

No. \_\_\_\_\_

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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**MARITZA ORTIZ- PETITIONER**

**v.**

**MAITE ORONoz RODRÍGUEZ, GINA MÉNDEZ MIRÓ, COMMONWEALTH OF PUERTO  
RICO, et al - RESPONDENT(S)**

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**On Petition for a Writ of Certiorari  
To the Puerto Rico Supreme Court**

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**BRIEF FOR PETITIONER IN SUPPORT FOR PETITION FOR A WRIT OF CERTIORARI**

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## QUESTION PRESENTED

The question presented is whether, under this specific circumstance<sup>1</sup>, and under this Supreme Court of the United States' precedents, interpreting the Free Speech Clause of the First Amendment, the Commonwealth of Puerto Rico's underdeveloped and vague ethics' rules, are subject to strict scrutiny.

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<sup>1</sup>In this case, the Petitioner's private speech was attacked, while petitioning redress, on behalf of one of Ortiz's own kids, of minor age.

## LIST OF PARTIES

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<sup>2</sup>This Petition for Writ of Certiorari is being filed against Hon. Chief Judge Oronoz-Rodríguez, both in her official, as well as in her personal capacity which includes the communal marital property she shares with her wife, Hon. Judge Gina Méndez Miró.

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I. OPINION AND ORDER BELOW

- A. The **March 1st, 2024**'s emailed judgment where the P.R. Supreme Court used Rule 9(n), to summarily expel Petitioner, on an implicitly permanent basis. This ruling was personally picked up or served on **March 6, 2024**<sup>3</sup>, and is not yet published in Decisiones de Puerto Rico (Appendix A).

II. JURISDICTION

- A. The judgment of the P.R. Supreme Court was publically disseminated on **March 1st, 2024**. On **April 9, 2024**, the Puerto Rico Supreme Court issued one Resolution (Appendix B) denying Petitioner's request for reconsideration (Appendix C). This Petition is timely filed within 90 days from that denial. The jurisdiction of this Court rests on 28 U.S.C. § 1258.

III. STATUTORY PROVISIONS INVOLVED

- A. The First Amendment to the United States Constitution states that "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*" U. S. Const. Amend. 1.

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<sup>3</sup>In Re Maritza Ortiz, 2024 T.S.P.R. 17, 213 D.P.R. \_\_\_\_ (2024).

B. Petitioner Ortiz was originally accused, by the judiciary, for an apparent Canon 9's violation, as described within the 1970's Code of Professional Ethic for attorneys, in Puerto Rico:

*"...Canon 9.—Conduct of the Lawyer Toward the Courts.*

*1) The lawyer should maintain toward the courts a conduct characterized by the utmost respect.*

*2) This includes the obligation to discourage and avoid unjustified attacks or unlawful attempts against judges or against the proper order in the administration of justice in the courts.*

*3) In cases where such attacks or attempts occur, the lawyer should intervene in order to try to reestablish order and the proper functioning of the judicial proceedings.*

*4) The duty of proper respect toward the courts includes also the obligation to take 'measures at law' against judicial officers who abuse their prerogatives or who perform their duties improperly, and who do not observe a courteous and respectful attitude . . . ,"* Canon 9, Code of Professional Ethic, Title 4, Appendix IX (1970).<sup>4</sup>

C. As of **July 14, 2023**, the application of P.R. Supreme Court's rules governing Canon 9, changed. In Re: Aprobación de Enmiendas al Reglamento del Tribunal Supremo, 2023 T.S.P.R. 74, seriously impacted Rule 14 and Rule 15:

*"... Rule 14. Complaints and disciplinary procedures against lawyers, notaries, \*\*\* - (a) This rule establishes the disciplinary procedure applicable to male lawyers, female lawyers, and notaries. (b) Any written complaint under oath that the court or any of its judges receive regarding the behavior of a lawyer, a notary . . . will be duly noted by the Secretary in the corresponding special record that will lead to those effects. No entry will be recorded or made regarding a complaint*

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<sup>4</sup><https://poderjudicial.pr/Documentos/Leyes-Reglamentos/English/Canons-of-Professional-Ethics-as-amended.pdf>

*without swearing or lacking sufficient specification of the facts on which it is based . . . ,*" Rule 14, Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (2020).<sup>5</sup>

*"...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 Rules of the Supreme Court of Puerto Rico Commissioner—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...The panel of psychiatrists will be selected as follows: one will be appointed by the Commissioner, 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... Together with the report, the Commissioner 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 Commissioner must indicate why it was not admitted. . . In that case, objections to said reports may be made within ten (10) days following the date on which they are submitted to the Commissioner. . . (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*

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<sup>5</sup>As of October 2023, the Supreme Court of Puerto Rico, then amended Rule 14, which now reads, in its pertinent part, as: "*...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...*", Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (2020). See that the words "*under oath*" were deleted through a ruling codified as 184 D.P.R. 677(October 2023).

*evidence of his or her mental incapacity, and his or her suspension from the practice of law may be decreed as a preventive measure. . . . If after the Commissioner'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 Commissioner'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..."* Rule 15, Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (2020) or 183 D.P.R. 386 (November 22, 2011).

- D. The new version of 2023's Rule 9 (ñ), of the Rules of the Puerto Rico Supreme Court, deleted the words "*for adjudication on the merits*": "(ñ) *When the lawyers or the parties fail to comply with any provision of these Rules, the Clerk will inform the court, for the appropriate determination...*", 4 L.P.R.A. Ap. XXI-B (2023).<sup>6 7 8</sup>

#### IV. STATEMENT OF THE CASE

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(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)<sup>6</sup> 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

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<sup>6</sup> Translator's note: The letter "ñ" used in the Spanish version of these Rules has been replaced here with "nn."

<sup>7</sup><https://dts.poderjudicial.pr/ts/2023/2023tspr74.pdf>

<sup>8</sup>[https://drive.google.com/file/d/1tDSfce8h\\_GeH0zjZYPez9\\_M9gHJ3I2AT/view?usp=sharing](https://drive.google.com/file/d/1tDSfce8h_GeH0zjZYPez9_M9gHJ3I2AT/view?usp=sharing)

- A. As of the date this Petition is filed in Washington, D.C., NOT ONE client who hired Ortiz, has EVER filed an ethics' complaint, against the Petitioner.
- B. In spite of this, Petitioner Maritza Ortiz has been brutally abused by the Supreme Court of Puerto Rico since 2011. At that time, Petitioner Ortiz was unaware of the fact that the judiciary in Puerto Rico, was already purposely silencing, and concealing sexual related crimes (that no State government branch intended to solve).
- C. Since then, all of this modern age lynching, belongs to a decades-long repertoire of judicial reprisals. **On each instance, the P.R. Supreme Court hid the true nature of its restrictions, while attacking our private speech.** This is not a coincidence, as if attorneys had no private lives, or were exempt from witnessing crimes, from a front row seat. Within the Petitioner's very first year of practicing law, that old private speech recycled referral, has been abused, as if no one cared to protect attorneys, from successive prosecutions for a single offense, over and over again. Ever since, such bad faith will never again hide that all along, that same old referral was initiated solely, by the State judiciary. Back then, it was: 1)consulted, 2)drafted, 3)filed and 4)decided, while that exact office was in the middle of trashing one of the above referenced kids' legal recourses, within the **P.R. Supreme Court's own and Honorable Justice Miriam Pabón Charneco's office too!** It got camouflaged, with all sort of unannounced surprises, not ever raised by any

sworn statement, nor at any evidentiary hearing, just as it has been repeated with this expulsion. It is not a mere coincidence that without standing, State Judge Leilani Torres Roca's sister judge, State Judge Yahaida Zavala-Galarza, did practically repeat another unethical referral, within six months, from the moment the case at hand was filed too.

- D. As a result, we were forced to play another guessing game, of waiting to get a ruling, responding to **August 17, 2023's** motion (Appendix D). At that time, and ever since, Petitioner kept on asking, over and over again, for any of the nine(9) duly sworn P.R. Supreme Court justices, to impose limitations, to the disclosure of the Petitioner's Veterans Administration medical chart. Petitioner Ortiz ended up being expelled, while still waiting for the written ruling. No "on", nor "off the record", good faith written response to our August 17, 2023's motion exists; nor was it ever properly notified before our hearing, ever, if at all. Instead, the implicated judicial officers reimposed this never-ending guessing game.

## V. ARGUMENT

### A. INTRODUCTION

#### 1. BACKGROUND

- a. This case arises against the backdrop of rampant domestic and gender-based violence in Puerto Rico, which includes sexual-

related crimes. A 2012 report by the American Civil Liberties Union found that *“Puerto Rico has the highest per capita rate in the world of women over 14, killed by their partners.”* The report also found that *“107 women were killed by their intimate partners”* from 2007 to 2011.

- b. A 2019 joint report by Proyecto Matria, a non-profit organization that provides interdisciplinary services to survivors of gender violence, and Kilómetro 0, a local, non-governmental police watchdog, showed that the problem continues. While stressing a high probability of under reporting, due to lack of transparency and access to information concerns, the report still confirmed that, from 2014 to 2018, at least 75 women were killed by their intimate partners.
- c. The Government of Puerto Rico has promised action on the matter, declaring a State of emergency as a result of the rise in cases of gender-based violence in January of 2021. However, no one can correct what you purposely choose not to report, nor measure. The Observatorio de Equidad de Género de Puerto Rico, a joint project created by a coalition of human rights and feminist organizations in Puerto Rico, and tasked with monitoring and analyzing the situation of gender violence in

Puerto Rico (among others), has documented that fifty-five percent of all female homicides are committed by intimate partners. Although the Puerto Rico Police does not collect this data, at least eleven (11) women were killed, by their intimate partners, in 2021. No one knows how many women have been physically assassinated by their intimate partners, nor by their own, vicariously liable, governing institutions, so far in 2024. The Petitioner is the mother of one sex-related crime victim.

## 2. PROCEDURAL HISTORY

*"...The inclusion of a psychiatric exam as a personnel action may appear odd and reflects the history of whistle blower retaliation. Historically, one method used to deflect attention from a potential whistle-blower's charges was to attack the credibility of the potential whistle blower and make the situation about the person doing the reporting, rather than the original wrongdoing being reported. Requiring the potential whistle blower to submit to a psychiatric examination is therefore a particularly suspect activity."*, United States Merit System Protection Board Defines Whistle Blower Retaliation, <https://www.fedweek.com/issue-briefs/mspb-defines-whistleblower-retaliation/> (March 9, 2011).

B. On August 8th, 2012, federal defendant Raúl López Menéndez, purposely deviated from the standard of care owed to Petitioner Ortiz's then five(5) year-old survivor of a sexual crime. He portrayed he evaluated the Petitioner, instead of the minor child of tender years.



- C. On August 30th, 2021, Petitioner Ortiz filed a damages lawsuit in federal court (Ortiz v. Sigfrido Steidel, et al, 21-cv-01433-MAJ) against the person who purposely re-hires López Menéndez, over and over again: **Administrative State Judge Sigfrido Steidel**. He is known as the Respondent's right-hand administrator (or as "O.A.T.'s" administrator), for the Commonwealth's entire State judiciary<sup>9</sup>, etc..
- D. On June 23, 2022, Petitioner filed her first Notice of Appeal, in the U.S. Court of Appeals, for the First Circuit in Boston (Ortiz v. Steidel, et al, 22-cv-1492) (out of two notices of appeals) .
- E. On August 11, 2022, domestic violence perpetrator Arnaldo Bello-Acevedo (one of the above referenced kids' biological father), petitioned an ex-parte protection order. It was immediately granted, against one of his very own domestic violence survivors: Petitioner Ortiz (Bello v. Ortiz, OPA2022-26497).
- F. Municipal State Judge Glenn Velázquez Morales immediately ordered for police patrol cars to park, intersecting the front entrance of the Petitioner's home, to serve an incomplete and un-executed protection order. Velázquez

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<sup>9</sup>No adequate remedy can ever be obtained in the Commonwealth Courts because all of Ortiz's' petitions for redress (all of them related to one of the above referenced kids), pits the Petitioner squarely against the Administration of the Commonwealth Judiciary ("O.A.T."). Because of "O.A.T.'"s overreaching role as self-supervisor, self-administrator and self-evaluator of the Commonwealth Judicial System, the courts of Puerto Rico are imbued with a degree of institutional bias that renders them incapable of impartial adjudication.

**Morales** directed it, in spite of knowing Bello had no standing, and was not present at the time of the alleged and fabricated incident.

- G. On **August 15, 2022**, Petitioner filed a damages' lawsuit(in State court), against **Hon. State Judge Glenn Velázquez Morales, etc.** (Ortiz v. Glenn Velázquez Morales, Ana López Prieto, et al, 2022-cv-2623).
- H. On **November 17, 2022**, another Chief Judge, this time for the United States Court for the Federal District of Puerto Rico, **Hon. Federal Judge Raúl Arias**, published that some other unknown indigent, battling similar English language barriers, survived another predictable dismissal: "... *appointed Plaintiff three (3) different pro-bono counsel[s] all of whom have withdrawn...and that ...references a jumble of lawsuits and motions...the facts alleged are largely incomprehensible and fail to articulate grounds...dismissed with prejudice...* ," Ríos v. Judge Lizardo Mattei, Department of Justice, et al, 2021-cv-1291.
- I. One day later, on **November 18th, 2022**, federal defendant Steidel's alternate deputy director (named **State Judge Maritere Colón Domínguez**), informally denied multiple 2021's ethics complaints, filed by the Petitioner, all at once, etc.
- J. On **December 14, 2022**, the Appeals' Court dismissed that year's consolidated Petition for Writ of Mandamus filed by Petitioner Ortiz. This one was filed

against another deputy administrative State Judge (Ortiz v. Ladi Buono, et al, KLRX202200015 or KLAN 2022-0891).

K. On December 23, 2022, Petitioner Ortiz filed a Reconsideration, right after the State's Appeals Court dismissed the above referenced Petition for Writ of Mandamus.

L. On January 20th, 2023, the Supreme Court of P.R. prematurely accepted the unexecuted ethics' referral that brings us here today. The Petitioner has no knowledge of the identity of the specific judicial officer who tailored it. It has the appearance as if its immediate publication, throughout the internet, was executed by an already recused panel at the Puerto Rico Court of Appeals:

*"...the repeated disrespectful statements made by Maritza Ortiz to the Court of First Instance during the appeal process. Referring to this primary forum, as a sample of a judicial process, carried out by Judge Zabala-Galarza...on July 6, 2022, attributing... She denounces that the judicial work of judges Cuevas Ramos and Martínez Piovanetti was an intercepted task, using pretexts and inventions. She describes a fellow lawyer as permanently and morally depraved...she describes judicial action as quackery and accuses a judge of suffering from dangerous mental illnesses, or indicating permanent moral depravity. It is reiterated that the Superior Court of San Juan acts with its agents or accomplices when issuing its determinations, accepting only what it wants, with any embellishment that they make believe, and insists on describing the actions of the Superior Court of San Juan as charlatanism. It is enough for us to compare such expressions with the content of Canon 9 of the Code of PROFESSIONAL Ethics, 4 L.P.R.A. App. IX (2012), to convince us that the conduct described deserves to be examined by our Supreme Court. . . ". This December 14, 2022's public ethic's referral appeared to be signed by Hon. Judge Laura Ortiz Flores,*

M. On February 28, 2023, and against its own never ending hearsay, or unintelligible confidentiality guidelines, the Supreme Court of P.R. published, throughout the internet, that it believed Petitioner Ortiz was not fit to work as an attorney (In Re Ortiz, AB-2022-0272). It was odd to read it was also ordering, for the Petitioner, not to respond, publically.

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<sup>10</sup>Petitioner Ortiz's private speech is different:

*"... while it put aside, 'the urgency' Hon. State Judge Anthony Cuevas wrote he was (finally) about to offer us. If that is not a drastic change of course, or exemplifies intercepting, we do not know what other recent example would portray it more accurately. . . . F. When we finally managed to spend thirty(30) seconds in the middle of the courtroom's evidentiary hearing, . . . Hon. State Judge Leilani Torres Roca, the public servant blushed, as if she was enduring her own anxiety and panic attack. I describe this as one related to moral depravity, because right at that moment, she decided to get rid of the entirety of ...'s constitutional right to structured visits, for that other 10th Christmas in a row, and she ripped ...'s right, on an absolute and permanent basis . . . In contrast, we feel scammed again, because no less than seven (7) people inside your building ignored these, as if said arguments were not raised . . . After all, we appear in forma pauperis, with the same rights, as equal and with the same amount of protected constitutional rights, as any other layman, or brutally abused and HURT mother, is supposed to have. . . It is not ethical, nor legal, that anyone else, much less in 2022, adds, and continues to allow for others to add, mere misrepresentations, or additional illegal seizures (searches), which violate the right to privacy of ... against the entire maternal side of her family . . . and against the subscriber. Nor does it have the right to derail, or allow anyone to derail, anything, much less our testimony, within this evidentiary hearing or case. We believe that the above exemplifies 'witness tampering'. . . That other obsolete pattern of suppressing, all other sides of the coins, portrays once again, embellishments very similar to the one that we have been describing, for the entire past decade, with extremely accurate adjectives, just as the ones we learned from the P.R. Supreme Court Justice himself, Hon. Federal Judge Francisco Rebollo. This behavior seems extremely dishonorable to us, and it seems as if, to the total detriment of the majority of our citizens, the bench's own emotional and mental health has never been truly evaluated either..." Motion for Reconsideration filed against deputy administrative State Judge, Hon. Judge Ladi Buono, under Ortiz v. Buono, et al, KLAN 2022-0891 (December 23, 2022).*

- N. On April 24, 2023, April 25th, 2023, April 27th, 2023, May 1st, 2023, and on May 2nd, 2023, independent expert Dr. Carol Romey, administered or donated an extremely long battery of tests, regarding Ortiz's true profile.
- O. On May 10, 2023 the above referenced federal defendant Raúl López Menéndez “*evaluated*” Ortiz using “*rough guesses*.” He never asked for any V.A. medical folders, nor did he ever request, Petitioner's prior written consent.
- P. On May 11, 2024, federal defendant Cynthia Casanova Pelosi “*evaluated*” Ortiz using “*rough guesses*.” She did not obtain, nor request, Petitioner's prior written consent.
- Q. On May 17, 2024, federal defendant Raúl López Menéndez “*evaluated*” Ortiz using “*rough guesses*.” He never asked for any V.A. medical folders, nor did he ever request, Petitioner's prior written consent.
- R. On May 29, 2023, federal defendant Cynthia Casanova Pelosi “*evaluated*” Ortiz, using “*rough guesses*.” She did not obtain, nor request, Petitioner's prior written consent.
- S. On June 1st, 2023, Dr. Carol Romey donated, signed, notified and filed a truly thorough and ethical assessment, regarding Ortiz's true profile (Appendix E).

- T. On **June 13th, 2023**, and **June 14th, 2023**, federal defendants Cynthia Casanova Pelosi and Dor Mari Arroyo Carrero "*evaluated*" Ortiz, using "*rough guesses*." None of these two obtained, nor requested, Petitioner's prior written consent. Federal defendant Carrero Arroyo never asked for any V.A. medical folders either.
- U. On **July 14, 2023**, the Supreme Court of Puerto Rico apparently published that it had just amended the above referenced Rule 9(ñ).
- V. On **August 17, 2023**, Ortiz's pro-bono lawyer at the time, Atty. Elba Nilsa Villalba Ojeda wrote, for a second time, requesting permission for the nine-panel State justices, at the Supreme Court of P.R., to rule on whether Petitioner Ortiz had to surrender, the totality of Ortiz's vastly impertinent, V.A. medical chart, without specifying reasonable limitations, as imposed by federal Touhy Regulations. See Roger Touhy v. Ragen, 340 U.S. 462 (1951).
- W. After being repeatedly threatened, with being held in contempt by an untruthful subcontractor, on **September 11, 2023**, Petitioner Ortiz filed a federal damages lawsuit that did not list the State, as named defendant. It was filed against "*double dipped*" private subcontractors, such as **ex-judge Crisanta González Seda**. Ortiz v. González Seda, et al, 23-cv-01463.
- X. The Petitioner recorded **September 12, 2023's** "*contempt hearing*."

Y. On March 1st, 2024, Petitioner Ortiz filed an opposition to a Motion to Dismiss, under her federal complaint against **Crisanta González Seda, Ortiz v. González Seda, et al**, 23-cv-01463. Hours later, on that exact day of March 1st, 2024, and with another widely disseminated email, the Supreme Court of Puerto Rico, retaliatorily expelled, Petitioner Ortiz, on yet another "indefinitely" permanent basis.<sup>11</sup>

## VI. REASONS FOR GRANTING THE WRIT

A. The underdeveloped Code of Professional Ethic of Puerto Rico, violates the Constitution of the United States, both in its face, and its application. It is being used as an overly broad gag order that "freezes" private speech. In this case, it circumvents: 1) constitutional protections and, 2) well established federal laws, such as Touhy Regulations<sup>12</sup>.

### B. "TOUHY" REGULATIONS<sup>13</sup>

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<sup>11</sup>This Honorable Supreme Court of the United States was already briefed in regards to similar tendencies: "... a majority of the Puerto Rico Supreme Court imposed a remedy prayed by no one. . . Petitioner argued that the sua sponte Judgment had deprived all parties an opportunity to be heard ... court's absolute ban on public access to civil and criminal domestic violence proceedings ran afoul of this Court's decisions in Globe Newspaper Co. v. Superior Court, 457 U.S. 596 (1982), and El Vocero of Puerto Rico v. Puerto Rico, 508 U.S. 147 (1993). Finally, Petitioner claimed that the Puerto Rico Supreme Court had misapplied its own precedents on access to judicial proceedings, particularly in Fulana de Tal & Sutana de Cual v. Demandante A, 138 D.P.R. 610 (1995). The same five-justice majority of the court summarily denied both requests...", Asociación de Periodistas v. Commonwealth of Puerto Rico, No. 21-659 (2021).

<sup>12</sup>See 22 C.F.R. § 172.5 - Procedure ... production of documents is sought.

<sup>13</sup>The federal regulation 45 C.F.R. sec. 164.512 states:

"...the protected health information for which disclosure is sought is not intended to be

1. Federal legislation delineated standards for releasing protected health information. In order for the Respondents to get pertinent portions of a Petitioner's medical file, they must first support their "*Touhy Request*" by, among other factors:
  - a. Identifying the specific portions of the record that are pertinent to the matter at hand;
  - b. Describing the relevance of the desired records to the Petitioner's proceeding, and by providing a copy of the pleadings underlying this request;
  - c. Providing the substance of what is expected and by explaining why they believe their "*Touhy Request*" meets the criteria specified by law, etc..

*"...(a) The...disclosure of official...records of the V.A. ... VA personnel shall not...produce records without the prior written approval of the responsible VA official ... accompanied by, an affidavit, or if that is not feasible, in, or accompanied by, a written statement by the party seeking ... Where the materials are considered insufficient to make the determination as described ... may ask the requester to provide*

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*used against the individual and ... A covered entity may disclose protected health information to a health oversight agency for oversight activities authorized by law, including audits; civil, administrative, or criminal investigations; inspections; licensensure or disciplinary actions; ...sufficient information about the litigation or proceeding in which the protected health information is requested to permit the individual to raise an objection to the court or administrative tribunal; and... (2) All objections filed by the individual have been resolved by the court or the administrative tribunal and the disclosures being sought are consistent with such resolution..." Health Insurance Portability and Accountability Act of 1996, 45 C.F.R. Sec 164.512.*



*additional information...In addition to complying with the requirements ... protected by the Privacy Act, 5 U.S.C. § 552a, or other confidentiality statutes, such as 38 U.S.C. §§ 5701, ... must satisfy the requirements for disclosure imposed by those statutes, ... before the records may be provided ...," 38 C.F.R. § 14.809...personnel responsible for making the decision should consider the following types of factors:*

- (1) The need to avoid spending the time and money of the United States for private purposes and to conserve the time of VA personnel for conducting their official duties concerning servicing the Nation's veteran population;*
- (2) Whether the demand or request is unduly burdensome ...;*
- (3) Whether the...production of records, including release in camera, is appropriate or necessary ... under the relevant substantive law concerning privilege;*
- (4) Whether the...production of records would violate a statute...as to the content of a record or about information contained in a record would violate a confidentiality statute's prohibition against disclosure, disclosure will not be made. Examples of such statutes are the Privacy Act, 5 U.S.C. § 552a, and sections 5701, 5705 and 7332 of title 38, United States Code;*
- (5) The need to prevent the public's possible misconstruction ...;*
- (6) Whether the demand or request is within the authority of the party making it;*
- (7) Whether the demand or request is sufficiently specific to be answered....," 38 C.F.R. § 14.804.*

2. All along, the P.R. highest State court has always failed to identify any convincing compelling government interest, when attempting to use

untruthful subcontractors to "*copy paste*" confidential information of that nature.

3. With its **March 1st, 2024's** ruling, the Puerto Rico Supreme Court misconstrued this disciplinary process. It misapplied its own precedents, by preventively spreading permanent silencing stigma, since it first published its **December 14, 2022's** and **January 20, 2023's** intentional emails, throughout the internet. It had the appearance as if it was using libel, to purposely hide the considerable different content, of what was really conveyed by Ortiz, on **December 23, 2022** (related to one of Petitioner Ortiz's own, non adult kids). Please refer to Footnote #10.

4. Sexual abuse is a discriminatory practice against women and the Petitioner happens to be an "*in forma pauperis party*" (who is also a brown injured veteran that remains part, of a historically persecuted and targeted suspect class of female survivors) that speaks out, about sexual grooming, while being wrongly persecuted with institutional patriarchal subordination.

#### C. NULL AND VOID

1. **RULE 14**

*"...Rule 14. Complaints... Any written complaint UNDER OATH...will be duly noted by the Secretary in the corresponding special record...NO ENTRY WILL BE RECORDED OR MADE REGARDING A COMPLAINT WITHOUT SWEARING..."* Rule 14, Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (2020).

- a. The Petitioner has no doubt that the Supreme Court of P.R. completely lacked jurisdiction to apply Canon 9, Rule 14, Rule 15, and Rule 9(ñ), against Ortiz. Ever since **December 23, 2022**, it then chose to affect Canon 9, along with Rule 14 and Rule 15, using **2023's** ex post facto amendments.
- b. As of **January 20, 2023**, it is clear that it prematurely accepted, the above referenced referral. By that time, the paraphrased paragraph was already published to the entire planet, in spite of being "*informally served*" by email, with no oath.
- c. At that time, the Court of Appeals in Puerto Rico, was in the middle of solving Ortiz's Motion for Reconsideration, filed on **December 23, 2022** (under the consolidated case Ortiz v. Ladi Buono, et al, KLAN2022-0891). It purposely failed to honor Ortiz's 15 days-deadline, to file her then pending Motion for Reconsideration.
- d. As a consequence, and as of **February 20, 2023**, it never had standing, nor had it ever acquired legal authority, to fix its own

jurisdictional deficiencies. The March 1st, 2024's final ruling is thus, null and void, due to lack of jurisdiction.

## 2. CANON 9

*"...Canon 9. Conduct of the Lawyer Toward the Courts...characterized by the utmost respect. . .obligation to discourage and avoid unjustified attacks or unlawful attempts against judges or against the proper order ... the lawyer should intervene in order to try to reestablish order and the proper functioning of the judicial proceedings. . . includes also the obligation to take "**measures at law**" against judicial officers who abuse ...," Attorneys' Code of Professional Ethic of Puerto Rico, Title 4 Appendix IX (1970).*

### a. Canon 9 fails to define:

- (1) *"upmost respect";*
- (2) *"measures of law";*
- (3) who has standing to file sworn, and now unsworn, ethics' referrals, regarding private speech, etc.

### b. More importantly, it always failed to identify, any compelling interest, per each one of its implicit prohibitions, etc. Canon 9, thus, is null and void.

## 3. RULE 9(Ñ)

### a. On July 14, 2023, current Rule 9 (ñ), sometimes codified under letter "*nn*," of the Rules of the Puerto Rico Supreme

Court, 4 L.P.R.A. Ap. XXI-B (2020), changed. The words "*for adjudication on the merits*" were deleted. It now provides:

" (ñ) *When the lawyers or the parties fail to comply with any provision of these Rules, the Clerk will inform the court, for the appropriate determination...*" Rule 9 (ñ), Rules of the P.R. Supreme Court, 4 L.P.R.A. Ap. XXI-B (2023).

- b. The determination of adding vague words such as "*any provision*," and "*appropriate determination*", thus, makes this provision null and void. Such tendencies provoke due process violations, when suppressing crucial evidence or when sending purposely incomplete legal folders to the plenary, "*for adjudication on the merits*".
- c. Its nullity, did not deter the Supreme Court of P.R. from interpreting that Petitioner Ortiz no longer had the constitutional right to respond to the commissioner's essentially false report (filed on **December 8th, 2023**) and we quote:

"...*NOTIFICATION...the referenced case was submitted on its merits for adjudication...on **December 8, 2023**(See Rule 9(ñ))...Javier O. Sepúlveda . . .*" (we are referring to an emailed letter signed by lawyer **Javier O. Sepúlveda** and Ms. Milka Ortega-Cortijo).

- d. On December 21st, 2023 Petitioner chose to obey Rule 14(L), in spite of Rule 9(ñ)'s new ex post facto amendment<sup>14</sup> (by filing her rebuttal, with a list of errors, as evidenced by her own recording of [https://drive.google.com/file/d/1yYnk10EbtyDjsGpiSVJSu9vqAAanjlatb/view?usp=drive\\_link](https://drive.google.com/file/d/1yYnk10EbtyDjsGpiSVJSu9vqAAanjlatb/view?usp=drive_link) or Rule 15 hearing's transcript (Appendix F)).
- e. These July 14, 2023's amendments, nor any part of the Attorneys' Canons of Professional Ethic, which was drafted to regulate PROFESSIONAL CONDUCT only, have never clearly defined, ahead of time, anything.
- f. The Rules of the Puerto Rico Supreme Court, through these last minutes changes, such as the ones pertaining to Rule 9(ñ), repeat the same tendencies: they indirectly and substantially changed the underdeveloped code's interpretation. Since then, the following underlined portions were deemed as no longer applicable, to the case at hand:

*"... Rule 14. Complaints and disciplinary procedures against lawyers, notaries, and notaries - (a) This rule establishes the disciplinary procedure applicable to male lawyers, female lawyers,*

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<sup>14</sup>... (l) Each party will have a simultaneous term of twenty (20) days, counted from the notification of the report, to offer your comments or objections, and your recommendations regarding the action to be taken by the Court...", Rule 14(L), Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (2020).

and notaries. (b) Any written complaint under oath that the court or any of its judges receive regarding the behavior of a lawyer, a notary... will be duly noted by the Secretary in the corresponding special record that will lead to those effects. No entry will be recorded or made regarding a complaint without swearing or lacking sufficient specification of the facts on which it is based<sup>15</sup>... (l) Each party will have a simultaneous term of twenty (20) days, counted from the notification of the report, to offer... comments or objections, and ... recommendations regarding the action to be taken 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... Commissioner—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... The appointments must be made within a period of ten (10) days after the date of service of the Court ruling ordering this proceeding... In that case, objections to said reports may be made within ten (10) days following the date on which they are submitted to the Commissioner... (g) After examining the Commissioner'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...". Rule 14 and Rule 15, Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (2020) or 183 D.P.R. 386 (2011).<sup>16</sup>

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<sup>15</sup>As of October 2023, the Supreme Court of Puerto Rico, then amended Rule 14, which now reads, in its pertinent part, as: "...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...", Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (2020). See that the words "under oath" were deleted through a ruling codified as 184 D.P.R. 677(October 2023).

<sup>16</sup>Again, half way through this specific disciplinary process, this provision started to be interpreted using other unannounced rulings such as: In re:Aprobación de enmiendas al Reglamento del Tribunal Supremo, 2023 T.S.P.R. 74. It previously read: "... (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. (ñ) The Clerk must notify the parties of the date the cases are submitted to the Supreme Court for adjudication on the merits..." (<https://dts.poderjudicial.pr/ts/2023/2023tspr74.pdf>).

g. In this case, ruling as we go along, the way Rule 9 (ñ) perpetrates, turned Rule 14, Rule 15, and Canon 9, into a questionable misconstruction that is extending a decades-long repertoire of "*waterboarding*". It certainly has the appearance of kneecapping, no less than two (2) domestic violence female survivors, in its sexual abuse modality. The Petitioner calls all of the above: cruel punishment and reprisal. Such tendencies did not merely start on or around **December 23, 2022**. This is a decades' long pattern that has felt like blackmail: by preventively gagging the subscriber, while using one of Ortiz's kids, as well as the Petitioner's profession, as pawns. This repetitive conduct is now being multiplied, with intentional and daily infliction of irreparable harm. Needless to say, with each "*mouse click*," it spreads and multiplied the exact libel, that has been abused, as a pretext, to injure one of Petitioner Ortiz's kids, since the child was one year old. All of it, is in direct conflict with this Court's reiterated application of the First Amendment right of freedom of expression.

## VII. CONSTITUTIONAL PROVISIONS

### A. INTRODUCTION



*"The Eighth Amendment's proscriptions of 'cruel and unusual punishment' and '[e]xcessive bail,' the protection against excessive fines guards against abuses of government's punitive or criminal-law-enforcement authority. This safeguard, we hold, is 'fundamental to our scheme of ordered liberty,' with "dee[p] root[s] in [our] history and tradition." McDonald v. Chicago, 561 U.S. 742, 767 (2010). The Excessive Fines Clause is therefore incorporated by the Due Process Clause of the Fourteenth Amendment." Tyson Timbs v. Indiana, 586 U.S. \_\_\_\_ (2019).*

# 1. UNCONSTITUTIONAL CONDITIONS DOCTRINE

- a. The unconstitutional conditions doctrine, *"vindicates the Constitution's enumerated rights by preventing the government from coercing people into giving them up."*  
Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595, 604 (2013).
- b. The doctrine prevents the government from using conditions *"to produce a result which it could not command directly."* Charles Perry v. Robert Sindermann, 408 U.S. 593, 597 (1972).

*"[T]he doctrine of unconstitutional conditions limits the government's ability to make someone surrender constitutional rights even to obtain an advantage that could otherwise be withheld. Robin Clifton v. Fed. Election Comm'n, 114 F.3d 1309, 1315 (1st Cir. 1997)... Much less the vested right to practice a profession." Cf. Philip Morris, Inc. v. Reilly, 312 F.3d 24, 47 (1st Cir. 2002) ("Massachusetts cannot condition the right to sell tobacco on the forfeiture of any constitutional protections the appellees have to their trade secrets.").*

*"It is undoubtedly the right of every citizen of the United States to follow any lawful calling, business, or profession he may choose, subject only to such restrictions as are imposed upon all persons of like age, sex, and condition. This right may in many respects be considered as a distinguishing feature of our republican institutions."* Dent v. State of W.Va., 129 U.S. 114, 121 (1889).

*"[R]egardless of whether the government ultimately succeeds in pressuring someone into forfeiting a constitutional right, the unconstitutional conditions doctrine forbids burdening the Constitution's enumerated rights by coercively withholding benefits from those who exercise them."* Koontz, *supra*, 570 U.S. at 606. 86.

## 2. LACK OF "EXPLICIT STANDARDS" ("NO LAW AT ALL")

- a. In Richard Grayned v. City of Rockford, 408 U.S. 104, 108-09 (1972), the Supreme Court explained that,

*"if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an 'ad hoc' and subjective basis, with the attendant dangers of arbitrary and discriminatory application."* More recently, the Court admonished that, *"[i]n our constitutional order, a vague law is no law at all."* U.S. v. Davis, 139 S.Ct. 2019, 2323 (2019).

## 3. SPEECH

- a. *"...A law is 'presum[ed] unconstitutional,' Reed announced, if it regulates speech "based on the message a speaker conveys."* First Amendment: Speech - Leading Case, 136 Harv. L. Rev. 320 (Nov. 2022).

"...A regulation of speech is facially content based under the First Amendment if it 'target[s] speech based on its communicative content'—that is, if it 'applies to particular speech because of the topic discussed or the idea or message expressed.' Reed, 576 U. S., at 163... interpreted Reed to mean that if '[a] reader must ask: who is the speaker and what is the speaker saying' to apply a regulation, then the regulation is automatically content based. 972 F. 3d, at 706.", City of Austin, Texas v. Reagan National Advertising of Austin, Llc, et al., 142 S. Ct. 1464 (2022).

- b. When the State fails to articulate a compelling interest for a provision that imposes "speech-based restrictions," such provision becomes facially invalid. See Rosenberger v. Rector and Visitors of University of Virginia, 515 U.S. 819 (1995).

"...It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys. Police Dept. of Chicago v. Mosley, 408 U. S. 92, 96(1972). Other principles follow from this precept. In the realm of private speech or expression, government regulation may not favor one speaker over another. Members of City Council of Los Angeles v. Tarpayers for Vincent, 466 U. S. 789, 804 (1984). Discrimination against speech because of its message is presumed to be unconstitutional." See Turner Broadcasting System, Inc. v. FCC, 512 U. S. 622, 641–643 (1994).

"...When the government targets not the subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. See R. A. V. v. St. Paul, 505 U. S. 377, 391 (1992). View point discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction." See Perry Ed. Assn. v. Perry Local Educators' Assn., 460 U. S. 37, 46 (1983).

"...Any enforcement of a statute thus placed at issue is totally forbidden until and unless a limiting construction or partial invalidation so narrows it... as to remove the seeming threat or deterrence to constitutionally protected expression. Application of the overbreadth doctrine in this manner is, manifestly, strong medicine." Broadrick v.

*Oklahoma*, 413 U.S. 601 (1973). The guidelines imposed by the vagueness principles, prohibit government's interference with content and view point, and to this end, it is clear: "...The First Amendment protects artists' right to express themselves as indecently and disrespectfully as they like...", *National v. Finley*, 524 U.S. 569 (1998). "Sexual expression which is indecent but not obscene is protected by the First Amendment," *Sable Communications of Cal., Inc. v. FCC*, 492 U.S. 115, 126 (1989), "...and except when protecting children from exposure to indecent material, see *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978), the First Amendment has never been read to allow the government to rove around imposing general standards of decency", see, e. g., *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997) (striking down on its face a statute that regulated "indecenty" on the Internet).

Because "the normal definition of 'indecent' ... refers to nonconformance with accepted standards of morality," *FCC v. Pacifica Foundation*, *supra*, at 740, restrictions turning on decency, especially those couched in terms of "general standards of decency," are quintessentially viewpoint based: they require discrimination on the basis of conformity with mainstream...", *National v. Finley*, 524 U.S. 569 (1998).

- c. Courts analyze government invasions of fundamental liberty interests under strict scrutiny. Thus, the deprivation of a fundamental liberty interest, as the ones at issue herein, will comport with due process only if it is narrowly tailored to serve a compelling government interest. *David Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1015 (1992).
- d. There cannot be any compelling government interest in forcing attorneys to waive any of these fundamental rights, without restrictions. Under the U.S. Constitution, such pretentious dictatorship is not authorized.

- e. Such content-based restrictions, imposed solely against this particular suspect class member, as a response to:
- (1) her private speech,
  - (2) while Ortiz attempts to express herself (on behalf of one of the Petitioner's own kids, to the best of her ability),
  - (3) is a particular suspect activity.
- f. Using such implicit impositions, so that at some distant future:
- (1) the Petitioner stop using private speech to report and correct what one of Ortiz's kids, is enduring alone;
  - (2) or so that the Petitioner involuntarily waives the totality of her privacy rights;
  - (3) or so that the Petitioner could then, and only then, is able to keep her job;<sup>17</sup>

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<sup>17</sup>Such tendencies are even worse in closed-door and unsupervised Puerto Rico's Family Courts. Such scheme, as a minimum, surely looks extremely similar to 2012's pattern of silencing all mothers, including Petitioner Ortiz, when:

1. without any "*specific standards*,"
2. a woman from Puerto Rico, attempts to acquire some sort of inhumane, unintelligible, sporadic, cruel and demeaning contact with her minor child, in this case, with one of Petitioner Ortiz's kids;
3. without any constitutionally and clinically acceptable, valid, permanent, standardized nor structured, visitation plan (free from medical malpractice subterfuges);

(4) is not merely unconstitutional.

- g. By indirectly restricting the Petitioner's First Amendment right to private speech, as a "*whistleblower*" (for reporting unattended sexual grooming) or while she is raising awareness, grievances, or asking for reasonable and timely redress, is extremely dangerous.
- h. In this case, underdeveloped Canon 9 and Rule 9(ñ), along with Rule 14 and Rule 15's own vagueness (and "*out of the norm*" application), deprived Petitioner Ortiz of her fundamental right of expression, her fundamental right to privacy, and her fundamental right to practice her chosen profession.
- i. Never ever specifying any hint of "*explicit standards*," ahead of time, regarding any of these implicit conditions to the content of the Petitioner's private speech, was not enough. The Puerto Rico Supreme Court went much further.
- j. It still insisted on publicly venting half truths that cannot longer be seen as harmless good faith errors. It knew that merely

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- 4. which provokes constantly changing situations, with no signs of permanence.

playing around with demeaning words such as "*incoherence*" or baseless "*Rule 15*", was by itself, damaging enough to impose public humiliation. **January 20, 2023's** discrediting email proved the P.R. Supreme Justices suddenly stop applying the same old unintelligible standardized privacy guidelines, on an *ad hoc* basis. Who in this world would then rely on their own untrustworthy and unreliable safety measures, when disclosing highly sensitive information?

4. **FUNDAMENTAL RIGHT TO PRIVACY**

- a. On November 6th, 2023, Petitioner Ortiz raised privacy concerns, in writing, when quoting crimes' related cases, such as In Re Carlos Geigel Bunker, 2022 T.S.P.R. 87. Although that other case pertained to alleged crimes, it already announced misconstructions, when handling vastly impertinent medical charts. Imposing that same threat, to a non-criminal administrative level ethics' disciplinary process, as an unannounced prerequisite to practice Petitioner's chosen profession, is not supported by this Honorable Supreme Court's precedents.

- b. On this regard, Richard Grayned v. City of Rockford, 408 U.S. 104, 108-09 (1972) is clear: "*...A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an 'ad hoc' and subjective basis, with the attendant dangers of arbitrary and discriminatory application...[i]n our constitutional order, a vague law is no law at all,*" U.S. v. Davis, 139 S.Ct. 2019, 2323 (2019).

5. **REGULATORY TAKING**

- a. The Code of Professional Ethic has now shown its true colors. Its true purpose reveals a dishonest scheme for indirect regulatory takings, not allowed by the Constitution of the United States of America.
- b. "*...Private property shall not be taken ... without just compensation.*" U.S. Const., Amend. V. 75. The Takings Clause is directly applicable to the federal government and is also applicable to the States through the Fourteenth Amendment. Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922). "*The Fifth Amendment's guarantee that private property shall not be taken ... without just compensation, was designed to*



*bar Government from forcing some people alone, to bear public burdens ..."* Antonio Armstrong v. United States, 364 U.S. 40, 49 (1960).

- c. The Petitioner's right to earn a living through the practice of the legal profession constitutes her private property that is worthy of the protection afforded by the Takings Clause. In this case, the *ad hoc* application of Canon 9, Rule 14, Rule 15 and Rule 9(n), exemplifies a categorical regulatory taking, subject to the just compensation requirement of the Constitution. David Lucas v. S.C. Coastal Council, 505 U.S. 1003, 1015 (1992).
- d. But once again, all of the above has not been enough. The Supreme Court of P.R. knows that no less than fifty percent (50%) of its **March 1st, 2024's** repetitively empty ruling, was plagued with errors. Some of its libel, purposely suppressed the true content of no less than three(3) reports already signed, and filed at the Supreme Court's Clerk's window on **June 1st, 2023, June 28, 2023 and July 20, 2023.**<sup>18</sup>
- e. It also purposely suppressed that as per the P.R. Supreme Court's own order, the Petitioner: (1) was never ever purposely

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<sup>18</sup>Federal defendants López Menéndez and Casanova Pelosi already filed their written, and favorable, expert reports, describing Petitioner Ortiz too. Our civil rights and federal malpractice lawsuits, arise when the State then tries and fails to hide the truth, already recorded within their original testimony and findings, while each one of the "*double-dipped*" contractors, persists in cheapening their own "*Hippocratic Oath*," going along with it. They are the ones that should be disbarred each time they abuse their licenses, as if carrying these, had an implicit authorization to commit perjury, camouflaged as inadmissible, baseless and predetermined "*opinions*."

absent to any of the clearly imposed "*Fitness to Work*" interviews; (2) Ortiz was never purposely absent to the already allotted totality of seven (7) preset "*Fitness to Work*" interviews; (3) Ortiz in fact surrendered to each and every single one of these involuntary searches (over-evaluations). Why would the highest court in P.R. purposely fail to specify, those alleged dates of fabricated absences, then? In contrast, the Petitioner can specify the exact day of each and every one of those involuntary searches: **May 10, 2023, May 11, 2024, May 17, 2024, May 29, 2023, June 13th, 2023, June 14th, 2023, September 12, 2023, etc..** Why would the highest court of the land of Puerto Rico, purposely spread false gossips, on top of concealing the entire content of these three reports?

- f. The answer is simple: **the Petitioner does not suffer any disqualifying illness**. All three(3) written reports signed by the above referenced experts **were favorable**. Concealing true facts, is not merely deceiving. Purposely spreading libel, inspite of these true findings, by the mere spreading of words such as "*Rule 15*", to the public at large, before any serious "*discovery*", goes against this Supreme Court of the United States' precedents.

## VIII. SHORT CONCLUSION AND RELIEF

- A. Under the Supremacy Clause's preemption doctrine, no State can force any law-abiding citizen, into waiving the federal right to protect impertinent portions, of an un-redacted V.A. medical chart. Disclosing progress notes, carrying third-party information is dangerous, and can hurt loved ones. Misrepresentations can even deprive anyone, of almost any job, for life. Such deprivation is a textbook example of a categorical regulatory taking, by proscribing the attorney of all economically beneficial or productive use of her property. Dimare Fresh, Inc. v. United States, 808 F.3d 1301, 1307 (Fed. Cir. 2015).
- B. Abusing over-inclusive *wastebasket clauses*, to regulate PRIVATE SPEECH, or to legislate, is not authorized, pursuant to Article VI, Section 2, of the Constitution of the Commonwealth of P.R.. That faculty resides exclusively in the Legislative Assembly. Imposing these unconstitutional conditions, against fundamental rights, are null and void.
- C. All along, if there is only one cataclysmic catharsis, ever conquered throughout this brief, here it is: it truly uncovered, for a second century in a row, the specific intent "*to deflect attention from potential whistleblower's charges...*" by attacking Ortiz's credibility, as a "*potential whistleblower*," in order to make the situation about the Petitioner "...*who*

*is doing the reporting, rather than the original wrongdoing that is being reported. . . .* Who, in his (or in her) right mind, can ever "*mansplain*" that once an injured mother passes a bar exam, she is no longer allowed to release pent-up emotions?

IX. **CERTIFICATE OF COMPLIANCE** - Petitioner Ortiz, herself, hereby certifies, that the foregoing Brief of Petitioner complies with the type-volume limitations as set forth within the requirements of the Rules of the Supreme Court. This brief contains 8,785 words.

X. **CERTIFICATE OF SERVICE** - I hereby certify that on this same date, and as authorized by Rule 29.3 and Rule 33.2, one printed copy of this brief was mailed to the Respondents, using certified mail service.

I declare that the foregoing is true and correct, under penalty of perjury. Executed on May 8, 2024.

Respectfully submitted,



/s/ Maritza Ortiz

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IN THE SUPREME COURT OF PUERTO RICO

In re:  
Maritza Ortiz Sánchez

TS - 19,522

PER CURIAM

In San Juan, Puerto Rico, on March 1, 2024.

Once again, we are compelled to exercise our disciplinary power over a member of the legal profession for failing to comply with the ethical guidelines that, at a minimum, must guide the handling of every member of the legal profession. Today, we intervene to discipline Atty. Maritza Ortiz Sánchez and we declare her immediate and indefinite suspension of the practice of lawyer and notary.

Let us look at the factual circumstances that support our determination.

I

Atty. Maritza Ortiz Sánchez (Atty. Ortiz Sánchez) was admitted to the practice of law on August 27, 2013 and the exercise of the notary's practice on October 14, 2013.

On August 18, 2022, Ms. Ortiz Sánchez appeared before the Trial Court and prompted a Writ of Mandamus in forma pauperis. Eventually, the action was dismissed, so the lawyer decided to go to the Court of Appeals and appealed the decision against her.

However, the intermediate forum issued a Judgment on December 16, 2022 which confirmed the appealed ruling.<sup>1</sup>

Now, in addition to recording the legal merits for its determination, the intermediate court noted that the behavior of Ms. Ortiz Sánchez during the appeal process had to be examined by this Court.

Consequently, the Court of Appeals' Clerk referred said Judgment to our attention, as well as a brief presented by Ms. Ortiz Sánchez so that we could examine the statements by the latter, in relation to multiple judicial system components. In summary, the lawyer stated that the judicial process was "*an adjudicative farce*," that the preceding judicial decisions of certain judges were a "*charlatanism*," which the determinations of the Trial Court which were commissioned, or that some judges and colleague lawyers suffered from mental illnesses.

Once we received the referral, the matter was attended to as a Complaint, so we required attorney Ortiz Sánchez to answer it, which she did. However, upon careful examination of all the documents that accompanied the referral, as well as the response to the Complaint presented by the lawyer, we note that, particularly, the content of this last writing lacked clarity and had a high degree of incoherence. In view of this, we proceeded to study the complete file of Ms. Ortiz Sánchez, which included analysis of

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<sup>1</sup>See, Ortiz v. Buono De Jesús, KLAN202200891 (2022).

multiple motions filed by her before the lower forums. The above, together with the behavior displayed by the promotee in previous ethical procedures and in one that is still pending before our consideration<sup>2</sup>, generated interest on our part to verify the capacity of the lawyer<sup>3</sup>.

Thus, on February 24, 2023, we issued a Resolution in which we order to start the procedure provided in Rule 15(C) of our Regulation<sup>4</sup>, so that a determination was made about the mental capacity of Ms. Ortiz Sánchez. Later, on April 11 of 2023, we appoint Atty. Crisanta González Seda as Special Commissioner to receive evidence and fathom the mental capacity of Ms. Ortiz Sánchez and render the corresponding report in accordance with Rule 15(C) of the Rules of this Court, *supra*.

Likewise, we granted a term so that both the attorney as well as the Attorney General's Office, will designate the experts who would compose the Committee of Experts of the evaluation procedure. A term of ten (10) days was granted to both the Attorney General

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<sup>2</sup>Complaint AB-2021-145.

<sup>3</sup>See, *In re Ortiz Sánchez*, 201 DPR 765 (2019), where the promotee was suspended for three (3) months since she violated Canons 9, 11, 35 and 38 of the Code of Professional Ethics, 4 LPRA App. IX, for sending to a legal officer of one of the Judges of this Court a copy of a motion in aid of jurisdiction that she had filed that same day and for subsequently responding to the legal officer's warnings through messages with a defiant and disrespectful tone.

<sup>4</sup>4 LPRA App. XXI-B.

and the Attorney Ortiz Sánchez to appoint her expert psychiatrist. They were also warned that, if they did not comply within the term granted, the Special Commissioner would do so for both of them.

Likewise, attorney Ortiz Sánchez was oriented and warned as to the provisions of Rule 15(e) of our Regulations that, **if she refused to undergo a medical examination carried out by admitted experts, such refusal would be considered evidence prima facie of her mental incapacity.**

Thus, the Attorney General appointed Dr. Raúl López as her medical practitioner specialized in psychiatry. For her part, Ms. Ortiz Sánchez appeared and, in summary, argued that she had not been able to find a psychiatrist to evaluate her in the procedure, so he requested an extension. In addition, she requested the exclusion of the State expert for an alleged previous contact with her that would affect her emotionally. After examining the Attorney General's reply in this regard, the Special Commissioner determined that the exclusion of the expert was not appropriate.

Once the term granted for the psychiatrists designation elapsed, and given the difficulties expressed by attorney Ortiz-Sánchez to choose or obtain a doctor who was part of the panel, the Special Commissioner appointed Dr. Dor Marie Arroyo Carrero as the expert psychiatrist who would represent Ms. Ortiz Sánchez.

In that sense, Dr. Cynthia Casanova was appointed as expert



witness representing the Special Commissioner. Once the panel of medical evaluators was completed, Attorney Ortiz Sánchez was notified of the different days and hours in which she had to go to the different panel doctors for the corresponding evaluation.

It should be noted that Ms. Ortiz Sánchez did not comply with some of the appointments scheduled for her evaluations and did not provide any justification. VARIOUS APPOINTMENTS WERE RESCHEDULED and notified to the lawyer so she could later appear, which she did. Likewise, **on multiple occasions she was warned about what Rule 15(e) of our Regulation says regarding that, if she refused to submit to a medical examination carried out by the admitted experts, such a refusal would be considered as prima facie evidence of her mental incapacity.**

Subsequently, on June 13, 2023, the Special Commissioner ordered Ms. Ortiz Sánchez that within a period of ten (10) days, she will deliver copy of certain medical records to experts evaluators, as requested by them. Again, she was warned about what it would entail by the failure to comply with that order. Attorney Ortiz Sánchez refused to hand over the medical records that were requested from her, requested by the experts to complete their evaluation, so they were prevented from completing their evaluation and writing the corresponding reports.

Eventually, the lawyer appeared through a writing in which, among other things, she argued that access to the entirety of her

medical records would constitute a improper interference with her right to privacy, and that she can choose whom she shares that type of information. For her part, the Special Commissioner indicated that doctors who intend to study the lawyer's medical history were doctor conforming a panel of experts psychiatrists and that there was no impediment for them to communicate about their assignment, without any of them affecting their objectivity and independence of professional judgment at the time of evaluating Ms. Ortiz Sánchez. Besides, in this process, Ms. Ortiz Sánchez's right to privacy is protected, since the medical records that are supposed to be delivered to the experts cannot be used for any purpose other than for review in this process. Consequently, the Special Commissioner maintained her order that the lawyer had to provide the records requested by the doctors and included, again, the warnings previously made.

On July 10, 2023, Dr. Casanova Pelosi sent a message in which she indicated the importance of medical record due to the refusal of Ms. Ortiz Sánchez to report her diagnosis and treatment. She pointed that this information was necessary to render a final report. This message was made part of the file.

That same day, the Special Commissioner issued a Resolution in which she summarized the orders addressed to attorney Ortiz Sánchez and her continued noncompliance with the delivery of the files. Likewise, it ordered that the experts had to write the reports with

the information they had available.

Thus, on September 12, 2023, an evidentiary hearing was held<sup>5</sup>. Subsequently, on December 6, 2023, the Special Commissioner gave us her Report.

From this one, it emerges that two (2) of the members of the panel provided written reports after conducting interviews in person to Ms. Ortiz Sánchez, meaning doctors Casanova Pelosi and López. They reported having requested medical records from the lawyer that could not be reviewed due to the attorney's refusal and reluctance to deliver them.

For her part, Dr. Arroyo Carrero did not render her report because she did not have Ms. Ortiz Sánchez's medical history, despite having requested it.

Furthermore, it surfaced that, in effect, Ms. Ortiz Sánchez had a medical file that she refused to deliver to the three members of the panel of psychiatrists. As a result of this refusal, it was not possible to make a diagnosis of whether or not there is a mental condition that prevents the lawyer from maintaining the pattern of professional conduct that must be observed according to the attorney's canons of professional ethics. Likewise, it was

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<sup>5</sup>It is pertinent to note that Ms. Ortiz Sánchez filed a lawsuit before the Federal District Court for Puerto Rico, on September 11, 2023 against the Special Commissioner and the panel of psychiatrists. The allegations presented in the complaint refer to the procedures under Rule 15 of the P.R. Supreme Court Rules, of this Court.

indicated that not having a longitudinal history and not knowing how she has worked nor what information has been obtained from her behavior over the past years, it was impossible for the experts to answer whether or not she is disabled.

By virtue of the above, **the Special Commissioner concluded that Ms. Ortiz Sánchez did not collaborate with requests for information** for evaluation by of the members of the Committee of Psychiatrists and was absent for evaluation appointments, without just cause. It caused the members of the panel of psychiatrists not to complete their assignment and carry out a complete evaluation.

## II.

### A. Rule 15 of the Regulation of this Court

Rule 15 of our Regulation, *supra*, complies with the purpose of establishing a procedure to expel on an indefinitely basis, practicing lawyer, from the legal profession when he cannot perform in a manner competent and appropriate, due to any mental or emotional condition<sup>6</sup>. In those cases, this Court appoints a Commissioner or a Special Commissioner who will be in charge to receive, investigate and evaluate evidence regarding the mental incapacity of the lawyer<sup>7</sup>.

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<sup>6</sup>*In re Pagán Hernández*, 207 DPR 728 (2021); *In re Chiques Velázquez*, 201 DPR 969, 971 (2019).

<sup>7</sup>*In re Rodríguez Torres*, 210 DPR 8, 13 (2022).

As part of the procedure, three psychiatry experts are appointed to examine the male or female lawyer and submit their respective reports with their conclusions. These experts are appointed successively by the Commissioner or the Special Commissioner, by the State Prosecutor, and by the male or female promotee.<sup>8</sup> In those instances on which the promotee does not designate, within the allotted time provided by the Commissioner or Special Commissioner, our Rules provide so that these latter make the designation *motu proprio*, of the psychiatrist that would represent the promotee.<sup>9</sup>

Now, it is worth noting that Rule 15(e) of the Rules of this Court establish a presumption of mental incapacity against the male or female lawyer that refuses to submit to the different evaluation procedures understood and ordered by the panel of psychiatrists. In particular, subsection (e) of the aforementioned rule provides the following:

If during the procedure indicated in the subsection 15(C) of this rule the defendant attorney or the defendant female lawyer **refuses to submit to the doctor exam before the designated psychiatrists or designated psychiatrists, this will be considered as prima facie evidence of her mental incapacity**, for which he may be suspended preventively from the exercise of the profession<sup>10</sup>. (Bold and underlining supplied)

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<sup>8</sup>*In re Pagán Hernández, supra; In re Rodríguez Torres, supra.*

<sup>9</sup>Rule 15(C) of the P.R. Supreme Court Rules 4 LPRA Ap. XXIB.

<sup>10</sup>Rule 15(C) of the P.R. Supreme Court Rules 4 LPRA Ap. XXIB.

In accordance with the above, and based on our inherent power to regulate the legal and notarial profession in Puerto Rico, when the mental or emotional condition of a lawyer prevents her or her from exercising fully and adequately all functions and duties typical of the practice of law, it will be necessary to suspend her indefinitely from the exercise of the profession<sup>11</sup>. Now, this indefinite suspension does not represent a disciplinary sanction, but constitutes only a social protection measure<sup>12</sup>.

#### **B. Canon 9 of the Code of Professional Ethics**

From the precise moment in which each lawyer provides oath as such and is admitted to the profession of lawyer, he undertakes to adjust his conduct closely to the standards established by the Professional Code of Ethics<sup>13</sup>. The purpose of this governing body lies on "*promoting the personal and professional performance of members of the legal profession in accordance with the highest principles of decent conduct, which, in turn, results in the benefit of the profession, citizens and institutions of justice.*"<sup>14</sup> Likewise, we have pointed out that this duty extends "not only to

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<sup>11</sup>In re Rodríguez Torres, supra; In re Pagán Hernández, supra.

<sup>12</sup>Id.

<sup>13</sup>4 LPRA Ap. IX.

<sup>14</sup>In re Torres Rivera, 2022 TSPR 107.

the sphere of litigation of cases, but to the disciplinary jurisdiction of this Court".<sup>15</sup>

The Code of Professional Ethics' Canon 9, *supra*, codifies the ethical mandate that obliges every lawyer to attend to and obey the orders of the Court and those of any other forum to which he or she is obliged to appear.<sup>16</sup> In particular, it imposes on lawyers "the duty to observe a conduct towards the courts that is characterized by the greatest respect"<sup>17</sup>. When it comes to, disciplinary processes, members of the legal profession have the duty to respond diligently and timely to our requirements and orders<sup>18</sup>.

Therefore, a lawyer who ignores the requirements carried out in the course of a disciplinary procedure denotes "indiscipline, disobedience, disdain, lack of respect and contumacy towards the authorities, and reveals a great fissure of good character that every member must exhibit of the legal profession."<sup>19</sup>

Therefore, we cannot take lightly the attitude left indifference to the authority of this Court. The above is

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<sup>15</sup>*In re Medina Torres*, 200 DPR 610, 628 (2018).

<sup>16</sup>*In re Meléndez Mulero*, 208 DPR 541 (2022); *In re ValenLin Figueroa*, 2021 TSPR 139, 208 DPR Ap. (2021).

<sup>17</sup>*In re Torres Rivera*, *supra*.

<sup>18</sup>*In re Lajara Radinson*, 207 DPR 854 (2021); *In re Colón Rivera*, 206 DPR 1073 (2021).

<sup>19</sup> *In re Jiménez Meléndez*, 198 DPR 453, 457 (2017).

sufficient cause to order the suspension immediate of any lawyer<sup>20</sup>.

### III.

After evaluating the Special Commissioner's Report, together with the evidence contained in the file of the case, several issues arise that draw the attention of this Court, particularly, with the provision or the collaboration of Ms.Ortiz Sánchez with the process of evaluating capacity that was being carried out.

Firstly, the three (3) psychiatrists who had as their task the clinical evaluation of the lawyer, required the delivery of her medical record which is at the Veterans Hospital, where for the past ten years, she has received clinical treatment. However, attorney Ortiz Sánchez constantly refused on rendering the file requested by the experts, under the argument of that airing such information "would constitute a improper interference with her right to privacy"<sup>21</sup>. In this way, she reaffirmed that she could "air her intimacies only with the people she chooses".<sup>22</sup>

The psychiatrists' panel members rendered reports after conducting interviews in person to Ms. Ortiz Sánchez, however, the refusal to provide the requested information, evidently, hindered the work entrusted to the panel of experts. In the case of Dr.Casanova Pelosi's report it stated that it could not make a

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<sup>20</sup>Id.

<sup>21</sup>Report of the Special Commissioner, p. 14.

<sup>22</sup>Id.



diagnosis on whether or not there is a mental condition that prevents the lawyer from performing as this Court expects of all its members **because she did not collaborate with the process, since she refused to hand over the aforementioned file,** which was essential to obtain a responsible and informed clinical conclusion. A similar conclusion was reached by Dr. López, expert witness of the Attorney General, who expressed that, by not having the reports requested from the lawyer, he could not check longitudinal mental status.

On her part, Dr. Arroyo Carrero, expert assigned to the lawyer, did not render her report, **since she did not have Ms. Ortiz Sánchez's medical history available despite having requested it.** The doctor explained she carried out an evaluation of the lawyer through a face-to-face interview, however, this was not enough to issue a conclusive diagnosis. She expressed the above, since she had to evaluate attorney Ortiz Sánchez's previous clinical record since she was or had been, under clinical treatment and that the refusal of the promotee to reveal her medical illness, prevented her, in making a final decision. In this way, and in compliance with psychiatry's best practice guidelines, she had to evaluate the objective data, reason why she did not submit a report.

Although from the file and the opinions of the experts emerge that Ms. Ortiz Sánchez does not present problems in certain aspects, it is no less true that "there are areas in which some of

the experts have concern"<sup>23</sup>. An example of this is the constant and persistent stubbornness to challenge authority and go against social order, which, in the opinion of the experts, in the future could be an axis of controversy. A sample of the above is the fact that Ms. Ortiz Sánchez was summoned on multiple occasions to appear to be evaluated by psychiatrists and "basically did not attend [and] nor did she give any reason not to do so."<sup>24</sup> Another example is that the lawyer did not present the medical documents that were required as part of their evaluation, despite being warned by the doctors themselves that her future as lawyer depended on it.<sup>25</sup>

As we mentioned before, the lack of cooperation of Ms. Ortiz Sánchez has hindered the work of the committee of psychiatric experts to the point of preventing them from issuing a categorical and responsible conclusion of whether she is incapable of practice as a lawyer. The doctors lack a longitudinal track record, *attributable to her repeated noncompliance* and they do not know how Ms. Ortiz Sánchez has worked in certain instances or what

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<sup>23</sup> Id., p. 28.

<sup>24</sup> Minutes of the evidentiary hearing of September 12, 2023 quoting Dr. Raúl López.

<sup>25</sup> Another example of how turbulent the lawyer has made this process because of his constant challenge to authority, is that her legal representation requested a breakdown of all the motions that Ms. Ortiz Sánchez presented in forma pauperis. In fact, as recently as December of last year, her legal representative requested to be excused as attorney for the promotee party and argued that differences irreconcilable regarding the handling of the case forced her to place that petition.

information has been obtained of her behavior, over the years<sup>26</sup>.

Our Rule Book is clear in establishing that there is a presumption of mental incapacity in all those cases in which a lawyer refuses to submit to the procedures regulatorily provided for this type of procedures. It is clear that Ms. Ortiz Sánchez has not collaborated with the important requests of medical information requested by members of the Committee of Psychiatrists and that, in addition, she was absent from appointments evaluation without just cause. This, without doubt, caused the experts to be unable to fully complete their entrustment and were prevented from carrying out a complete evaluation. The above is sufficient to separate Ms. Ortiz Sánchez from the exercise of the legal profession.

Now, even if we assume that the promotee is qualified to work as a lawyer and we would avoid the presumption established by our Regulation, continued disobedience to the orders of this Court, through the Special Commissioner and members of the panel of psychiatric experts' requirements and warnings, would be enough for, likewise, Ms. Ortiz Sánchez's suspension from the legal and notary profession. Although Ms. Ortiz Sánchez states that she has the right over her privacy regarding the documents that deal with her health, the reality is that this information is necessary and relevant to elucidate what is provided in Rule 15(C) of the Regulation of this Court. Furthermore, the lawyer's right to

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<sup>26</sup>Id., pg. 29.

privacy and intimacy, is absolutely protected and proof of it is shown during the present process that enjoys strict confidentiality. This was expressed to her on multiple occasions. The conduct displayed by Ms. Ortiz Sánchez shows a high degree of apathy and indifference. This behavior of the lawyer is equivalent to a violation of Canon 9 of the Code of Professional Ethics, *supra*.

After the applicable law was evaluated and weighed, we declare the immediate and indefinite suspension of Ms. Ortiz Sánchez on an immediate and indefinite basis, from the legal and notarial practice.

#### IV.

Consequently, we direct you to notify all of your clients as to the inability to continue with their representation and to return both the files of the pending cases and for fees received for tasks not rendered. Furthermore, you must immediately report your suspension to the different judicial forums and administrative matters in which you have any pending matter and credit it, before this Court, in compliance with the above, including a list of clients and forums to whom you notified this suspension, within the term of thirty (30) days, from the notification of this Per Curiam Opinion and its corresponding Sentence. Not doing so could result in not being reinstated to practice law if you apply for it in the future.

Likewise, the bailiff of this Court must immediately seize the entire protocol work and notarial seal of Mrs. Ortiz Sánchez and deliver them to the Director of the Office of Notary Inspection for the corresponding examination and report. Under this suspension, the bond that guarantees the notarial functions is automatically cancelled. However, the bond will be considered good and valid for three (3) years after its termination, as to the acts performed during the period in which it was in force.

Judgment in Conformity will be issued.

## CERTIFICATION

**CERTIFIED:** That the attached document is a true and correct translation of the original document from Spanish into English.

**Further, that I am a Federally Certified Court Interpreter & Translator for the Administrative Office of the U. S. Courts within the active list of Certified Interpreters and Translators at the U.S. District Court for the District of Puerto Rico.**

**DOCUMENT(S):** **PER CURIAM (DISBARMENT)**

**PUERTO RICO SUPREME COURT**

**DATE:** 04/28/2024

TRANSLATION REGISTRY CODE: MO001-04-2024

***Carlos T. Ravelo***

**AOUSC Certification # 95-063**



EN EL TRIBUNAL SUPREMO DE PUERTO RICO

In re:

Maritza Ortiz Sánchez

TS-19,522

**PER CURIAM**

En San Juan, Puerto Rico, a 1 de marzo de 2024.

Nuevamente, nos vemos obligados a ejercer nuestra facultad disciplinaria sobre un integrante de la abogacía por incumplir con los postulados éticos que, como mínimo, deben guiar la gestión de todo miembro de la profesión legal. En el día de hoy, intervenimos disciplinariamente con la Lcda. Maritza Ortiz Sánchez y decretamos su suspensión inmediata e indefinida de la práctica de la abogacía y notaría.

Veamos las circunstancias fácticas que sustentan nuestra determinación.

**I**

La Lcda. Maritza Ortiz Sánchez (licenciada Ortiz Sánchez) fue admitida al ejercicio de la abogacía el 27 de agosto de 2013 y al ejercicio de la notaría el 14 de octubre de 2013.

El pasado 18 de agosto de 2022, la licenciada Ortiz Sánchez compareció ante el Tribunal de Primera Instancia e instó un recurso de *Mandamus* por derecho propio. Eventualmente, la acción fue desestimada, por lo que la abogada decidió acudir al Tribunal de Apelaciones y apeló la decisión en su contra. No obstante, el foro intermedio emitió una *Sentencia* el 16 de diciembre de 2022 mediante la cual confirmó el dictamen apelado.<sup>1</sup>

Ahora bien, además de consignar los méritos jurídicos para su determinación, el tribunal intermedio hizo constar que el comportamiento de la licenciada Ortiz Sánchez durante el trámite apelativo debía ser examinado por este Tribunal.

Consecuentemente, la Secretaría del Tribunal de Apelaciones refirió a nuestra atención dicha *Sentencia*, así como también, un escrito presentado por la licenciada Ortiz Sánchez para que examináramos las manifestaciones de ésta última con relación a múltiples componentes del sistema judicial. En síntesis, la letrada manifestó que el proceso judicial era "*una farsa adjudicativa*", que las actuaciones judiciales de ciertos jueces eran una "*charlatanería*", que las determinaciones del Tribunal de Primera Instancia fueron por encargo, o que algunos jueces y compañeros abogados padecían de enfermedades mentales.

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<sup>1</sup> Véase, *Ortiz v. Buono De Jesús*, KLAN202200891 (2022).



Una vez recibimos el referido, el asunto fue atendido como una *Queja*, por lo que le requerimos a la licenciada Ortiz Sánchez que contestara la misma, lo cual realizó.

No obstante, al examinar con detenimiento todos los documentos que acompañaron el referido, así como la contestación a la *Queja* que presentó la abogada, notamos que, particularmente, el contenido de este último escrito **carecía de claridad y tenía un grado elevado de incoherencia**. En atención a ello, procedimos a estudiar el expediente completo de la licenciada Ortiz Sánchez, lo cual incluyó el análisis de múltiples mociones presentadas por ésta ante los foros inferiores. Lo anterior, unido con el comportamiento desplegado por la promovida en procedimientos éticos anteriores y en uno que se encuentra aún pendiente ante nuestra consideración,<sup>2</sup> generaron interés en nuestra parte para constatar la capacidad de la letrada.<sup>3</sup>

Así las cosas, el 24 de febrero de 2023, emitimos una *Resolución* en la que ordenamos iniciar el procedimiento dispuesto en la Regla 15(c) de nuestro Reglamento,<sup>4</sup> para que se hiciera una determinación sobre la capacidad mental de la licenciada Ortiz Sánchez. Posteriormente, el 11 de abril

<sup>2</sup> Queja AB-2021-145.

<sup>3</sup> Véase, *In re Ortiz Sánchez*, 201 DPR 765 (2019), donde la promovida fue suspendida por tres (3) meses ya que infringió los Cánones 9, 11, 35 y 38 del Código de Ética Profesional, 4 LPRA Ap. IX, al remitir al oficial jurídico de uno de los Jueces de este Tribunal copia de una moción en auxilio de jurisdicción que ella había presentado ese mismo día y por responder posteriormente a las advertencias del oficial jurídico a través de mensajes con un tono desafiante e irrespetuoso.

<sup>4</sup> 4 LPRA Ap. XXI-B.

de 2023, designamos a la Lcda. Crisanta González Seda como *Comisionada Especial* para que recibiera prueba y auscultara la capacidad mental de la licenciada Ortiz Sánchez y rindiera el correspondiente informe de conformidad con la Regla 15(c) del Reglamento de este Tribunal, *supra*.

Asimismo, concedimos un término para que tanto la letrada como la Oficina del Procurador General, designaran los peritos que conformarían el *Comité de Peritos* del procedimiento de evaluación. Se le otorgó un término de diez (10) días tanto al Procurador General como a la licenciada Ortiz Sánchez para que designaran a su perito psiquiatra. Se les apercibió, además, de que, si no cumplían dentro del término otorgado, la Comisionada Especial lo haría por ambos.

Igualmente, se orientó y apercibió a la licenciada Ortiz Sánchez sobre lo dispuesto por la Regla 15(e) de nuestro Reglamento referente a que, **si se negaba a someterse a un examen médico realizado por los peritos admitidos, tal negativa se consideraría como evidencia *prima facie* de su incapacidad mental.**

Así las cosas, el Procurador General designó al Dr. Raúl López como su facultativo médico especializado en psiquiatría. Por su parte, la licenciada Ortiz Sánchez compareció y, en síntesis, arguyó que no había podido encontrar un psiquiatra que la evaluara en el procedimiento, por lo que solicitó una prórroga. Asimismo,

solicitó la exclusión del perito del Estado por un presunto contacto previo con este que le afectaría emocionalmente. Luego de examinar la réplica del Procurador General sobre este particular, la Comisionada Especial determinó que no procedía la exclusión del perito.

Transcurrido el término concedido para la designación de psiquiatras, y ante las dificultades que expresó la licenciada Ortiz Sánchez para escoger o conseguir un doctor que formara parte del panel, la Comisionada Especial designó a la Dra. Dor Marie Arroyo Carrero como la perito psiquiatra que representaría a la licenciada Ortiz Sánchez. En igual sentido, se designó a la Dra. Cynthia Casanova Pelosi como perito en representación de la Comisionada Especial.

Una vez se completó el panel de evaluadores médicos, se le notificó a la licenciada Ortiz Sánchez los diferentes días y horas en las cuales debía acudir a los diferentes doctores del panel para la correspondiente evaluación.

Cabe destacar que la licenciada Ortiz Sánchez no asistió a algunas de las citas programadas para su evaluación y no brindó justificación alguna. Varias citas fueron recalendarizadas y notificadas a la letrada para que posteriormente compareciera, lo cual realizó. De igual forma, en múltiples ocasiones se le apercibió sobre lo que dispone la Regla 15(e) de nuestro Reglamento respecto a que, si se negaba a someterse a un examen médico realizado

por los peritos admitidos, tal negativa se consideraría como evidencia prima facie de su incapacidad mental.

Posteriormente, el 13 de junio de 2023, la Comisionada Especial le ordenó a la licenciada Ortiz Sánchez que en un término de diez (10) días, entregara copia de ciertos expedientes médicos a los peritos evaluadores, según fuese solicitado por estos. Nuevamente, se le apercibió sobre lo que podría acarrear el incumplimiento con esa orden. La licenciada Ortiz Sánchez se negó a entregar los expedientes médicos que le fueron solicitados por los peritos para completar su evaluación, por lo que estos quedaron impedidos de completar su evaluación y de redactar los correspondientes informes.

Eventualmente, la letrada compareció a través de un escrito en el que entre otras cosas, adujo que el acceso a la totalidad de sus expedientes médicos constituiría una intromisión indebida a su derecho a la intimidad, y que ella puede elegir con quién comparte ese tipo de información. Por su parte, la Comisionada Especial le indicó que los doctores que pretenden estudiar el historial médico de la abogada configuran un panel de peritos psiquiatras y que no existía impedimento para que éstos se comunicaran sobre su encomienda, sin que ello afectase su objetividad e independencia de criterio profesional al momento de evaluar a la licenciada Ortiz Sánchez. Además, que en este proceso se protege el derecho a la privacidad e

intimidad de la licenciada Ortiz Sánchez, ya que los expedientes médicos que se supone le entregue a los peritos no pueden utilizarse para ningún otro propósito que no sea su revisión en este proceso. En consecuencia, la Comisionada Especial mantuvo su orden de que la abogada tenía que proveer los expedientes solicitados por los doctores e incluyó, nuevamente, las advertencias hechas previamente.

El 10 de julio de 2023, la doctora Casanova Pelosi envió un mensaje en el que indicó la importancia del expediente médico ante la negativa de la licenciada Ortiz Sánchez de informar su diagnóstico y tratamiento. Señaló que esa información era necesaria para rendir un informe final. Este mensaje se hizo formar parte del expediente.

Ese mismo día, la Comisionada Especial emitió una Resolución en la que resumió las órdenes dirigidas a la licenciada Ortiz Sánchez y su continuo incumplimiento con la entrega de los expedientes. Asimismo, dispuso que los peritos debían redactar los informes con la información que tuviesen disponible.

Así las cosas, el 12 de septiembre de 2023 se celebró una vista evidenciaria.<sup>5</sup> Ulteriormente, el 6 de diciembre de 2023, la Comisionada Especial nos rindió su Informe.

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<sup>5</sup> Es pertinente señalar que la licenciada Ortiz Sánchez, presentó una demanda ante la Corte de Distrito Federal para Puerto Rico, el 11 de septiembre de 2023 contra la Comisionada Especial y el panel de psiquiatras. Las alegaciones que se presentan en la demanda se

De este surge que dos (2) de los miembros del panel rindieron informes escritos luego de realizar entrevistas presenciales a la licenciada Ortiz Sánchez, entiéndase, los doctores Casanova Pelosi y López. Estos informaron haber solicitado expedientes médicos a la abogada que no pudieron revisar debido a la negativa y renuencia de la abogada en entregarlos.

Por su parte, la doctora Arroyo Carrero no rindió su informe porque no tuvo disponible el historial médico de la licenciada Ortiz Sánchez, a pesar de haberlo solicitado.

Además, surgió que, en efecto, la licenciada Ortiz Sánchez contaba con un expediente médico que rehusó entregar a los tres miembros del panel de psiquiatras. Como consecuencia de esta negativa, no se pudo hacer un diagnóstico sobre si existe o no una condición mental que impida a la abogada mantener el patrón de conducta profesional que debe observar según los cánones de ética profesional de los abogados. De igual modo, se indicó que al no tener un historial longitudinal y no conocer cómo ella ha funcionado ni qué información se ha obtenido de su comportamiento a lo largo de los pasados años, era imposible que los peritos pudieran contestar si está o no incapacitada.

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refieren a los procedimientos al amparo de la Regla 15 del Reglamento de este Tribunal.

En virtud de lo anterior, la Comisionada Especial concluyó que la licenciada Ortiz Sánchez no colaboró con las peticiones de información para su evaluación por parte de los miembros del Comité de Psiquiatras y que se ausentó de citas de evaluación, sin causa que lo justificara. Ello ocasionó que los miembros del panel de psiquiatras no pudieran completar su encomienda y realizar una evaluación completa.

## II.

### A. Regla 15 del Reglamento de este Tribunal

La Regla 15 de nuestro Reglamento, *supra*, cumple con el propósito de establecer un procedimiento para separar indefinidamente a un abogado o una abogada del ejercicio de la abogacía cuando no pueda desempeñarse de manera competente y adecuada por alguna condición mental o emocional.<sup>6</sup> En esos casos, este Tribunal designa a un Comisionado o una Comisionada Especial quien se encargará de recibir, investigar y evaluar prueba sobre la incapacidad mental del abogado o la abogada.<sup>7</sup>

Como parte del procedimiento, se designan tres peritos psiquiatras para que examinen al abogado o la abogada y rindan sus respectivos informes con sus conclusiones. Estos peritos son designados sucesivamente por el Comisionado o la Comisionada Especial, por el Procurador o Procuradora

<sup>6</sup> *In re Pagán Hernández*, 207 DPR 728 (2021); *In re Chiqués Velázquez*, 201 DPR 969, 971 (2019).

<sup>7</sup> *In re Rodríguez Torres*, 210 DPR 8, 13 (2022).

General y por el querellado o querellada.<sup>8</sup> En aquellos casos en los que la parte querellada no realice su designación dentro del término que le provee el Comisionado o Comisionada Especial, nuestro Reglamento provee para que estos últimos realicen una designación *motu proprio* del psiquiatra que ha de representar al querellado.<sup>9</sup>

Ahora bien, es meritorio señalar que la Regla 15(e) del Reglamento de este Tribunal establece una presunción de incapacidad mental contra el abogado o la abogada que se niegue a someterse a los distintos trámites evaluativos comprendidos y ordenados por el panel de psiquiatras. En particular, el inciso (e) de la mencionada regla dispone lo siguiente:

Si durante el procedimiento indicado en el inciso (c) de esta regla el abogado querellado o la abogada querellada se niega a someterse al examen médico ante los siquiátras designados o las siquiátras designadas, ello se considerará como prueba prima facie de su incapacidad mental, por lo que podrá ser suspendido o suspendida preventivamente del ejercicio de la profesión.<sup>10</sup>  
(Negrillas y subrayado suplido)

Conforme con lo anterior, y amparados en nuestro poder inherente para regular la profesión de la abogacía y la notaría en Puerto Rico, cuando la condición mental o emocional de un letrado o una letrada le impida ejercer cabal y adecuadamente todas las funciones y los deberes propios de la práctica de la abogacía, será menester

<sup>8</sup> *In re Pagán Hernández*, supra; *In re Rodríguez Torres*, supra.

<sup>9</sup> Regla 15(c) del Reglamento del Tribunal Supremo, 4 LPRA Ap. XXI-B.

<sup>10</sup> Regla 15(e) del Reglamento del Tribunal Supremo 4 LPRA Ap. XXI-B.



suspenderle indefinidamente del ejercicio de la profesión.<sup>11</sup> Ahora bien, esta suspensión indefinida no representa una sanción disciplinaria, sino que constituye únicamente una medida de protección social.<sup>12</sup>

***B. Canon 9 del Código de Ética Profesional***

Desde el momento preciso en que cada abogado presta juramento como tal y es admitido a la profesión de la abogacía, este se compromete a fijar su conducta íntimamente a las normas establecidas en el Código de Ética Profesional.<sup>13</sup> El propósito de este cuerpo rector recae en "promover el desempeño personal y profesional de los miembros de la profesión legal de acuerdo con los más altos principios de conducta decorosa, lo que, a su vez, resulta en beneficio de la profesión, la ciudadanía y las instituciones de justicia".<sup>14</sup> Asimismo, hemos señalado que este deber se hace extensivo "no solo a la esfera de la litigación de causas, sino a la jurisdicción disciplinaria de este Tribunal".<sup>15</sup>

El Canon 9 del Código de Ética Profesional, *supra*, codifica el mandato ético que obliga a todo abogado a atender y obedecer las órdenes del Tribunal y las de cualquier otro foro al que se encuentre obligado a

<sup>11</sup> *In re Rodríguez Torres*, *supra*; *In re Pagán Hernández*, *supra*.

<sup>12</sup> *Id.*

<sup>13</sup> 4 LPRA Ap. IX.

<sup>14</sup> *In re Torres Rivera*, 2022 TSPR 107.

<sup>15</sup> *In re Medina Torres*, 200 DPR 610, 628 (2018).

comparecer.<sup>16</sup> Particularmente, le impone a los letrados "el deber de observar para con los tribunales una conducta que se caracterice por el mayor respeto".<sup>17</sup> Cuando se trata de procesos disciplinarios, los integrantes de la profesión legal tienen el deber de responder diligente y oportunamente a nuestros requerimientos y órdenes.<sup>18</sup>

Por ello, un abogado que desatiende los requerimientos realizados en el curso de un procedimiento disciplinario denota "indisciplina, desobediencia, displicencia, falta de respeto y contumacia hacia las autoridades, y revela una gran fisura del buen carácter que debe exhibir todo miembro de la profesión legal".<sup>19</sup>

Así, pues, no podemos tomar livianamente la actitud de indiferencia a la autoridad de este Tribunal. Lo anterior resulta causa suficiente para decretar la suspensión inmediata de cualquier abogado.<sup>20</sup>

### III.

Tras evaluar el *Informe* de la Comisionada Especial, en conjunto con la evidencia que consta en el expediente del caso, surgen varios asuntos que llaman la atención de este Tribunal, particularmente, con la disposición o

<sup>16</sup> *In re Meléndez Mulero*, 208 DPR 541 (2022); *In re Valentín Figueroa*, 2021 TSPR 139, 208 DPR Ap. (2021)

<sup>17</sup> *In re Torres Rivera*, supra.

<sup>18</sup> *In re Lajara Radinson*, 207 DPR 854 (2021); *In re Colón Rivera*, 206 DPR 1073 (2021).

<sup>19</sup> *In re Jiménez Meléndez*, 198 DPR 453, 457 (2017).

<sup>20</sup> *Id.*

colaboración de la licenciada Ortiz Sánchez con el proceso de evaluación de capacidad que se le realizaba.

En primer lugar, los tres (3) psiquiatras que tenían a su haber la evaluación clínica de la letrada, requirieron la entrega del expediente médico de ésta que obra en el Hospital de Veteranos, donde por los pasados diez (10) años ha recibido tratamiento clínico. Sin embargo, la licenciada Ortiz Sánchez se negó constantemente a entregar el expediente solicitado por los peritos bajo el argumento de que ventilar dicha información "constituiría una intromisión indebida en su derecho a la intimidad".<sup>21</sup> De esta forma, reafirmó que ella podía "ventilar sus intimidades solamente con las personas que ella escog[iera]".<sup>22</sup>

De los miembros del panel de psiquiatras, dos (2) rindieron informes luego de realizar entrevistas presenciales a la licenciada Ortiz Sánchez, no obstante, la negativa a entregar la información solicitada, evidentemente, entorpeció la labor encomendada al panel de peritos. En el caso de la doctora Casanova Pelosi, su informe expresó que no pudo realizar un diagnóstico sobre si existe o no una condición mental que impida a la abogada desempeñarse como este Tribunal espera de todos sus miembros debido a que esta no colaboró con el proceso, pues

<sup>21</sup> Informe de la Comisionada Especial, pág. 14.

<sup>22</sup> Íd.

se negó a entregar el expediente antes mencionado, el cual era indispensable para obtener una conclusión clínica responsable e informada. A similar conclusión llegó el doctor López, perito del Procurador General, quien expresó que, al no tener los informes solicitados a la abogada, no podía comprobar el estado mental de manera longitudinal.

Por su parte, la doctora Arroyo Carrero, perita asignada a la letrada, no rindió su informe, pues no tuvo disponible el historial médico de la licenciada Ortiz Sánchez a pesar de haberlo requerido. La doctora explicó que le realizó una evaluación a la abogada mediante una entrevista presencial, sin embargo, ello no era suficiente para emitir un diagnóstico conclusivo. Expresó lo anterior, pues tenía que evaluar el expediente clínico previo de la licenciada Ortiz Sánchez ya que esta se encontraba o había estado, bajo tratamiento clínico y que la negativa de la promovida para proveerle su trasfondo médico le impedía tomar una decisión definitiva. De esta forma, y en cumplimiento con las guías para una mejor práctica de la psiquiatría, tenía que evaluar la data objetiva, por lo que no rindió un informe.

Aunque del expediente y de las opiniones de los peritos surge que la licenciada Ortiz Sánchez no presenta problemas en ciertos aspectos, no es menos cierto que "hay

áreas en que algunos de los peritos tienen preocupación".<sup>23</sup> Un ejemplo de ello es la constante y persistente obstinación de retar a la autoridad y de ir en contra del ordenamiento social, lo que, a juicio de los peritos, en el futuro podría ser eje de controversia. Una muestra de lo anterior es el hecho de que la licenciada Ortiz Sánchez fue citada en múltiples ocasiones para que compareciera a ser evaluada por los psiquiatras y "básicamente no asistió [y] tampoco dio ninguna razón para no hacerlo".<sup>24</sup> Otro ejemplo es que la letrada no presentó los documentos médicos que le fueron exigidos como parte de su evaluación, a pesar de ser apercibida por los propios doctores de que su futuro como abogada dependía de ello.<sup>25</sup>

Como mencionamos anteriormente, la falta de cooperación de la licenciada Ortiz Sánchez ha obstaculizado la labor del comité de peritos psiquiatras al punto de evitar que estos puedan emitir una conclusión categórica y responsable sobre si ésta se encuentra incapacitada para ejercer como abogada. Los doctores carecen de un historial longitudinal —atribuible a su incumplimiento reiterado— y desconocen cómo la licenciada Ortiz Sánchez ha funcionado

<sup>23</sup> Íd., pág. 28.

<sup>24</sup> Minuta de la vista evidenciaría del 12 de septiembre de 2023 citando al Dr. Raúl López.

<sup>25</sup> Otra muestra de lo convulso que la letrada ha hecho este proceso por su constante reto a la autoridad, es que su representación legal solicitó el desglose de todas las mociones que la licenciada Ortiz Sánchez presentó por derecho propio. De hecho, tan reciente como en diciembre del año pasado, su representante legal solicitó ser relevada como abogada de la promovida y adujo que diferencias irreconciliables en cuanto al manejo del caso la obligaban a realizar ese pedido.

en determinadas instancias o qué información se ha obtenido de su comportamiento a lo largo de los años.<sup>26</sup>

Nuestro Reglamento es claro al establecer que existe una presunción de incapacidad mental en todos aquellos casos en que un abogado o abogada se niegue a someterse a los trámites provistos reglamentariamente por este tipo de procedimientos. Queda claro que la licenciada Ortiz Sánchez no ha colaborado con las importantes peticiones de información médica que le han requerido los miembros del Comité de Psiquiatras y que, además, se ausentó de citas de evaluación sin causa que lo justificara. Ello, sin lugar a duda, ocasionó que los peritos no pudieran completar su encomienda a cabalidad y se vieron impedidos de realizar una evaluación completa. Lo anterior resulta suficiente para separar a la licenciada Ortiz Sánchez del ejercicio de la profesión legal.

Ahora bien, aun si asumiéramos que la promovida se encuentra capacitada para desempeñarse como abogada y obviáramos la presunción que establece nuestro Reglamento, la continua desobediencia a las órdenes de este Tribunal, a través de los requerimientos y advertencias de la Comisionada Especial y los miembros del panel de peritos psiquiátricos, bastaría para que, igualmente, suspendiéramos a licenciada Ortiz Sánchez de la abogacía y la notaría. Si bien la licenciada Ortiz Sánchez plantea que

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<sup>26</sup> íd., pág. 29.

le cobija un derecho sobre su intimidad en cuanto a los documentos que versan sobre su salud, la realidad es que esa información es necesaria y pertinente para dilucidar lo dispuesto en la Regla 15(c) del Reglamento de este Tribunal. Además, la privacidad e intimidad de la abogada se encuentra protegida de manera absoluta y la prueba que durante el proceso se presente goza de estricta confidencialidad. Así se le expresó en múltiples ocasiones. La conducta desplegada por la licenciada Ortiz Sánchez muestra un alto grado de desidia e indiferencia. El comportamiento de la letrada equivale a una infracción al Canon 9 del Código de Ética Profesional, *supra*.

Evaluated y ponderado el derecho aplicable, decretamos la suspensión de la licenciada Ortiz Sánchez de manera inmediata e indefinida del ejercicio de la abogacía y la notaría.

#### IV.

Consecuentemente, le ordenamos notificar a todos sus clientes de su inhabilidad para continuar con su representación y a devolverles tanto los expedientes de los casos pendientes como los honorarios recibidos por trabajos no rendidos. Además, deberá informar inmediatamente de su suspensión a los distintos foros judiciales y administrativos en los que tenga algún asunto pendiente y acreditar ante este Tribunal el cumplimiento con lo anterior, incluyendo una lista de los clientes y foros a

quienes le notificó de su suspensión, dentro del término de treinta (30) días, a partir de la notificación de esta Opinión *Per Curiam* y su correspondiente Sentencia. No hacerlo pudiera conllevar que no se le reinstale al ejercicio de la abogacía de solicitarlo en el futuro.

De igual forma, el Alguacil de este Tribunal deberá incautar inmediatamente la totalidad de la obra protocolar y sello notarial de la señora Ortiz Sánchez y entregarlos al Director de la Oficina de Inspección de Notarías para el correspondiente examen e informe. En virtud de esta suspensión, la fianza que garantiza las funciones notariales queda automáticamente cancelada. No obstante, la fianza se considerará buena y válida por tres (3) años después de su terminación, en cuanto a los actos realizados durante el periodo en que estuvo vigente.

Se dictará Sentencia de Conformidad.



**IN THE SUPREME COURT OF PUERTO RICO**

In re:

Maritza Ortiz Sánchez  
(TS-19,522)

AB-2022-0272

Complaint

**RESOLUTION**

In San Juan, Puerto Rico, April 9th, 2024.

In view of the fact that Mrs. Maritza Ortiz Sánchez was immediately and indefinitely suspended from the exercise of the legal and as a notary, through March 1, 2024's Per Curiam Opinion and Judgment, it is ordered for the temporary administrative docketing of this complaint.

The Secretary of this Court is instructed to include a copy of this Resolution to Mrs. Ortiz Sánchez's personal file, so that this matter be reconsidered in case reinstatement is requested.

The Supreme Court agreed and the Secretary certifies it. Associate Judge Mrs. Pabón Charneco does not intervene.

Javier O. Sepúlveda Rodríguez  
Supreme Court's Clerk

## CERTIFICATION

**CERTIFIED:** That the attached document is a true and correct translation of the original document from Spanish into English.

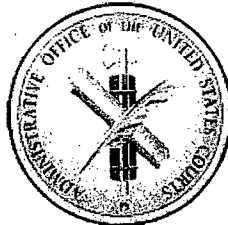
**Further, that I am a Federally Certified Court Interpreter & Translator for the Administrative Office of the U. S. Courts within the active list of Certified Interpreters and Translators at the U.S. District Court for the District of Puerto Rico.**

**DOCUMENT(S):** RESOLUTION  
PUERTO RICO SUPREME COURT

**DATE:** 04/28/2024

TRANSLATION REGISTRY CODE: MO001-04-2024

***Carlos T. Ravelo***  
AOUSC Certification # 95-063



EN EL TRIBUNAL SUPREMO DE PUERTO RICO

In re:

Maritza Ortiz Sánchez  
(TS-19,522)

AB-2022-0272

Queja

RESOLUCIÓN

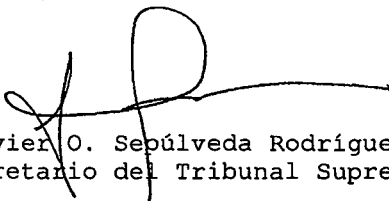
En San Juan, Puerto Rico, a 9 de abril de 2024.

En vista de que la Sra. Maritza Ortiz Sánchez fue suspendida inmediata e indefinidamente del ejercicio de la abogacía y la notaría mediante Opinión *Per Curiam* y Sentencia de 1 de marzo de 2024, se ordena el archivo administrativo de esta queja.

Se instruye a la Secretaría de este Tribunal a que incluya copia de la presente Resolución al expediente personal de la señora Ortiz Sánchez, para que este asunto sea considerado en caso de que esta solicite reinstalación.

Lo acordó el Tribunal y certifica el Secretario del Tribunal Supremo. La Jueza Asociada señora Pabón Charneco no interviene.



  
Javier O. Sepúlveda Rodríguez  
Secretario del Tribunal Supremo

COMMONWEALTH OF PUERTO RICO  
SUPREME COURT OF PUERTO RICO

IN RE MARITZA ORTIZ                      TS- 19522                      REGARDING: RULE 15

RECONSIDERATION, MOTION IN LIMINE AND REQUEST FOR REINSTALLATION  
TO THE HONORABLE SUPREME COURT OF PUERTO RICO:

In order to save time, the defendant Maritza Ortiz, on her own behalf, and in defense of her fundamental rights, very respectfully expresses and requests:

1. That on **March 1, 2024**, this Honorable Supreme Court published that as of yesterday, the undersigned is prohibited from practicing law, on an indefinite or permanent basis.
2. As a consequence, we believe that the plenary session should have become aware of the following errors:
  - a. On **April 25, 2023**, this Honorable Supreme Court of P.R., imposed the following interviews:
    - i. Dor Mari Arroyo Carrero - **May 24, 2024**
      - (1) In this regard, this Honorable Supreme Court of P.R. wrote: "...However...and in relation to the appointment of **May 24**, in the case of an inmate....," we were allowed to move it to **June**. In other words, the undersigned complied with the only appointment ever imposed by Dormari Arroyo Carrero, and this was confirmed, under oath, in open court, within the **September 12, 2023**'s hearing:

CRISANTA GONZÁLEZ SEDA: Go ahead attorney.

ATTY. ELBA VILLALBA: Good morning...state your name.

DAC: Dormari Arroyo Carrero

ATTY.ELBA VILLALBA: How many times did you interview Atty.Ortiz?

DAC: On one occasion.

ATTY. ELBA VILLALBA: Did you summon her for any other occasion?

DAC: In one occasion, in **May**...she did not show up<sup>i</sup>...because she had a court hearing ...that same day in **May**...I evaluated her in **June**...I had the intention ...of assigning her another appointment ...a third occasion.

ATTY. ELBA VILLALBA: And did you ever assign the appointment for that?

DAC: It did not reach me ("*No me han llegado*")... she was not assigned any other appointment (...**no fue citada**...).

ATTY. ELBA VILLALBA: Did you have the time to evaluate her?

DAC: Yes. She was evaluated.

(2) The undersigned complied and was subjected to this sole interview, which is the only interview that was ever imposed by Arroyo Carrero.

ii. Cynthia Casanova Pelosi - **May 11, 2024, May 29, 2023 and June 13, 2023**. The undersigned complied with 100% of all the interviews imposed by Casanova Pelosi.

iii. Raúl López Menéndez (sexual abuse expert for one of the undersigned's minor kids) - **May 10 and 17, 2024**.

b. The undersigned complied with 100% of all the interviews imposed by him. However, on **May 17, 2024**, López Menéndez changed the nature of an unintelligible or third visit to his office. López Menéndez voiced that the third encounter, to be held with flexibility, on or around **May 24, 2024**, was different: "*We have until June 1...you changed it...because you had a court*"

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<sup>i</sup>The intent or the wording is highly questionable, as the witness had already (or previously) agreed to move this appointment.

hearing...try to bring it . . . ". In other words, López Menéndez alleged that the subscriber had, up to **June 1st, 2023**, to deliver a list of privileged and confidential information, about each one of the subscriber's clients, including their respective personal telephone numbers.

- c. There is evidence within the Supreme Court of P.R.'s file that establishes that two different interviews were wrongly assigned to the undersigned for **May 24, 2023**, by Arroyo Carrero, and by López Menéndez, **FOR THE EXACT SAME DAY**. On top of that, we were required to appear in a hearing, related to yet another felony murder case, in Aguadilla. For that reason, and with advanced notice, all of us, including Arroyo Carrero, and López Menéndez had already previously agreed to move it. That sole interview, ended up becoming the very first, and very last appointment, ever imposed by Dor Mari Arroyo Carrero.
- d. There is evidence, within the Supreme Court of P.R.'s file, as it is already stated here today, that establishes, beyond reasonable doubt, that Ortiz was never, ever, absent to any of the interviews imposed by Arroyo Carrero, nor López Menéndez.

3. **"MEDICAL FILE"**

- a. There is evidence, within the Supreme Court of P.R.'s file, that establishes that on **June 20, 2024**, our distinguished and extremely appreciated lawyer, Atty.Elba Nilsa Villalba Ojeda, wrote that we were not refusing to hand over the so-called, and overly broad "medical record." We requested that said matter of law be referred to, and resolved by, the plenary session, and we quote:

"...We request assistance ... constitutional protections ... Ms.Ortiz Sánchez's right to privacy,...we request assistance...to vent her private matters, only with the people she chooses...since...it includes matters related to third parties, who are not parties to this process..." Motion drafted and signed by Atty. Villalba Ojeda, on **June 20, 2024**.

4. Regardless of whether there was no real surprise as to the way, or writing style, the **March 1st, 2024**'s expulsion was drafted, and given the humiliation-discredit stemming from what was published yesterday, along with its natural astronomically permanent consequences, we then again proceed to inform that we have already notified our resignation and/or said expulsion to all of our clients, by mail. Furthermore, there are no fees owed to any of the following:
  - a. Kevin Figueroa (felony murder case known as the "*Hasta Los Marcianos*" case);
  - b. Sara Vélez;
  - c. José Cordero;
  - d. Paola Ramos.
5. Once again, the undersigned is not a disrespectful attorney, specially when she expresses herself as a lawyer, for her clients (when she does not appear on her own behalf, with the conglomeration of feelings that any other injured mother encounters, when expressing herself, regarding unattended sexual abuse matters of her minor kids). Again, the undersigned does not suffer, and we are quoting Dr. Carol Romey's report, as well as Casanova Pelosi's own report and sworn testimony, there is no such illness "... of such significant degree, to be considered a mental impairment under Rule 15." See the report signed and filed, within this Honorable Supreme Court of P.R.'s folder, dated **June 28, 2023**, and **July 20, 2023**. Both of them were paid by the State. Choosing to omit this part, or this true fact, the way it was included in the folder, and discussed during

September 12, 2023's hearing, clearly destroys my professional, and emotional wellbeing, on a permanent basis.

6. All of this kneecapping, with each one of its implications when choosing such wording, is not reasonably precise. In turn, it truly provokes a permanent stigma, which is highly cruel. That precise type of wording, and massive amount of omissions<sup>2</sup>, are totally different and separate (from the truly admissible, vented, and pertinent facts). Those type of statements or mere allegations, have kept multiplying massive amounts of unbearable stress, since 2007.

THEREFORE, it is very respectfully requested that:

- a. For this Honorable Supreme Court of P.R. to revoke yesterday's cruelty;
- b. In the alternative,
  - i. Proceed to amend your publicized ruling, by eliminating 100% of all untimely allegations that:
    - (1) were never raised,
    - (2) were never alleged under oath,
    - (3) were never evaluated in open court, nor by any expert.
  - ii. Proceed to amend your publicized ruling, so that it includes all the timely exculpatory and documental evidence we offered into evidence, as well as the one we transcribed, and filed, on a timely manner;
  - iii. Proceed to eliminate, from yesterday's suspension documents, all untimely paragraphs that are not strictly limited, to the exact content of the ethics' referral, as it was truly drafted;

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<sup>2</sup>The entirety of the exculpatory evidence we transcribed and we filed, was totally omitted from this Honorable Supreme Court's suspension ruling.



- iv. Please eliminate all the untimely paragraphs that are referring to inapplicable portions of Rule 15. Sudden amendments that do not pertain to the undersigned's conduct, back in 2022 (along as with any other amendments what were never properly, nor constructively announced), should not be considered as part of this suspension process.
- v. Please identify, once and for all, which relevant parts of the "medical record", are truly relevant and pertinent (to the topic of Ortiz's ability to work, as a lawyer, in 2023)<sup>3</sup>;
- vi. please eliminate partially true allegations or everything that was not included in the original ethics' referral, which were never raised, announced, addressed, nor vented, in open court, nor within any forensic report, including, but not limited to correcting:
  - (1) true fragments, such as the one related to *"...chooses who to share it with...includes matters about third parties, who are not parties to this process..."*;
  - (2) generalizations related to unidentified legal folders;
  - (3) surprising and unknown assertions, about illogical fragments that were never specifically pointed out, reviewed, nor included within the original referral, nor in open court,
  - (4) wrongly phrased fragments that are not the true sources of this referral, etc.

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<sup>3</sup>We insist, we are not able to comply with overly broad, and extremely tedious and time-consuming requests. Instead, we can still comply with providing a reasonably sanitized copy of relevant parts, of some of our most intimate and private records.

vii. please eliminate from yesterday's suspension order, 100% of all erroneous allegations that are not proven facts, which includes eliminating innuendo, and all the errors listed and specified within this motion;

viii. please adjust our sanction, so that it correlates to the true degree of severity of what was actually vented, within the limits imposed by the extremely short ethics' referral<sup>4</sup>.

I CERTIFY: That on this date, the subscriber will notify the same electronically, under the provisions of the Administrative Guidelines for the Electronic Presentation and Notification of Documents, through the Unified Case Management and Administration System, as amended, so its electronic presentation will constitute the notification that must be made between lawyers, as provided in the Rules of Civil Procedure.

In Carolina, P.R. as of **March 2nd, 2024**.

RESPECTFULLY SUBMITTED.

/F/MARITZA ORTIZ  
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<sup>4</sup>In other words, we respectfully request for this Honorable Supreme Court of P.R., to amend its ruling, by publishing and notifying us, the specific duration of this suspension. We respectfully express that any suspension should be limited to a specific time frame, imposed in a strictly fit manner, and in accordance with the severity, of what was truly proven in open court.

## **AT THE PUERTO RICO SUPREME COURT**

In re:

MARITZA ORTIZ SÁNCHEZ  
(TS-19-522)

AB-2022-0271

COMPLAINT

### **STATED OPINION**

TO THE HONORABLE COURT

Maritza Ortiz Sánchez appears, represented by the undersigned attorney, and addressing with the highest respect therein, PROPOUNDS AND REQUESTS:

The honorable commissioner has before her consideration the reports presented by two of the three appointed experts, with the sole purpose of determining whether the licensed attorney Ortiz-Sánchez can carry out and comply with the responsibilities and duties required of her by the practice of law, and whether she can temper her conduct, to the canons of Ethics' mandate. The evaluation required in this procedure has that purpose to carry it out in an expedited procedure, within a period that requires few contact visits since these behavioral professionals are trained to carry out that evaluation and are able to comply with the Honorable Supreme Court's assigned objective. Such evaluation is the result of the professionals' analysis, when using criteria within that scrutiny and analysis by the professionals, whenever there is certainty resulting from personal contact. Nothing has prevented them from fulfilling the task.

Attorney Ortiz Sánchez asked for help so that the Commissioner refers, to the consideration of the Supreme Court's Plenary, the issue of producing medical records held by the Veterans Administration, request for help she reproduces, protected by the constitutional right to privacy and other rights. That question of law alleged by Ms. Ortiz Sánchez, has not been referred. If the reports presented by the experts do not contain determinations to the effect that she is disqualified from completing and complying with the responsibilities and duties required by the practice of law and from adjusting her conduct to the mandate of the canons of Ethics, we respectfully understand that the honorable commissioner must take judicial knowledge of this fact and proceed to issue a resolution to that effect.

Attorney Ortiz Sánchez presented the documentary evidence that she will use, which consists of Dr. Carol Romey Lillyblad's report and announces her as her witness, if necessary.

Once the evaluation has been carried out and the reports have been submitted, it appears that Atty. Maritza Ortiz Sánchez can carry out and fulfills the responsibilities and duties required of her, by the practice of law. From the reports, there is no expert determination to the effect that she cannot do so, which is why we request that the honorable commissioner issues a resolution to that effect.

FOR ALL OF THIS, it is very respectfully entrusted to the honorable court to take judicial knowledge of the above and GRANT this motion. RESPECTFULLY SUBMITTED. In Corozal, Puerto Rico today, August 17, 2023. I CERTIFY that a copy of this submitted document will be notified in accordance with Rule 67 of the Rules of Civil Procedure to: ATTY. FIGUEROA SANTIAGO, FERNANDO FERNANDO. FIGUEROA@JUSTICIA.PR.GOV

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\*I certify that all copies are signed in original blue ink.

## **CERTIFICATION**

**CERTIFIED**: That the attached document is a true and correct translation of the original document from Spanish into English.

Further, that I am a Federally Certified Court Interpreter & Translator for the Administrative Office of the U. S. Courts within the active list of Certified Interpreters and Translators at the U.S. District Court for the District of Puerto Rico.

DOCUMENT(S):

STATED OPINION

PUERTO RICO SUPREME COURT

DATE:

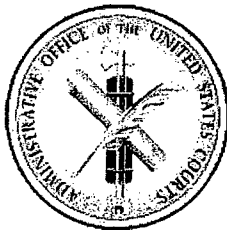
04/28/2024

TRANSLATION REGISTRY CODE:

MO001-04-2024

***Carlos T. Ravelo***

AOUSC Certification # 95-063



EN EL TRIBUNAL SUPREMO DE PUERTO RICO

In re:  <b>MARITZA ORTIZ SÁNCHEZ</b> <b>(TS -19-522)</b>	<b>AB-2022-0272</b>  Queja
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EXPRESAMOS POSICIÓN

AL HONORABLE TRIBUNAL:

Comparece **Maritza Ortiz Sánchez** representada por la abogada que suscribe y en el tono de más alto respeto **EXPONE Y SOLICITA:**

La Honorable Procuradora tiene ante su consideración los Informes presentados por dos de los tres peritos designados con el único propósito de determinar si la licenciada Ortiz Sánchez puede realizar y cumplir con las responsabilidades y deberes que le exige la práctica de la abogacía y atemperar su conducta al mandato de los cánones de Ética. La evaluación requerida en este procedimiento tiene ese propósito. Se realiza en un procedimiento expedito, dentro de un periodo que requiere pocas visitas de contacto, ya que estos profesionales de la conducta están capacitados para realizar esa evaluación y cumplir con el objetivo de la encomienda del Honorable Tribunal Supremos. Esa evaluación es el resultado del análisis de los profesionales al utilizar los criterios en ese escrutinio, análisis producto del resultado que le consta del contacto personal. Nada ha impedido que pudieran cumplir con la encomienda.

La licenciada Ortiz Sánchez pidió auxilio para que se refiriera al Pleno del Tribunal Supremo la consideración de producir expedientes médicos en poder de la Administración de Veteranos, solicitud de auxilio que reproduce, al amparo de derechos constitucionales a la intimidad y otros derechos. No ha sido referido al asunto de derecho alegado por la licenciada Ortiz Sánchez, Si los informes presentados por los peritos no contienen determinaciones a los efectos de que esté inhabilitada para realizar y cumplir con las responsabilidades y deberes que le exigen la práctica de la abogacía y atemperar su conducta al mandato de los cánones de Ética., entendemos respetuosamente que la Honorable Procuradora debe tomar conocimiento de ese hecho y emitir una Resolución a esos efectos

La Licenciada Ortiz Sánchez presentó la prueba documental que utilizará que consiste en el Informe de la Dra. Carol Romey Lillyblad y la anuncia como su testigo, de ser necesario.

Realizada la evaluación y rendidos los informes surge que la Lcda. Maritza Ortiz Sánchez puede realizar y cumplir con las responsabilidades y deberes que le exige la práctica de la abogacía. De los informes no surge determinación pericial a los efectos de que no pueda hacerlo por lo y solicitamos de la Honorable Procuradora que dicte resolución a esos efectos.

**POR TODO LO CUAL**, muy respetuosamente se solicita de este Honorable Tribunal que Tome conocimiento de lo antes expresado y declare **CON LUGAR** la presente moción. **RESPETUOSAMENTE SOMETIDO**. En Corozal, Puerto Rico hoy 17 de agosto de 2023. **CERTIFICO** que copia de este escrito presentado se notificará conforme la Regla 67 de Procedimiento Civil a: LIC. FIGUEROA SANTIAGO, FERNANDO FERNANDO.FIGUEROA@JUSTICIA.PR.GOV

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\* Certifico que firmo en original con tinta azul todas las copias

**Additional material  
from this filing is  
available in the  
Clerk's Office.**