

## Encounters with civil procedure



BY RAFAEL HERNÁNDEZ COLÓN

The new “Rules of Civil Procedure” meant to accelerate the handling of cases before our courts and to produce just and fair results, went into effect on the first of this month of July. They reflect the work of a committee appointed by the Supreme Court, a review by the Judicial Conference, their adoption by the Supreme Court and the blessing of the Legislature, which added some amendments to the rules adopted by the top court. Seminars on how to apply them have been given to the lower court judges and to the members of the bar. They have taken the rules seriously and changes in the handling of cases should be setting in during the coming months. The full implementation and impact of these rules will take time. It won’t happen overnight in a systemic way. But change has begun.

I was a member of the committee that reviewed the rules for the Supreme Court, and I am sure many will wonder what I was doing there, since they know me for having been Puerto Rico’s governor and governors are not associated with committees that review “Rules of Civil Procedure.” I guess that I am the exception to the rule.

My relationship with civil procedure goes back to the early 1960s when the Pontificia Universidad Católica de Puerto Rico opened its law school. I was a young attorney in Ponce and was called upon to lecture on that subject. As a lawyer I had to handle civil procedure and all branches of civil law, but becoming a lecturer for the law school led me to specialize in civil procedure. I lectured for five years until I became secretary of Justice under the Sánchez Vilella administration.

My students taped my lectures and passed on to me their transcripts. This became the backbone for a book which I decided to write when I ended my tenure as secretary of Justice. At that time there was no book published on this subject in Puerto Rico. The book came out in the late ’60s and it was published by a New Hampshire company called Equity Publishing Co. Equity was also the publisher of the collection “Laws of Puerto Rico Annotated.”

Meldrim Thompson was the owner of Equity and he made frequent trips to Puerto Rico. We became friends. I remember that at Christmas time he would always send us a wreath, which Lila would place on the front door of our home, and he would also send a can of maple syrup from his own farm in New Hampshire, which quickly went onto our family’s pancakes.

I don’t know about Meldrim, but at that time I had no notion that I would become governor. Well, as Rubén Blades says, “*sorpresas te da la vida, la vida te da sorpresas.*” Both Meldrim and I became governors, in the early ’70s, he of New Hampshire and I of Puerto Rico. The Christmas wreaths and maple syrup kept coming, now to La Fortaleza, where Meldrim visited me on a number of occasions.

I was defeated in 1976 and went back to the private practice of law, but to a small degree, because I continued to have political obligations. In 1979 the Supreme Court adopted a new set of “Rules of Civil Procedure” and Equity asked me for a new edition of my book. It came out in 1981.

discussion of important cases recently decided on this subject by the Supreme Court. My method is Socratic and it leads to a critical analysis of the Court’s decisions by law students. I have been giving that seminar up to now with a couple of interruptions to attend to my memories on public life.

A new “Law for the Judiciary” from the Rosselló administration and the analysis of Supreme Court decisions in the seminar led to a new edition of my book, which was published by Michie of Puerto Rico in 1997. Michie had bought Equity Publishing Company. During the next 10 years many important cases had been decided by the Supreme Court and a new “Law for the Judiciary” had been approved by the

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I went back to the governorship in 1985 for two terms, which ended on the 2nd of January, 1993. Thereupon I wanted a clean break with politics so that new leadership could develop in the Popular Democratic Party. I went to Spain for a year and a half, first to the island of Mallorca for decompression, ridding myself of the subtle intoxications of power, and focusing on the spiritual parts of my existence. During the six months I spent in that strikingly beautiful island with people who live their existence in another time frame, I did nothing but what I had set out to do. It was a wonderful and enriching experience.

The second part of my days in Spain was spent in Andalucía. Lila and I lived in the residence of visiting professors at the Universidad de Granada, where I lectured on the new trends—reinventing government—in public administration. The residence was located in El Albaicin, a historic section of Granada set on a hill facing the Alhambra. During the first semester I lectured in Granada proper, but during the second semester my lectures were given on the campuses of the universities of Andalucía: Sevilla, Córdoba, Cádiz, Jerez, Almería, Málaga and Jaen.

I came back to Puerto Rico in the summer of 1994 and went back to teaching civil procedure at Pontificia Universidad Católica de Puerto Rico in the fall. This time it was not the basic course, but rather a seminar where I focused on the

Calderón administration. This led to a revision of the book, which came out in 2007, this time published by Lexis Nexis, the publisher of our “Laws of Puerto Rico Annotated.”

When the “Rules of Civil Procedure 2009” were approved by the Legislature, it became imperative for me to write the fifth edition of my book, which has just come out, again published by Lexis Nexis.

My encounters with civil procedure have maintained my relationship with my profession throughout my life. I have always held a fascination with the law and these encounters have brought me deep satisfaction. I dedicated the fifth edition of the book to my father, who was a Supreme Court justice, and who engrained in me the love for the law. My dedication reads as follows:

“To my father, Rafael Hernández Matos, who would have preferred that I would have dedicated all my life to the practice of Law.” ■

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*Rafael Hernández Colón is a three-term (12-year) former governor of Puerto Rico (1973-'76 and 1985-'92). He served as Justice secretary (1965-'67) and Senate president (1969-'72). He was president of the Popular Democratic Party for 19 years. Comments on this article are welcome at [caribbeanbusinesspr.com](http://caribbeanbusinesspr.com). Go to [Sign in](#) link on the homepage. Emails also may be sent to [column@caribbeanbusinesspr.com](mailto:column@caribbeanbusinesspr.com).*