

Supreme Court Agrees to Revisit Equal Protection Cases Relating to Puerto Rico, Rejects Summary Reversal

The Supreme Court of the United States has agreed to review the decision of the United States Court of Appeals for the First Circuit, which in April 2020 sided with Curtis client and Puerto Rico resident José Luis Vaello Madero in a case with potentially wide-ranging impacts for the rights of residents of United States territories under national legislation. Curtis successfully opposed the United States' effort to have the Supreme Court summarily reverse the decision below based on decades old Supreme Court precedent that relied on segregationist cases from the early 1900's to justify the disparate treatment of Puerto Rico.

"We are pleased that the Supreme Court rejected the United States' bid to have the First Circuit's historic decision summarily reversed, and that it has agreed that the issue of the unequal treatment of Puerto Rico residents deserves plenary review," said Hermann Ferré, litigation partner at Curtis and lead pro bono counsel on the case. "We look forward to arguing our client's case before the high court for why it's time to revisit and reverse outdated precedent barring Puerto Rico residents from receiving benefits on equal terms with all other residents of the United States."

The First Circuit held unanimously that the denial of Supplemental Security Income (SSI) disability benefits to Puerto Rico residents violates the equal protection guarantee of the United States Constitution. The case arose from an overpayment claim brought by the United States against Mr. Vaello Madero, alleging that he was required to return payments he had received through the SSI disability benefits program after he moved from New York State to Puerto Rico, a territory of the United States that has been excluded from the SSI program under the Social Security Act. In the lower courts, the Curtis defense team successfully invoked the equal protection component of the Fifth Amendment to the United States Constitution to attack the Social Security Act's exclusion of Puerto Rico from the SSI program.

Acting on a pro bono basis, Mr. Vaello Madero's defense team is being led by litigation partner Hermann Ferré and associates Juan Perla, Robert Groot, Andrew Larkin, and Mitchell Clough.

For more information about Curtis, please visit www.curtis.com.

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