Court working hours, and its operations will be governed by the regulations adopted by the Head Librarian with the approval of the Court. The bibliographical resources may not be removed from the Court premises, except by the Justices of the Court or through a duly authorized loan within the Judicial Branch.

(d) The library schedule established above may be extended by order of the Chief Justice.

Rule 12. Admission to the Bar

(a) *Examination requirement*

All applicants seeking admission to the practice of law in the Commonwealth of Puerto Rico must pass a bar examination to be prepared and administered by a Board of Bar Examiners appointed by this Court.

(b) *Board of Bar Examiners; rules*

The Rules of the Board of Bar Examiners currently in force govern the composition of the Board of Bar Examiners; the appointment, requirements, and attributes of its members, its organization and operation; the requirements and conditions applicants must meet in order to take the bar examination; the nature of the examinations, the subjects to be covered, and the preparation, administration, and correction of the bar examinations.

(c) *Committee on Character and oath*

All applicants seeking admission to the practice of law who pass the bar examinations must appear before the Committee on Character of Applicants for Admission to the Bar.

This Committee will also examine any matter submitted by the Court concerning an attorney's readmission to the bar.

(d) *Oath of attorney*

Once the applicant meets the requirements established by the Committee and approved by this Court, and receives a certificate of good character issued by said Committee, the applicant must take the pertinent oath before the Supreme Court en banc, or before any of its divisions or of its Justices.

After taking the oath, the applicant must register his or her physical and mailing address with the Office of the Clerk of the Court. Likewise, as prescribed by Rule 9(j), the applicant must inform the Clerk of any subsequent change of address.

(e) *Personal records of attorneys*

(1) Except as provided below, the personal records of the attorneys are in the character of public documents and will be available, upon previous written request, to persons with a legitimate interest in the same. The following documents, which are part of the attorneys' personal records, must be kept apart in a sealed envelope and will not be available for examination except by express authorization of the Court:

(A) Informative Statement of Applicant (Form 51(J));

(B) Any amendment to the Informative Statement of Applicant (Form 52(J));

(C) Transcript of credits;

(D) Applicant's Personal Information Codification Sheet (Form 193(J));

(E) Score Report and any other specific document which the applicant is asked to furnish for the purposes of evaluating his or her reputation or physical or mental capacity.

(2) With regard to the aforementioned confidential documents which have not yet been placed in a separate sealed envelope in the attorneys' personal records kept in the Office of the Clerk of the Court, the officers in charge of their custody must apply the following rules to all applications for examination of such personal records. Before giving the record to the interested person, the officers will remove the aforementioned documents and will place them in an envelope. The officers will immediately draft and sign a brief note stating the action taken.

(3) The name and address of the person who requests a personal record for examination must be entered in the personal record. The personal record to be examined will always be delivered without the sealed envelope, which will be temporarily retained by the officer having custody thereof. Once the record is

examined and returned, the sealed envelope will be placed in the record, which will be put back in the corresponding record file.

Under no circumstances, except by express order of the Court, may the documents contained in the sealed envelope be shown.

(f) *Admission pro hac vice*

(1) Any person admitted to practice in a United States jurisdiction may apply for admission pro hac vice to practice in Puerto Rico in special cases before courts and administrative agencies, and in alternative dispute resolution proceedings, including arbitration procedures.

Duly submitted applications will be granted by the Clerk of the Court unless the amount of submitted applications shows that the applicant is in fact regularly engaged in the practice of law in Puerto Rico. To such ends, when a person submits six or more applications within a period of one year or submits one application when he or she has already been admitted to appear pro hac vice in five cases that are still active, the Court must consider the following factors to determine whether to grant or deny the application:

(A) A shortage of local attorneys with specialized knowledge in the subject matter of the case;

(B) The complex nature of the subject matter of the case on which the applicant is a specialist;

(C) The existence of a long-standing attorney-client relationship;

(D) The existence of legal questions involving the law of a jurisdiction in which the applicant regularly practices law;

(E) The need for ample discovery in the jurisdiction where the applicant practices law; and

(F) Any other circumstance that may affect the personal and financial welfare of the client.

(2) The application must be endorsed by an attorney admitted to practice law by this Court, who will attest to the applicant's capacity to practice law in the case concerned. The endorsing attorney will also:

(A) appear as attorney of record in the case concerned with the applicant;

(B) sign any pleading, motion or paper drafted in connection with the case concerned;

(C) serve with all proceedings, pleadings, motions, and other papers served on the applicant;

(D) accompany the attorney admitted pro hac vice every time that attorney litigates the case or takes part in a deposition or any other proceeding related to the case concerned unless excused by the court in which the case is being tried.

The applicant and the endorsing attorney will both sign the application for admission pro hac vice.

The application must be accompanied by a certificate issued by the highest court of each United States jurisdiction in which the applicant is admitted to practice. The certificate must attest to the attorney's admission to practice, active status, and good standing at the time of issuance. This certificate must have been issued within a period of ninety (90) days before submitting the application. The applicant must not have been disbarred or suspended from practice in any jurisdiction. Moreover, the endorsing attorney must have been duly admitted to practice in Puerto Rico, regardless of whether he or she mainly practices law in another jurisdiction.

The applicant must inform whether any competent disciplinary authority in any of the jurisdictions to which he or she has been admitted has initiated any disciplinary proceeding within the preceding five years. The applicant must also inform whether he or she has been disciplined or suspended from the practice of law at any time in any jurisdiction. The applicant must report in detail the petitioning agency or body, the case number, the grounds for such proceedings, and the current status or outcome of the proceeding.

The applicant must also inform whether any United States jurisdiction has denied his or her admission to appear pro hac vice within the preceding five years. The obligation to provide this information includes the duty to inform the jurisdiction and disclose the reasons put forward by the entity for denying the application. Likewise, the applicant must provide information about the applications for admission pro hac vice filed in this Court within the preceding two years, including the case for each application filed, the application dates, and the decision of the Court. The applicant for admission pro hac vice must certify that he or she is familiar with the procedural and ethical rules in Puerto Rico. Endorsing attorneys must certify that to the best of their judgment, the information provided is true and correct.

The application for admission pro hac vice must include internal revenue stamps in the amount of eight hundred dollars ($800) unless the Court waives such fee because it involves a pro bono case or for good cause shown. For consolidated cases, the application must include internal revenue stamps for each case in which the potential client is a party. The application fee will be waived when an attorney from a legal aid clinic of a school of law, Pro-Bono, Inc. of the Puerto Rico Bar Association, Legal Services de Puerto Rico, Inc., and the Legal Aid Society of Puerto Rico endorses the application for admission pro hac vice for the purposes of providing pro bono services through one of these entities. If the Court decides to deny the application for admission pro hac vice, the fee will not be reimbursed.

(3) If the application for admission pro hac vice is granted, the applicant will be automatically subject to the disciplinary jurisdiction of the Supreme Court of Puerto Rico and will have the duty to continuously update the information provided

in the application. The applicant and the endorsing attorney will be responsible to their client and the court.

(4) The Clerk of the Court will keep a record of applications for admission pro hac vice granted by the Court. The record must contain the name of the attorney admitted pro hac vice, the name of the endorsing attorney, the date of application, and the date on which the application was granted. The Clerk must also include the name of the parties, the case number, and the court in which the case for which the applicant was admitted is being tried.

(5) A person not admitted to practice in Puerto Rico need not apply for admission pro hac vice when he or she only:

(A) renders legal services in Puerto Rico in connection with or in aid of proceedings being conducted in other jurisdictions to which the person is admitted to practice;

(B) consults with a person admitted to practice in Puerto Rico in connection with a pending or potential proceeding to a client of the latter is a party;

(C) consults with a person in Puerto Rico who is considering to be or is actually a party to a proceeding in any United States jurisdiction about the possibility of retaining his or her services for that proceeding, provided that such consultation takes place at the request of the prospective client;

(D) renders legal services in Puerto Rico on behalf of a client in preparation for a proceeding to be conducted in Puerto Rico, provided that he or she reasonably believes that he or she is eligible for admission pro hac vice in Puerto Rico;

(E) renders legal services to a client or prospective client in Puerto Rico in preparation for a proceeding to be conducted outside Puerto Rico, provided that he or she reasonably believes that he or she is eligible for admission in the jurisdiction where the proceeding is expected to be conducted; or

(F) renders legal services while outside Puerto Rico to a client in Puerto Rico who retains his or her services in connection with a prospective or pending proceeding in or outside Puerto Rico.

Persons not admitted to practice in Puerto Rico may proceed in the circumstances described above, in connection with prospective or pending proceedings if they reasonably believe that they will be admitted pro hac vice by this Court, even if eventually the proceeding is not conducted or if admission pro hac vice is denied.

(6) The fact that a person has been admitted pro hac vice under this rule or is rendering legal services in Puerto Rico in any of the circumstances listed in the preceding paragraphs does not mean that he or she is authorized to represent another person or to make the public believe that he or she has been admitted to practice in Puerto Rico.

(7) All applications for admission pro hac vice will be made by completing and submitting in the Office of the Clerk of the Court the Application for Admission Pro Hac Vice incorporated into this rule as an attachment thereto.

(8) The Supreme Court may revoke an admission pro hac vice for good cause shown.

(g) *Practice by law students*

Any person who pursues studies leading to the degree of Juris Doctor in one of the law schools accredited by the Board of Postsecondary Institutions and by this Court may be allowed to practice before the Court of First Instance, the Court of Appeals, and the administrative bodies of the Commonwealth of Puerto Rico if the following requirements and conditions are met:

(1) The student has completed and met at least two thirds of the Juris Doctor requirements established by the law school in which the person is pursuing studies.

(2) The student is participating in a clinical program for law students sponsored and run by the law school in which the person is pursuing studies.

(3) The student must have an authorization signed by the dean of the law school where the person pursues studies, attesting to the fact that he or she meets the minimum requirements established by this rule and is a person of good moral character. This authorization will expire when the person ceases to be a student of the law school that issued the authorization, or when it is revoked by the dean of the law school.

(4) The student must state under oath in the authorization that he or she meets the requirements established by this rule and that he or she agrees to abide by the conditions established therein and by the canons of ethics that govern the conduct of attorneys in Puerto Rico.

(5) The student must carry out said practice under the direct and immediate supervision of an attorney authorized by this Court to practice law, designated in accordance with the clinical program approved by the law school to which the person pursues studies. Said attorney must sign the authorization consenting to be the student's supervisor and assuming responsibility for the student's good conduct and behavior.

(6) The student must file in every case in which he or she appears before a court of justice or an administrative body of the Commonwealth of Puerto Rico a written motion that must be made a part of the record and served on all the parties to said case, setting forth the express consent of the party on whose behalf the student is appearing. The participation of the law student must be approved by the court or by the administrative body under the conditions these may impose.

(7) The student must render his or her services free of charge and as part of his or her training.

(h) *Legal and notarial practice in limited liability partnerships*

To be included in the record established under Rule 9, attorneys and notaries who render professional services through a partnership created pursuant to the Limited Liability Partnership Act, 10 LPRA § 1861 *et seq.*, must submit to the Clerk of the Supreme Court a copy of the corporate charter of the limited liability partnership, stating the name of the partnership, the address and telephone numbers of the home office, the managing partner's name, address and telephone number, the names, addresses and telephone numbers of the partners to the partnership, and the appropriate certificate of registration in the Department of State.

They must also submit a copy of the subsequent certificates of the partnership's application for the renewal that must be filed each year with the Department of State as required by the Limited Liability Partnerships Act, 10 LPRA § 1861 *et seq*. In the event of the dissolution of the partnership or the withdrawal or resignation of the partners, a copy of the notice to such effect must also be submitted.

They will also present evidence that the partnership has secured a guarantee of payment of any compensation for professional malpractice that the partners may be obligated to make.

The notary bond posted by notaries will be deducted from the financial liability [security guaranteeing payment of compensation] for professional malpractice required by the Limited Liability Partnership Act, 10 LPRA § 1861 *et seq*.

Any of the following alternatives may be used by the partnership as a mechanism for meeting the suretyship requirement under the Limited Liability Partnership Act, 10 LPRA § 1861 *et seq*.:

(1) A bond issued in favor of the partnership by an insurance company authorized to do business in Puerto Rico, whose sufficiency to answer for the payment of any compensation for professional malpractice must be certified by the Insurance Commissioner of the Commonwealth of Puerto Rico. Said bond will be in the minimum amount of fifty thousand dollars ($50,000), multiplied by the number of attorneys who render professional services through the partnership at the time the bond is issued or renewed; but the total insurance coverage will never be less than one hundred thousand dollars ($100,000) or more than one million dollars ($1,000,000).

(2) A professional liability insurance document with a minimum coverage of one hundred thousand dollars ($100,000), exclusive of any applicable deductible unless covered by a bond, letter of credit, or any other instrument showing the existence of the funds to cover the amount of deductible. The insurance will be in the amount of fifty thousand dollars ($50,000) multiplied by the number of attorneys who render professional services through the partnership at the time the bond is issued or renewed; but the total insurance coverage will never be less than one hundred thousand dollars ($100,000) or more than one million dollars ($1,000,000).

(3) An irrevocable letter of credit issued in the name of the partnership, or a document showing that funds in the minimum amount of one hundred thousand dollars ($100,000) and up to one million dollars ($1,000,000) have been separated or segregated. The segregated or separate amount will be fifty thousand dollars ($50,000), multiplied by the number of attorneys who render professional services through the partnership at the time the letter of credit, or the document attesting to the separation or segregation of the funds, is issued or renewed; but the total separate funds will never be less than one hundred thousand dollars ($100,000) or more than one million dollars ($1,000,000).

These separate or segregated funds will be deposited in an escrow account with a banking entity established under the laws of the Commonwealth of Puerto Rico or any State or territory of the United States, and authorized to do business in Puerto Rico, or in a trust established under the laws of the Commonwealth of Puerto Rico or any State or territory of the United States, and authorized to do business in Puerto Rico.

Rule 13. Admission to the Notarial Practice

(a) Any person admitted by this Court to practice law, and who has also passed a Notarial Law examination prepared and administered by the Board of Bar Examiners, may be admitted to the notarial practice. The Notarial Law examination requirement will not apply to any person admitted to the practice of law on or before July 1, 1983. Once the candidate has passed the examination, he or she must file with the Office of the Clerk of the Court the pertinent petition, along with a bond in duplicate, in favor of the Commonwealth of Puerto Rico, for the sum required by law. Once the Court accepts the bond and the petitioner is admitted to the notarial practice, he or she must take the corresponding oath before the Supreme Court en banc, or any of its divisions or Justices, or before the Clerk of the Court. The notary must then register his or her signature, mark, seal, and flourish in the Office of the Clerk of this Court and in the Department of State, and must inform his or her residential address and the location of his or her notarial office to the corresponding part of the Court of First Instance and to the director of the Office of Notarial Inspection. Every month, no later than the tenth calendar day of the month following the month reported, the notary must forward an informative index of all the deeds and affidavits authenticated by him or her, in keeping with Section 12 of the Notarial Law of Puerto Rico, Law No. 75 of July 2, 1987 (4 LPRA § 2023). Notaries must notify any changes in residential address or notarial office to the Clerk of the Supreme Court and to the director of the Office of Notarial Inspection.

(b) When the bond is posted by a surety company, the Commissioner of Insurance of the Commonwealth of Puerto Rico must certify its sufficiency. When a notary furnishes a mortgage bond, it must be accompanied with a certificate issued by the Secretary of the Treasury of Puerto Rico stating the appraisal value of the

mortgaged property, and with a certificate issued by the corresponding property registrar regarding the liens on said property.

(c) Notaries must strictly comply, either by personal delivery or certified mail, with the statutory provisions on certifications and notices involving wills and powers of attorney executed before them. In cases involving the protocolization of a power of attorney or a will executed outside of Puerto Rico, the notary must also set forth the date and place of execution of the protocolized will or power of attorney, the name of the attorney in fact and of the principal, or of the testator or testatrix, as the case may be, the name of the notary before whom the protocolized instrument was executed, and the name of the officer who authenticated the signature of said notary. In the event a notary fails to make the corresponding certification or give notice within the statutory term, he or she must make it as soon as possible, accompanying the pertinent certificate or notice, under his or her signature and notarial attestation, stating in detail the facts and circumstances that gave rise to the delay, and whether the delay has harmed any person or has given rise to lawsuits or controversies. If the delay was due to the acts of third persons, the notary will accompany his or her explanation of the facts with sworn statements and other documents attesting to such acts, as well as any other evidence that the notary may wish to submit to justify the delay. The director of the Office of Notarial Inspection will see to it, in all cases, that the notary sends all the information required, and any other additional information that the director may deem convenient. The director may also accept the explanation offered, determine whether it is sufficiently justified, and warn the notary to strictly comply with his or her obligations in the future. When appropriate, the director of Notarial Inspection may bring the matter to the attention of the Court for the corresponding disciplinary action, following the same procedure established in Rule 1[4](n). The director of the Office of Notarial Inspection will have the same duties with regard to the notarial indexes.

(d) Every notary must send, no later than the following January, and in the forms supplied by the Clerk to such effect, an annual statistical report of all the notarial documents authenticated by him or her throughout the year.

Rule 14. Complaints and Disciplinary Proceedings Against Attorneys and Notaries

(a) This rule establishes the disciplinary proceedings applicable to attorneys and notaries.

(b) Any written and verified complaint received by the Court or by any of the Justices of the Court regarding the behavior of an attorney or a notary will be duly entered by the Clerk in the corresponding special record kept to such ends. Unverified complaints or complaints lacking a sufficient specification of the facts on which they are grounded may not be recorded or entered.

(c) The Clerk will send a copy of the complaint to the attorney or the notary, as the case may be, who will have ten (10) days to express himself or herself on the

matter. The Clerk may extend this term when the circumstances thus warrant it. The attorney or the notary must serve on the complainant by certified mail, return receipt requested, or by email, a copy of the answer filed with the Court, setting forth in the same the fact of such service.

(d) When the attorney or the notary has filed his or her answer, or the term to answer has run out, the Clerk will send the complaint and the answer, or the complaint with an indication that it has not been answered, as the case may be, to the Solicitor General or to the director of the Office of Notarial Inspection, so that, within a period of sixty (60) days, they may express their opinion and make the pertinent recommendation.

(e) After the Court receives the recommendation of the Solicitor General or of the director of the Office of Notarial Inspection, it may order the complaint dismissed, order a broader inquiry into the complaint, or submit the matter to one of the Justices for determination of cause. Said Justice will inform his or her opinion and recommendation to the full Court. The Court may impose the corresponding sanctions without need for further proceedings when the facts warranting such sanctions arise from the answer itself. After completing the above procedure, the Court may order the Solicitor General to file the formal complaint.

(f) Once the formal complaint is filed, the Clerk will enter it in the corresponding book of entries, and will immediately order the attorney or notary involved to answer the formal complaint within a period of fifteen (15) days after the date of service. The Marshal will serve notice of the formal complaint and the order. If personal service cannot be carried out, the Marshal will thus inform the Court, which may order that service be carried out by leaving the documents in a properly addressed envelope at respondent's office during working hours. If service through these means is not possible, the Clerk will serve notice by certified mail, return receipt requested, at the respondent's address as it appears in the Master Roll of Attorneys. Such service will suffice for purposes of these Rules, even if the letter is returned.

(g) The Solicitor General may file on his or her own motion formal complaints against any attorney or notary; so may the Bar Association of Puerto Rico. Once filed, the formal complaint will be treated as if it had been filed by order of the Court.

(h) A hearing will be held to receive evidence on the formal complaint. The Court may order the hearing held before it or, at its discretion, it may appoint a Special Master to receive the evidence and submit a report with findings of fact.

The Special Master who is not a regular employee of the Commonwealth of Puerto Rico, its agencies or public corporations, will receive a per diem allowance of one hundred dollars ($100.00) for each day of hearings or for each day said Special Master engages in official activities as such.

(i) The Special Master will schedule the hearing or hearings that may be necessary to receive the evidence, and the Clerk will issue the summonses and other

related orders as if they had been ordered by the Court. The Special Master may order a prehearing conference.

(j) At the hearing, the respondent is entitled to confront the witnesses against him or her, may cross-examine the witnesses, examine the documentary or material evidence presented against him or her, and may also present witnesses and documentary and material evidence in his or her favor. The respondent is entitled to receive a copy of any affidavit made at any stage of investigation of the complaint, even if the same was not presented in evidence. The rules of discovery will not be applied unless the Court provides otherwise because it deems it indispensable under the circumstances of the case.

(k) The Special Master will decide the admissibility arguments in accordance with the law. At the close of evidence, the Special Master will file a report with his or her findings of fact, which must be exclusively grounded on the evidence presented and admitted. Any conflict over the evidence will be resolved on the basis of the credibility it deserves. The report must be presented to the Court, with a copy served on the parties, within a period of thirty (30) days after the close of evidence. All the documentary and material evidence presented must be sent with the report. Evidence presented, but not admitted, must be clearly identified as such, setting forth the reasons for its non-admission.

(*l*) Each party will have a period of twenty (20) days, to run simultaneously, from the date of service of the report to offer their comments or objections and their recommendations on the action to be taken by the Court.

(m) At the end of said term, the Court will decide according to law.

(n) All hearings held, either before the Court or before the Special Master, must be recorded. The audio recording operator must certify the correction of any transcript made. A transcript of the recording will be made only in the following cases: (1) when ordered by the Court or by the Special Master, because they deem that the transcript is indispensable for drawing the findings of fact; or (2) when any of the parties objects to the findings of fact of the Special Master, and the Court deems that the transcript is indispensable for settling the objections. If making a recording is not possible, stenographic notes of the hearing must be taken, which will be transcribed only in keeping with these guidelines. If for any reason the transcript of the oral evidence is unduly delayed, the Court may require the Special Master to draw his or her findings of fact without the transcript.

(nn)[*] Adverse reports on a notary filed by the director of the Office of Notarial Inspection will be governed, insofar as it is pertinent, by the provisions of Rule 81 of the Notarial Regulations of Puerto Rico of July 14, 1995, (4 LPRA App. XXIV).

(o) The Clerk will serve a copy of all the decisions adopted by the Court on the respondent attorney or notary, and to the party who lodged the complaint. Any

[*] Translator's note: The letter "ñ" used in the Spanish version of these Rules has been replaced here with "nn."

decision of the Court imposing sanctions will also be notified to the Office of Court Administration, to the Secretary of Justice, and to the Puerto Rico Bar Association. If the sanction should in any way affect the notary's capacity to act as such, the Secretary of State and the director of the Office of Notarial Inspection will also be notified.

(p) If the Court orders an indefinite or a temporary suspension, or the permanent separation of the attorney from the notarial practice (either directly or indirectly by ordering the attorney separated from the practice of law), the Clerk will immediately issue an order directing the Marshal to seize as soon as possible the notary's protocols and registries of affidavits, and to deliver them to the director of the Office of Notarial Inspection or to any protocols inspector, in order to comply with the provisions of Sections 64 and 66 of the Notarial Law of Puerto Rico, Law No. 75 of July 2, 1987 (4 LPRA §§ 2104 & 2106). This seizure will be without prejudice that, once the temporary separation ends, the notary may move the Court to have said protocols and registries of affidavits returned to him or her.

(q) In cases in which a complaint has been lodged against an attorney or a notary, the reports on the investigation and the documents of the Solicitor General or of any other entities or persons that are filed in the Office of the Clerk or brought for the consideration of the Chief Justice or the Court may not be available for inspection by the public until the matter has been finally resolved. When the complaint escalates to a formal complaint, both records will be open to public inspection once the requirements of paragraph (r) of this rule are met.

(r) Once the answer to a formal complaint has been filed in the Office of the Clerk, both documents, as well as those that may be subsequently added to the record during the proceedings, will be open to public inspection.

(s) If, after being suspended from the bar, the attorney or the notary wishes to be reinstated, he or she must file a motion for reinstatement with the Court, inasmuch as reinstatement is not automatic unless it is thus expressly ruled by the Court.

Rule 15. Mental Incapacity of Attorneys

(a) Mental incapacity, defined as a mental or emotional condition of such nature that renders an attorney unfit to represent his or her clients competently and adequately, or that precludes him or her from maintaining the standard of professional conduct required from every attorney, will constitute grounds for the indefinite suspension of the incapacitated attorney.

(b) When an attorney is declared incompetent by a court or is committed to a mental institution because of proved incapacity, the Court will suspend him or her from the practice of law for as long as the illness persists.

(c) When in the course of a Rule 14 disciplinary proceeding there are doubts about the mental capacity of the respondent attorney, the Court, on its own motion or on motion of the Solicitor General or of the complainant, will appoint a Special

Master—if none has already been appointed—to receive evidence on the attorney's mental incapacity, as such term is defined in paragraph (a) of this rule. In these cases, a panel of three (3) psychiatrists will be appointed to examine the attorney and to offer their expert testimony before the Special Master. The panel of psychiatrists will be selected as follows: one will be appointed by the Special Master, another by the Solicitor General of Puerto Rico, and the third one by the respondent attorney. The appointments must be made within a period of ten (10) days after the date of service of the Court ruling ordering this proceeding. If the Solicitor General or the respondent fails to make the corresponding designation within this term, the Special Master will do so in their stead. Once the panel of psychiatrists is designated, the Special Master will fix the date for a hearing that must be held within thirty (30) days following the designation of the psychiatrists. The psychiatrists will examine the respondent during that time, and they will submit a report to the Special Master, who will serve a copy of said report on the Solicitor General and on respondent. At the hearing before the Special Master, the Solicitor General and the respondent, through counsel, may raise objections to the psychiatrists' reports and will be given an opportunity to examine and cross-examine the psychiatrists. At said hearing before the Special Master, the Solicitor General and the respondent may present and cross-examine other witnesses, and documentary evidence may be introduced and examined. The discovery rules will not apply. The Special Master will decide admissibility issues in accordance with the law, but the communication between the respondent and the panel of psychiatrists may not be considered privileged. The report of the Special Master must be submitted to the Court—with copies served on the parties—within a period of thirty (30) days after the hearing and the close of evidence. Together with the report, the Special Master will submit all the documentary and material evidence presented, including the psychiatrists' reports. Evidence presented but not admitted must be clearly identified as such, and the Special Master must indicate why it was not admitted.

The parties may decide to waive the hearing and submit the matter to the Special Master on the basis of the psychiatrists' reports. In that case, objections to said reports may be made within ten (10) days following the date on which they are submitted to the Special Master. The Special Master must submit his or her report to the Court within thirty (30) days after the psychiatrists' reports or the objections to said reports are submitted, as the case may be.

(d) When there are doubts about the mental capacity of an attorney in view of his conduct before the General Court of Justice, the Court may, on its own motion, order the proceedings before the Special Master, as mentioned in paragraph (c) above, even when no action has been brought before the consideration of the Court.

(e) If during the paragraph (c) proceedings the respondent attorney refuses to submit to a medical examination by the designated psychiatrists, such refusal will be

considered prima facie evidence of his or her mental incapacity, and his or her suspension from the practice of law may be decreed as a preventive measure.

(f) If under the Rule 14 disciplinary proceedings the respondent attorney raises the defense of insanity, the Court will appoint a Special Master to receive evidence pursuant to the proceeding in paragraph (c). In that case, the Solicitor General will try to establish respondent's sanity in order to continue the proceedings under the charges that gave rise to the original complaint. If after the Special Master's report the Court determines that respondent is not mentally incapacitated, as such term is defined in paragraph (a) of this rule, the original complaint proceedings must continue, and the respondent will be required to pay the costs involved in the psychiatric evaluation.

(g) After examining the Special Master's report in cases under paragraphs (c), (d), and (f) of this rule, the Court will decide in accordance with the law. If the Court finds that respondent is mentally incapacitated, as defined in paragraph (a) of this rule, it will indefinitely suspend the attorney from the practice of law. This action will not be considered disbarment, but a special social protection measure. When an attorney is suspended for mental incapacity, the Court may appoint one or more attorneys to inspect the suspended attorney's files and to take such immediate steps as may be necessary to protect the rights of his or her clients in pending cases. The attorneys appointed to this task will submit reports to the Court on their commission along with their recommendations. The General Court of Justice will give the affected clients enough time to retain new counsel. If the Court determines that the mental incapacity defined in paragraph (a) of this rule does not exist, and it is a proceeding under paragraph (c), the matter will be dismissed; if the proceedings were conducted under paragraphs (c) or (f) of this rule, the proceedings will continue under the original formal complaint.

(h) An attorney suspended under the provisions of this rule may file a motion for reinstatement with the Court. This motion must be filed thirty (30) days after the incapacity has ceased. When this motion is filed, the Court will appoint a Special Master, and a panel of three (3) psychiatrists will be designated pursuant to paragraph (c) of this rule. The psychiatrists will examine the respondent and submit a report to the Special Master, who, at his or her discretion, may order a hearing with the intervention of the Solicitor General unless the Court, on respondent's motion or on its own motion, orders a hearing. The Special Master will submit a final report to the Court, which will proceed to decide the matter. If a reinstatement hearing is held before the Special Master, the relationship between respondent and the psychiatrists who examined him or her during the suspension will not enjoy privileged communication benefits for purposes of the questioning that may take place at the hearing.

In cases under paragraph (b) of this rule, a judicial decision to the effect that the attorney is not mentally incapacitated will suffice to move the Court to lift the suspension.

(i) The fees for the professional services rendered under this rule will be fixed by the Court and charged to the Court's "Professional and Consulting Services" budget item.

Rule 16. Procedure in Actions of Original Jurisdiction

(a) This rule applies to habeas corpus, mandamus, quo warranto, writs of prohibition, and other proceedings in which this Court has original jurisdiction. It does not apply to proceedings in aid of jurisdiction, which are governed by Rule 28.

(b) Original jurisdiction proceedings are governed by the pertinent provisions of the Code of Civil Procedure, the Code of Criminal Procedure, and these Rules. The Rules of Civil Procedure and the Rules of Evidence apply only as long as they are not in conflict with these Rules, and as long as they further the efficient prosecution of the case and serve the ends of justice.

(c) A petition for one of the mentioned writs must contain the following numbered parts in the same order set forth below: (1) a statement of the statutory provisions on which the Court's original jurisdiction is invoked; (2) a brief summary of the facts relevant to the petition; (3) a brief and concise statement of the questions of law raised in the petition; and (4) an argument of the questions raised. The cover of the petition will contain only the caption (which will identify the petitioner as such and the adverse parties as defendants), and the name, address, and telephone number of petitioner's counsel. The page immediately following will contain a table of contents to the petition, which must conform to the provisions of Rule 38. Any document that should be brought to the attention of the Court at this stage of the proceedings must be attached at the end of the petition as an appendix. The petition may not exceed twenty-five (25)[12] pages, excluding the appendix.

(d) The filing of a separate memorandum of authorities will not be accepted. The argument and legal grounds must be set forth in the body of the petition.

(e) The petitions will be filed in the Office of the Clerk of the Court, and they will be distributed by the Clerk to the Court divisions, to the Court en banc, or to one of the Justices, according to the guidelines that from time to time the Court may establish. It will be deemed improper to address a petition directly to a Justice of the Court, except in cases of extreme urgency, when neither the Court nor the Clerk is

[12] As it is generally known, in large numbers of writs, the parties' petitions exceed the number of pages fixed by the Rules of the Supreme Court. Although in many cases the excessively long petitions are unjustified, sometimes complex cases arise which merit a more extensive discussion regarding the issues raised therein. Likewise, this has resulted in parties constantly having to file motions, under Rule 40(e), to excuse themselves for filing excessively long petitions. Precisely, what is sought with these amendments is to give the parties more space to argue their case and, at the same time, reduce the number of motions to offer excuses for exceeding the number of pages in the petitions.

available. In such cases, the Justice may individually exercise the powers invested in him or her by the Constitution and the law, but, where appropriate, at the first opportunity he or she will refer the case to the Court, through the Clerk. In the event that one of the Justices of the Supreme Court issues a ruling on a petition for habeas corpus or mandamus, said ruling will be subject to review by the Supreme Court. The party seeking review must do so within ten (10) days after entry in the record of the case of a copy of the notice of the judgment or ruling.

(f) In cases in which the Court of First Instance or the Court of Appeals has concurrent jurisdiction over the subject matter and can adequately address the petition, the Supreme Court may order the case removed to the corresponding part of the Court of First Instance or to the appropriate regional division of the Court of Appeals. Such order may not be considered an adjudication on the merits; rather it will be considered a determination by the Court to the effect that the case does not justify exercise of its original jurisdiction. Where appropriate, the Court en banc, one of its divisions, or one of its Justices, as the case may be, may deny the petition if from the face of the petition it arises that it is untenable; such action will constitute an adjudication on the merits.

(g) In these extraordinary remedies, the petitioner must serve summons on all affected parties in accordance with the pertinent provisions of the Rules of Civil Procedure. The Court may, on its own motion or on motion of a party, provide for another form of summons, provided, however, that if the mandamus is addressed to a judge to compel him or her to perform a ministerial duty with regard to a case pending before his or her consideration, the petitioner need not summon the judge as prescribed by the pertinent provisions of the Rules of Civil Procedure. In such cases, it will suffice that the petitioner serves the judge with a copy of the petition for mandamus pursuant to Rule 39. The petitioner must also notify the other parties to the action that gave rise to the petition for mandamus and the Court where the case is pending.

(h) Unless the writ itself provides otherwise, the petitioner will have ten (10) days, from the date notice of issuance was given to file its brief, and the other parties will have ten (10) days from the date notice is given of petitioner's brief to file theirs. The briefs must conform to the provisions of Rule 33. The Court en banc, one of its divisions, or one of its Justices, as the case may be, may order the adverse parties to answer the facts alleged in the petition within a certain term. In such case, the term to file petitioner's brief will start to run from the moment the answer is received.

(i) Upon issuing the preliminary writ or at any time thereafter, the Court en banc, one of its divisions, or one of its Justices, as the case may be, may order, on its own motion or on motion of a party, a hearing to receive evidence, or a Special Master may be appointed for that purpose. If a Special Master is appointed, the proceedings will be conducted as prescribed in Rule 14, paragraphs (i) to (n), but the Court may order the Special Master to submit his or her report within a shorter term than that

prescribed in said Rule. In no case may the discovery of evidence be excluded. The pertinent Rules of Civil Procedure and of Evidence will apply to these cases as if it were a proceeding before the Court of First Instance, as long as they are not in conflict with these Rules, and as long as they further the efficient prosecution of the case and serve the ends of justice.

Rule 17. Proceedings on Appeal

(a) *Time of filing*

The appeal from a final judgment in a case from the Court of Appeals will be perfected by filing a petition for appeal with the Office of the Clerk of the Supreme Court within a jurisdictional term of thirty (30) days from the date of entry in the record of the case of a copy of the notice of the judgment from which appeal is taken.

In civil cases in which the Commonwealth of Puerto Rico, its officers, any of its instrumentalities other than a public corporation, and the municipalities of Puerto Rico are a party to the action, the petition for appeal will be filed within a jurisdictional term of sixty (60) days after entry in the record of the case of a copy of the notice of the judgment appealed from.

Where a motion for reconsideration has been filed in the Court of Appeals, said term will begin to run from the date of entry in the record of the case of a copy of the notice of the resolution disposing of the motion for reconsideration.

If the date of entry in the record is different from the mailing date of the notice, the term will begin to run as of the mailing date thereof.

(b) *Service*

The appellant will be responsible for serving the petition for appeal to all other parties, as prescribed in Rule 39.

Likewise, the appellant will serve a duly numbered and time-stamped copy of the appeal filed, without the appendix, on the Court of Appeals within a period of seventy-two (72) hours. This term is of strict compliance.

(c) *Effects of filing*

The filing of the petition for appeal with the Court will stay the proceedings in the lower courts unless otherwise ordered by this Court, on its own motion or on motion of a party. The lower courts may continue entertaining any other matter not included in the appeal.

The effects of a judgment to be reviewed will not be stayed unless otherwise ordered by the Court on its own motion or on motion of a party when any of the following remedies is involved:

(1) an injunction, mandamus, or a cease and desist order;

(2) a support payment order;

(3) a custody or visitation rights order; or

(4) a judgment providing for the sale of goods liable to loss or deterioration.

(d) *Contents of the petition for appeal*

The petition for appeal will contain:

(1) *Cover*

The first page of the petition will be the cover and will indicate on its heading the name of the Court (*In the Supreme Court of Puerto Rico*) and the following information:

(A) *Caption*

The caption of the petition for appeal will contain the names of all the parties in the same order as they appeared before the Court of Appeals, and will be identified as "appellant" and "appellee."

(B) *Information on the parties and their counsel*

It will include the name, address, telephone number, fax number, email address, if any, of counsel for the appellant and counsel for the appellee, and the number assigned to them by the Supreme Court; or the name, address, and telephone numbers of the parties if they are not represented by counsel, indicating that they appear pro se.

(C) *Case information*

In the upper right corner of the cover, a space will be reserved for the case number the Clerk of the Supreme Court will assign to the appeal. Thereunder, information on the Court of Appeals case number and the regional division that issued the decision will be included.

(2) *Table of contents*

Immediately after the case information, there will be a detailed table of contents of the petition and of the cited authorities, conforming to the provisions of Rule 38.

(3) *Body*

The petition for appeal will contain the following numbered parts in the same order set forth below:

(A) In the appearance, the appellant's name;

(B) a statement of the statutory provisions that establish the jurisdiction of this Court;

(C) a brief, well-grounded discussion of the jurisdictional grounds;

(D) a reference to the appeal to be reviewed, including the title and number of the case, the court and panel that issued the decision, the date of issuance, and the date of entry in the record of a copy of the notice of judgment and the date of service, a reference to any motion, resolution and order by which the term to appeal was interrupted and reinstated, and a specification of any other proceeding concerning the same case, pending before this Court or before the Court of Appeals on the date the appeal is filed;

(E) a reference to the judgment of the Court of First Instance that was reviewed by the Court of Appeals, including the title and case number, the issuing

court, the date of issuance, and the date of entry in the record of a copy of the notice of judgment;

(F) a faithful and concise statement of the substantive and procedural facts;

(G) a brief and concise assignment of errors made by the Court of Appeals, as contended by the appellant;

(H) a discussion of the errors assigned, including statutory provisions and applicable caselaw;

(I) the relief sought, and

(J) a certificate on the manner notice of the filing was served on the parties and the court from which appeal is taken.

(4) *Page limits and number of copies*

The petition may not exceed twenty-five (25) pages, excluding the table of contents and the appendix. One (1) original and ten (10) copies must be filed. The form of the petition and of its appendix must conform to the provisions of this rule and of Rule 40.[13]

(5) *Appendix*

The petition for appeal will include an appendix conforming to Rule 34 and must contain a true and exact copy of the following documents:

(A) The petition filed in the Court of Appeals, the brief in opposition and the briefs filed by all parties with their respective appendices.

(B) The judgment appealed with the slip or form of the notice of entry in the record. In the event that the mailing date of the notice is different from the date of the entry in the record, a copy of the envelope will also be included.

(C) Where a motion for reconsideration has been filed, a copy of the resolution disposing of it and the slip or form of the notice of the entry in the record.

(D) Any document necessary to establish the jurisdiction of the Court, clearly and legibly showing the filing date and time.

(E) If the errors assigned in the appeal involve the weighing of the evidence, a copy of the narrative statement of the evidence filed in the Court of Appeals and a transcript of the evidence, if any.

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[13] Presently, Supreme Court Rule 17, which governs appeals, and other rules in these Rules provide that one (1) original and nine (9) copies must be filed. Accordingly, Rule 40 of these Rules, which governs the form of papers, provides that any document filed with this Court must include one original and eight (8) copies. There is, therefore, a discrepancy between these rules. That is why we propose rules will provide the same for the sake of uniformity. To such effects, and in view of the increased number of Supreme Court Justices, both rules will be amended to require the filing of one original and ten (10) copies: one for each Justice, one for the Central Investigations Panel, and the original to be filed with the Clerk of the Court.

(F) Any judgment, resolution, decision, order, or interlocutory ruling issued by any federal or state court of the United States of America and which is directly related to the parties and to the facts set forth in the appeal.[14]

(G) Any document that is part of the record in the Court of Appeals and in which the question raised before the Supreme Court is directly involved.

(H) If the appeal is granted, the Court may require the appellant to file any other document necessary to consider the merits of the case.

(e) When a review of a judgment issued by the Court of Appeals is sought in cases that were previously consolidated by the Court of Appeals, the Court may authorize the filing of a joint appendix containing a copy of the documents included in the previous paragraph. This exception will not release from the filing of ten (10) copies, as provided in Rule 40.

(f) The filing of a separate memorandum of authorities will not be accepted. The argument and legal grounds must be set forth in the body of the petition for appeal.

Rule 18. Specific Proceedings for Appeals

(a) *Determination of unconstitutionality*

(1) In addition to the Rule 17 requirements, when the appellant alleges in a case that the final judgment of the Court of Appeals from which appeal is taken includes a determination of unconstitutionality of all or part of a statute, a joint or concurrent resolution, a rule or regulation of a public agency or instrumentality, or a municipal ordinance, in accordance with Section 3.002 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 (4 LPRA § 24(s)), as amended, the appellant must include the pertinent reference to said statute, joint or concurrent resolution, rule or regulation, or municipal ordinance, and show that the judgment appealed actually declares unconstitutional, in whole or in part, the provision in question.

(2) If the Supreme Court finds that the judgment appealed does not include a determination of unconstitutionality of any statute, joint or concurrent resolution, rule or regulation of a public agency or instrumentality, or municipal ordinance, in accordance with Section 3.002 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 (4 LPRA § 24(s)), as amended, and the appellant wishes to have the appeal treated as a petition for certiorari, it must meet the requirements established for petitions for certiorari, thus allowing the Court to exercise its discretion in the issuance or denial of the writ.

[14] This requirement authorizes the Court to deny an appeal when it does not include a copy of the judgment, resolution, decision, order, or interlocutory ruling issued by a United States federal or state court that is directly related to the appeal. Thus, for example, if there is an issue of res judicata raised in a decision rendered in a federal or state court, a copy of said decision must be provided to grant the petition. Generally, this gives the Court greater prerogative to deny an appeal that does not contain the essential documents for review.

(b) *Conflict between prior decisions of the Court of Appeals*

(1) In addition to the Rule 17 requirements, when in the petition for appeal the appellant argues that there is a substantial conflict between prior decisions of the Court of Appeals, the appellant must include in the petition for appeal a summary of the facts and of the grounds of the decisions in alleged conflict. The appellant must also clearly and concisely establish the similarity between the appealed case and the case or cases that are allegedly in conflict, and specifically state what the conflict is about. The appellant must also include in the appendix to the petition for appeal a copy of the prior decisions of the Court of Appeals that are allegedly in conflict.

(2) If the Supreme Court finds that there is no substantial conflict with other judgments of the Court of Appeals in cases appealed before said Court, or that said judgments are not similar to the case filed, the Supreme Court may treat the appeal as a petition for certiorari. In that case, the petition must meet the requirements established for the petition for certiorari, thus allowing the Court to exercise its discretion in the issuance or denial of the writ.

Rule 19. Briefs on Appeal

(a) Within thirty (30) days after receipt of the notice mentioned in Rule 35(c), the appellant will file his or her brief, which must meet the Rule 33 requirements.

(b) Within thirty (30) days after receipt of the copy of the appellant's brief, the appellee will file his or her brief, which must also meet the Rule 33 requirements.

Rule 20. Proceeding in Certiorari; Requirements, Form and Effect of Filing

The petition for a writ of certiorari will be perfected by filing the same within the terms and in the manner provided by law and prescribed in these Rules. When the Supreme Court finds that an appeal is a more appropriate course than a petition for writ of certiorari, it may treat the petition for writ of certiorari as a petition for appeal, provided that it meets the requirements established for a petition for appeal, thus allowing the Court to pass upon the same.

(a) *Certiorari with jurisdictional terms*

(1) To review a judgment of the Court of Appeals rendered on appeal, the petition must be filed within a period of thirty (30) days from the date of entry in the record of a copy of the notice of the judgment from which review is sought. In civil cases in which the Commonwealth of Puerto Rico, its municipalities, officers, or any instrumentality, excluding public corporations, are a party to the action, the petition must be filed within the jurisdictional term of sixty (60) days from the date of entry in the record of a copy of the notice of judgment from which review is sought.

(2) To review judgment or resolutions of the Court of Appeals issued in writ of certiorari proceedings involving guilty pleas, the petition must be filed within a period of thirty (30) days from the date of entry in the record of a copy of the notice of judgment or resolution from which review is sought.

(3) To review judgments or final resolutions of the Court of Appeals issued in voluntary jurisdiction proceedings, the petition must be filed within a period of thirty (30) days from the date of entry in the record of the notice of the judgment or resolution from which review is sought.

(4) To review of judgments of the Court of Appeals issued under the special procedure provided in Section 18.006 of Law No. 81 of 1991, as amended, known as the Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991 (21 LPRA § 4856), the petition must be filed within a period of ten (10) days from the date of entry in the record of a copy of the notice of the judgment from which review is sought.

(5) To review judgments of the Court of Appeals issued in a review proceeding coming from administrative agencies, pursuant to the Judiciary Act of the Commonwealth of Puerto Rico of 2003, as amended, the petition must be filed within a period of thirty (30) days from the date of entry in the record of a copy of the notice of the judgment from which review is sought.

(b) *Certiorari with terms of strict compliance or other terms established by the law*

The terms established below are of strict compliance. The parties will strictly abide by these terms unless there are special circumstances duly supported in the petition for writ of certiorari:

(1) To review any other judgments or final resolutions of the Court of Appeals issued on discretionary remedies, except in cases originating from the Commonwealth Elections Commission, the petition must be filed within a period of thirty (30) days from the date of entry in the record of a copy of the notice of the judgment or resolution from which review is sought.

(2) To review judgments or resolutions of the Court of Appeals for which no specific procedure for review by the Supreme Court has been established, the petition must be filed within the term and under the conditions provided by law for the filing of the equivalent petition coming from the former Superior Court.

(c) *Computation of terms*

The terms for filing a petition for a writ of certiorari with the Supreme Court under this rule will begin to run from the entry in the record of a copy of the notice of the judgment or resolution, as the case may be. When a motion for reconsideration is filed with the Court of Appeals, said term shall begin to run from the date of entry in the record of a copy of the notice of the resolution disposing of the motion for reconsideration.

If the date of the entry in the record of the judgment or final resolution, or of the resolution resolving the motion for reconsideration, as may be the case, is different from the mailing date of the notice, the term will begin to run as of the mailing date thereof.

(d) *Manner of filing; notice to respondent courts*

The petition for a writ of certiorari will be filed with the Clerk of the Court of the Supreme Court.

The petitioner will file notice and a copy of the petition, without the appendix, duly stamped with the filing date and time, with the Clerk of the Court of Appeals within seventy-two (72) hours of filing of the petition for writ of certiorari. The term is of strict compliance.

(e) *Service on the parties*

A copy of the petition for writ of certiorari, duly stamped with the filing date and time, will be served by the petitioner on counsel of record or, in lieu thereof, on the parties, within the term provided for the filing the petition. This term is of strict compliance.

Service will be made in the manner prescribed by Rule 39.

(f) *Number of pages and copies*

The petition may not exceed twenty-five (25) pages, excluding the table of contents and the appendix. One (1) original and ten (10) copies must be filed. The form of the petition and its appendix will be governed by the provisions of this rule and Rule 40.

(g) *Contents of the petition*

The petition for writ of certiorari will include:

(1) *Cover*

The first page of the petition will be the cover and will indicate on its heading the name of the court (*In the Supreme Court of Puerto Rico*) and the following information:

(A) *Caption*

The caption of the petition for writ of certiorari will contain the names of all the parties in the same order as they appeared before the Court of Appeals and the parties will be identified as "petitioner" and "respondent."

(B) *Information on the parties and their counsel*

It will include the name, address, telephone number, fax number, email address, if any, of counsel for the petitioner and counsel for the respondent, and the number assigned to them by the Supreme Court; or the name, address, and telephone numbers of the parties if they are not represented by counsel, indicating that they will appear pro se.

(C) *Case information*

In the upper right corner of the cover, a space will be reserved for the case number Clerk of the Supreme Court will assign to the petition. Thereunder, information on the Court of Appeals case number and the regional division that issued the decision will be included.

(2) *Table of contents*

Immediately after the case information, there will be a detailed table of contents of the petition and of the cited authorities, conforming to the provisions of Rule 38.

(3) *Body*

The petition for writ of certiorari will contain the following numbered parts in the same order set forth below:

(A) In the appearance, the petitioner's name;

(B) a statement of the statutory provisions that establish the jurisdiction of the Court;

(C) a brief, well-grounded discussion of the jurisdictional grounds;

(D) a reference to the judgment, resolution, order or interlocutory ruling to be reviewed, including the title and number of the case, the court and division that issued the decision, the date of issuance, the date of entry in the record of a copy of the notice of judgment and the date of service, a reference to any motion, resolution and order by which the term to file a petition for writ of certiorari was interrupted and reinstated, and a specification of any other proceeding concerning the same case, pending before this Court or before the Court of Appeals on the date the petition for writ of certiorari is filed.

(E) a reference to the judgment, resolution, order, or interlocutory ruling of the Court of First Instance that was reviewed by the Court of Appeals, or the decision of the administrative agency, the Board or municipality, including the title and case number, the issuing court, the date of issuance, and the date of entry in the record of a copy of the notice of judgment;

(F) a faithful and concise statement of the substantive and procedural facts;

(G) a brief and concise assignment of errors made by the Court of Appeals, as contended by the petitioner;

(H) a discussion of the errors assigned, including statutory provisions and applicable caselaw;

(I) the relief sought; and

(J) a certificate on the manner notice of the filing was served on the parties and the court from which review is sought.

(4) *Appendix*

The petition for writ of certiorari will include an appendix conforming to Rule 34 and must contain a true and exact copy of the following documents:

(A) The petition filed in the Court of Appeals, the brief in opposition and the briefs filed by all parties with their respective appendices.

(B) The judgment or resolution appealed with the slip or form of the notice of entry in the record. If the mailing date of the notice is different from the date of the entry in the record, a copy of the envelope will be included.

(C) Where a motion for reconsideration has been filed, a copy of the judgment disposing of it and the slip or form of the notice of entry in the record.

(D) Any document necessary to establish the jurisdiction of the Court, clearly and legibly showing the filing date and time.

(E) If the errors assigned in the petition involve the weighing of evidence, a copy of the narrative statement of the evidence filed in the Court of Appeals and a transcript of the evidence, if any.

(F) Any judgment, resolution, decision, order, or interlocutory ruling issued by any federal or state court of the United States of America and which is directly related to the parties and to the facts set forth in the petition for certiorari.[15]

(G) Any document that is part of the record at the Court of Appeals and in which the question raised before the Supreme Court is directly involved.

(H) If the petition for writ of certiorari is granted, the Court may require the petitioner to file any other document necessary to consider the merits of the case.

(h) When a review of a judgment or resolution issued by the Court of Appeals is sought in cases that were previously consolidated by the Court of Appeals, the Court may authorize the filing of a joint appendix containing a copy of the documents included in the previous paragraph. This exception will not release from the filing of ten (10) copies, as provided by Rule 40.

(i) The filing of a separate memorandum of authorities will not be accepted. The argument and legal grounds must be set forth in the body of the petition for writ of certiorari.

(j) *Effects of filing*[16]

(1) *In civil cases*

The filing of the petition for writ of certiorari will not stay the proceedings in the Court of Appeals or the Court of First Instance unless otherwise ordered by this Court on its own motion or on motion of a party.

If the judgment to be reviewed orders the sale of goods liable to loss or deterioration, the Supreme Court, by its own motion or on motion of a party, may order the effects or the judgment or resolution to be suspended.

(2) *In criminal cases*

The filing of a petition for a writ of certiorari to review a judgment of conviction will stay the execution of judgment once a bail is posted unless the judgment to be reviewed orders that the convicted person be released on probation, or posting bail is disallowed, or the stay is barred by a special law. Where the petition

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[15] This requirement authorizes the Court to deny a petition for writ of certiorari when it does not include a copy of the judgment, resolution, decision, order, or interlocutory ruling issued by a United States federal or state court that is directly related with the petition for certiorari. Thus, for example, if there is an issue of res judicata in a decision rendered by a federal or state court, a copy of said decision must be provided to grant the petition. Generally, this gives the Court greater prerogative to deny a petition for writ of certiorari that does not contain the essential documents for review.

[16] The proposed text is similar to Rule 35 of the Rules of the Court of Appeals.

for writ of certiorari has not been perfected, the trial court will retain its authority to modify the conditions of probation or to revoke the same.

(k) *Issuance of the writ of certiorari*

The writ of certiorari will issue only by order of the Court, at its discretion. Issuance of the writ, both in civil and criminal cases, will stay the proceedings in the Court of Appeals and the Court of First Instance unless otherwise ordered by this Court. However, it will not stay the effects of the judgment or resolution to be reviewed when any of the following remedies is involved:

(1) an injunction, mandamus, or cease or desist order;

(2) a support payment order;

(3) a custody or visitation rights order; or

(4) a judgment providing for the sale of goods liable to loss or deterioration.

Notwithstanding the above, the Court, on its own motion or on motion of a party, may order otherwise, staying the effects of the judgment or resolution.

(*l*) *Opposition to the issuance of a writ of certiorari*

Within ten (10) days following service of a petition for writ of certiorari, the other parties must file memoranda in opposition to the issuance of the writ. These may not exceed twenty-five (25) pages, excluding the certificate of service, table of contents and appendix unless more pages are allowed by the Court pursuant to the provisions of Rule 40(f).

Where an appendix is included, it will only contain copies of documents that are relevant to the controversy and part of the record in the Court of Appeals. The appendix must conform to Rule 34.

Rule 21. Briefs in Petition for Certiorari

(a) Within thirty (30) days after receipt of the notice mentioned in Rule 35(c), the petitioner will file his or her brief in the Court.

(b) Within thirty (30) days after receipt of a copy of petitioner's brief, the respondent will file his or her brief in the Court.

(c) The briefs are governed by the provisions of Rule 33 as to form and content.[17]

Rule 22. Special Provisions Applicable to Petitions for Certiorari under Section 4.002 of the Puerto Rico Election Code for the 21st Century

(a) *Term to file the petition*

(1) The petition for certiorari to seek review of the judgments of the Court of Appeals in petitions under Section 4.002 of Law No. 78 of June 1, 2011, known as the Puerto Rico Election Code for the 21st Century, must be filed within the jurisdictional term of ten (10) days. The term to file the petition for writ of certiorari in the Supreme Court will start to run from the date of entry in the record of a copy

[17] The previous order of Rules 21 and 22 was reversed to provide a more cohesive sequence to these Rules.

of the notice of judgment. However, when a motion for reconsideration is filed with the Court of Appeals, the term to resort to the Supreme Court will start to run from the entry in the record of a copy of the notice of the resolution disposing of the motion for reconsideration. If the date of the entry in the record of the judgment or of the resolution disposing of the motion for reconsideration, as may be the case, is different from the mailing date of the notice, the term to file a petition for certiorari will begin to run as of the mailing date thereof.

(2) The petition for writ of certiorari will constitute the petitioner's brief unless the Supreme Court provides otherwise.

(b) *Filing and service*

(1) *Manner* of *filing*

(A) The petitions for writ of certiorari (with the ten (10) copies) submitted for the consideration of the Supreme Court will be filed in the Office of the Clerk. Only in situations of extreme urgency, and by previous authorization of the Supreme Court or—if neither the Court nor the Clerk is available—of one of its Justices, may the petition be filed by fax. In these cases, a grounded petition will be sent by fax to the Office of the Clerk of the Court, addressed to the Clerk of the Court or to one of the Justices, stating briefly and clearly the reasons for such urgency. Once this special filing is authorized, the ten (10) copies of the petition must be filed in the Office of the Clerk of the Supreme Court the next day unless the Court should provide otherwise.

(2) *Service*

(A) The petition for writ of certiorari, duly numbered and time-stamped, will be served by the petitioner on counsel of record or, in lieu thereof, on the parties, within the jurisdictional term established by law to file said petition. In those extraordinary situations in which filing by fax is allowed, the petitioner will serve the petition on the parties without the filing date and time stamped thereon, but always simultaneously with the filing of the same and with the number of the petition, should he or she have it. Service will be made pursuant to paragraph (e) of this rule.

(c) *Opposition to the issuance of the writ*

(1) *Terms to file*

(A) Within ten (10) days following service of the petition for writ of certiorari, the other parties must file memoranda in opposition to the issuance of the writ. These will be considered to all effects as the respondents' briefs unless the Supreme Court should provide otherwise.

(B) When the petition for writ of certiorari is filed within thirty (30) days before an election, the respondents will file memoranda in opposition to the issuance of the writ within five (5) days after service of the petition. These will be considered to all effects as the respondents' briefs unless the Supreme Court should provide otherwise.

(C) When the petition for writ of certiorari is filed within five (5) days before an election, the appellees must file memoranda in opposition to the issuance of the writ on the day after service of the petition, and these will be considered to all effects as the respondents' briefs.

(D) In all cases, memoranda in opposition to the issuance of the writ will be filed in the Office of the Clerk of the Supreme Court in original and ten (10) copies. Only in situations of extreme urgency, and by previous authorization of the Supreme Court or—if neither the Court nor the Clerk is available—of one of its Justices, may the opposition be filed by fax. In these cases, a grounded petition will be sent by fax to the Office of the Clerk of the Court, addressed to the Clerk or to one of the Justices, stating briefly and clearly the reasons for such urgency. Once this special filing is authorized, the ten (10) copies of the opposition will be filed in the Office of the Clerk of the Supreme Court the next day unless the Court should provide otherwise.

(2) *Service*

(A) The respondent will notify the opposition to the other parties as prescribed by paragraph (e) of this rule.

(d) *Subsequent motions and papers*

(1) The motions and any subsequent papers related to the petition for writ of certiorari will only be filed by previous authorization of the Court. In the order authorizing the filing of such papers, the Court will state the filing and service method. In all cases, service on the parties must be simultaneous with the filing of the paper, and the form of service must be certified in the motion or paper. When the Court makes no determination in its order on how service should be made, then service will be made pursuant to paragraph (e) of this rule.

(e) *Service of papers*

(1) All papers filed with the Court will be served on the other parties by certified mail, return receipt requested, through a similar personal delivery service carried out by a private company with acknowledgment of receipt, or by fax.

(2) If service is made by mail, delivery must be made on the following day. The party making service must certify the fact of such service in the very paper. The postmark will be considered as the date of service on the parties, but the process server must make sure that delivery is made on the following day. When service is made by mail, notice will be sent to the parties' counsel at the address appearing in the Master Roll of Attorneys kept to such effects by the Clerk of the Supreme Court. When the party is not represented by counsel, notice will be sent to the mailing address appearing on the latest document in the record of the case.

(3) Personal service must be made at the office of the parties' counsel, and delivery will be made to counsel or to any person in charge of the office. If the party is not represented by counsel, service will be made at the party's domicile or address of record, on any person of suitable age present therein. When personal delivery is

made, the manner and circumstances of such service must be certified within the next twenty-four (24) hours.

(4) Service by fax must be made through the appropriate fax number for the parties' counsel or, if unrepresented, through the parties' fax number, as this information arises from the record. If service is made by fax, the manner and circumstances of such service must be certified within the next twenty-four (24) hours.

(5) When service is to be made within thirty (30) days before an election, it will only be made personally or by fax, and always giving notice by telephone.

(f) *Reconsideration; mandates*

(1) In all cases, the party adversely affected by a decision of the Supreme Court may file a motion for reconsideration within the non-extendable term of three (3) days from the date of entry of a copy of the notice in the record of the case.

(2) Each party may file only one motion for reconsideration.

(3) If ten (10) days after entry in the record of a copy of the notice of the Court's latest ruling no motion for reconsideration is filed, and no notice is given of a petition for writ of certiorari before the United States Supreme Court, the Office of the Clerk of the Supreme Court will send the mandate to the court from which appeal is taken.

(g) *General provisions*

(1) In any event, the Supreme Court may, given the circumstances of the case under its consideration, change the terms and procedures established in this rule to ensure a more efficient process and disposition of the same, without impairing the substantive rights of the parties.

(2) Matters not addressed by this rule, but covered in other parts of these Rules, will apply to proceedings involving petitions for writ of certiorari to review judgments issued by the Court of Appeals in cases originating in the Commonwealth Elections Commission, provided they are not in conflict with the speed with which cases involving voting rights must be addressed.

Rule 23. Procedure for Intrajurisdictional Certifications

(a) Issuance of a writ of intrajurisdictional certification is discretional.

(b) *General content of the petition*

(1) The petition for intrajurisdictional certification will be filed in the Office of the Clerk of the Supreme Court. One (1) original and ten (10) copies will be filed as prescribed by Rule 40. The petitioner must serve a copy on the Office of the Clerk of the court where the case is pending within a period of seventy-two (72) hours after the petition for certification is filed. This term is of strict compliance.

(2) The filing of a petition for intrajurisdictional certification will not stay the proceedings before the court where the case to be certified is pending, but said court may not render judgment unless the Supreme Court denies certification. If

certification is granted, the entire case will be brought to the attention of the Supreme Court.

(3) The caption of the petition will contain the names of the same parties that appeared before the court, identifying them as "petitioner in certification" and "respondent" in the appropriate places.

(4) The cover of the petition will contain the caption; the name, address, telephone number, fax number, email address, if any, of counsel for the petitioner and for the respondent and the number assigned to them by the Supreme Court; or the name, address, and telephone numbers of the parties if they are not represented by counsel, indicating that they appear pro se; and the court in which the matter was filed or is pending. The page immediately following the cover will contain a detailed table of contents to the petition, as prescribed by Rule 38.

(5) The petition must include, in the same order set forth below:

(A) the statement of the statutory provisions that establish the jurisdiction of this Court;

(B) a reference to the case to which the certification refers;

(C) a reference to the resolution, order, or judgment, if any, with regard to which certification is sought;

(D) a brief statement of the procedural and substantive facts of the case that are relevant to the petition for certification; and

(E) a brief discussion of the matters that justify direct review and disposition by the Supreme Court, as contended by the petitioner.

(6) The petition may not exceed twenty-five (25) pages, excluding the table of contents and appendix.

(7) The petition for certification must include an appendix containing a copy of:

(A) the brief initially filed in the court in which the matter is pending;

(B) the opposition filed by the other party, if any, and its appendix;

(C) the briefs filed by the other parties, if any;

(D) the resolution, order, or judgment, including the findings of fact and conclusions of law, indicating the matters with regard to which certification is sought; and

(E) any other resolution, order, or document of the parties that is part of the court record and that may be useful to the Supreme Court when deciding whether to issue or to deny certification.

(c) *Additional provisions*

(1) The filing of a separate memorandum of authorities will not be accepted. The arguments and legal grounds must be set forth in the body of the petition.

(2) The petitioner will serve a copy of the petition for certification on all the parties as prescribed by Rule 39.

(3) The other parties may file with this Court a memorandum in favor or against the issuance of the writ of certification within twenty (20) days following the date of service by the party who filed the petition. The memoranda may not exceed twenty-five (25) pages, excluding the table of contents and the appendix; the latter is optional.

(4) Any party who wishes to present oral argument must indicate this in a well-grounded motion filed simultaneously with the main brief. The petition will be decided as prescribed by the Rules of this Court. However, the Court, on its own motion and at any moment, may hear oral arguments whenever it deems it necessary.[18]

(5) When this Court deems that the original record, a narrative statement of the evidence, or a transcript of the evidence is necessary to determine whether or not to issue a writ of certification and to pass upon and adjudicate the petition, it may, on its own motion or on motion of a party, order it prepared and transmitted to it under the conditions and within the term it may determine in its order.

Rule 24. Certification Issued

Once the certification is issued, it will be served on the Office of the Clerk of the court where the matter is pending. The Office of the Clerk will transmit the record of the case to the Supreme Court within five (5) days after entry in the record of a copy of said notice. The Supreme Court may, for good cause shown, grant a longer or shorter term. The Office of the Clerk of the Supreme Court will notify the parties and the Office of the Clerk of the court where the matter is pending that it has received the record within five (5) days following receipt.

Rule 25. Procedure for Interjurisdictional Certification

(a) This Court may entertain any matter certified to it by the Supreme Court of the United States of America, by a Circuit Court of Appeals of the United States of America, by a District Court of the United States of America, or by the highest appellate court of any state of the United States of America, when thus requested by any of those courts, should there be in the petitioning court any legal matter involving questions of Puerto Rican law that may determine the outcome of the said matter and with regard to which, in the opinion of the petitioning court, there are no clear precedents in the caselaw of this Court. This certification will be heard by the Court en banc.[19]

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[18] This text was added to conform to Rule 4(c) of these Rules.

[19] In deference to the court that requests our intervention through this remedy, we find that the petition for writ of certification should be heard by the Court sitting en banc and not by a division. In so doing, where a petition for certification is denied, the petitioning court is assured that the denial was issued by the full Court and not a division. Otherwise, the petitioning court is left with a decision of only some members of the Court and no option to move the other Justices to reconsider, as opposed to litigants in any other petition.

(b) This Court may not issue the certification sought when the question raised is a mixed question that involves aspects of federal law or of state law of the petitioning court, and aspects of Puerto Rico local law; this question must be resolved by the petitioning court.

(c) When the question raised in the certification proceeding is the validity of a Puerto Rico statute challenged under a provision of the Constitution of the Commonwealth of Puerto Rico, the certification of the question may lie only if the local constitutional provision has no equivalent in the federal Constitution.

(d) This certification will be perfected by filing a petition consisting of a ruling to such ends issued by the petitioning court, *sua sponte* or on motion of any of the parties in the case before said court.

(e) The certification will include: (1) the questions of law for which answer is sought; (2) a statement of all the facts relevant to the questions that clearly show the nature of the controversy that gave rise to said questions, which, in turn, must arise from a determination of the petitioning court, either because they were stipulated by the parties or because they were discussed and adjudicated in the proceeding; and (3) an appendix that will include the original and the certified copy of that part of the record that the petitioning court deems necessary or convenient to transmit to this Court in order to place it in a position to answer the questions.

(f) The judge of the petitioning court who entertained the matter must sign the petition for certification. The Clerk of the petitioning court will send the petition to the Office of the Clerk of this Court under his or her hand and the seal of that court.

(g) Should this Court deem it necessary, it may ask the petitioning court to transmit to this Court the original or a certified copy of the entire record, or part thereof, in addition to the documents sent as appendix to the certification.

(h) The parties to the original case who wish to file briefs will have simultaneous terms of forty (40) days to do so from the date on which the petition for certification is sent to this Court by the Clerk of the petitioning court. The briefs will contain proof of service thereof on the petitioning court and on all the parties to the case. Any party may reply to any brief thus notified within fifteen (15) days following notice thereof. The main briefs will be governed by the provisions of Rule 33 as to form and content. Any party who wishes to present oral argument must so indicate in a well-grounded motion filed simultaneously with his or her main brief, and said motion will be resolved as prescribed by the Rules of this Court. However, the Court may, on its own motion and at any moment, hear oral arguments whenever it may deem it necessary. The briefs may be drafted in English or in Spanish and need not be translated, but all briefs must be signed by an attorney admitted to the practice of law by this Court.

(i) The opinion of this Court in response to the certified questions of law will be sent to the petitioning court and to the parties by the Clerk of the Court under his

or her hand and the seal of this Court. Said opinion, with the Court's answers to the certified questions, will be binding upon the parties.

(j) When any judicial matter involving a question that concerns the law of any state of the United States of America is pending before this Court and that question can determine the final outcome of the matter, and if, in the opinion of this Court, the caselaw of said state does not have clear-cut precedents as to said question of law, this Court, *sua sponte* or on motion of any of the parties, may certify the question of law to the highest court of said state.

(k) When this Court certifies a question of law as prescribed in the previous paragraph, it will follow the procedure established to such ends by the laws of the state that will receive the certified question.

(*l*) The opinion rendered by this Court pursuant to paragraph (i) of this rule will be translated into the English language by the Bureau of Translations of the Supreme Court pursuant to Sections 1 to 6 of Law No. 87 of May 31, 1972, as amended (4 LPRA §§ 501–506). The cost of said translation will be evenly divided between the parties to the original case unless the petitioning court provides otherwise. The cost of any certification made by this Court to another state court pursuant to paragraph (j) of this rule will be evenly divided between the parties before this Court unless this Court, in furtherance of justice, provides otherwise.

Rule 26. Briefs on Certification

(a) Briefs in petitions for writ of certification, both intrajurisdictional and interjurisdictional, are governed by the provisions of Rule 33 as to form and content.

(b) The petitioner will file his or her brief with the Court within thirty (30) days following receipt of the notice of issuance of the writ of certification.

(c) Within thirty (30) days following receipt of a copy of petitioner's brief, the respondent will file his or her brief with the Court.

Rule 27. Administrative Appeals

(a) An appeal from a final decision of the property registrars denying an entry requested will be filing with the Clerk of the Supreme Court a petition entitled "Administrative Appeal."

(b) The caption of the administrative appeal will contain the name of the interested party and the name of the registrar in charge of the corresponding Section of the Registry of Property, identifying the parties as "petitioner" and "respondent."

(c) The administrative appeal will have the following numbered parts, in the same order set forth below:

(1) a statement of the statutory provisions that establish the jurisdiction of this Court;

(2) a reference to the final decision sought to be reviewed, including the names of the interested parties and of the registrar who issued the final decision, the date on which the original decision was notified, the date on which reconsideration

was sought before the registrar, and the date on which denial of the reconsideration was notified;

(3) a brief statement of the facts that are relevant to the appeal, including a copy of the document denied and of the notification of the decision;

(4) a statement of the objections to the decision; and

(5) the argument of the grounds supporting the appeal.

(d) The cover of the petition will only include the caption; the name, address, telephone number, fax number, email address, if any, and Supreme Court number of counsel for the petitioner; and the name, address, and telephone number of the respondent registrar. The page immediately following will contain a table of contents to the petition, which must conform to Rule 38.

(e) The petition may not exceed twenty-five (25) pages, excluding the table of contents and the appendix.

(f) The petition will constitute the petitioner's brief. The filing of separate memorandum of authorities will not be accepted. The arguments and legal grounds must be set forth in the body of the petition.

(g) The petitioner will serve the respondent registrar with a copy of the petition as prescribed by Section 77 of Law No. 198 of August 8, 1979, known as the Mortgage and Property Registry Act (30 LPRA § 2280), or by its regulations, 30 PRR & R § 2003-89.1, or both.

(h) Within twenty (20) days following receipt of the petition, the respondent registrar will file a brief in support of his or her action. Said brief may not exceed twenty-five (25) pages, excluding the table of contents and the appendix. The brief will have a table of contents as prescribed by Rule 38, and will be served as prescribed by Rule 39.

(i) Within five (5) days following service of a copy of the administrative appeal, the respondent registrar must transmit to the Supreme Court, personally or by certified mail, return receipt requested, the examined document and the petition for reconsideration filed by the interested party, along with the legal grounds for denial.

(j) The Clerk of the Court will enter the administrative appeal in the pertinent docket.

(k) When, in keeping with Section 77 of Law No. 198 of August 8, 1979, known as the Mortgage and Property Registry Act (30 LPRA § 2280), the registrar submits to the Supreme Court the document denying entry in the Registry and a brief in support of his or her actions, serving notice on the interested party, the Clerk will enter it in the pertinent docket as an administrative appeal. The interested party will have ten (10) days to file his or her brief, and the administrative appeal will be deemed submitted once it is filed. The parties' briefs will be governed by this rule, but, in the caption, the registrar must appear as "petitioner" and the title holder as "respondent."

Rule 28. Motion for Temporary Order in Aid of Jurisdiction

(a) The Court may issue a temporary order in aid of jurisdiction when it is necessary to assert its jurisdiction in a matter pending its consideration.

For purposes of this rule, it will be understood that the Court, not subject to the ordinary proceedings, will entertain any matter related to the appeal filed or pending in order to avoid any adverse consequence that may affect its jurisdiction or that may cause substantial harm to a party while resolving the appeal.

(b) The provisions of Rule 16(e) apply to the issuance of these orders.

(c) The orders mentioned in this rule may be issued on the court's own motion or on motion of a party.

When a party seeks an order in aid of jurisdiction to stay the holding of a hearing, unless good cause is shown, the motion must be filed not later than five (5) days prior to the date set for the hearing sought to be stayed.

(d) If after passing upon the motion for an order, the Court deems that the matter does not meet the urgency requirement established in paragraph (a) of this rule, it will deny the motion, and the petition being considered will follow the ordinary course.

If the Court should determine that there is no urgency or that the petition for issuance of an order is frivolous, it may impose sanctions on the party, on his or her counsel, or on both.

(e) No order in the nature of a permanent injunction will issue, except as part of the final judgment rendered by the Court in the main action.

(f) All petitions for issuance of an order under this rule will conform, in the form and content, to the provisions of Rule 31. It will have the same caption as the main case and must be served on the other parties and on any person against whom relief is sought, setting forth the fact of such service in the petition filed in the Court.

(g) This Rule 28 does not in any way affect the inherent power of this Court to order any court or administrative agency to take certain measures regarding any matter pending before this Supreme Court, on appeal from said court or agency, when it seems that said measures are necessary in aid of and for the protection of the jurisdiction of this Court. The Court may issue said orders on its own motion or on motion of a party.

Rule 29. Bail on Appeal

The bail on appeal is governed by the provisions of Criminal Procedure Rule 198, as amended (34 LPRA App. II). The provisions of Rule 16(e) will also apply.

Rule 30. Criteria for Issuing Writs

The Court, or the divisions in session, will take the following considerations into account when determining whether to issue a writ of any kind under these Rules, a discretionary remedy, or a show cause order for subsequent evaluation:

(1) If the remedy and the judgment or resolution sought to be reviewed, unlike its grounds, are contrary to law, considering this term in its broadest sense.

(2) If a novel question is raised.

(3) Even if not novel, if expression of the rule is important for the public interest.

(4) If the facts set forth present the most appropriate circumstances under which to analyze the problem raised.

(5) If the current rule should be redefined or changed.

(6) If a decision rendered by one of the parts of the Court of First Instance is in conflict with the decision rendered by another part, or if there is a conflict between the regional divisions of the Court of Appeals over the question raised.

(7) If there has been prejudice, bias or gross and manifest error in the weighing of the evidence by the trial court.

(8) If the question requires a more thorough consideration in light of the record of the case, which should be transmitted, and more elaborate briefs.

(9) If the stage at which the case is brought is the most appropriate for its consideration.

(10) If issuance of the writ or of the show cause order does not cause an undue fragmentation of the action and an unwanted delay in the final adjudication of the same.

(11) If granting the writ or issuing a show cause order otherwise contributes to this Court's duty to vindicate and set down the law in Puerto Rico.

(12) If the other requirements established in the Rules of this Court have been met.

(13) If the issuance of the writ or of the show cause order would prevent a failure of justice.

Rule 31. Motions

(a) When in a case filed in this Court a party seeks an interlocutory ruling that does not meet the Rule 28 urgency requirement, the party may seek it by a motion to that effect. This motion will be docketed with the main case.

(b) In any case in which a motion for an interlocutory ruling of any kind is filed with the Court and the main case has not been filed, the Clerk will record said motion in the pertinent motion book.

(c) All motions must be served on all the other parties, and the fact of such service must be set forth at the time of filing the motion. The name of the movant must appear in the opening paragraph of every motion.

(d) Any party who wishes to express himself or herself in favor or against a motion for relief must do so within ten (10) days after service thereof.

(e) Where appropriate, the motion will set forth the legal grounds on which it is based and include such argument and citation of authorities as the movant may

deem necessary. The filing of a separate memorandum of authorities will not be accepted. No motion may exceed ten (10) pages.

Rule 32. Dismissal

(a) The party seeking relief in a case may file at any time a motion to dismiss the same.

In criminal cases, the motion to dismiss must be accompanied by an affidavit made by the defendant, indicating his or her intention to dismiss.

(b) Any party may seek by motion the dismissal of any petition on the following grounds:

(1) this Court lacks jurisdiction to pass upon the petition;

(2) the petition has not been perfected according to law;

(3) the petition has not been prosecuted with due diligence or in good faith;

(4) the petition is frivolous; or

(5) the petition has become moot.

(c) In cases of original jurisdiction, the motions to dismiss are governed by Rule 39 of the Rules of Civil Procedure (32 LPRA App. V).

(d) The Court has the authority to dismiss on its own motion any petition for the reasons set forth in paragraph (b) above.

Rule 33. Briefs

(a) This rule applies to all briefs filed with this Court, except for the briefs filed in administrative appeals.

(b) The cover of the brief will include only the caption of the case, the identification of the party filing the brief (brief for appellant or for petitioner, as the case may be), and the name, address, telephone number, fax number, email address, if any, and Supreme Court number of counsel for the respondent; or the name, address, and telephone numbers of the parties if they are not represented by counsel, indicating that they appear pro se.

(c) The page immediately following the cover will contain a detailed table of contents to the brief, which must conform to the provisions of Rule 38.

(d) In cases of original jurisdiction, the brief for petitioner must contain the following numbered parts in the same order set forth below:

(1) a statement of the statutory provisions that establish the jurisdiction of this Court;

(2) a brief statement of the facts of the case; and

(3) a thorough discussion of the merits of the petition. The briefs of the adverse parties must contain only a discussion of the merits of the petition that may include the aspect of the authority of this Court to issue the writ. A brief statement of the facts may be included if the adverse party disagrees with the facts expressed by the petitioner.

(e) In appeal (Rule 17), certiorari (Rule 20), and certification (Rule 23) proceedings, the brief for appellant or for petitioner, as may be the case, must contain the following numbered parts in the order set forth below:

(1) a statement of the statutory provisions that establish the jurisdiction of this Court;

(2) a reference to the judgment, resolution, or order for which appeal is taken or review is sought, including the title and number of the case, the issuing court, the date of issuance (including, where appropriate, the date of entry in the record of a copy of the notice of judgment, and, in cases that did not originate in the court from which appeal is taken, a full reference to the original judgment, resolution, or order), and the filing date of the petition for appeal, certiorari, or certification;

(3) a brief statement of the substantive and procedural facts that are relevant to the petition;

(4) a brief and concise statement of the questions raised, including, in petitions for appeal, the jurisdictional grounds supporting the constitutional questions involved; and

(5) a separate discussion of the above matters.

(f) The brief mentioned in paragraphs (d) and (e), and the brief mentioned in paragraphs (i) may not exceed fifty (50) pages, excluding the table of contents and appendix.

(g) The brief in original jurisdiction cases need not have an appendix; reference may be made to the appendix to the petition.

(h) Except as provided in the preceding paragraph, the brief mentioned in paragraph (e) will include an appendix that will contain an exact copy of:

(1) the pleadings of the parties and the judgment or decision sought to be reviewed, including the findings of fact and the conclusions of law on which it is grounded; and

(2) any other document that is part of the record mentioned in Rule 35, and which the appellant or the petitioner especially wishes to bring to the attention of the Court. The provisions of this paragraph are subject to the Rule 34(f) exception.

(i) The briefs for the appellee or respondent will be filed with the Court within thirty (30) days following the filing date of the other party's brief. If the appellee or respondent disagrees with the statement of facts presented by the appellant or the petitioner, he or she may so indicate and include his or her own statement. If, for whatever reasons, the adverse party challenges the authority of this Court to grant the relief sought, he or she will discuss said matter separately. Except for original jurisdiction cases, each one of the issues raised by the appellant or by the petitioner will also be discussed separately.

(j) The appellee or respondent, if he or she so wishes, may add an appendix to the brief.

(k) A party who has filed a duly grounded petition or motion concerning the issuance of a writ may submit the matter without filing a brief. The party in question must set forth such intention in an informative motion, and the date of filing and service of said motion will be equivalent, for all pertinent purposes, to the date of filing and service of the brief. Notwithstanding the above, the Court may order that a brief be prepared and filed in any case it may deem pertinent.

(*l*) A motion to dismiss filed in any case will not interrupt the terms for filing briefs.

Rule 34. Appendices

When a paper filed in the Court is accompanied by an appendix, it must conform to the following:

(a) All the pages of the appendix must be consecutively numbered, and the documents must be arranged chronologically in the order in which they are mentioned in the body of the petition.

(b) If the appendix has more than one document, it will be preceded by a table of contents indicating the page number where each document may be found.

(c) The appendix will contain a copy of all the documents that are necessary to establish the jurisdiction of the Court. These documents must clearly and legibly show the filing date and hour as stamped by the Office of the Clerk of the pertinent court. The appendix will also contain proof of the date of notice of entry in the record of the case of a copy of the notice of judgment, ruling, or order.

(d) The appendix may not contain copies of documents that are not part of the record of the Court of First Instance, the Court of Appeals, the administrative agency, the Bidding Board, or the municipality, unless in the case of excerpts from statutes, regulations, caselaw of the Supreme Court or of other courts, and from other authorities cited in the petition, motion or brief, if, because of their length, it would be inconvenient to reproduce them in the body of said document.

(e) Paragraph (d), above, will not apply to cases of original jurisdiction and to proceedings in aid of jurisdiction, which may also include in the appendix affidavits that are relevant to the petition.

(f) An appendix need not contain a document already included in the appendix of a previous paper in the same case or in another consolidated thereto. When reference is made to that document in a later paper, reference must be made to the appendix to the previous paper.

Rule 35. Preparation of Record

(a) The record mentioned in Rule 17 (appeal), Rule 20 (certiorari), and Rule 23 (certification) will consist of the entire record under the consideration of the Court of Appeals, as well as of all the documents that were filed in the Court of Appeals and that were produced by said court. In petitions for certiorari, the record will be prepared after the writ is issued unless the Court provides otherwise.

(b) The record on appeal will have a table of contents and a cover with the title. It must not be fastened with wires. The table of contents to the transcript of evidence will contain the names of the witnesses, the page where their statements are found, and the page where each exhibit is found.

(c) Upon receipt of the record on appeal, the Clerk of this Court will enter the case in the pertinent book and serve notice thereof on the parties' counsel and on the Clerk of the Court of Appeals.

(d) In original criminal, civil, or administrative cases in which the Court of Appeals had not ordered the transmission of the original record, and this Court deems that said record is necessary to better dispose of the petition under its consideration, this Court will order the Court of First Instance to transmit the record. The Clerk of the Court of First Instance, or the pertinent administrative agency, that issued the judgment or ruling will transmit the record, along with a table of contents and a certification as to its particulars, within thirty (30) days from the date of service of the order issued by this Court. The Clerk of the Supreme Court will notify the parties of the receipt of the original record.

Rule 36. References to the Transcript of Evidence

When reference is made in any document to the facts of the case, and a transcript of evidence exists, the page or pages of the transcript where the testimony establishing the facts at issue appears must be indicated in parenthesis for each reference.

Rule 37. Correction of the Record

Any of the parties may file a motion to correct an error or defect in the record of the case. If adequate cause exists, the Court may issue a resolution to order the Clerk to make the pertinent correction, or to order the officer responsible for making such correction to send to this Court a certified copy of the entire record or part thereof, as required. Any party may file said certification without an order therefor.

Rule 38. Tables of Contents

Except for the table of contents to the appendix, which is governed by Rule 34, and the table of contents to the record, which is governed by Rule 35, all other tables of contents filed in this Court must conform to the following rules:

(a) First there must be a table of contents indicating the page of the paper on which each part begins. When reference is made to the issues raised in the action, the full text of the issue must be copied in the table of contents.

(b) A detailed table of cited authorities must follow, indicating, in alphabetical order, all the cases cited in the paper and the pages on which they are cited. Caselaw from Puerto Rico, from the United States, and from other jurisdictions will be listed separately. This will also be the case with the cited statutes, as well as with commentators, law review articles, and other sources.

Rule 39. Service

(a) Except for petitions in cases of original jurisdiction, which must conform to the rules governing such proceedings, all petitions filed in this Court will be served on counsel for the other parties, or on the parties themselves if not represented by counsel, and the fact of such service will be set forth in the very document filed in the Court. When several parties are involved, counsel for each party will be served. However, in mandamus proceedings directed against a judge with regard to a case pending before his or her consideration, the petitioner, in keeping with this rule, will serve notice on the judge, on the other parties to the action that gave rise to the petition for writ of mandamus, and on the court where the case is pending.

Service will be made by certified mail, return receipt requested, or through a similar personal delivery service with acknowledgment of receipt or by email.[20] The parties will be served within the jurisdictional or strict-compliance filing term, as the case may be. When service is made by mail, notice will be sent to all the parties' counsel at the mailing address appearing in the Master Roll of Attorneys of Puerto Rico. Where the parties are not represented by counsel, service will be made at the address appearing in the latest document in the record of the case. The postmark will be considered as the date of service on the parties. Personal service will be made at the office of the parties' counsel, and delivery will be made to them or to any person in charge of the office. If a party is not represented by counsel, service will be made at the party's domicile or address of record, on any responsible person of legal age present therein. When personal delivery is made, the manner and circumstances of such service will be certified within seventy-two (72) hours following delivery. This term is of strict compliance.

In circumstances not foreseen by this rule, the Court, on its own motion or on motion of a party, will provide the service procedure that best conforms to the particular circumstances of the case.

(b) Any subsequent paper filed in the Court will be simultaneously served on the parties, and the manner of such service will be certified therein. Service may be made personally or by certified mail, or by email.

Rule 40. Form of Papers; Copies

(a) All papers filed with the Court, and the copies served on the parties, will bear a caption with the title and number of the case. Said papers, and all the copies, must be signed by counsel, or by the party if not represented by counsel.

(b) All papers filed with this Court will be typeset in Times New Roman, Courier New or Arial, 12-point type, or its equivalent in any word-processing program. The lines must be double-spaced, on legal-size paper (8½" x 14") on one side

[20] Service by email was added to adapt these Rules to our holding in *Lozada Sánchez et al. v. JCA*, 184 DPR 898, 909–912 [84 PR Offic. Trans. 43, __] (2012), where were construed Civil Procedure Rule 67.2 (32 LPRA App. V) to provide that "notice of the filing of a petition before this Court may be served by email." *Id.* at 912 [84 PR Offic. Trans. 43, at __].

of the paper only. The left- and right-hand margins must be of not less than ½" each. The paper must be perforated and fastened along the left-center margin of the page not less than six (6) inches below the upper margin of the page. The paper must not be fastened with wire or metal bindings.

(c) Every document that is part of an appendix must strictly conform to paragraph (b) above. However, single-spaced photocopies of original documents may be included if said copies are clearly legible.

(d) All documents will be filed with this Court in original and ten (10) clearly legible copies, which may be photocopies or duplicated by other means. However, the parties may file digital copies of the appendix. Should the parties choose this option, a compact disc (CD) must be provided for each copy unless more than one disk is required for each copy. If a party submits more than one CD, each disk must be identified using a numerical order. Each CD must be identified with the abbreviated caption of the case and the case number, if any. All files copied to a CD will be in ".pdf" (Portable Document Format) format only; CDs in other file formats will not be accepted. The party who chooses to file digital copies of the appendix must also include a copy of the paper and their respective tables of contents—excluding the appendix—both in ".pdf" as in ".doc" or ".docx" format.[21] This does not release the parties of the obligation to file printed copies of the paper, including their respective tables of contents.

When a party files a table of contents using a digital format, the numbering and the page order of each CD must conform to Rule 34. The printed table of contents to the appendix must also identify the CD, the digital file, and the digital page where each document is included in the appendix. Along with each printed copy of the paper, a party must also include printed copies of the following documents:

(1) In cases originating in administrative agencies, the order or resolution of the agency from which appeal was taken and the judgment of the Court of Appeals from which review is sought.

(2) In cases originating in the courts, the order, resolution or judgment of the Court of First Instance from which appeal was taken and the resolution or judgment of the Court of Appeals from which review is sought.

The Clerk will ensure that this provision is strictly complied with and, if necessary, will apply the Rule 9(d) corrective measures. Exception to the requirement of filing ten (10) copies will be made of the following documents, which will be filed in original and one copy:

(1) Motions for extension.

(2) Informative motions.

(3) Motions to certify service of notice under Rule 39(a).

(4) Motions related to change in legal representation or change of address.

[21] This provision aims to adjust the process for filing documents to recent technological advances. It also promotes the use of less paper, which benefits the environment.

(5) Motions pursuant to Rule 33(k).

(6) Parties' briefs after a discretionary writ has issued or the appeal has been granted.

(7) Motions to comply with show cause orders, or any other order issued by the Court.

(8) Motions or papers after service of notice that the case is taken under advisement.

(9) Complaints against attorneys.

(10) Motions or papers related to complaints or disciplinary procedures against attorneys or notaries pursuant to Rule 14.

(11) Transcript of evidence.

Notwithstanding the above, the Court or the Clerk of the Court may require the filing of additional copies of any paper whenever it deems it necessary and may require printed copies of papers filed using a digital format.

(e) The Clerk of the court from which appeal is taken may transmit the record mentioned in Rule 35 in original or with a certified copy thereof.

(f) Where these Rules establish a maximum number of pages for a document, the document may not contain pages in excess of such maximum. The Court will make no exceptions unless a motion is filed justifying such excess with specific reasons and not with mere generalizations.

(g) The Clerk may not accept or allow the filing of a separate memorandum of authorities in support of a document. The pertinent authorities must be always included and discussed in the body of the paper.

(h) All papers and motions submitted in a certiorari proceeding under Rule 22 must be filed in the Court in original and ten (10) copies.

Rule 41. Oral arguments

(a) *Application for oral argument*

The parties may request oral argument and the Court, at its discretion, may grant or deny the same. A party who wishes to argue the case or the incident involved, they must so request it by filing duly grounded separate motions or by stipulation. The Court may hear oral argument on any matter whenever it deems it necessary.

To entertain a motion for oral argument, the party must state

(1) the novelty of the controversy, and

(2) how oral argument will aid the Court in reaching a decision.

(b) *Notice of oral argument*

The hearings for oral argument granted or ordered by the Court will be set by the Clerk of the Court for the third Tuesday of the following month and for as many successive days as may be necessary unless the Court changes the scheduled date.

(c) *Time allowed for oral argument*

(1) The time allowed counsel for oral argument will be as follows:

(A) In all cases, except in motions, the maximum time will be of one (1) hour, with twenty-five (25) minutes to each party for the main argument and five (5) minutes to reply.

(B) In hearings on motions, thirty (30) minutes, with ten (10) minutes for each party and five (5) minutes to reply.

(C) The Court may, by order to such effects, increase or reduce said time in any case.

(2) The petitioner or appellant will open the argument. Each party will have two (2) minutes taken from their turn to present their main arguments, after which each Justice, respectively, will have an opportunity to pose questions to counsel, without interruptions. Questions will be made in order of seniority, beginning with the Chief Justice. After the initial round of questions, Justices may bring follow-up questions in any order.

(3) The Clerk will announce the matters once the Court is in session, and these will be addressed in the established order.

(4) The Court, on its own motion, or on motion of any of the parties, may hear cases jointly when the same parties appear in each case or when the same fundamental questions are involved; but the granting or denial of a motion for joinder will always be left to the discretion of the Court.

(5) While addressing the Court and while making their arguments, counsel will stand unless, by reason of illness or physical disability, the Court grants them permission to remain seated.

(6) Counsel should assume that all Justices have read the briefs before hearing oral argument. When addressing the Court, counsel will argue each point on its merits, trying to refrain from reading at length from a prepared text or using such text as little as possible.[22] During oral argument, counsel must: (1) indicate the issues in controversy; and (2) state their position. Argument must be limited to the issues in controversy. No reference may be made to facts that are not in the record unless by leave of the Court sought in advance by written and duly grounded motion served on all parties.

(7) Oral argument will not be allowed on behalf of any party for whom a brief has not been filed.

Rule 42. Substitution of Parties

(a) In the event any of the parties dies while a proceeding is pending in this Court, the heirs or legal representative of the deceased party will notify the Court of the party's death within a period of thirty (30) days of the date such death is known.

[22] This provision is taken, substantially, from Rule 28 of the Rules of the United States Supreme Court. *See*, Rule 28 of the Rules of the United States Supreme Court in https://www.supremecourt.gov/ctrules/2010RulesoftheCourt.pdf (last visited May 10, 2011). *See also*, Rule 34 of the United States Court of Appeals for the First Circuit Rulebook in https://www.ca1.uscourts.gov/sites/ca1/files/rulebook.pdf (last visited May 10, 2011).

The Court, on motion made within six (6) months of said notice, will order that the proper person be substituted for the deceased. If the motion for substitution is not made voluntarily, the other party may request that the death be entered in the record, and the proceedings will continue as the Court may direct.

(b) When a public officer is a party to a proceeding in this Court in an official capacity and during its pendency dies, resigns or otherwise ceases to hold office, the action will not abate and his or her successor is automatically substituted as a party. Proceedings following the substitution will be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties will be disregarded. The order of substitution may be entered at any time, but the omission to enter such an order will not affect the substitution.

(c) When a public officer is a party to an appeal or other proceeding in this Court in an official capacity, he or she may be identified by his or her official title rather than by name.

Rule 43. Brief of an *Amicus Curiae*[23]

An amicus curiae brief may be filed in any case or matter before the Court.[24] To such ends, the following is provided:

(a) An amicus curiae brief submitted before the Court's consideration of a petition for a writ of certiorari, of appeal, or of certification, or of a case of original jurisdiction may be filed if it reflects that written consent of all parties has been provided. Consent of the parties to the filing of an amicus curiae brief is favored.

(b) When written consent of all parties is not provided, a motion for leave to file an amicus curiae brief may be presented to the Court with the proper brief. Leave to file an amicus curiae brief will be at the discretion of the Court.

(c) The motion for leave to file an amicus curiae brief must state the nature of the movant's interest, the reason why the filing of an amicus curiae brief is desirable, and why the arguments set forth are relevant to dispose of the case.

(d) The Government of Puerto Rico may file an amicus curiae brief without obtaining the consent of the parties or leave of the Court.

(e) The amicus curiae brief may not exceed twenty (20) pages, excluding the table of contents and the appendix. One (1) original and ten (10) copies must be filed.

(f) A reply brief for an amicus curiae may not be filed, except as authorized by the Court.

An amicus curiae brief will be served as required under Rule 39.

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[23] These amendments seek to relax the rules and promote the filing of amicus curiae briefs. For the most part, they stem from federal Supreme Court Rule 37. *See*: US Supr. Ct. R. 37 (last visited May 26, 2023).

[24] An amicus curiae brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court in its deliberations. Contrariwise, an amicus curiae brief that does not serve this purpose burdens the Court, and its filing is not favored.

The Court, on its own motion or on motion of any interested party, may invite or authorize an *amicus curiae* brief in any case before the Court. Unless otherwise ordered by the Court, the motion will be filed at least ten (10) days before the case is submitted for a decision.

Rule 44. Opinions of the Court

(a) The Clerk will certify all decisions of the Court, stating that such decisions were so agreed by the Court. Decisions issued by a Court division will indicate the Justices who constitute such division. The decision will always indicate the Justices who took no part in the decision, and the concurring and dissenting opinions. The Clerk's certificate will be based on that made by the Justice who wrote the opinion of the Court, which will state the above-mentioned particulars.

(b) The Clerk will deliver all decisions of the Court (whether signed or per curiam) to the Reporter of Decisions, to the Bar Association, and to any bona fide organization that may request them for publication. The Clerk will uniformly and consecutively number the decisions before sending them out to the Office of the Reporter of Decisions, to the Bar Association, and to any bona fide organization that may request them. Unless otherwise expressly ordered by the Court, judgments rendered without an opinion will not be sent for publication.

(c) The official version of the opinions issued by the Court will be that published by the Reporter of Decisions of the Court.

(d) Since unpublished judgments will not be available to the general public, it will be improper to cite before any forum, either as authority or as precedent, a decision of the Court issued without an opinion or not published by the Bar Association or by the Court itself.

Rule 45. Motions for Reconsideration (Rehearing); Mandates

(a) Within ten (10) working days after the parties have been served with a copy of the Court decision or resolution, the Clerk will send the mandate to the Court whose decision was reviewed unless a motion for reconsideration is filed within said term or the Court orders a stay of mandate.

(b) All motions for reconsideration must be filed within the jurisdictional term of ten (10) working days mentioned in paragraph (a) of this rule and may not exceed ten (10) pages. A separate memorandum of authorities or motion for extension to ground a motion for reconsideration already filed will not be accepted. Citations of authorities will be discussed in the body of the motion. The Clerk will deny outright any motion for extension to file a motion for reconsideration or a brief in support thereof. If the motion for reconsideration is denied, the mandate will issue four (4) working days after a copy of the resolution is sent to the parties unless that a second motion for reconsideration has been filed pursuant to paragraph (c) of this rule.

(c) The same party may file a second motion for reconsideration within the jurisdictional term of three (3) working days after a copy of the resolution that denied

the first motion for reconsideration is sent to the parties. No subsequent reconsideration will be allowed. If the second motion for reconsideration is denied, the mandate will be sent to the reviewed court the following day.

(d) If, on reconsideration, the Court should amend or in any manner modify its judgment or opinion, the aggrieved party may file a motion for reconsideration within ten (10) working days following notice of the entry of a copy of the notice of the amended judgment or opinion, or of the resolution amending such opinion or judgment, as the case may be. In such case, the other provisions of this rule shall apply.

(e) In any case in which a judgment or resolution of this Court may be reviewed on certiorari by the Supreme Court of the United States of America, issuance of the mandate to the reviewed court may be stayed, on motion of a party, for a reasonable time. If during such time a certificate of the Clerk of the Supreme Court of the United States of America is filed in the Office of the Clerk showing that the petition for certiorari, the record, and the brief have been filed in said Court, the mandate will be stayed until final disposition of the petition for certiorari. When a copy of the order of the Supreme Court of the United States of America denying issuance of the writ is filed, the mandate will issue immediately to the reviewed court. The party moving for stay of mandate will state the issues to be raised in the petition for certiorari, making reference to the relevant facts and circumstances of the case.

Rule 46. Orders to Show Cause

(a) At any time after a writ has been requested, the Court may order the parties to show cause why it should not issue the writ and reverse or modify the judgment as ordered.

(b) Once the show cause order is issued, the party who must show cause must answer the same within the term specified in the order. The answer may not exceed twenty-five (25) pages, excluding the table of contents and the appendix.

(c) Once the term to answer has expired, the Court will decide according to law:

(1) denying the writ;

(2) issuing the writ and reversing, modifying, or affirming the judgment or resolution;

(3) ordering that the ordinary proceedings continue; or

(4) rendering any other order or ruling.

Rule 47. Translations *in Forma Pauperis*

(a) At the request of any indigent party or of his or her counsel, and for purposes of seeking review in the Supreme Court of the United States of America of a judgment rendered by the Supreme Court of Puerto Rico in a civil or criminal action, this Court, through the Clerk, will issue, free of cost, certified copies of the English translation of those parts of the record so designated by the appellant pursuant to the Rules of the Supreme Court of the United States of America, as well as of any counter

designation made by the appellee pursuant to said Rules. Also, in every case, a certified copy must be issued of the English translation of the opinion and judgment of this Court and of the appeal filed. In the case of a petition for certiorari filed in the Supreme Court of the United States of America, a certified copy must be issued of the English translation of the record of the case.

(b) The motion to such effects, which will be filed with the Office of the Clerk, must contain a verified statement of the facts that establish the movant's indigence status or inability to pay for the certified copies needed. The motion must also include at least two (2) affidavits of persons who know the movant, attesting to the party's indigence or inability to pay for the certified copies.

(c) In criminal cases, the motions and affidavits will be served on the Solicitor General. In civil cases, they will be served on the adverse party.

The parties thus notified may file a brief in opposition and supporting affidavits within the following ten (10) days.

(d) The Court will grant or deny the motion on the basis of the documents filed or it may, at its discretion, set a hearing on the matter.

Rule 48. Terms to File Papers; Extensions

(a) Whenever, under these Rules or by order of the Court, a brief must be filed in Court within a specific term or day, said term will expire at 5:00 P.M. of that day unless the Court establishes mechanisms to extend office hours or access to the Court, in which case the term will extend until midnight (12:00 A.M.) of the day on which the term expires.[25] The hour will be determined by the time stamp of the Court.

No officer or employee, unless expressly ordered by the Court, is authorized to receive petitions or briefs filed outside the hours established in Rule 9(a) or in any place other than the Office of the Clerk.

(b) Any motion for an extension of time must be received by the Court not less than three (3) working days before the expiration date sought to be extended. No motion that fails to meet this requirement or that seeks to extend a term established by the Court as final and non-extendable, or that is jurisdictional in nature, will be granted.

(c) The term of every extension granted by the Court starts to run on the expiration date of the term sought to be extended.

(d) Motions for extension of time must be grounded on specific reasons, not on mere generalizations. As a general rule, counsel's heavy workload will not be considered adequate grounds for justifying an extension.

[25] The amendment to this rule is derived from Rule 72 of the Rules of the Court of Appeals (4 LPRA App. XXII-B). Its purpose is to make viable a mechanism, analogous to that of the Court of Appeals, that extends the hours for filing papers.

Rule 49. Penalties

If the Court determines that a petition or motion under its consideration is frivolous, or that it was filed to delay the proceedings, it may deny the same and impose on the party, on counsel, or on both, in addition to the costs, expenses, and attorney's fees, any additional monetary sanction it may deem appropriate in favor of the Commonwealth of Puerto Rico, of a party, of a party's counsel, or of both. The Court may also take any other measures it may deem pertinent and necessary.

Rule 50. Additional Rule-Making Authority

In situations not foreseen by these Rules, the Court will conduct the proceedings in the manner it may deem that best serves the interests of all the parties.

The Court reserves the faculty to dispense with any specific term, paper or proceeding in order to achieve the most efficient and fair disposition of the case or the matter at issue.

Rule 51. Special Master[26]

(a) The Court may, on its own motion or on motion of a party, order that an evidentiary hearing be held before it or before a Special Master. Unless otherwise provided by the Court, and insofar as it is not inconsistent with this rule, the Rules of Civil Procedure and of Evidence will apply to all hearings of this type, and the Clerk will issue the summonses and other orders required by the Special Master as if ordered by the Court.

(b) The Special Master will decide the admissibility arguments in accordance with the law. At the close of evidence, the Special Master will file a report with his or her findings of fact, exclusively grounded on the evidence presented and admitted. The report must be presented to the Court, with a copy served on the parties, within thirty (30) days after the close of evidence. If necessary, the Court may require the report within a shorter term. All the documentary and material evidence presented must be sent with the report. Evidence presented but not admitted must be clearly identified as such, setting forth the reasons why it was not admitted.

(c) The parties will have a term of twenty (20) days, to run simultaneously from the date of service of the report to offer their comments or objections. At the end of said term, the Court will decide according to law.

(d) All hearings held before the Court or before a Special Master must be recorded. The audio recording operator will certify the correction of any transcript made. A transcript of the recording will be made only in the following cases: (1) when ordered by the Court or by the Special Master because the transcript is deemed

[26] Rule 51 is created to regulate the Special Master separately. This was previously governed by Rule 28 (Aid of Jurisdiction). Nonetheless, this amendment seeks to regulate the Special Master in an independent rule so that it may be used whenever the Court deems it necessary, not only in the instances arising from Rule 28.

indispensable for drawing the findings of fact; or (2) when any of the parties objects to the findings of fact of the Special Master, and the Court deems that the transcript is indispensable for resettling the objections. If making a recording is not possible, stenographic notes of the hearing will be taken, which will be transcribed only in keeping with these guidelines. Notwithstanding the above, if for any reason the transcript of the oral evidence is unduly delayed, the Court may require the Special Master to draw his or her findings of fact without the transcript.

(e) This rule does not apply to proceedings under Rules 14 and 15, which will be governed by the provisions established therein.

Rule 52. Annual Reports

At the end of each fiscal year, the Clerk of the Supreme Court will publish in the official website of the Judicial Branch a report containing the total number of cases filed and disposed of by the Court. Likewise, the report will include the number of pending cases at the beginning and at the end of each fiscal year. The number of cases filed, disposed of, and pending will be listed pursuant to its nature, to wit: petitions for appeal, writ of certiorari, original jurisdiction (habeas corpus, mandamus, writ of prohibition, quo warranto), administrative appeal, injunction, professional conduct, and certification. It will also include the number of oral arguments requested and granted, and the number of amicus curiae briefs filed. The report will also contain the number of cases assigned and disposed of by each Justice, including signed opinions, per curiam opinions, and judgments. It must also include the number of opinions and the separate dissenting and concurring opinions rendered, as well as the separate votes issued by each Justice.

This report will be made available to the media and will be published in the official website of the Judicial Branch website for the general knowledge of the public.

Rule 53. Effective Date

These Rules will take effect on January 2, 2012, and will apply to all pending procedures as of that date. Once in force, the Rules of the Supreme Court adopted on April 25, 1996, will be repealed.