

**SUPREME COURT OF THE UNITED STATES**

**INRE HIRAM I. PEREZ SOTO**

**DOC. NUM. SUPREME COURT OF  
PUERTO RICO: CC2015-020**

**MOTION DIRECTED TO THE CLERK ASKING FOR PERMISSION TO  
FILE CERTIORARI OUT OF FILING TERM**

Comes now the appearing party petitioner Hiram I. Perez-Soto Pro Se and respectfully files the present motion:

1. In the present case the judgment of the Supreme Court of Puerto Rico was notified on June 4, 2018. At that time according to the Rules of the Supreme Court of Puerto Rico the second motion of Reconsideration was denied. The term of 90 days to file the petition of Certiorari expired on September 3, 2018. The 60 day extension period expired on November 2, 2018. After having a telephone conversation with an employee of the clerk of this Court apparently I misunderstood what he told me. I believe that it was legally possible to file the application for extension before the 60 day extension period expired which as previously stated was on November 2, 2018. I filed the application for extension on October 30, 2018. I received a notification from the Office of

the clerk of this Honorable Court that the application for extension to file the Certiorari must be made before the original 90 day period expired which was as previously stated on September 3, 2018. The petition of Certiorari was filed on November 2, 2018 on the last day of the 60 day extension period. The reason that I filed the application for extension and the petition of Certiorari out of time was that I couldn't find any lawyer in Puerto Rico to help me in this case. I was disbarred for filing ethical charges and recusal motions against local Judges with reasonable basis and with respect. My constitutional rights of free speech and fair forum, see InRe Little 404US533; Holt v. Virginia 381US25; Capperton v. ATMassey TSEU June 2009. Lawyers are afraid that if they take my legal representation reprisals could be taken against them. Additionally I don't know any lawyer with experience and practice in the Supreme Court of the United States. The petition of Certiorari is being filed on a Pro Se basis. It has merits, my disbarment was arbitrary, unjustified and in violation of my Constitutional Rights under the US Constitution.

**WHEREFORE** it is asked and prayed to this Court through the Office of the clerk to accept my petition of Certiorari filed when the term for filing had expired.

A certified copy of this motion was filed in the Office of the Solicitor General of the Department of Justice of Puerto Rico to attorney Minnie H. Rodríguez López personally by me on October 24, 2018. The address is the following: Department of Justice of Puerto Rico PO Box 9020192, San Juan, Puerto Rico 00902-0192; email: [mirodriguez@justicia.pr.gov](mailto:mirodriguez@justicia.pr.gov)

Submitted today, November 9, 2018.

  
**MR. HIRAM PEREZ SOTO**

**PRO SE**

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COMMONWEALTH OF PUERTO RICO  
GENERAL COURT OF JUSTICE  
SUPREME COURT

IN RE:

PÉREZ SOTO, HIRAM I.

CASE NUMBER.... CP-2015-0020

ORIGINAL..... AB-2013-0510

APPEALS.....

PROFESSIONAL CONDUCT

CIVIL ACTION OR CRIME

PÉREZ SOTO, HIRAM I.

VILLA DEL PARANA

51-5 11<sup>TH</sup> STREET

SAN JUAN, PUERTO RICO 00936

N O T I F I C A T I O N

I CERTIFY THAT IN RELATION TO THE SECOND MOTION FOR RECONSIDERATION THE COURT ISSUED THE RESOLUTION ENCLOSED HEREIN.

ATTY. RODRIGUEZ LOPEZ, MINNIE H

[mirodriguez@justicia.pr.gov](mailto:mirodriguez@justicia.pr.gov)

ATTY. GENERAL PROSECUTOR

[NOTIFICATIONS.OPG@GMAIL.COM](mailto:NOTIFICATIONS.OPG@GMAIL.COM)

RIVERA DE MARTÍNEZ, YURI

SPECIAL COMMISSIONER 00

IN SAN JUAN, PUERTO RICO, JUNE 04, 2018.

ATTY. SONNY ISABEL RAMOS ZENO

CLERK OF THE SUPREME COURT, ACTING

By: s/ YADIRA ORTIZ MERCED

DEPUTY CLERK

IN THE SUPREME COURT OF PUERTO RICO

In re:

Hiram I. Pérez Soto  
(TS-4383)

CP-2015-20

PER CURIAM

In San Juan, Puerto Rico, on the 24<sup>th</sup> of April of 2018.

On December 12, 2013, Atty. Enrique Alcaraz Michell filed a complaint against Atty. Hiram I. Pérez Soto. In the same he attributed anti-ethical conduct in the course of a lawsuit related to the partition of the inheritance of the father of Attorney Pérez Soto, He alleged that Attorney Pérez Soto established a pattern of filing complaints against any attorney or judge that disagreed with him,, and that he used offensive language against the attorneys of the other parties. Having evaluated the complaint, and with the benefit of the report of the Office of the General Prosecutor and of the Special Commissioner, we conclude that Attorney

Pérez Soto violated Cannons 9, 12, 14, 17, 20, 35 and 18 of the Code of Professional Ethics, infra.

I.

Through testament, Mr. Hiram Pérez Beltrán, father of Attorney Pérez Soto, designated as executor, judicial administrator and accountant partirioner his daughter, Mrs. Enid Pérez Soto. On November 6, 2006, after the death of Mister Pérez Beltrán, Mrs. Pérez Soto requested the issuance in her favor of the letters testamentary. One year later, Mrs. Pérez Soto and Mr. José Reinaldo Cordero Soto, designated in the testament as a substitute of Mrs. Pérez Soto, filed a joint motion in which Mrs. Pérez Soto resigned to the position and requested the issuance of new letters in favor of Mister Cordero Soto. Attorney Pérez Soto filed a motion to intervene and oppose the appointment. The Court of First Instance resolved that the appointment was pertinent. Not in agreement, Attorney Pérez Soto appealed this ruling, but the Court of Appeals refused to revise.

Subsequently, Attorney Pérez Soto filed on his own a complaint regarding the partition of the inheritance and the annulment of certain transactions with

the Estate of his father. The Court of First Instance denied the request for representation on his own. The Court of Appeals refused to review and emphasized in its resolution that the protagonistic conduct displayed by the Attorney in the litigation "hindered the orderly litigation" and demonstrated "an obvious emotional involvement with his claims and against his relatives, who consider that they pursue him in a familiar manner." Attorney Pérez Soto filed before us a petition for certiorari to review the determination of the Court of Appeals. We provided a Denied, an act which for the attorney "entailed a violation of the standard of Stare Decisis", as stated in a letter sent to the then Presiding Judge, Hon. Federico Hernández Denton.

Despite the fact that the determination became final and binding, Attorney Pérez Soto continued to appear on his own at the action. Furthermore, he initiated a pattern of presenting ethical complaints and accusations against the attorneys and judges that intervened in an adverse manner to his interests in the action. As a result of this Attorney Alcaraz Micheli, who represented the other party in the action, filed an ethical complaint against Attorney Pérez Soto which we remitted to the Office of the General Prosecutor for investigation and report.

We proceed to state, as appears from the Report of the Office of the General Prosecutor and its appendixes, the ethical complaints and recusals that Attorney Pérez Soto filed:

1. Complaint against Hon. María Adaljisa Dávila Vélez, for alleged prejudice and partiality by denying his request for representation on his own. The filing of the complaint was ordered. Hon. Sonia I. Vélez Colón, then Administrative Director of the Courts, concluded that the judge did not incur in any violation whatsoever and emphasized that her Office could not intervene with judicial decisions in the absence of ethical violations. Hon. Hernández Denton, then Presiding Judge, confirmed the determination of filing the complaint. He stated in his resolution that the allegations of Attorney Pérez Soto "lacked any justified basis" and that "it does not appear from the file of the case any basis whatsoever for the initiation of a disciplinary process" against the Judge.
2. Complaint against Hon. Israel Hernández González, who was assigned the complaint regarding the inheritance after Judge Dávila Vélez inhibited himself as a result of the complaint filed



against him. Attorney Pérez Soto stated that he was not in agreement with certain judicial determinations made by Judge Hernández González and argued that he acted in a negligent and biased manner. The Administrative Director of the Courts ordered the filing of the complaint. He clarified that the judicial determinations, even if they are erroneous, do not constitute sufficient basis for a complaint unless it is demonstrated that there was an intentional abuse of the judicial discretion. The Presiding Judge confirmed and ordered the definitive filing of the complaint. Even though he advised that the request for reconsideration was tardily presented, he expressed himself about the merits of the complaint. He stated that the complaint is limited to questioning the judicial determinations of the judge - and of other judges and not to stating a conduct that constitutes an ethical violation. "[T]he judicial determinations in controversy are not errors of such a magnitude that reflect a conduct that is improper or of favoritism towards a litigant [...]"

3. Complaint against the panel of the Court of Appeals comprised by Hon. Emmalind García García, Hon. Aleida Varona Méndez and Hon. María del C. Gómez Córdova. Attorney Pérez Soto alleged that the judges of the panel incurred in a gross negligence and caused damages to the judicial process by dismissing his appeal summarily based on the fact that he did not notify the parties within the regulatory term because he deposited it in a private mail. The Administrative Director of the Courts ordered the filing of the complaint, because it was limited to impugning a judicial determination. The Attorney again filed the request for reconsideration in a tardy manner and the Presiding Judge again issued a statement. He stated that "Attorney Pérez Soto again limits himself to impugning the judicial determinations of the aforementioned panel of the Court of Appeals and of other judges which have also been object to other complaints filed by him, and not to stating conduct that constitutes a violation of the canons of Ethics." The Administrative Director as well as the Presiding Judge

stated that the remedy that Attorney Pérez Soto had at his disposal was to resort to the corresponding appellate forum, as he in effect did, but the presentation of complaints was inadmissible.

4. Recusal of the panel of the Court of Appeals comprised by Hon. Emmalind García García, Hon. Aleida Varona Méndez and Hon. María del C. Gómez Córdova. Attorney Pérez Soto indicated: "We have a reasonable basis to believe that the Appellate Court in its dismissal did not do this in good faith or with gross negligence [...]. It realized this with prejudice. We complaint before the Panel. The Presiding Judge is of the opinion that due to judicial decisions one cannot discipline a Judge or a panel. We believe that he is mistaken [...]. The Panel should have inhibited itself from seeing the Appeal after my Complaint and that the Supreme revoke it with a subtle criticism to the arbitrariness of its decision." A special panel Denied the motion for recusal. The special panel understood that there was no valid basis for the petition for inhibition, just its clear dissatisfaction with the pronunciations of the instant form and the appellate forum.

5. Complaint against the panel of the Court of Appeals comprised by Hon. Aida Nieves Figueroa, Hon. Carmen H. Carlos Cabrera and Hon. Troadio González Vargas, for alleged delay in attending an appeal. The Administrative Director ordered the filing of the complaint and advised the Counselor that the mere delay did not warrant resorting to a disciplinary hearing and that from the file there did not appear any improper conduct by these Judges. Attorney Pérez Soto filed a motion for reconsideration that was denied for being tardy. In addition to the complaint, the Attorney also filed a request for mandamus before this court so that it would order the panel to resolve the case in forty five days. From the twenty two pages of the request, only a few paragraphs are dedicated to the figure of the mandamus and to explaining why it should be issued. The rest of the document is addressed to relitigating matters already resolved and to trying to convince the court of the alleged prejudice of the judges and of the lies and lack of respect of the other attorneys. We deny the petition for mandamus.

6. Complaint against the panel of the Court of Appeals comprised by Hon. Gretchen Coll Martí, Hon. Nélide Jiménez Velázquez and Hon. Ivelisse Domínguez Irizarry. Attorney Pérez Soto alleged to have sufficient basis to believe that the panel acted with prejudice and partiality by confirming a judgment of the primary forum. The Administrative Director of the Courts concluded that the complaint dealt with a judicial determination that was out of its disciplinary jurisdiction and ordered that it be filed. The Attorney tardily requested its reconsideration to the Presiding Judge, who advised that he had lost jurisdiction to review the complaint. Nevertheless, he stated that the complaint again impugns the juridical basis of the panel as well as the determinations of other judgments that have also been object of complaints by the Attorney. He added that Attorney Pérez Soto could also not allege that the errors of the panel were of such a great magnitude when he himself alleged that the controversy was novel. Finally, he reiterated that the disciplinary process was not an appellate mechanism and he ordered the definitive filing.

7. Recusal of Hon. Ricardo G. Marrero Guerrero, who dismissed a complaint of Attorney Pérez Soto so that he decree the nullification of two adverse partial judgments. In that judgment, Judge Marrero Guerrero also imposed on Attorney Pérez Soto the payment of the costs of the litigation and of Three Thousand Dollars in fees for his temerity. Hon. Miguel P. Cancio Bigas denied the request for recusal. He explained that nothing in the file sustained the allegation of prejudice, since Judge Marrero Guerrero resolved in light of the right that he understood was applicable. In view of this panorama, Attorney Pérez Soto had the mechanisms for review and appeal available, but not that of a recusal.
8. Recusal of Hon. Antonio R. Negrón Villardefrancos, after this judge required that Attorney Pérez Soto not act as his own attorney. Hon. Rafael Rodríguez Olmo denied the request for recusal since he understood that Attorney Pérez Soto did not prove his allegation of prejudice or partiality. Attorney Pérez Soto resorted of this determination to the Court of Appeals. As he usually does, he took

advantage of his appearance before the appellate forum to relitigate matters already adjudicated in the inheritance action and again complained about the alleged insults and anti-ethical conducts by the attorneys of the other party and of the prejudice that he understood that the judges that have intervened in the case have displayed. Instead of providing concrete reasons for which Judge Negrón Villardefrancos could be recused from the case, Attorney Pérez Soto insisted that a number of sentences issued against him were illegal and were prejudiced. All of this was impertinent to attend the matter of the recusal of Judge Negrón Villardefrancos. The Court of Appeals denied the writ requested. It mentioned that Attorney Pérez Soto did not obey the directive of not participating on his own and stated that the personal involvement of the attorney in the action made it difficult for him to act in a dispassionate and professional manner.

9. Recusal of Hon. Enrique Pérez Acosta, where Attorney Pérez Soto stated that the judge resolved against him because he was

influenced by the complaints against other judges. According to Attorney Pérez Soto, the judge acted with "a judicial comradeship that was erroneous and adhered to judicial ethics". Hon. Arlene De L. Selles Guerin denied the Motion and resolved, after hearing the recording of the hearing, that Judge Pérez Acosta did not act with prejudice against Attorney Pérez Soto and that the attorney had the opportunity to cross-examine the witnesses. She also stated that the Judge had the to call the attention of the attorney on three occasions due to the language used when he said that the executor pretended to "perpetuate himself in the power". He was advised that if he was not in agreement with what was resolved by Judge Pérez Acosta, the appropriate mechanism for the review was the reconsideration, which the attorney also did.

10. Complaint against Attorneys Luis E. Laguna Mimoso, Enrique Alcaraz Micheli, Patricia Cordero Alcaraz, Edna E. Pérez Román, Eli Galarza Rivera and Fernando J. Gierbolini, who are the attorneys of other parties in the inheritance litigation. According to Attorney



Pérez Soto, these attorneys did not treat him with respect and courtesy, they sent him to shut up, they insulted him and they insisted that he was not emotionally and intellectually qualified for the litigation. The report of the Office of the General Prosecutor recommended the dismissal of the complaint. It was emphasized that it had been precisely Attorney Pérez Soto who has hindered the proceedings. He also stated that it is unacceptable that, through the disciplinary procedure, Attorney Pérez Soto attempt to decide the legitimacy of his claims before the primary forum in the inheritance action. Having examined the report and the answer of Attorney Pérez Soto, we order the filing of the complaint.

11. Request for the disqualification of Attorneys Luis E. Laguna Mimoso, Enrique Alcaraz Micheli and Patricia Cordero Alcaraz. Hon. María del Carmen Garriga Morales denied the same. Even though she recognized that the language used by Attorney Laguna Mimoso during the taking of a deposition was spirited, she concluded it was not so improper as to justify disqualifying him from an action so developed. Furthermore, she indicated that it seems to have been

Attorney Pérez Soto himself who propitiated this dynamic during the deposition.

The report of the Office of the General Prosecutor also stated several improper statements that Attorney Pérez Soto had made in his writs. We provide some samples: "I do not see h[o]w the Panel could decide in this manner and respect itself." Page 14 of the Petition for Certiorari filed on March 31, 2014 in KLCE 2014-041 "[The Judge] issued a null consultive opinion. The Court says that it was not consultive. If it was not consultive, what was it?" Page 7 of the Motion for reconsideration and of inhibition filed on November 12, 2013 in KAC2012-0840. "The third Judge of the CFI continued to act to cause me damages". Id., page 20. "The opposing attorneys knowing the problem that I got into with the judges due to the complaints consistently make frivolous allegations, lying, knowing that they are not going to be sanctioned." Id., page 25. "The case of the lie and distortion is the practice of the attorney(s) of Cordero Soto [...]. I am made the decision [end] this practice [....]. I have never lied, that they prove it. I can prove that the attorneys of Cordero Soto have lied repeatedly they do not respect themselves nor the Courts of Justice". Page 3 of the Motion in answer to the reply to the motion for reconsideration

filed on November 20, 2013 in KAC2012-0840. "[The Judge] said other false things in his decision [...]. He did not read the documents of the appendix [...], he dedicated himself to paraphrasing the writs of the appellees that contained incorrect information [...]", Page 7 of the Letter of Atty. Hiram Pérez Soto to Hon. Federico Hernández Denton, June 12, 2009.

These statements are representatives of the tone that the attorney generally maintains in his documents. With frequency, he called the attorneys of the other party vile, liars and slanderers; he said that the court decided in a negligent manner and without competent juridical studies, and that there was "judicial friendship" between the judges.

The Office of the General Prosecutor concluded in his report that there was clear, robust and convincing evidence that Attorney Pérez Soto could have violated Canons 9, 12, 15, 17, 29, 35 and 38 of the Code of Professional Ethics, 4 LPRA App. IX. Pursuant to the report rendered, we ordered the General Prosecutor to present the corresponding complaint. Subsequently, we named Hon. Ygrí Rivera de Martínez so that, in the presence of the parties and in the capacity of Special Commissioner, she receive evidence, hold hearings and submit a report to us with the findings of fact and the recommendations that she

deemed pertinent. Se concluded that all of the charges formulated by the General Prosecutor were proven. For the reasons that we present hereinafter, we are in agreement:

## II.

### A. Canons 9 and 12

Charges I and II attributed a violation of Canons 9 and 12 of the Code of Professional Ethics, supra, for the unjustified attacks against the judges that intervened in the matters related to the inheritance of the father of the promoting attorney, which caused unnecessary delays in the rapid solution of the matter.

Canon 9 requires that the attorneys "observe with the courts a conduct that is characterized by the greatest respect" and to "discourage and prevent unjustified attacks or illegal attempts against the judges or against the proper order in the administration of justice in the courts". This duty "includes also the obligation to take the measures that may be pertinent pursuant to the law against judicial officials who abuse their prerogatives or improperly perform their functions and that do not observe a courteous and respectful attitude." Id. We have stated that the timely judicial criticism is effective so that the attorneys will

contribute to the courts complying with their functions, but this must be done with respect and deference. In re Crespo Enríquez, 147 DPR 656, 662-663 (1999). An attorney should not make accusations about the work of a judge that are not validated with conclusive and indubitable evidence. Id., page 663. An attorney should not infringe the boundaries of the truth in the course of his criticism, because a false, unjustified and vicious criticism hinders the impartial and upright administration of justice. In re Andréu Ribas, 81 DPR 90, 120 (1959). Therefore, the conduct of the attorney that constantly resorts to the indication that the court acted with prejudice, passion and partiality, without substantiating it or without sufficient grounds to believe this is censurable. In re Cardona Álvarez, 116 DPR 895, 907 (1986). It is important to remember that acting with passion and prejudice exceeds the mere error of the judge, it involves the knowledgeable lack of compliance of the duty of honesty of the conscience. Cordero v. Rivera, 74 DPR 566, 609 (1953).

Therefore, we do not justify the oral or written language that questions the honesty and equanimity of the judge, even if his judicial action is incorrect and subsequently revoked. In Re Pagán, 116 DPR 107, 111-112 (1985). "The

discrepancies with the judicial rulings are [not] a license for improper and injurious language.” Id., page 111.

As a general rules, judges cannot be submitted to a disciplinary procedure merely for applying or erroneously interpreting the facts or the law in a particular case. See, In re Velázquez Hernández, 162 DPR 316 (2004); In re Cruz Ponte, 159 DPR 170 (2003). “[An error of judgment is not equal to negligence nor absolute disregard of the law. When committing said errors, the party adversely affected is entitled to the ordinary procedure of judicial review”. In re Hon. Diaz García, C.F.I., 158 DPR 549, 557-558, (2003). “The judicial behavior that in any manner affects the rights of a [...] litigant can be taken to the record for the corrective active that is pertinent, by a superior court, pursuant to what should be an impartial and fair trial”. Pueblo v. Cession, 81 DPR 124, 154 (1959).

It is not sufficient to lay the foundations that the law was erroneously applied to demonstrate that the judicial determination was addressed to unduly favoring one of the parties, nor either to reflect improper conduct or favoritism towards a particular litigant. Pursuant to Rule 3 of Judicial Discipline, 4 LPRA

App. XV-B, the scope of the aforementioned process is circumscribed to assumptions where the judge is attributed with having violated the law, the Canons of Judicial Ethics, the Code of Professional Ethics, the orders and the administrative standards applicable, or having incurred in gross negligence, inability or professional incompetence manifested in his judicial duties. An ethical violation is only configured if evidence is presented that the error committed constituted an intentional abuse of the judicial discretion, or an error which by its magnitude reflects improper conduct or favoritism towards a particular litigant or attorney. In re Hon. Diaz García, C.F.I., supra; Feliciano Rosado v. Matos, Jr., 110 DPR 550 (1981).

Without any doubt, Attorney Pérez Soto violated Canon 9. His accusations against the judges, in addition to using a disrespectful language, demonstrated to all be unjustified. The attorney did not sustain with conclusive evidence his allegations of prejudice, since he merely resorted to this allegation almost like an automaton every time that a judge resolved against him.

On the other hand, Canon 12 establishes that:

[i]t is the duty of the attorney towards the courts, his companions, the parties and witnesses to be punctual in his attendance and

concise and exact in the processing and presentation of the causes. This implies displaying all of the necessary diligences to be sure that he is not caused improper delays in their processing and solution.

As a corollary to the duty stated in this canon, the conduct of an attorney should not hinder the resolution of the case. Nevertheless, neither the report of the General Prosecutor nor the Report of the Special Commissioner detail the manners in which the pattern of Attorney Pérez Soto of presenting complaints delayed the inheritance action. The procedural process of the ethical complaints presented by Attorney Pérez Soto occurred at the margin of the inheritance action. On the other hand, in relation to the requests for recusal and inhibition against judges, that require the appointment of special panels for their attention, we resolve that Attorney Pérez Soto violated Canon 12, since he detained the process of the action for inheritance on multiple occasions by presenting immeritorious recusals.

#### B. Canon 15

Charge III attributed a violation to Canon 15 of the Code of Professional Ethics, supra, for not complying with the obligation to observe a respectful and considerate treatment towards the adverse party and not using the legal



proceedings in an unreasonable manner or in order to harass the opposing party.

Canon 15 imposes on the attorneys the duty of respect towards the opposing parties. It also provides that it will be improper to use the legal proceedings in an unreasonable manner or for the purpose of harassing the opposing party. We resolve that Attorney Pérez Soto violated Code 15 by continuously filing unnecessarily long, repetitive and unfounded motions, regarding matters already settled in a final and binding manner. His actions were not reasonable nor respectful, and bordered on harassment to the opposing parties. We also condemn the oppressive methodology of interrogation that the Attorney used during the hearing of this disciplinary process, by requesting that the witnesses read out loud all of the extensive documents to then ask questions about specific details that they could not remember.

#### C. Canon 17

Charge IV attributed a violation of Canon 17 of the Code of Professional Ethics, supra, that prohibits the presentation of unjustified lawsuits, due to the

repetitive pattern of presenting immeritorious complaints against judges and attorneys..

In essence, Canon 17 seeks to avoid unjustified litigation. It establishes that the appearance of an attorney before a court is equal to an affirmation that the case of his client is one worthy of judicial sanction. When an attorney signs an allegation, he certifies that the information in the same is well founded, according to the best of his knowledge.

The evidence demonstrated that the attorney presented a large amount of complaints and recusals that lacked merit. Despite the fact that his arguments were repetitively refuted, Attorney Pérez Soto insisted on the same. The filing of frivolous complaints and motions promotes the unjustified litigation and unnecessarily uses the resources of the courts and of the Office of the General Prosecutor.

#### D. Canon 29

Charge V attributed a violation of Canon 29 of the Code of Professional Ethics, supra, when acting in a personal manner and with animosity against the opposing party in the processing of the case, hindering with this the solution of

the same. Said conduct was evidenced in the ethical complaints that the attorney filed against the attorneys of the opposing party.

Canon 29 states that "[t]here should be scrupulously avoided any personal issue among the attorneys". It also prohibits that false allegations be made that affect the good name and reputation of another colleague of the profession. The violation of this canon is evident, since there were multiple false allegations made by the attorney, that could affect the reputation of all of the attorneys of the opposing party, of the intervening judges and of the attorneys of the Office of the General Prosecutor that investigated the complaint. When these allegations were made, Attorney Pérez Soto insisted that the other attorneys and judges acted with prejudice and viciously lied. The attorney ignored the fact that all of his claims were filed. His obstinacy with regard to this is an indication of personal issues against these attorneys, and of disregard to their reputation and good name.

E. Canons 35 and 38

Charges VI and VII alleged a violation of Canons 35 and 38 of the Code of Professional Ethics, supra, by not complying with the duties of exalting the

honor and the dignity of the profession, and by not incurring in improper conduct or the appearance of the same. The charge condemns that, with his pattern of constantly presenting complaints, Attorney Pérez Soto demonstrated a deviation of his duty to exalt the honor of the profession, since he was not truthful nor sincere when making accusations that lacked the evidence to sustain the same.

Canon 35 provides that the conduct of any member of the legal profession must be sincere and honest in front of clients, colleague attorneys and the courts. In re Molina Oliveras, 188 DPR 547, 554 (2013). Using methods that are inconsistent with the truth or induce the judge to error through a false statement of the facts or of the law, is not sincere nor honest. It is also improper to distort the juridical citations to transmit an idea that is different to the one that the true context establishes.

The conduct of Attorney Pérez Soto is not sincere nor honest. The facts that he narrated in the complaints that he presented did not warrant credibility by any of the judges that evaluated the same. He branded as reasonable basis" facts that did not give rise to anything more than a mere suspicion.

Attorney Pérez Soto also argued that the Presiding Judge took disciplinary measures directly and indirectly against the judges against whom he complained. That is how he pretended to justify the multiple complaints that he presented against them. Nevertheless, he ignored that all of the resolutions in which the Presiding Judge ordered the definitive filing of the complaints, were accompanied by statements that discredited the actions of the Attorney. This is not sincere nor honest.

Nevertheless, it is with regard to his relationship with the law which without doubt he has pretended to induce the judges to error. Too often, Attorney Pérez Soto relied on non-existent jurisprudence, or distorted the one that existed, to argue points of law that had no merit.

Canon 38 provides that "an attorney must make an effort, to the maximum of his capacity, in the exaltation of the honor and the dignity of his profession, even if doing so entails a personal sacrifice [...]". A conduct violates this canon when it is contrary to the principal values of the profession -the dignity and the honor- and affects the moral conditions of the attorney, in such a manner that it makes him unworthy of belonging to the forum. In re Rodríguez López, 196 DPR 199, 208 (2016); In re Reyes Laureano, 190 DPR

739, 758 (2014). The pattern of conduct of Attorney Pérez Soto violates this canon. The attorney has made an effort to promote his position in the inheritance action, including in detriment to the dignity and the good practices of the profession. Far from being willing to incur in personal sacrifices when it is necessary to exalt the honor of the profession, the obstinacy of Attorney Pérez Soto demonstrated that he does not pretend to yield anything.

It is pertinent to also state that Canon 38 promotes that the attorneys, in benefit of the profession, valiantly denounce any corrupt or dishonest conduct of another colleague or judicial official. The conduct of Attorney Pérez Soto is beyond this exhortation. The different judges of the complaints filed by Attorney Pérez Soto determined that these complaints were not geared to correcting corrupt or dishonest conduct. Nor did the complaints promote a benefit to the profession. Attorney Pérez Soto repeated the arguments that he lost in the litigation, as a new opportunity to advance his interests in the case.

### III

The arguments of Attorney Pérez Soto in response to the allegations against him warrant special attention. He alleges that the hereditary action

became hostile against him as of the inhibition of Judge Dávila Vélez as a result of the complaint that he presented against the Magistrate. According to him, the attorneys of the other parties promoted the hostility of the judges against him, with their constant references to the complaints that he filed against the judges. Thus, he alleges that the friendship among the judges prejudged the inheritance action against him. According to Attorney Pérez Soto, the attorneys of the other parties too advantage of the prejudice against him to present frivolous and incorrect motions pursuant to law. As a result of this, he sustains that many illegal judgments were issued.

Attorney Pérez Soto avers that he was forced to file complaints and recusals because the appellate resources did not bear fruit or the judges that attended them were also prejudiced. Attorney Pérez Soto sustains that, according to the standard of Lizarribar v. Martínez Gelpí, 121 DPR 770 (1988), Judge Dávila Vélez did not have discretion to disqualify him if he behaved with decorum and respect. Even though common sense - and not the standard of Lizarribar, id., - dictates that a person that behaves in a disrespectful manner may not represent himself on his own, to act with respect and decorum does not

guarantee that this type of representation will be granted nor does it limit the discretion of the evaluating judge. It requires establishing a balance between the interests of the parties and the efficiency in the administration of justice, according to the particular circumstances of the case. Among other factors, the effect that the interruption of the proceedings would have is evaluated. In this case, the Court of Appeals stated that Attorney Pérez Soto hindered the orderly litigation and demonstrated an emotional burden with his claims and against his relatives. Given the circumstances, it was reasonable that the request for representation on his own right be denied.

Attorney Pérez Soto alleged that he is entitled and has the duty to present complaints provided they are with a reasonable basis and respect; that this is part of his civil rights and his freedom of expression. He stated that all of his complaints complied with the standard of In re Cardona Álvarez, supra, which were constitutionally protected and that the contrary would be a prior censorship. Nevertheless, in In Re Cardona Álvarez, supra, we condemned the conduct of an attorney who "was accustom[ed] to making allegations of prejudice and partiality to the Judges every time that he lack[ed] a legal basis



to sustain his allegations". Id., page 900. To evaluate the legitimacy of the accusations that an attorney makes against a judge, we consider if the attorney: (a) even if mistaken, believed in the validity of the accusations; (b) had sufficient motive or probable cause to believe in its veracity, even if the facts were not true, and (c) did not make the accusation maliciously for the purpose of belittling the court. Id., page 906. We also stated that an attorney should avoid "the employment of accusations and of facts that are foreign or useless to the matter and, above all, the allegations that are contrary to the truth and do not have a **reasonable presumption of precision.**" Id., page 897. For this, we repudiate any accusation that is not supported by **competent evidence and justified reasons** and that tend to degrade the dignity, honorability and integrity of the courts or their officials. Id., page 906-907. "Nothing more destructive of the fair balance of the judicial conscience, than the **unjustified and vicious** criticism." Id., page 905.

In light of our pronouncements in In re Cardona Álvarez, id., the complaints that Attorney Pérez Soto presented are not meritorious. They only resulted in unnecessary inconvenience and in the unjustified utilization of the

investigative resources of the State. Even though it is appropriate, and even a duty, that every attorney state situations that can compromise the impartiality that should characterize the judicial processes, whoever understands that a judge has acted with passion, prejudice or partiality, should resort to a superior forum and

sustain their allegations with sufficient evidence, since these should not become an instrument to exercise pressure against the Court of First Instance. The level of passion, prejudice or partiality that needs to be demonstrated to successfully impugn the determinations of the primary forum over the facts varies from case to case, but it is not necessary to prove a violation to Canon XX of Judicial Ethics. Moreover, the standard is similar to that of Rule 63 of Civil Procedure since, more than a disciplinary sanction against the male or female judge, what it pretends to achieve is that the controversy before the consideration of the Judicial Power be adjudicated with impartiality. Dávila Nieves v. Meléndez Marin, 187 DPR 750, 775-776 (2013).

In Dávila Nieves v. Meléndez Marin, id., we concluded that the judge of first instance acted with prejudice, but we did not discipline the judge, we merely ordered a new trial before another magistrate.

Attorney Pérez Soto also sustains that the Presiding Judge never sanctioned him for filing the complaints. He repeats this argument in almost all

of his documents. To suggest that he did the correct thing because of the fact that the Presiding Judge did not discipline him is, at a minimum, frivolous. All of the resolutions that the Presiding Judge issued ordering the **definitive dismissal** of the complaints filed by Attorney Pérez Soto, were accompanied by statements about how the procedure of the attorney was inappropriate. He was advised on numerous occasions that he should abstain from using the disciplinary method to relitigate his cases. In fact, even though the Presiding Judge never requested an ethical investigation against Attorney Pérez Soto, the Court did sanction him. Approximately one month and a half after the Office of the General Prosecutor filed the complaint against Attorney Pérez Soto, he filed a complaint against several attorneys of the opposing party in the inheritance action and of attorneys of the Office of the General Prosecutor. We dismissed the complaint and imposed a sanction of Five Thousand Dollars to Attorney Pérez Soto, for frivolity. Additionally, we advised him that this Court does not tolerate this type of conduct and that the default of the canons of ethics could entail the suspension of the exercise of the profession.

Finally, the attorney argued that the Special Commissioner restricted his right to summon witnesses and cross examine them; restricted the duration of

the hearings; limited his questions and took several months in rendering her report. Nothing of what is alleged warrants a review in this forum. As the Commissioner concluded, if Attorney Pérez Soto were allowed to make all of the summons and interrogatories that he wanted, the disciplinary procedure would have become a relitigation of controversies already resolved by the forums with competence and jurisdiction for this. Furthermore, the form of interrogation of Attorney Pérez Soto was improper and on occasions oppressive, and the pertinent information could be obtained as part of the evidence presented and from the files.

Attorney Pérez Soto also demanded that he be allowed to sit to testify. The Female Commissioner did not allow him because Attorney Pérez Soto did not have an attorney that could cross examine him. In exchange, she agreed that he present a Memorandum of Law. The attorney presented an informative motion of 292 pages, instead of the Memorandum that he was requested. In the motion "he reaffirms once and again the contents of the complaints that were filed, without any respect for the decisions issued, since he considers them illegal and unfair", concluded the Female Commissioner.

Attorney Pérez Soto also sustained that the Female Commissioner should be disciplined for conducting a process that was prejudiced against him. He assured that the report does not discuss the manner in which the judges which he complained of treated him and that he does not discuss the judicial decisions against him that are erroneous. He averred that he was "oblig[ated] to go on appeal to the Supreme Court 10 times where there were left in effect and there were made decisions by the Appeal Courts that are clearly illegal, even though they are final and binding." It was not necessary to discuss the merits of these decisions at the hearing. In fact, from the affirmation itself of the Attorney it appears that on ten occasions we understood that these decisions that he appealed were not "clearly illegal" as he states.

In short, Attorney Pérez Soto incurred again in the error of wanting to use the disciplinary process to litigate the inheritance case. The Female Commissioner did what was correct by not allowing it.

#### IV.

To determine the corresponding disciplinary sanction, we consider the good reputation of the attorney in the community; his prior history; if this

constitutes his first offense and if any party has been prejudiced; his acceptance of the fault and his sincere repentance; if it involves an isolated conduct; the profit that mediated in his action, and the compensation to the client, in addition to any other considerations.

The Special Commissioner suggests that we consider as aggravations the indifference and the scant sensibility that Attorney Pérez Soto has demonstrated towards the judgments and the attorneys object of his complaints, since he continues to insist on the same allegations that were filed because they lacked merit. We are in agreement. The conduct of Attorney Pérez Soto demonstrates his great lack of confidence in the system of justice and its judges, without basis, and convinces us that he is not suitable to practice in the courts. Even though Attorney Pérez Soto does not have a prior history of anti-ethical conduct, the nature of the events for which we discipline him today, the amount of persons involved and the extensive lapse of time during which his conduct has been maintained, detract importance from the fact that this is his first ethical sanction.

We had previously censured attorneys without a prior history of anti-ethical conduct for making disrespectful comments. See In re Markus, 158 DPR

881 (2003) (for comments made against the judges of the Court of Appeals); In re Barreto Ríos, 157 DPR 352 (2002) (for comments made against the personnel of the clerk of the Court); In re Crespo Enríquez, *supra*, (for using disrespectful language when referring to a judge in a document to the court). We have also energetically censured attorneys for disrespectful attacks of impartiality against a judge. In re Rivera García, 147 DPR 746 (1999).

In In re Pagán Hernández, 105 DPR 796 (1977), we suspended an attorney for six months for similar acts of lack of respect addressed to the judges of the instance court and to this Court. We again suspended this same attorney for six months when he again incurred in this conduct. In re Pagán, 116 DPR 107 (1985). In In re Martínez, Jr., 108 DPR 158 (1978), we suspended for three months an attorney without a prior history of anti-ethical conduct since he used disrespectful language against the Court in a request for reconsideration. An attorney who made unfounded allegations regarding a romance between the district attorney and the victim, alluding that this prejudiced the district attorney against the accused, we suspended him for two months. In re Vélez Cardona, 148 DPR 505 (1999).

In In re Cardona Alvarez, supra, the disciplined attorney had a legitimate concern and a good faith belief that a juridical official intervened in the judgment despite his being a brother of one of the attorneys. Nevertheless, the attorney did not state this in the Court of First Instance so that his doubt would be clarified, but he alleged this before us as part of the reconsideration. Even though this was not adequate, the sanction was limited to a warning. In In re Matos González, 149 DPR 817 (1999), we also admonished an attorney for questioning the honesty of the opposing party in a motion before the court.

The case of Attorney Pérez Soto is different to the other cases that we have had before our consideration. Throughout his disciplinary process he denied every allegation against him and did not modify his position. He continued to reiterate matters of the inheritance action and of the complaints that he filed. His disrespectful allegations against judgments and fellow attorneys were not isolated acts in a moment of nebulous judgment. Attorney Pérez Soto has been litigating for around a decade the inheritance of his father in a manner that has been condemned by practically every judge that has intervened in the action, including this Court.



It is evident that a threat, censure or a temporary suspension would have no effect on Attorney Pérez Soto. On the contrary, despite having been previously admonished and sanctioned, he reproduced in this disciplinary process the same pattern of frivolous allegations, on this occasion against the Special Female Commissioner. That is, far from demonstrating reflection and remorse, his conduct reflects temerity and obstinacy.

Nothing from the file suggests to us that he had sufficient motive to believe that the judges conspired with prejudice against him. Attorney Pérez Soto constantly stated the same unfounded arguments and insisted on the illegality of the final and binding decisions. Throughout the entire litigation and the ethical investigations that have been made against him, the attorney did not demonstrate repentance. The times that he presented complaints and recusals against judges, and they were filed, the then Presiding Judge as well as by the Administrative Director of the Courts advised him that it was not pertinent to file ethical complaints against judges because of discrepancies with their determinations. The Attorney ignored these admonishments and was defiant in repeating the same immeritorious arguments. The professional codes of ethics

are not "additional procedural weapons to be used to advance the particular interests of one of the parties in a case." In re Fernández Torres, 122 DPR 859, 861 (1988). Attorney Pérez Soto improperly used these canons to promote his position in an inheritance litigation.

Subsequently, we decree the immediate and indefinite suspension of Attorney Pérez Soto from the exercise of law. Mister Pérez Soto must appear before the courts through legal representation to defend his interests in the actions related to the inheritance of his father, notify all of his clients of his inability to continue to represent them and immediately inform his suspension to the judicial and administrative forums of Puerto Rico in which he has matters pending.

Personally notify this Per Curiam Opinion and Judgment.

Judgment will be issued accordingly.

IN THE SUPREME COURT OF PUERTO RICO

In re:

Hiram I. Pérez Soto

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CP-2015-20  
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JUDGMENT

In San Juan, Puerto Rico, April 14, 2018.

In view of the ground stated in the preceding Per Curiam Opinion, which is made to form part of this Judgment, we decree the immediate and indefinite suspension of Attorney Pérez Soto fro the exercise of law. Mister Pérez Soto must appear before the courts through legal representation to defend his interests in the actions related to the inheritance of his father, notify all of his clients of his inability to continue to represent them and immediately inform his suspension to the judicial and administrative forums of Puerto Rico in which he has matters pending.

Personally notify this Per Curiam Opinion and Judgment.

This was agreed by the Court and certified by the Clerk of the Supreme Court. Presiding Justice Oronoz Rodríguez did not intervene.

s/illegible  
Juan Ernesto Dávila Rivera  
Secretary of the Supreme Court

The suspension will be effective on April 26, 2018, the date in which the attorney was notified of his immediate suspension. San Juan, P.R., April 27, 2018.,

By: s/illegible  
Deputy Clerk  
Superior Court of P.R

**Certified to be a true and correct  
translation from its original.  
Aída Torres, USCCI  
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**Additional material  
from this filing is  
available in the  
Clerk's Office.**