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Art in the Tropics

42 ON OCTOBER 13, 2012, CABA PRO BONO PROJECT, INC. HELD ITS ANNUAL "ART IN THE TROPICS" CHARITABLE AUCTION FUNDRAISING EVENT AT TROPICAL FAIRCHILD GARDENS.



ON THE COVER

12 CABA'S INSTALLATION GALA
The Cuban American Bar Association special thanks to the 2012 Board and big welcome to the 2013 Board of Directors and Sandra M. Ferrera as President.

MEET THE BOARD

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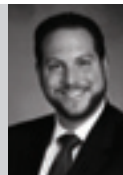


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PRESIDENT'S MESSAGE



I am privileged to serve CABA as its 39th President. As stated by Winston Churchill, “*we make a living by what we get, but we make a life by what we give.*” For decades, CABA has successfully promoted: (i) EQUALITY amongst its members; (ii) inclusiveness and DIVERSITY in our profession; (iii) integrity, professional courtesy and CIVILITY among our peers; (iv) impartial and unbiased ACCESS to our legal system for all persons; (v) substantive programming and networking OPPORTUNITIES for our members; and (vi) continued UNDERSTANDING and education of issues affecting Cuba today and its lack of independence. Additionally, CABA through its Pro Bono Project and Foundation, is committed to providing pro bono legal services to the less fortunate in our community and providing mentorship and scholarships to deserving students statewide and nationally. Although CABA’s mission remains the same, our focus and reach has inevitably expanded. Diversity today is not only made up of racial and ethnic differences but also faith, gender and sexual orientation. Our members are not only Cuban born but are first, second and even third generation Cuban Americans that live throughout the country. In fact, Cuban Americans are the third-largest Hispanic group in the United States. With this expanded reach comes greater responsibility to ensure that our goals and initiatives are being met and our members are adequately represented both locally and nationally.

Everything we do here today and over the coming year supports the mission on which CABA was founded and the traditions and dedicated service of our predecessors. This is no small task, but the core tenets of CABA’s mission – EQUALITY, DIVERSITY, CIVILITY, ACCESS, OPPORTUNITIES and UNDERSTANDING — can make a huge difference in the way we all live and work today and for the future. I ask that you join me in becoming TODAY’S CABA, and work together in fulfilling the following goals:

- TODAY’S CABA will continue building on our strong foundation in harmony with our stated mission in order to ensure that these tenets remain a reality for our membership.
- TODAY’S CABA will work to encourage active CABA membership participation.
- TODAY’S CABA will advocate for equality, diversity and human rights issues affecting our members and those needing a voice to fight on their behalf.
- TODAY’S CABA will work with our judiciary and peers to promote civility and professionalism in our legal community, ensuring impartial access and adequate representation in our courts.
- TODAY’S CABA will strive to enhance substantive CLE opportunities, providing worthwhile networking opportunities for our members.
- TODAY’S CABA will continue educating and providing awareness to the public of important human rights and legal issues being faced in CUBA.
- TODAY’S CABA will prepare the next generation of practitioners through education and mentoring.
- TODAY’S CABA will give back to our community by partnering with other local and national organizations in supporting local charities.
- TODAY’S CABA will improve access to legal services for the poor and disadvantaged in South Florida.

With dedicated individuals working toward the same objectives, we can truly make a difference! Those of us involved in CABA recognize that the progress and growth of our organization depends not only on continued volunteer commitment and further refining and expanding the programs already in place, but also on identifying and realizing new initiatives that will carry CABA to greater heights. I look forward to working with those of you whom I already have met and meeting others interested in seeing CABA continue growing to new levels. I encourage your active participation in TODAY’S CABA. Together we will continue expanding CABA’s reach and relevance statewide and beyond.

In your service, I remain,

Sandra M. Ferrera
President

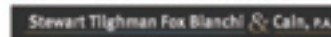
The Cuban American Bar Association would like to thank our family of contributors to the 39th Annual Installation Gala. Our sponsors provide CABA with vital resources needed to sustain and enhance our services, educational programs and scholarships throughout the year. We thank you for your generosity, participation and support.

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IMMEDIATE PAST **PRESIDENT'S MESSAGE**



Dear CABA member,

I find it fitting to begin my final message as President of CABA by thanking our Past Presidents for their support during my presidency. Our Immediate Past President, Victoria Mendez, made it one of her goals to include Past Presidents in all of CABA's endeavors. It was important for me to do the same and unsurprisingly, our Past Presidents overwhelmingly offered unconditional support for all our undertakings this year. I thank each and every one of you for laying the path for us to follow. You are the pillars of this community. You never let us forget where we come from and just how far we have come to get here.

CABA is unlike other bar associations in that our Past Presidents have an important role to play in the direction our organization takes. I was fortunate to have their wealth of knowledge as a sounding board. In that vein, when I shared with our Past Presidents my vision for the year, they lined up to help me and CABA's Board of Directors see it through. I am proud of my presidency and the things we were able to accomplish. Although there were many things that we did to elevate CABA, I most proud of three: funding the CABA Foundation's Endowment to over \$100,000. Thanks to that, we were able to offer our scholarships to law students and law schools nationwide. We also expanded the reach of our Pro Bono Project by building relationships across our community and statewide and finally Spreading CABA's footprint beyond South Florida. Organizationally, we connected with lawyers and law students across the state, making our beloved organization accessible to those outside of Miami. The feedback we received was overwhelming. It confirmed that we have something special here and because of that our branches are slowly growing across the state and into other parts of the country.

I could list the rest of our successful events and projects but, they are well documented in the various issues of *CABA Briefs* and you have heard me speak about them at our events. People forget what you did or how many events you organized but as one of my favorite quotes states, they will always remember how you made them feel. That is why I treasure the personal relationships I was able to develop as CABA's leader and look forward to carrying them on beyond my term.

It has truly been an honor to serve as CABA's President. While this has been the busiest year of my professional life; it is also the most rewarding experience I've ever had. I will conclude by thanking my Board of Directors for their service. And although she is not on our Board of Directors, I would be remiss if I did not thank Diana Powell who keeps us in sync and never skips a beat. Thank you for helping us all carry out our goals for CABA. Our members cannot imagine the hours put in by each and every one of them in order to keep our organization strong and thriving. Hours which are spent on top of our billable hour requirements and many times in spite of personal and family commitments. And even though it is challenging at times, it is worth every minute spent. That is why I encourage attorneys young and old alike to get involved. It is never too late. We are here on borrowed time. Doing work that matters; that touches people is what it's all about. My time as CABA's President has allowed me to do just that. Again, I thank our membership for this extraordinary opportunity. Though I move on from my role as CABA's President, I will always be at your service.

Sincerely,

Vivian de las Cuevas-Díaz
President

Growing CABA beyond
Miami-Dade County

Where We Were and What We Did in 2012

*Endowment Reaches
Over
\$100,000!*



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Offered Scholarship

Florida Agricultural and
Mechanical University -
Currently in Negotiations

University of Florida -
Offered Scholarship

Barry University -
Currently in Negotiations

University of Miami -
Offered Scholarship

Established Nova
Southeastern University's
Law Chapter and Offered
Scholarship

Established St. Thomas
University's Law Chapter
and Offered Scholarship

Established Florida
International University's
Law Chapter and Offered
Scholarship

Avanza Cuba
Initiative

New York

CABA held its **Annual Membership Retreat** in New York City this year from Thursday, October 25 through Sunday, October 28, 2012.

Tallahassee

Securing Pro-Bono Funding through lobbying efforts.

Orlando

On Thursday, November 15, 2012, CABA held its First **Annual CABA Orlando Membership Cocktail** in downtown Orlando, Florida. Approximately 50 judges and attorneys from the Central Florida area attended the event, as well as South Florida CABA members, who drove up to Orlando for the event.

Key West

2012 Corporate Counsel Seminar & Networking Event at the San Carlos Institute, located in the heart of Key West's historic district. The San Carlos Institute is a historical site affiliated with the Smithsonian Institution, considered to be the cradle of Cuba's independence movement, and the site where Jose Marti united the exile community in 1892 for his drive for Cuba's independence.

Cuba

Avanza Cuba Initiative through Radio Marti
CABA members participated in an open dialogue with Cuban attorneys living in the island about the changes in the law in Cuba affecting their rights in the areas of property law, immigration law, and elections. The dialogue was made possible through Radio Marti, and their Avanza Cuba initiative. Avanza Cuba is a series of radio shows that seek to educate people on the island on current changes in the law and ways to enforce their rights within the law. The initiative seeks to empower Cuban citizens to seek civil independence through economic change.



Special Thanks to the 2012 Board

and Big Welcome to the 2013 Board!



SANDRA FERRERA

PRESIDENT

- **What was your nickname in high school?** Sandy, San, Sandwich.
- **What is the first thing you do when you get up every morning?** Sadly, check my e-mails on my phone.
- **Which is the one event that has had the biggest impact on you and your life?** Inviting my husband to my friend Karen's wedding party because it has shaped an amazingly blessed life.
- **What was your first job?** Aside from being a Summer Camp Counselor at Sts. Peter & Paul Elementary School where I went to school, my first job was in the Customer Service Dept. at Sears on Coral Way & 37th Avenue.
- **Books or TV?** Neither - Not much time these days.
- **Are you afraid of heights?** Only when flying in a plane.
- **Glass half full or half empty? Or is the glass just malformed?** Always half full!
- **What is the strangest thing you have ever eaten?** Beef heart in Peru also known as "anticuchos de corazon". I cringe just thinking about it.
- **If you could be any age for a week, what age would that be?** My current age – because every single year has been earned!



VIVIAN DELAS CUEVAS-DÍAZ

2012 PRESIDENT

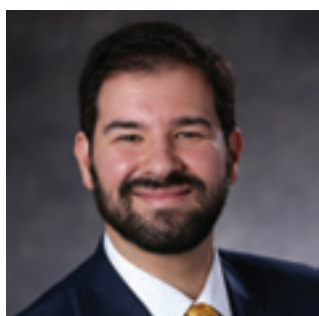
- **What was your nickname in high school?** Viv.
- **What is the first thing you do when you get up every morning?** Brush my teeth.
- **Which is the one event that has had the biggest impact on you and your life?** Having my son, Jacob
- **What was your first job?** Cheerleading coach.
- **What is your biggest regret?** Not living abroad for part of my legal career when given the opportunity.
- **What is the one thing that disgusts you?** Feet.
- **Books or tv?** Books.
- **Glass half full or half empty? Or is the glass just malformed?** Half full.
- **What is the strangest thing you have ever eaten?** Brain.
- **What was your first thought when you woke up this morning?** Wow I slept past 8am.



VICTORIA MÉNDEZ

2011 PRESIDENT

- **What was your nickname in high school?** Vicky.
- **What has been your most embarrassing moment?** Falling in front of Tim Hardaway and Alonso Mourning, and they both said "oohhhh!"
- **If you were an alcoholic drink, what would it be and why?** Margarita! Because it is a festive and happy drink.
- **What is the first thing you do when you get up every morning?** Wonder if I can have 10 more minutes?!?
- **If you could spend a day with a celebrity, who would it be and why?** No celebrity is worth it for me. I would like to spend a day with my father who passed away 12 years ago.
- **Which is the one event that has had the biggest impact on you and your life?** The death of my father.
- **What is the one thing that disgusts you?** Roaches.
- **What's the weirdest thing about you?** My nose wiggles when I talk .
- **What is the strangest thing you have ever eaten?** Frog legs.



RICARDO MARTINEZ-CID

PRESIDENT-ELECT

- **What is the first thing you do when you get up every morning?** Make sure my CABA membership card is safely in my wallet.
- **What is your biggest regret?** Not sending CABA Briefs these answers by the deadline.
- **Books or tv?** Yes.
- **What's the weirdest thing about you?** The details of my life are quite inconsequential ...
- **What is the strangest thing you have ever eaten?** My words.
- **Best compliment you have ever received?** "I do."



NICOLE E. MESTRE

VICE PRESIDENT

- **What was your first job?** Blockbuster Video!
- **Books or tv?** Books and more books.
- **Glass half full or half empty?** Or is the glass just malformed? Half full.
- **If you could be any age for a week, what age would that be?** 80 so I can figure out to what I should be doing at almost 40.
- **Best compliment you have ever received?** That my girls look like me!



MANNY CRESPO

VICE PRESIDENT

- **What was your nickname in high school?** "Nose" (I've since had it done).
- **What has been your most embarrassing moment?** Getting to court and realizing I had two completely different shoes on. In any event, that's the moment I'm willing to share...
- **Which movie title would best depict your life story?** It's currently in production; it will be a musical and feature the cast of Glee.
- **What is the first thing you do when you get up every morning?** Muse about God's sense of humor.
- **What was your first job?** Making my parents crazy.
- **What is your biggest regret?** Making my parents crazy.
- **What is the one thing that disgusts you?** Chocolate.
- **Best compliment you have ever received?** You make your father proud.



ANNIE HERNANDEZ

TREASURER

- **What was your nickname in high school?** Pooky, Pooky Bear, Pookita.
- **What has been your most embarrassing moment?** Having the skirt of a dress blow over my head and reveal my Spanx for all to see.
- **Which movie title would best depict your life story?** It's a Wonderful Life.
- **If you were an alcoholic drink, what would it be and why?** Champagne - it is elegant, festive and it sneaks up on you before you know what hit you.
- **What is the first thing you do when you get up every morning?** Turn on the morning news.
- **If you could spend a day with a celebrity, who would it be and why?** Erik Spoelstra - he is my soul mate. He just does not know it yet.
- **Which is the one event that has had the biggest impact on you and your life?** Spending my first year

of college in D.C. It led me down so many paths that continue to change my life to this day.

- **Books or tv?** These days, mind numbing tv.
- **What's the weirdest thing about you?** Accordingy to my family, that I'm still single!
- **What is the strangest thing you have ever eaten?** Biltong - South African beef jerky.
- **Have you ever eaten a crayon or playdoh?** Not intentionally.



ISABEL DIAZ

INTERNAL SECRETARY

- **What was your nickname in high school?** Although not really a nickname, when I ran for school president at Lourdes, I made sure everyone was signing "Ring your bell for Isabel..." in the hallways while ringing their bells hanging around their necks!
- **Which movie title would best depict your life story?** "I Don't Know How She Does It" starring Sarah Jessica Parker.
- **What is the first thing you do when you get up every morning?** Check on my boys' TV monitors to make sure they are still sleeping, giving me some time to take an additional 10 minute nap!
- **Glass half full or half empty?** Or is the glass just malformed? Half Full without a doubt - "The sun will always come out tomorrow..."
- **Best compliment you have ever received?** My three year old son telling me "que linda" after giving birth to his

baby brother! I was definitely not feeling "linda" at that point!



MARIA D. GARCIA

EXTERNAL SECRETARY

- **Glass half full or half empty? Or is the glass just malformed?** I definitely believe in the glass being half full. The right attitude is key to success.
- **What is the strangest thing you have ever eaten?** Fried pig brains!
- **Which is the one event that has had the biggest impact on you and your life?** Graduating from law school and having my son have had the biggest impact on me, thus far.
- **What was your first job?** I worked at my dad's small business, Coral Gables Glass & Mirror, as a secretary during summer breaks when I was in high school. It definitely taught me the value of money.



DAX BELLO

DIRECTOR

- **Which movie title would best depict your life story?** My life is: "As Good as it Gets."
- **If you were an alcoholic drink, what would it be and why?** Moët & Chandon, Champagne Cuvee Dom Perignon Rose, 1982. Elegant and refined, with razor-like qualities and just the right amount of swag. Rosie, and perfect for all occasions, from breakfast, to happy hour, to even 4am in a South Beach night club.
- **Which is the one event that has had the biggest impact on you and your life?** Joining the Kiwanis Club of Little Havana. As a member, I've had the opportunity to be involved in projects that have had significant impacts on the lives of some of South Florida's most underprivileged residents. Not everyone realizes that our events, like *Carnaval Miami*, which includes the *Calle Ocho* and *Carnaval on the Mile* street

festivals, are our versions of a bake sale. These events serve as fundraisers to underwrite the cost of our many community projects, including KCLH Summer Camp, KCLH Basketball League, KCLH College Scholarships, Back to School Supply Drive and Toy for Every Child, just to name a few. Although there is a lot of work involved in keeping an organization like ours afloat, there is never a lack of *fiesta*. Some of my best friends in the world are other Kiwanis members. There is a reason that I always refer to them as "my brothers." We're more than just an organization, we're a family.

- **What is your biggest regret?** What's a regret?



GINA BEOVIDES

DIRECTOR

- **Nickname in high school:** None.
- **Most embarrassing moment:** Showing up to work with different color shoes.
- **Movie title that best depicts life story:** Must Love Dogs.
- **Alcoholic drink:** Cuban Mojito because it's the perfect blend of sweet and sour and deemed a tropical drink.
- **First job:** Receptionist at the Law Offices of Jose M. Rodriguez.
- **Biggest regret:** Not picking the right Powerball numbers time and again.
- **Books or tv:** Tv.
- **Weirdest thing about me:** I'm extremely superstitious and will not pick up my phone during UM football games.

- **Strangest thing I've ever eaten:** Alligator bites at Cafe Tu Tu Tangos...they were surprisingly tasty...I miss Tu Tu Tangos.
- **Eat crayon or playdoh:** I never did, but in second grade, I cut the hair of a classmate to show him that I liked him.



YARA LORENZO

DIRECTOR

- **Books or tv?** Books. I don't have cable tv!
- **First thing I do every morning:** Drink a glass of water, with aloe vera, take my vitamins, turn on audio book and go for run. I am a creature of my routines.
- **First job:** Legislative Assistant for Congresswoman Ileana Ros-Lehtinen. My time in D.C. changed my life and forever instilled in me a passion for the political process.
- **If you could be any age for a week, what age would that be?** I would love to be six again, so that I could relive my last days in Cuba and remember what my childhood was like there.

Special Thanks
to the 2012 Board

Big Welcome
to the 2013 Board!



JAVIER LOPEZ

DIRECTOR

- **Which is the one event that has had the biggest impact on you and your life?** This is kind of a two part answer. The first was attending the Emmaus Men's Retreat. This Retreat helped me deal with my father's cancer diagnosis and grandmother's passing, which took place this year and which has easily had the biggest impact on my life.
- **What was your first job?** I was a skycap at the airport working off of tips for TACA airlines!
- **What's the weirdest thing about you?** I was in a baseball accident in college that took away the vision in my left eye, so if you are on my left and I don't say hello, I'M NOT IGNORING YOU!
- **Best compliment you have ever received?** My dad told me I made him proud.



NELSON BELLIDO

DIRECTOR

- **Which movie title would best depict your life story?** It's a Wonderful Life or Life is Beautiful. Personally, I am blessed to have a great wife and kids. Professionally, I am thankful to work with a group of exceptional attorneys and staff at Concepcion Martinez & Bellido. Life would not be the same without their support. Like the protagonists in these 2 movies, I try to always be optimistic and have a positive frame of mind even at difficult times in my life.
- **If you were an alcoholic drink, what would it be and why?** Mojito as I am 100% Cuban American.
- **What is the first thing you do when you get up every morning?** Most mornings, I hug my son Lucas and enjoy a Cuban coffee and tostada.
- **If you could spend a day with a celebrity, who would it be and why?** Coach Mike Krzyzewski (Coach K) of Duke University. As a Duke graduate, I always admired the success of the Duke University Basketball Team.

He is the all-time winningest coach in college basketball and his teams have won 4 National Championships and 11 Final Four appearances. He was inducted in the Basketball Hall of Fame in 2001. He also coached US Olympic gold medal teams in 2008 and 2012. His leadership skills have inspired thousands. Few know that he is a great motivational speaker who has taught, guided and motivated not only Duke athletes, but professionals and non-professionals alike. I would enjoy spending a day learning how he has applied his skills to develop true teamwork and achieved success while at the same time remained humble and compassionate for others. I try to lead in organizations that I am involved in a similar manner and would enjoy learning from someone who I admire so much.

- **Which is the one event that has had the biggest impact on you and your life?** My wedding to my wife Paola. She is the rudder in my life and is a great confidante and biggest cheerleader.
- **What was your first job?** I worked at K-Mart in the Women's Lingerie Department as a stock boy at age 15.



JENNY PEREZ

DIRECTOR

- **What has been your most embarrassing moment?** The day I announced to a group of people that a pony was definitely a baby horse that would grow up one day to be an adult horse. Apparently not! Who knew? lol.
- **If you were an alcoholic drink, what would it be and why?** Rum and diet coke. A Cuba libre that is also carb free.
- **Have you ever eaten a crayon or playdoh?** Of course, I am a mom of two! Great for entertaining a fussy 2 year old during meal time but more than likely to make it into your own plate of food at some point.



JORGE L. PIEDRA

DIRECTOR

- **What was your nickname in high school?** I have always been "Georgie" to everyone except my mother . . .
- **What has been your most embarrassing moment?** When as a ATO pledge at FSU one of the brothers made me try out to be the school mascot "Tommy Hawk" which was a giant bird – not Chief Osceola which would have actually been pretty cool.
- **What is the first thing you do when you get up every morning?** Pinch myself, kiss my wife, then I make a list of what needs to be done today.
- **If you could spend a day with a celebrity, who would it be and why?** A day would be way too much time to spend with any celebrity.
- **What was your first job?** Staff Assistant for U.S. Senator Bob Graham
- **Books or tv?** Newspapers.

- **What's the weirdest thing about you?** How can one person be OCD and ADHD at the same time?
- **Best compliment you have ever received?** "I love you Dad"

CB

EDITOR'S MESSAGE



Dear CABA member,

I cannot believe it has already been a year! Where has the time gone? It seems like it was just yesterday when I was meeting with Yara Lorenzo, and she was teaching me and *CABA Briefs'* Chair, Javy Lopez, a thing or two (or more) about putting out an excellent quarterly publication.

Serving as *CABA Briefs'* Editor-in-Chief this past year has been an extremely rewarding experience for me. It has truly been a pleasure, and I will forever be grateful for having had the opportunity to serve in this role. I have learned so much and have met so many amazing people. Thank you to my dear friend Yara for recommending me for this position and to Vivian de las Cuevas-Diaz for placing the trust in me that I could get it done.

I am so proud of *CABA Briefs* – not just the issues that we have produced this year but also the issues of the past. This publication is truly amazing. When I became Editor-in-Chief a year ago, I had BIG footsteps to follow, such as those of Manny Crespo, Jr., Augusto Lopez and Yara, among others. I was not sure how I would get it done. I hope I have lived up to your expectations as a reader.

In closing, I would like to thank each and every member on the *CABA Briefs* committee and every contributing writer. Without them it would have been impossible for us to have produced the kind of quarterly issues we produced this past year. I would also like to welcome my dear friend, Sandra M. Ferrera, as CABA's 39th President, and *CABA Briefs'* new Editor-in-Chief, Jorge A. Pérez Santiago. I know they will both do a fantastic job this year in their volunteer positions of this great organization.

Until next time,

A handwritten signature in black ink that reads "Diane P. Perez". The signature is stylized and includes a long, sweeping flourish at the end.

Diane P. Perez
Editor-in-Chief

CHAIR'S MESSAGE



Dear friends,

It has been a pleasure to serve as the *CABA Brief's* Chair over the past year. Being "behind the scenes" has helped me truly understand the labor of love that our contributors put in for each edition. In particular, our Editor, Diane Perez, has gone above and beyond and poured her heart out to bring you a top tier product on a consistent basis. Thank you, Diane. We will continue to bring hot button issues to the pages of *CABA Briefs* and will not shy away from the controversial issues of the day. I thank you for the opportunity to serve as Chair. It has been an honor.

Sincerely,

A handwritten signature in black ink, appearing to read "Javy Lopez". The signature is fluid and stylized, with long, sweeping lines.

Javy Lopez
Chair

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CRIMINAL DEFENSE COUNSEL HAVE A HEIGHTENED DUTY TO ADVISE OF IMMIGRATION CONSEQUENCES

In 2010, the United States Supreme Court held that a post-conviction claim for ineffective assistance of counsel could be based upon defense counsel’s failure to inform the client that a guilty plea carried a risk of deportation. See *Padilla v. Kentucky*, 130 S.Ct. 1473, 1478 (2010). That opinion, however, left open state law application and specifically left questions of retroactivity and state law conflict unaddressed. In Florida, two important questions remained unaddressed by the *Padilla* decision: (1) whether *Padilla* could be applied retroactively to pleas entered into before *Padilla*; and (2) whether Florida’s judicial plea colloquy on potential immigration consequences—delivered to every criminal defendant before he accepts a plea—precluded ineffective assistance of counsel claims based on *Padilla*.¹

Decisions of Florida’s District Courts of Appeal are in conflict on these questions. The Fourth and Fifth Districts held that the Florida plea colloquy’s warnings cured informational deficiencies by counsel. See *Flores v. State*, 57 So. 3d 218 (Fla. 4th DCA 2010); *Santiago v. State*, 65 So. 3d 575 (Fla. 5th DCA 2011). The Third District held that the plea colloquy did not categorically cure defense counsel’s informational deficiencies but nonetheless denied post-conviction relief because it declined to apply *Padilla* retroactively. See *Hernandez v. State*, 61 So. 3d 1144 (Fla. 3d DCA 2011).

The Florida Supreme Court, upon the Third District’s certification of two questions to be of great public importance in its *Hernandez* decision, recently resolved the conflict and

answered the two outstanding questions in *Hernandez v. State*, Nos. SC11-941& SC11-1357, 2012 WL 5869660 (Fla. Nov. 21, 2012). In sum, approving the Third District’s *Hernandez* decision, the Florida Supreme Court held that: (1) Florida’s plea colloquy did not operate as a categorical cure of ineffective assistance of counsel in every case; and (2) *Padilla* did not apply retroactively. *Id.* at *4, *9.

Notably, in holding that the Florida plea colloquy could not categorically cure counsel informational deficiencies,

“That is, in Florida, defense attorneys now have a heightened duty to provide correct and definitive advice on immigration consequences—not just equivocal or incomplete advice—when the consequences of a plea are “truly clear.”

the Florida Supreme Court wrote: “Where deportation consequences are ‘truly clear,’ the United States Supreme Court in *Padilla* requires effective counsel to provide more than equivocal advice concerning those consequences. ”*Id.* at *10. That is, in Florida, defense attorneys now have a heightened duty to provide correct and definitive advice on immigration consequences—not just equivocal or incomplete advice—when the consequences of a plea are “truly clear.” Such “truly clear”

immigration consequences can be established by statutory terms that “are succinct, clear, and explicit in defining the removal consequence for” a given conviction or plea.² *Id.* at *8. *Hernandez* makes clear that: (1) proper advice on “truly clear” immigration consequences includes an explanation that a plea *will* subject the client to deportation; and (2) this heightened duty is not replicated in a judge’s equivocal plea colloquy that a defendant *may* be subjected to immigration consequences. And so the Court held that the plea colloquy “cannot, by itself, remove prejudice resulting from counsel’s deficiencies” where the consequences are “truly clear.” *Id.* at *9-10.



The Florida Supreme Court acknowledged in *Hernandez* that this heightened duty on defense counsel to provide accurate advice to clients on the immigration consequences of crimes has long been the professional norm, but now it is inscribed into law. By recognizing that, although a longstanding norm, it has now been constitutionally mandated, the Court necessarily concluded that *Padilla* announced a new rule of law and that shaped its consideration of the retroactivity question.

And so, forgoing the determination whether *Padilla* did, in fact, announce a new rule, and the Florida Supreme Court's retroactivity analysis in *Hernandez* (*Padilla*'s applicability to pre-*Padilla* pleas) proceeded directly to a consideration of the standard for applying a new rule retroactively. *Id.* at *11. The Court determined that *Padilla* was not retroactive because, despite its holding being a development of fundamental significance, the purpose of the new rule, the extent of reliance on the old rule, and the rule's effect on the administration of justice all weighed against retroactivity. *Id.* at *12-*14. The Court was particularly concerned that "the insufficiency of the previously-sufficient deportation warning during thousands of past plea colloquies for noncitizens would pave the way for motions to vacate these pleas and convictions." *Id.* at *14. And because "many of the cases could involve overturned convictions, stale records, lost evidence, and unavailable witnesses," the Court concluded that the administration of justice would be unduly hampered. *Id.*

The impact of the Florida Supreme Court's refusal to apply *Padilla* retroactively will be felt by noncitizen defendants to be sure, and it is an important decision of which defense counsel must be vigilant. Now, after *Hernandez*, to provide effective counsel to a non-citizen on the decision whether to accept or reject a plea being offered by the State, defense counsel must become familiar with the removal sections of the Immigration and Nationality Act, and when deportation is presumptively mandatory for the offense in question, defense counsel must so inform the client that such a plea will subject the client to deportation. Where this heightened duty is not met after *Hernandez*, a noncitizen client will have a valid ineffective assistance of counsel claim and may be able to have her plea vacated or conviction overturned, potentially avoiding deportation.

As for those noncitizens currently facing deportation due to pre-*Padilla* pleas entered into upon deficient advice from counsel, the final word has not yet been written. There is a chance *Padilla* could be applied retroactively despite the Florida Supreme Court's decision in *Hernandez* because the United States Supreme Court is currently considering *Chaidez v. United States*, No. 11-820 (U.S. argued Nov. 1, 2012), in which the Supreme Court is presented with the retroactivity question posed in *Hernandez*. It is anticipated that the Supreme Court will clarify whether *Padilla* indeed announced a new rule, and if so, whether *Padilla* can be applied retroactively. Until the Supreme Court rules otherwise in *Chaidez*, however, Florida's criminal defense and immigration bars, and the noncitizen clients they represent, must once again go back to waiting. **CB**

THE NARROWING SCOPE OF CERTIORARI REVIEW:

“DEPARTURE FROM ESSENTIAL REQUIREMENT OF LAW” PRESUPPOSES A “CLEARLY ESTABLISHED PRINCIPLE OF LAW”

In *Citizens Property Ins. Corp. v. San Perdido Association, Inc.*, No. SC10-2433, 2012 WL 5517204 (Fla. Nov. 15, 2012), the Florida Supreme Court further expounded on the limited reach of common law writs in reviewing nonfinal orders. Citizens moved to dismiss *San Perdido*'s statutory bad faith action based on sovereign immunity, arguing that, as a creature of statute — see Fla. Stat. § 627.351(6) (2009) — Citizens is a government entity and should be immune from suit. *Id.* at *4-*5. The trial court denied Citizens' motion to dismiss, citing the exceptions under Citizens' governing statute that allow suit for any willful tort or breach of contract related to insurance coverage. *Id.* at *4. Citizens then petitioned the First District Court of Appeal to review this nonfinal order by either writ of prohibition or writ of certiorari. *Id.* at *5. The First District denied both writs but certified conflict with the Fifth District, which had held that a writ of prohibition was an appropriate vehicle to review a denial of motion to dismiss based on a party's claim of immunity. *Id.* at *6. The Florida Supreme Court granted jurisdiction and answered the First District's certified question on the issue but in doing so announced a further limitation on certiorari review.

The Florida Supreme Court quickly rejected Citizens' argument that a writ of prohibition, which seeks to prohibit a lower court from exceeding its jurisdiction, is a proper vehicle for seeking nonfinal review of an order denying sovereign immunity. The Court held that the trial court did, in fact, have jurisdiction over the case because the legislature enacted a limited waiver of sovereign immunity under section 627.351, Florida Statutes, allowing the courts to hear a case fitting either the willful tort or breach of contract exception. *Id.* at *14. And as such, the extraordinary writ of prohibition is unavailable. *Id.*

Next, the Florida Supreme Court examined the availability of the extraordinary writ of certiorari. The Court reiterated the well-settled standard that a petitioner must establish: “(1) a departure from the essential requirements of the law, (2) resulting in material injury for the remainder of the case (3) that cannot be corrected on appeal.” *Id.* at *14-

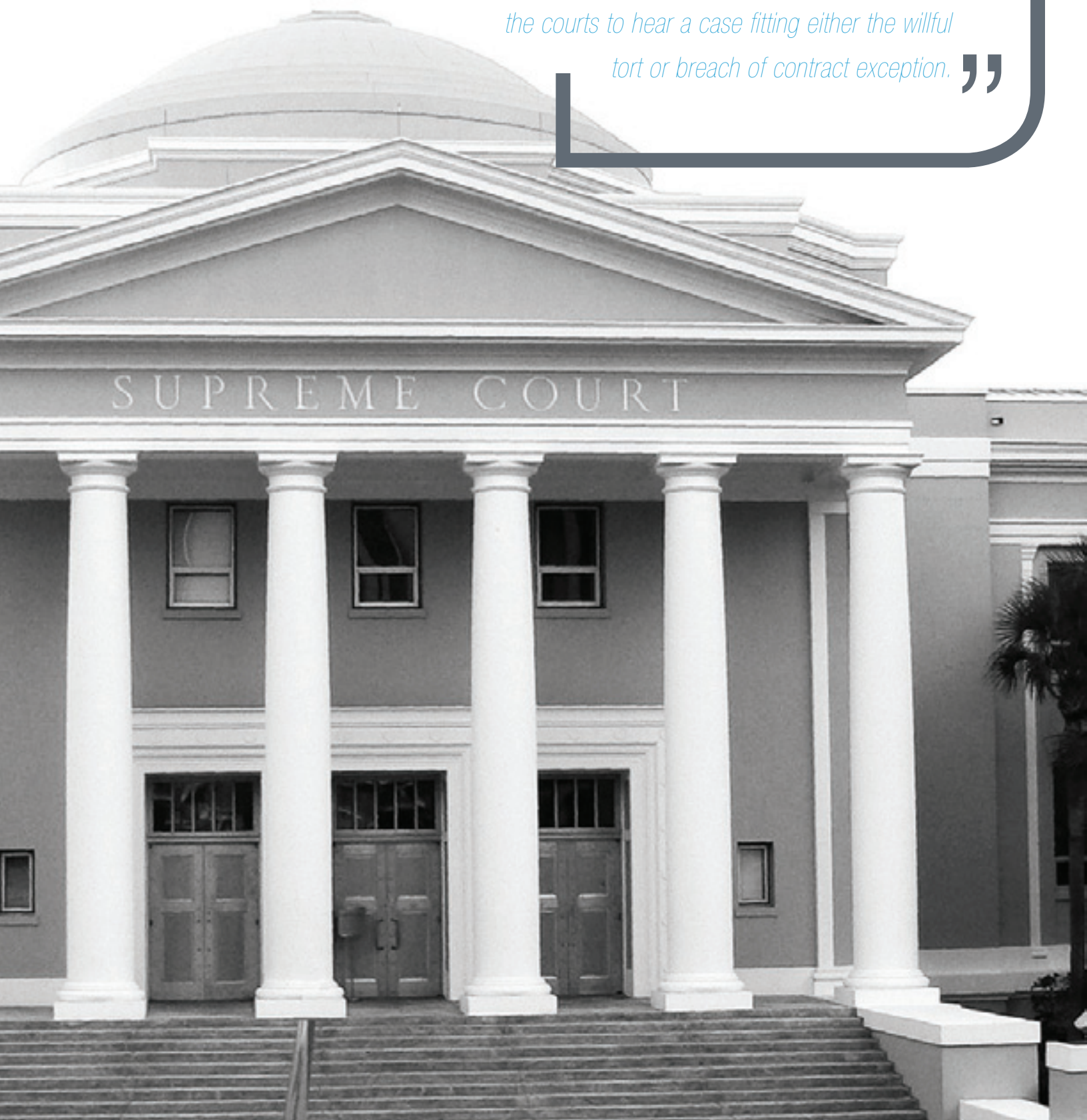
*15. The Court noted that these last two requirements, taken together, are referred to as “irreparable harm” and must be considered first because they are jurisdictional. *Id.* The Court went on to conclude that Citizens had shown neither irreparable harm, nor a departure from the essential requirements of the law.

In concluding so, the Florida Supreme Court reasoned that Citizens had not made the requisite irreparable harm showing because it could not demonstrate any harm other than the continuation of the lawsuit. It is well settled that irreparable harm requires something more than the mere continuation of the lawsuit with attendant damage to reputation or potentially needless litigation costs. *Id.* at *20.

This reflects nothing new. What is important here, however, is the Florida Supreme Court's additional determination that Citizens had not shown, nor could it show, a departure from the essential requirements of the law because the law is unsettled on the issue of Citizens' immunity in bad faith actions. *Id.* at *24. That is, even if the trial court had erred in its application of section 627.351, such error was only a mistaken interpretation of a statute and not a violation of a “clearly established principle of law” because there was no case law on point. *Id.* at *24-*25.

Such an application of the essential requirements of law prong will make it very difficult, if not impossible, to secure interlocutory review on issues of first impression through the common law writ of certiorari, even on clear statutory language. This could present an impossible situation where a litigant is forced to turn over cat-out-of-the-bag discovery in ongoing litigation merely because no court has addressed a particular statute. And litigants could thus find themselves caught between a rock (the trial court's error on a novel issue) and a hard place (the district courts' inability to review such interlocutory errors). Perhaps, though, the important considerations of cat-out-of-the-bag discovery will provide an exception to the rule announced in *San Perdido*. Stay tuned. **CB**

“ *The Court held that the trial court did, in fact, have jurisdiction over the case because the legislature enacted a limited waiver of sovereign immunity under section 627.351, Florida Statutes, allowing the courts to hear a case fitting either the willful tort or breach of contract exception.* ”





THE MAYOR'S MOTIVES FOR LEGISLATIVE DECISIONS, THOUGH NOTEWORTHY, ARE NOT SUBJECT TO SUBPOENA

During an unfair labor practice dispute with Miami-Dade County, the Police Benevolent Association (PBA) subpoenaed Miami-Dade County Mayor Carlos Gimenez to testify before a Hearing Officer of the Public Employees Relations Commission. The Hearing Officer denied a motion by the County and Mayor Gimenez to quash the subpoenas. In *Gimenez v. Dade County Police Benevolent Association*, No. 3D12-2080, 2012 WL 6177883 (Fla. 3rd DCA Dec. 12, 2012), the Third District Court of Appeal granted the petition for writ of certiorari filed by the County and Mayor Gimenez and quashed the Hearing Officer's order.

To review this order, the Third District applied the familiar standard that the petitioner must show that the order at issue is: "(1) a departure from the essential requirements of the law, (2) resulting in material injury for the remainder of the case (3) that cannot be corrected on post judgment appeal." *Id.* at *2. The Court recognized that the last two requirements represent the jurisdictional inquiry requiring threshold consideration.

In making the jurisdictional inquiry, the Third District held that the Hearing Officer's order compelling Mayor Gimenez to testify cannot be remedied on appeal because once he has testified the damage is done. *Id.* at *3. And, if the District Courts were unable to review such orders, "virtually every legislator in this state could be ordered to testify as to his or her legislative decisions without any recourse until it is ultimately too late," thereby setting up a possible separation of powers conflict. *Id.* The Third District accordingly found that it had jurisdiction to review the order.

The Third District held that the Hearing Officer's order departed from the essential requirements of the law because the subpoenas sought testimony on Mayor Gimenez's motives for his legislative decisions, which are not subject to judicial scrutiny, and information on his motives was readily available elsewhere in the mayor's veto statement, in transcripts/recordings of public hearings, and in the testimony of lower-ranking officials. *Id.* at *5. **CB**

“
The Third District held that the Hearing Officer's order departed from the essential requirements of the law because the subpoenas sought testimony on Mayor Gimenez's motives for his legislative decisions, which are not subject to judicial scrutiny, and information on his motives was readily available elsewhere in the mayor's veto statement, in transcripts/recordings of public hearings, and in the testimony of lower-ranking officials.
”

ASK FOR APPELLATE FEES IN YOUR PETITION OR ELSE ...

The Fourth District Court of Appeal denied a motion for appellate attorney's fees in an original proceeding, *Advanced Chiropractic & Rehabilitation Center, Corporation v. United Automobile Insurance Company*, No. 4D11-4801, 2012 WL 6600482 (Fla. 4th DCA Dec. 19, 2012), because the request for such fees was made by motion pursuant to Rule 9.400(b) of the Florida Rules of Appellate Procedure and not within the second-tier petition for writ of certiorari. Heed this cautionary note to avoid the pitfall.

The Court held that Rule 9.400(b)'s procedure for seeking appellate attorney's fees by motion applies only to appellate proceedings and not original proceedings because "Rule 9.400(b) speaks of service of a motion for attorney's fees 'not later than the time for service of the reply brief,'" but there is no "reply brief" in a Rule 9.100 original proceeding. And finding nothing elsewhere in the appellate rules on a procedure for requesting attorney's fees in an original proceeding, the Court resorted to the "pleading requirement" and concluded that the "pleadings" in a Rule 9.100 proceeding are the petition, response, and reply, and therefore a request for attorney's fees must be included in one of them. Thus, a motion for appellate fees will not suffice in an original proceeding, according to the Fourth District. **CB**

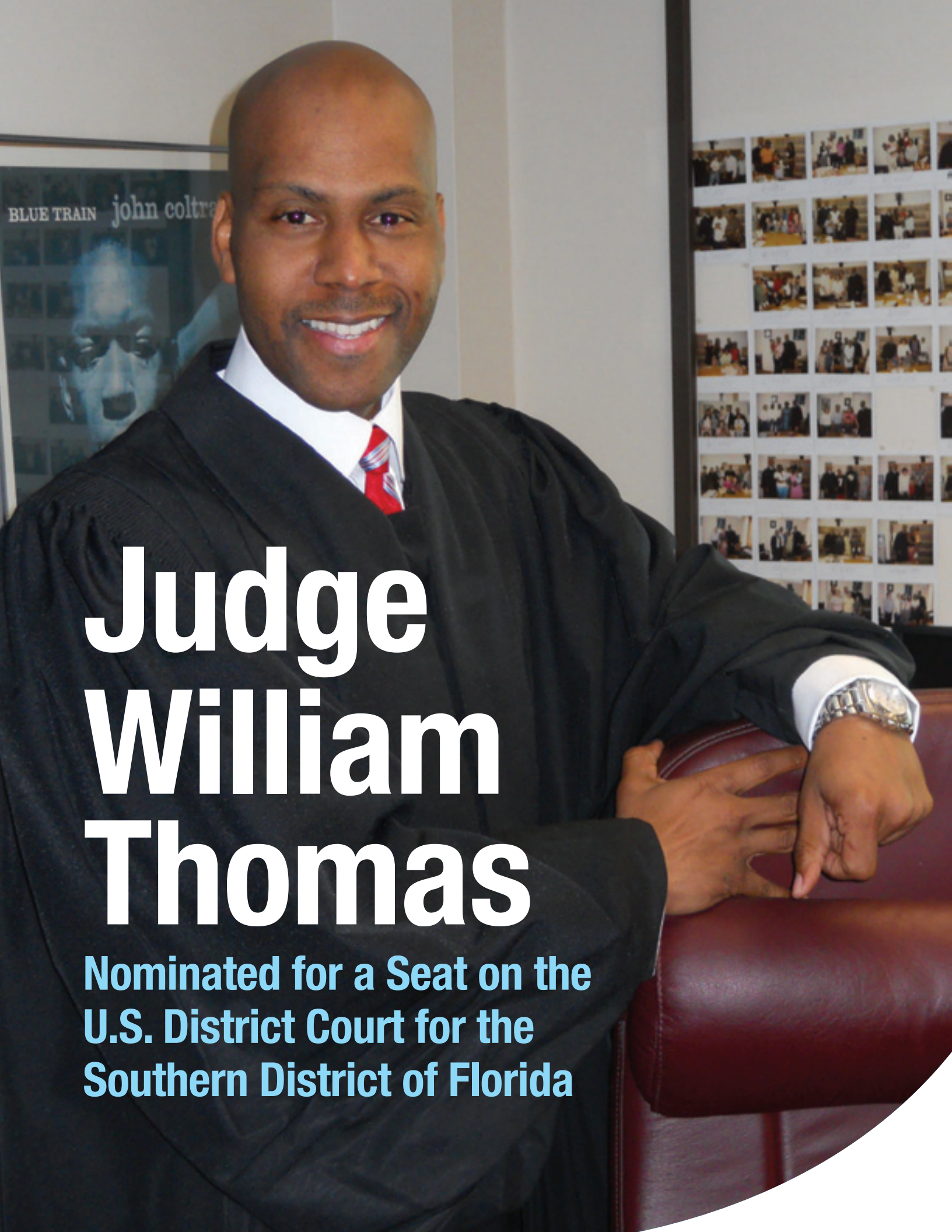
“*The Court held that Rule 9.400(b)'s procedure for seeking appellate attorney's fees by motion applies only to appellate proceedings and not original proceedings because "Rule 9.400(b) speaks of service of a motion for attorney's fees 'not later than the time for service of the reply brief,'" but there is no "reply brief" in a Rule 9.100 original proceeding.*”

¹ Florida's plea colloquy equivocally cautions "that if [the defendant] pleads guilty or nolo contendere, if he or she is not a United States citizen, the plea may subject him or her to deportation pursuant to the laws and regulations governing the United States Immigration and Naturalization Service." Fla. R. Crim. P. 3.172(c)(8) (2012) (emphasis added)

² *Padilla* and *Hernandez* involved controlled substance offenses.



Elliot Kula, board certified in appellate practice, and Daniel Samson, have been practicing appellate law for a combined twenty-six years. Having recently formed Kula & Samson, LLP, Elliot and Dan continue to practice in all areas of appellate law, as well as provide litigation support for trial lawyers throughout Florida.



Judge William Thomas

**Nominated for a Seat on the
U.S. District Court for the
Southern District of Florida**



by Jason Silver

When President Barack Obama nominated Miami-Dade County Circuit Judge William Thomas for a seat on the United States District Court for the Southern District of Florida, it made national headlines. While Judge Thomas' confirmation would make history with a few momentous firsts for the federal judiciary and the United States, there is so much more to the story of Judge Thomas' journey to this point in his life and career.

What many people do not know about Judge Thomas is that he is the ninth of ten siblings, lost his father at a very young age, and grew up in a tough town in western Pennsylvania, where the environment did not exactly nurture success. Judge Thomas, however, persevered to obtain his bachelor's degree from Washington and Jefferson College, and his Juris Doctor from Temple University School of Law. After obtaining his J.D., Judge Thomas began his career at the Office of the Public Defender for Miami-Dade County in 1994. He then served as an assistant federal Public Defender in South Florida from 1997 to 2005.

Miami-Dade Circuit Judge Nushin Sayfie, one of Judge Thomas' close friends since the two began their legal careers together at the Office of the Public Defender for Miami-Dade County in 1994, believes that Judge Thomas' background is a reason why he has reached this level of success and will continue to be a great leader on the bench. "You always need a sense where each party in a case is coming from and what their situation is overall," Judge Sayfie said. "He has always done that and that's what helps him."

"You don't really see people who rise above so much in life. He's very confident, secure, and he knows who he is and where he wants to go," said Judge Sayfie.

His work ethic is not just known to his circle of close colleagues. "He is known around the whole courthouse as being unbelievably efficient; almost freakishly so. He works very hard and sometimes gets criticized for working too hard," Judge Sayfie said.

In addition to his reputation as a hard worker, Andrew Stanton, another colleague, friend, and trial partner, who started with Judge Thomas at the Public Defender's office, says that attorneys that go in front of Judge Thomas trust and respect his decisions. "As a trial attorney, Will was fearless, tireless, and smart. He hasn't changed. Whether or not you agree with him on a decision, you know he did what he thought was right under the law," Stanton said.

Judge Sayfie also reverberated that Judge Thomas has the courage and ability to make the tough decision in the courtroom. "He always is going to do the right thing. He will not be swayed by politics, the media, or personal gain. That takes a lot of courage. I rely on him more than anyone else for advice when I have to make tough decisions." Judge Sayfie said.

Outside the courtroom, Judge Thomas goes out of his way to help others in need. Many people do not know this about him, however, because he does not advertise it. "He does so many things in the community to help others in need. He just does them quietly," Judge Sayfie said. "I called him one day to mentor three children who were going through dependency court and being raised by their grandmother. He spent a great deal of time with them just trying to be a positive role model for them."

Judge Thomas' goodwill does not end there. He is known for going out of his way to help give others opportunities and second chances. "He tries to find people who need a chance or an opportunity," Judge Sayfie said. "His former bailiff began his career at the courthouse as a bailiff, then became his judicial assistant, and with Judge Thomas' support, he is now a corrections officer."

Whether it is his amazing journey of overcoming obstacles in life, his unwavering effort to help others in need or looking for just a chance, or his incredible work ethic displayed throughout his career, it is safe to say that if he is confirmed by the United States Congress, Judge Thomas will be a fantastic addition to the United States District Court for the Southern District of Florida.

"Even when we all began our careers as young lawyers at the Public Defender's office in 1994, Will was already very focused and more grown up than the rest of us," Judge Sayfie said. "He's just naturally selfless, always investing in the people around him. That's just always who he is." **CB**

The American Red Cross

Continuing a Major Relief Operation to Help Victims of Hurricane Sandy



by August Mangeney

When there is a natural disaster, the American Red Cross' goals are to provide food, water, shelter, relief supplies, healthcare, and other assistance to people in need. So when Hurricane Sandy, the eighteenth named storm of the 2012 hurricane season, struck the Mid-Atlantic region of the United States on October 26, 2012, the American Red Cross quickly responded.

In the first month after Hurricane Sandy, which devastated an area of the United States roughly the size of Europe, the American Red Cross called upon more than 14,400 workers and volunteers trained in disaster relief and deployed more than 300 emergency response vehicles. In just New York and New Jersey it gave out more than 7.4 million meals and snacks with its partner, the Southern Baptist Convention. It provided over 86,000 health services and mental health contacts. It also provided almost 79,000 shelter stays for displaced persons and handed out 5.2 million items ranging from coats and blankets to supplies for starting the cleanup process.

During this time period the American Red Cross also raised \$170 million, estimating that \$110 million would be spent before the end of 2012 — all on Sandy relief. The American Red Cross pledged that any funds not used for emergency relief would be dedicated to the long-term needs of those most -affected by the storm.

This level of effort and production is nothing short of amazing. In a time when the handling of natural disasters has become a political benchmark (President Obama in the weeks after Hurricane Sandy or President Bush immediately after Hurricane Katrina), to see immediate action to assist persons devastated by a natural disaster in a matter of hours is refreshing. It is also refreshing because the American Red Cross is not immune to the politics of disaster relief but acts as though it is. After Hurricane Sandy, a Staten Island politician called the American Red Cross “an absolute disgrace” and asked that people not donate. The next day he was publicly hugging the Red Cross’s president.

Americans have high expectations for the American Red Cross and these expectations grow with each disaster. Here in the South Florida Region, the American Red Cross, under the leadership of its Chairman, Dwight L. Hill, Executive Vice President of Sabadell United Bank, has wide-ranging programs from teaching first aid and CPR to relaying emergency messages for members of the military and their families, all while responding to disasters including storms, fires, and flooding, and preparing for the next Hurricane Sandy. **CB**



American Red Cross

¹ Red Cross One-Month Report on Superstorm Sandy, NEWS & EVENTS (Dec. 3, 2012), <http://www.redcross.org/news/press-release/Red-Cross-One-Month-Report-on-Superstorm-Sandy>.

² *Id.*

³ *Id.*

⁴ David Crary, *American Red Cross Carries on with Hurricane Sandy Recovery after Being Branded a 'Disgrace'*, IMPACT (Nov. 4, 2012, 4:41 PM), http://www.huffingtonpost.com/2012/11/04/red-cross-carries-on-desp_0_n_2073855.html.



The National Association of Women Judges

34th Annual Conference



by the Honorable Gladys Pérez

In November, the National Association of Women Judges (“NAWJ”) held its 34th Annual Conference at the Eden Roc Hotel on Miami Beach. Over 300 women judges from all parts of the United States and 40 countries worldwide attended. State and federal judges, attorneys, and law professors worked for over two years planning a four-day agenda, including a full educational program, speakers, luncheons, and receptions. The Southern District of Florida, University of Miami School of Law, and the Cuban American Bar Association (CABA) hosted two receptions for the judges. The conference featured a broad educational program, including topics such as: Judicial Independence, Emerging Issues of Nations in Transition, and Bringing Human Rights Home.

Early in the planning stages of the conference, the committee began working on a panel concerning Cuba legal trends. Former CABA President, Elizabeth Hernandez, spearheaded efforts to put together a stellar panel to discuss the rule of law in Cuba, independence of the judiciary, and human rights. The panel, “Legal and Judicial Trends in Cuba,” presented an in-depth analysis of the judiciary in a totalitarian transition and the effects of the current constitution on internationally recognized human rights. Pedro Freyre, Chairman of the International Practice Group of Akerman Senterfitt, Aldo Leiva, founder of Leiva Law, P.A., and Avelino Gonzalez composed the panel, which was moderated by Miami-Dade County Court Judge Gladys Pérez.



Freyre became involved in Cuba-related matters in 1989 when he was a founding member of the Cuba Committee of the Greater Miami Chamber of Commerce - a committee which monitors ongoing political and economic developments in the island and briefs the community on current and future prospects of trade, commerce, and investment within the island. He has lectured and written extensively on various legal issues in Cuba and teaches a seminar on Cuba at Columbia University Law School.

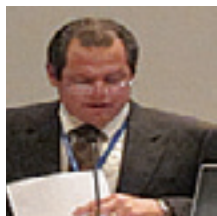
In reading the plain text of the Cuban Constitution, as amended in 2002, it is clear that none of the recognized freedoms afforded to citizens may be exercised contrary to the existence and objectives of the socialist state or contrary to the building of socialism and communism. Freyre pointed out that under the Cuban Constitution, the judiciary is subordinate to the National Assembly and the Council of State. He explained that from a global perspective, the criminalization of political activity that purports, whether in reality or perception, to run against the established government violates international treaties.





Aldo Leiva is recognized as an expert on Cuba and has lectured in universities across the nation on the subject. He is a Cuba law and policy analyst, having briefed the United States State Department, United States House of Representatives, and presidential candidates on Cuban policy. He also works with foreign governments on Cuba and Latin-American trade and political topics.

Leiva presented numerous cases wherein international bodies have condemned the prosecution of dissidents for violations of laws that criminalize free speech or political activity. He walked the audience through the process from arrest to summary trials and convictions.



Avelino Gonzalez graduated from the University of Havana School of Law in 1988. He is also a graduate of the University of Miami School of Law. He served as a foreign attorney in the International Department of Holland and Knight, and is considered one of the top expert witnesses in Cuban law,

having testified in federal, state, and international arbitration courts on Cuban legal issues. He has written and lectured extensively on the Cuban Constitution of 1940, international human rights, and issues affecting Cuba and Latin America before the United Nations.

Gonzalez, who has the unique perspective of having been a practicing lawyer in Cuba, discussed the legal educational system, the practice of law, due process issues and the practice of law, and the selection of judges.

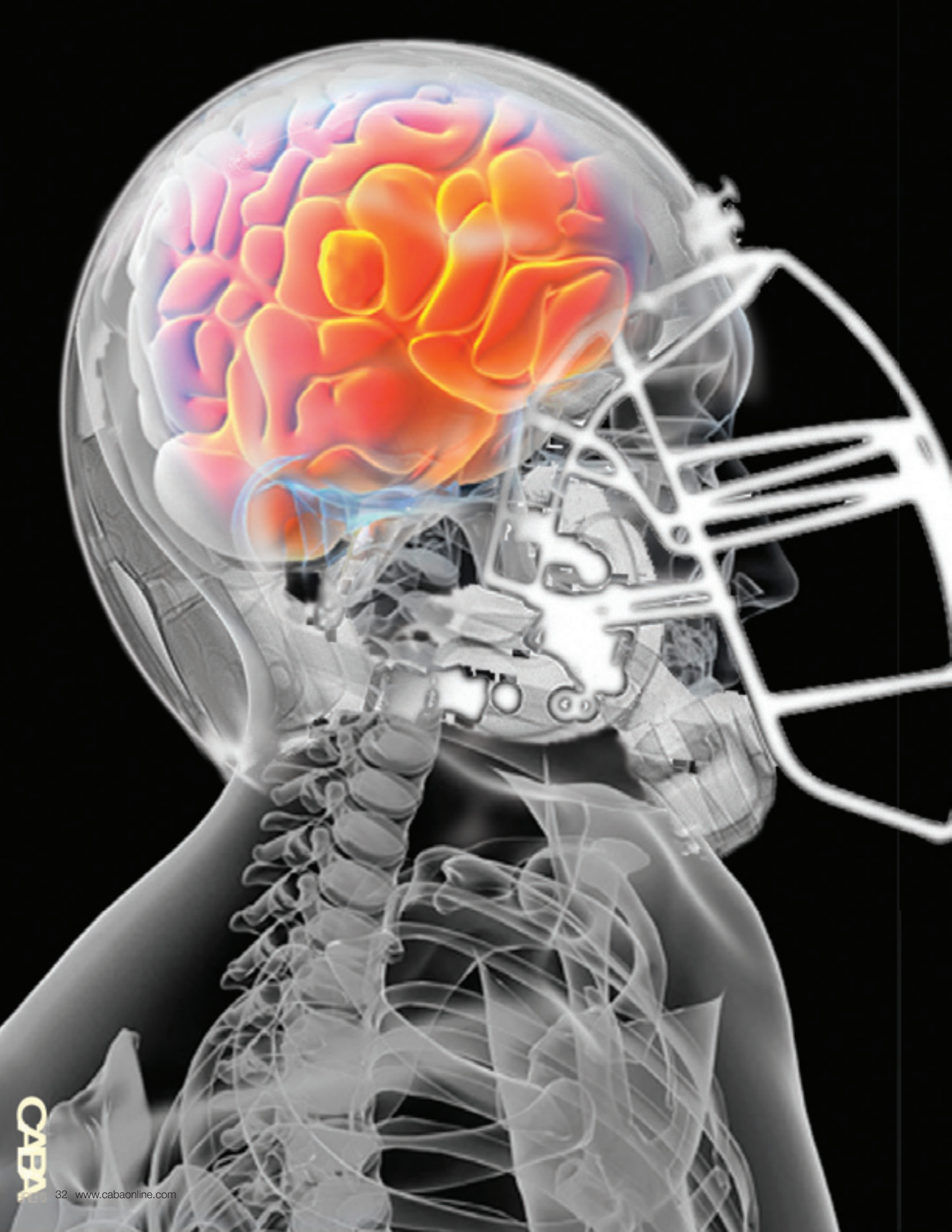
Freyre concluded with an analysis of potential indicators that would revamp the Cuban legal system. He presented the perspective that legal change would be impossible without an economic and political shift, as well as the modernization of the island's infrastructure.

Featured speaker, Congresswoman Ileana Ros-Lehtinen (R-Fla.), spoke at a luncheon honoring the Friends Committee and the many sponsors who supported the conference. Congresswoman Ros-Lehtinen spoke on her exemplary bipartisan record and her record for addressing issues affecting domestic and global human rights.

CABA also partnered with the University of Miami School of Law and Dean Patricia White to welcome the judges to Miami, hosting a "Noche de Salsa." The event was generously hosted at the home of Judge Rosemary Barkett of the United States Court of Appeals for the Eleventh Circuit. Our guests enjoyed music and danced. Some of our visitors from foreign nations had never before experienced the iconic social camaraderie of an event featuring CABA participation! The NAWJ is particularly grateful to President Vivian De Las Cuevas for her commitment to the conference.

The National Association of Women Judges and the "Meet Me in Miami" conference chairs are grateful for the Cuban American Bar Association's support and participation.

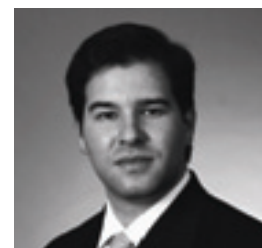




Approximately 4,000 Former
National Football League Players are

Suing the NFL

Over the Long-Term
Effects of the Head
Injuries They Suffered
While Playing



by Ricardo M. Martinez

The cases have been consolidated in Philadelphia where our President-Elect, Ricardo M. Martinez-Cid, was appointed to the Plaintiff's Executive Committee, which is made up of only six firms around the country. *CABA Briefs* asked him to explain why the litigation was filed:

The medical science is clear: repeated hits to the head and traumatic brain injuries are directly linked to permanent, chronic brain damage. These neurological issues include dementia, depression, reduced cognitive ability, sleeplessness, and early-onset Alzheimer's. Perhaps worst of all, many former players have been diagnosed with chronic traumatic encephalopathy (CTE)—a degenerative disease that can only be diagnosed post-mortem. Scientists first linked mild concussions to brain disease in the 1920s in the *Journal*

of the American Medical Association. This report was followed by multiple studies in medical journals, all of which emphasized the connection between concussions and long-term brain injuries.

The NFL knew that repeated, football-related head trauma leads to debilitating brain disease. Nonetheless, they deliberately withheld information and concealed the evidence from its players. The league was completely silent on the issue for decades as thousands of football players were rushed back into the game after sustaining concussions. In 1994, the NFL even devised a misinformation campaign to falsely assure players and the public that a link between concussions and permanent, neurological issues did not exist. The league created its so-called Mild Traumatic Brain Injury Committee (the "MTBI Committee") ostensibly to research and study mild traumatic brain injuries affecting NFL players. Instead of naming a noted neurologist, or at least a physician with extensive training and experience treating head injuries, to chair the MTBI Committee, former Commissioner Tagliabue appointed Dr. Elliot Pellman, a rheumatologist who lacked any specialized training or education relating to concussions. Dr. Pellman had reportedly been fired by Major League Baseball for lying to Congress regarding his résumé.



Despite the wealth of medical evidence, the MTBI Committee intentionally published and promoted 16 studies denying a link between concussions and post-concussion syndromes. The MTBI Committee stated as recently as 2010 in a congressional hearing that “there is not enough valid, reliable or objective scientific evidence at present to determine whether or not repeat head impacts in professional football result in long-term brain damage.”

During these years, thousands of NFL players endured repetitive head trauma and concussions that were not properly treated. A 2000 survey of 1,090 former NFL players discovered that over 60 percent had suffered from at least one concussion in their career, and 26 percent had suffered three or more concussions. Those with a history of one or more concussions were more likely to admit to difficulties with memory concentration, speech impediments, headaches, and other post-concussive symptoms.

One of my clients, Kevin Turner, is a tragic example of the long-term effects of the NFL’s denials and misinformation. Turner, a former fullback with the New England Patriots and Philadelphia Eagles, played eight seasons in the NFL. He fully expected to have broken bones, arthritis, and joint pain. Thus he was

shocked to learn in 2010 that he had been diagnosed with ALS, more commonly known as Lou Gehrig’s disease, at the age of 40. “I never knew that I would struggle to feed myself or open a gallon of milk. I never expected to receive a death sentence for playing the game I loved,” said Turner in an op-ed for the *Philadelphia Inquirer* this fall. The concussion litigation is a personal crusade for the truth for Turner and over 3,000 former NFL players who are plaintiffs. They believe that the NFL failed in their duty to protect the safety of the football players who made the league into the \$9 billion enterprise that it is today.

The class-action concussion lawsuit seeks to hold the NFL accountable for failing in its duty to protect former players from concussions that could have been avoided and properly treated. First, the plaintiffs are seeking medical monitoring for former NFL players. By receiving regular medical check-ups and preventative care, recently retired players can be



observed for worsening symptoms of chronic brain injury. Second, the former players who have developed football-related chronic brain injuries deserve comprehensive medical care and support. Former players receive extremely limited benefits following their retirement. Third, the lives of players and their families have been destroyed by the NFL's deliberate concealment of the long-term consequences of head injuries. Many former players require constant care from spouses or live-in medical facilities. They face mounting medical bills and, due to their brain injuries, many are unable to work to support themselves.



The NFL glorified and profited from the needlessly violent collisions that cost these former players their health, while other sports leagues listened to the scientific community's

warnings about long-term neurological problems from head injuries. The NFL wants you to believe that the concussion lawsuits will end football as we know it; in reality, if the players are successful, this case will save the fate of football by making it a safer sport for generations to come. The NFL must be held accountable

for deliberately ignoring and concealing the link between football and brain trauma and exposing players to dangers that could have been avoided and properly treated. **CB**



DO GOOD FOR OTHERS *AND* HELP YOURSELF:

Take a *pro bono* case and improve
your litigation skills too

*U.S. District Court Judge Robert N. Scola, Jr.,
U.S. District Court for the Southern District of Florida*

and

*Randall C. Berg, Jr., Esq.,
Executive Director, Florida Justice Institute, Inc.*

The opportunities for lawyers to help others in need, while also furthering their own professional development, are few and far between. Accepting a pro bono case from the Volunteer Lawyers' Project for the Southern District of Florida (VLP) offers these benefits and more. The VLP allows attorneys to make a difference and occasionally earn a fee. It also provides the chance for attorneys to try cases and improve their federal litigation skills.

Benefits of Taking a VLP Case. Your participation in this Court's *pro bono* program benefits your community, the legal profession, you, and this Court. Many *pro se* litigants are poor, destitute, uneducated, and unable to afford counsel. They are also unable to adequately represent themselves. Even though they were able to file a lawsuit, many times they cannot adequately articulate their claims and the issues involved. Nonetheless, the litigants feel very strongly that their rights are in need of vindication, and they are determined to have their day in court. You can assist them by clearly articulating their claims and issues and being their strongest advocate.

As a volunteer attorney, you are given an avenue to fulfill your professional obligation to ensure all citizens have meaningful access to the courts without regard to economic status. You will also be provided with a broad exposure to a variety of federal court litigation. In this era of increased alternative dispute resolution, attorneys are getting few chances to go to trial. The VLP offers you the opportunity to get into court and try a case before a federal judge and jury, with a real client that has tangible interests at stake. In return for giving your time and dedication to your client's cause, you will have the satisfaction of helping these litigants receive excellent representation and, at the same time, obtain valuable and rare trial experience. The Court is benefitted because regardless of whether the litigant prevails, he or she will have his or her day in Court, with his or her case presented by a competent professional, ensuring that our justice system operates as it should.

Thus, in taking a VLP case, lawyers benefit in three ways: (1), they earn the gratitude of the Southern District of Florida federal judges for enabling the Court to more efficiently administer justice; (2) they fulfill a significant professional obligation to ensure meaningful access to the courts and, in doing so, they help to make equal justice under the law a reality; and (3) they obtain invaluable experience managing a case and acting as lead counsel in a jury trial.

History of the VLP. The VLP was created in 1993 at the suggestion of the Civil Justice Advisory Group for the Southern District of Florida, formed pursuant to the Civil Justice Reform Act of 1990, to recommend ways of reducing expense and delay in civil litigation. In the course of examining our docket, the Group discovered that over 20 percent of all civil filings are *pro se*, and these cases were crowding the civil docket and impacting the final resolution of many cases going to trial and being resolved. It was also formed to provide meaningful access to court for those who cannot afford counsel.

Litigation Opportunities. The VLP offers a wide range of *pro bono* opportunities. Volunteer attorneys are offered a variety of cases at various stages. Some may be just after eligibility is determined and before initial disclosures have been made pursuant to Federal Rule of Civil Procedure 26(a)(1). For these cases, volunteer attorneys simply enter a Notice of Appearance. Alternatively, one can utilize Special Local Rule 4(c) and make an *ad hoc* appearance for the limited purpose of discovery. Once discovery is completed, the volunteer attorney can withdraw from the case without penalty, although the Court deeply appreciates attorneys continuing through to trial. Other cases may be near the end stage, such as those which have survived summary judgment and mediation and are headed toward trial. And there are appeals for those desiring to write briefs and possibly appear before the Eleventh Circuit Court of Appeals.

As most know, the opportunity of having a civil jury trial these days is quickly disappearing. Fifteen years ago, around 10 percent of all civil cases filed went to trial. Startlingly, today that number has decreased to less than 1 percent. Many of the VLP cases do not settle so the chances of having a federal jury trial are much higher. Plus, how often do you get the opportunity to not only pick the type of case to be tried, but also select the judge you want to appear before? Taking a case through the VLP may provide you with that opportunity. For young lawyers, it is also a great way to obtain valuable trial experience and become board certified. In many instances, discovery has closed or there is little or no discovery to be taken. All that is required is participation at a pretrial conference, jury selection, and trial itself.

Other volunteers may wish to review cases to help the VLP determine eligibility and referral to other volunteer attorneys, to become a mentor, or to prepare forms, handbooks, or seminar materials. The opportunities are endless, and the need is great.



Types of Cases and Successes. The VLP has referred out numerous civil rights cases involving employment discrimination, police misconduct, and prison conditions of confinement, often with successful outcomes. Other matters involve, for example, social security appeals and student loan disputes. Since the VLP only deals with filed pro se cases, the project is limited to ongoing cases.

Some of the VLP's successes include:

- Employment discrimination claim against the Department of Homeland Security. VLP lawyers were successful in obtaining a jury verdict of approximately \$715,000 with interest. The lawyers were also awarded statutory fees and costs. The grateful plaintiff also generously donated a portion of his award to the VLP. (The Court's policy is for the attorneys who recover attorneys' fees to pay back any litigation costs the VLP advanced and to provide 25% of any fees awarded to the VLP with the attorney keeping the remainder.)
- An inmate alleged he was handcuffed when physically assaulted by two deputies while other deputies watched and did nothing. As a result, he sustained serious injuries. He further maintained that when the paramedics arrived, one of the deputies instructed them to leave before treatment was administered. The VLP lawyers were successful in winning an appeal before the Eleventh Circuit regarding qualified immunity. Subsequently, on remand, the lawyers secured a substantial settlement.

Administration of the VLP. Although the VLP serves, assists, and is overseen by the Court, it is an independent project at the Florida Justice Institute, Inc. ("FJI"). The VLP is housed in the Miami offices of FJI, in space donated by the law firm of Carlton Fields. Among other things, with the assistance of its two staff paralegals, the VLP:

- screens all *pro se* civil cases for merit through "post-complaint discovery;"
- send notice of eligible cases to all attorneys who are members of the Southern District of Florida through the CM/ECF system;
- provides *pro bono* attorneys with resources such as sample pleadings and forms, supplementary malpractice insurance, and litigation assistance from staff attorneys at FJI;
- offers a mentor program to pair those seeking federal practice experience with seasoned litigators;
- operates a "Revolving Litigation Loan Fund" to reimburse attorneys and their clients for pre-approved out-of-pocket litigation expenses; and
- conducts free CLE seminars teaching valuable skills to successfully litigate *pro bono* cases.

The VLP is modestly funded through Bench and Bar funds, a portion of attorneys' fees in successful cases, and by donations.

Finding Cases. For those lawyers who are interested in becoming involved with the VLP, there are three ways to find cases:

- **CM/ECF.** All members of the Southern District of Florida are now receiving “*Pro Bono Opportunities*” directly from the Court. Many of these cases are quickly taken, particularly those that are “trial ready.” Do not delay if you want one. If not a member of this Court, consider joining.
- **Advance Email Blast.** You can notify the VLP of your interest in taking a *pro bono* case and request advance notification of available cases before it is sent out on CM/ECF. You may send an email requesting advance notice to: BForbes@VolunteerLawyersProject.org.
- **Web Site Postings.** Available cases with case synopses are now posted on the Court’s website at www.flsd.uscourts.gov under the link for “*Pro Bono Opportunities*” with the “Lady with the Scales of Justice,” and also on the Miami-Dade County *pro bono* website: www.DadeCountyProBono.org.

Conclusion. In conclusion, we ask that you please strongly consider helping persons of need, while also taking the opportunity to advance your own legal career and professional development. The VLP offers a unique and rare platform for doing so. When lawyers lend themselves to the VLP, the Court wins, you win, and, most importantly, your client wins. He or she will be forever grateful for your assistance, and that is priceless.

CB



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MARTES 10
OCTUBRE 2012

LA HABANA
AÑO 14 de la Revolución
EDICIÓN ÚNICA
CUBANO: 10.00 P.M.

Granma



ÓRGANO OFICIAL DEL COMITÉ CENTRAL DEL PARTIDO COMUNISTA DE CUBA

Actualiza Cuba su Política Migratoria

• Entrarán en vigor las modificaciones el 14 de enero de 2013

Como parte del trabajo que se viene realizando para actualizar la política migratoria vigente y ajustarla a las condiciones del presente y el futuro previsible, el Gobierno cubano, en ejercicio de su soberanía, ha decidido eliminar el procedimiento de solicitud de Permiso de Salida para los viajes al exterior y dejar sin efecto el requisito de la Carta de Invitación.

Por tanto, a partir del 14 de enero del 2013 solo se exigirá la presentación del pasaporte corriente en los casos que la misma se requiera. Serán acreedores de dicho pasaporte los ciudadanos cubanos que cumplan los requisitos establecidos en la Ley de Migración, la cual ha sido también actualizada de acuerdo con las medidas adoptadas y entrará en vigor a los noventa días de su publicación en la Gaceta Oficial de la República.

Los titulares de pasaporte corriente, expedido con anterioridad a la vigencia de esta decisión, deberán solicitar su actualización sin gravamen alguno a las autoridades competentes del Ministerio del Interior. Asimismo, quienes cuenten con un permiso de salida vigente, podrán salir del país sin necesidad de un nuevo trámite.

También se ha dispuesto extender a 24 meses la permanencia en el exterior de los residentes en Cuba que viajan por asuntos particulares, contados a partir de la fecha de salida del país. Cuando excepciones se den, la constancia de tal(s) prórroga(s) de pasaporte, la constancia de tal(s) prórroga(s) de estancia correspondiente, otorgada por un consulado cubano.

La actualización de la política migratoria tiene en cuenta el derecho del Estado revolucionario de defenderse de los planes imperialistas y subversivos del gobierno norteamericano y sus aliados. Por tal motivo, se mantendrán medidas para preservar el capital humano creado por la Revolución, frente al robó de talentos que aplican los poderosos.

Es oportuno informar que, paulatinamente, se adoptarán otras medidas relacionadas con el tema migratorio, las cuales se darán a conocer oportunamente a través de los medios de comunicación.

En el día de hoy se publica en la Gaceta Oficial de la República el Decreto Ley del Consejo de Ministros que modifica la vigente Ley de Migración, y otras normas complementarias, que incluye los procedimientos para el cumplimiento de las obligaciones y otras previsiones pertinentes sobre el tema migratorio del país, en materia de pasaportes, permisos de salida y extranjería, así como el procedimiento de solicitud de Permiso de Salida para los viajes al exterior al Ministerio de Relaciones Exteriores.

www.cubainformacion.cu

EDITORIAL "Por la voluntad con de la Nación Cuba"

EN EL CASO de Cuba, el tema migratorio ha sido históricamente objeto de fuertes campañas mediáticas desafiadas y dirigidas por el gobierno de los Estados Unidos y de otros países que en este país se han opuesto a la Revolución desde sus propios inicios. Su manipulación ha tenido como propósito sembrar la confusión en la opinión pública internacional y en nuestro pueblo. No han sido pocas las víctimas, incluso mortales, de las dramáticas situaciones generadas a partir de la politización por parte de los enemigos de Cuba de esta sensible cuestión.

Es por ello que cualquier análisis que se haga de la problemática migratoria cubana, posea inexorablemente por la política de hostilidad que el gobierno de los EE.UU. ha desarrollado contra el país por más de 50 años. La aplicación de un legal y genocida bloqueo económico y un intento de construir una oposición interna mediante acciones subversivas y el empleo de agentes a sueldo han sido sus componentes esenciales. Dicha política ha incluido de campañas, mediáticas y "robó de cerebros" hasta intensas terroristas, sabotajes y agresiones de todo tipo.

La política migratoria de Cuba, a lo largo de todos estos años de Revolución, se ha basado en el reconocimiento del derecho de los cubanos a viajar, a emigrar o residir en el extranjero y en la voluntad de favorecer las relaciones de la Nación y su emigración. Al mismo tiempo se ha fundamentado en el principio de que el derecho de la Nación a la defensa de sus intereses se ha fundamentado en la voluntad de la Nación y su emigración. Las disposiciones impuestas por el gobierno de Washington, que han impedido el libre flujo migratorio del país, han sido el resultado de circunstancias impostas por los diferentes administraciones por los diferentes administradores de la política exterior, con el estímulo de sus aliados.

Como expresó el Presidente de la Asamblea Nacional de la clausura del IV. Período Ordinario de Sesiones de la Asamblea Nacional Popular el pasado 23 de diciembre: "El pueblo tiene el deber de defender el derecho a viajar y trabajar en el extranjero y a elegir su vida alguna, en la medida de las posibilidades de cada país migratorio, que favorece el desarrollo de las relaciones económicas y ha provocado numerosas víctimas".

Cuban Government Changes

Exit Visa Policy

The Cuban government's policy of permitting citizens to travel abroad without exit visas, announced in October 2012, became effective January 14, 2013.



by Jane Muir

According to *Granma*, the newspaper operated by the Communist Party, Cuban citizens will only have to show their passport and a visa from the country to which they are travelling after the new policy becomes effective. The measure will also extend the amount of time Cubans are permitted to remain abroad from

11 months to 24 months, with an opportunity to request an extension, before they lose residency, education, social security and health care benefits.

The government declared the change “an irreversible process of normalization of relations between emigrants and their homeland.” However, the decree still imposes limits on travel by many Cubans. People facing criminal charges cannot obtain a passport, let alone travel abroad, without permission. Government detractors have long been prevented from obtaining exit visas, and under the new policy, the government can deny passports if issuing them would “affect national security.” Doctors, scientists, and military personnel, along with other professionals considered too valuable to risk losing, are still restricted. Travelers also must obtain visas from the countries to which they intend to travel. Commentators fear that the government will continue to limit travel in the future—as it has done in the past—by denying passports to those seeking to travel abroad where previously the exit visa application would have been denied. **CB**





by Gina Beovides

ART in the Tropics

On October 13, 2012, CABA Pro Bono Project, Inc. held its annual “Art in The Tropics” charitable auction fundraising event at Tropical Fairchild Gardens.

With the theme being “Noche en el Tropicana,” over 400 lawyers and members of our community attended sporting their best 1950s chic wear in an attempt to capture the feeling of being in an early 1950s Cuba at The Tropicana. Highlighting the event was Florida Attorney General, Pam Bondi, who served as the keynote speaker. The event raised \$38,000 for CABA’s Pro Bono Project. Also that evening, CABA members Sonia O’Donnell, Esq., Cliff Gruhn, Esq., and Manny Crespo, Jr., Esq. were awarded the CABA Pro Bono Award for their outstanding contribution to the CABA Pro Bono Project.

This event was a huge success due to our sponsors, participating restaurants and artists and the contributions of those who attended, purchased art, and otherwise were part of what was an unforgettable evening. We also extend a special recognition to Esquire Solutions for being this year’s Title Sponsor. The Art in the Tropics Committee, chaired by Board Member Jennifer J. Perez, organized this year’s Art In the Tropics. A special thank you to committee members, Mariel Acosta, Nory Acosta-Lopez, Gina Beovides, Nicole Cueto, Vivian de las Cuevas-Diaz, Isabel Diaz, Sandy Ferrera, Yara Lorenzo, Miguel Mirabal, Miriam Ramos, Olivia Rodriguez, and Diana Vizcaino.

Due to the success of the 5K held in June and the Art in the Tropics, the Pro Bono Project has raised \$60,000. Those funds will go a long way to support the Project’s existing services and to assist in its plan of expansion across the county. Thank you again to all. We hope to make it even more spectacular next year! **CB**



Fighting the Good Fight: Independent Lawyers in Cuba



by Jorge L. Fors, Jr., Esq.

Five years later, Raúl Castro's political succession from his older brother, Fidel, has brought little change to the one-party communist island state of Cuba. Its legal system, comprised of municipal courts, provincial courts, and the People's Supreme Court, remains no more than an arm of the State and the Communist Party, inferior to the executive branch.

Despite the absence of a meaningful judicial system through which citizens can challenge laws or change their government, there exists a rare and endangered breed of lawyer on the island. These individuals are both independent from the country's communist government and dissidents of the oppressive regime. Of course, it is virtually impossible to effectively advocate the rule of law in Cuba.

Nevertheless, several independent Cuban lawyers are trying by leading legal fights to secure a legitimate legal system, democratic values, and human rights on the island. Though the courts are entirely controlled by the executive branch, independent lawyers are filing formal petitions and educating citizens on their legal rights and the necessity of implementing a truly independent judicial branch of government.



Laritzta Diversent, age 29, is one of these independent lawyers on the island. After graduating from the University of Havana Law School in 2007, she became an independent journalist and launched a blog called “Jurisconsulto de Cuba” (the “Cuban Legal Advisor”). Unfortunately, Diversent’s blog cannot be accessed within the island due to government censorship and limited Internet access curtailed by the regime. Diversent also founded “CubaLex,” which is an independent legal association that aims to educate and inform Cuban citizens about their legal rights free of charge. CubaLex not only conducts public seminars but has established independent legal clinics serving the public in spite of the government’s attempt to repress the cause. As a result of her efforts, Diversent has been arrested and detained by government security forces on multiple occasions.

Wilfredo Vallin Almeida, age 64, is also an independent Cuban lawyer involved in the effort to establish the rule of law in Cuba. Along with seven other lawyers, Vallin formed the Cuban Legal Association with the goal of creating an independent civil organization to raise awareness about legal rights. The CLA has created educational and reference materials concerning the fundamental rights that provide the basis for the creation of civil society in Cuba, including Constitutional Theory, Penal Rights and Procedures, International Human Rights, and international human rights treaties to which Cuba is a party. The CLA also provides legal advice to members of the public free of charge and independent from government. The group has also held seminars on legal rights despite repressive tactics by Cuban State Security operatives. However, the regime has refused to formally recognize the CLA as a legal entity despite the fact that it was the first of its kind to obtain the documentation necessary to gain recognition as a non-governmental association.

Another independent lawyer is 78-year-old, Rene Gomez Manzano, a dissident who has been repeatedly imprisoned by

the Cuban regime in an attempt to stifle his efforts to advocate the rule of law in Cuba. Dr. Gomez Manzano became involved in the dissident movement in the late 1980s, when he became the first lawyer to serve as defense counsel for Cuban pro-democracy and human rights activists and political prisoners. He also co-founded the Corriente Agramontista, the first organization of independent lawyers on the island, who filed petitions to force the regime to observe its own laws. For such efforts, Dr. Gomez Manzano was awarded the ABA International Human Rights Award in 1997 for his human rights work.

The progress attributable to independent lawyers like Diversent, Villan, and Manzano, who are willing to take on the regime and challenge the status quo, is a sign that independent lawyers must play a key role in the cause for a democratic Cuba. But the prospect of change is bleak without our involvement. Members of the Cuban American Bar Association, such as Aldo Leiva (Leiva Law), who is an expert on Cuban law and policy, believe it is our obligation to support independent lawyers on the island: “Cuban dissident lawyers on the island are especially worthy of CABA’s support as ‘first-line’ advocates, who are speaking out on such important issues as the Rule of Law, human rights, democratic values, and the independence of the judiciary. Whether our support as fellow lawyers consists of material support or garnering international support and attention for independent Cuban lawyers, our obligation as CABA members in contributing to Cuba’s democratic future must be met now, more than ever.”

The resources available to Cuba’s independent lawyers are so scarce that simple things such as paper, ink, or old mobile phones can impact these individuals’ ability to fight for the advancement of the rule of law in Cuba. Any person interested in contributing to the cause or learning how he or she can get involved should contact Aldo Leiva via email at aleiva@leivalaw.com or telephone at (305) 200-8750. **CB**

CABA's Past Presidents Dinner

On Tuesday, October 23, 2012, CABA held its Annual Past Presidents' Dinner at Sabadell to honor our past leaders. The event brought together all of CABA's Past Presidents and the current Board of Directors. It was an evening full of fun, old stories and catching up with each other. Dinner was served, and CABA's Immediate Past President Vivian de las Cuevas-Diaz recounted the year's accomplishments and thanked the Board for all their help throughout 2012. President Sandra Ferrera spoke about her plans for 2013 and thanked the Past Presidents for their continued commitment to CABA. Thank you to them for being our rock and foundation to build upon!



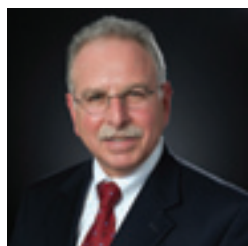


ABOUT THE NEW STATE COURT JUDGES



MIAMI-DADE JUDGES APPOINTED IN 2012

CIRCUIT COURT JUDGE RICHARD HERSCH



Circuit Judge Richard Hersch is currently assigned to the Juvenile Delinquency Division in the Eleventh Judicial Circuit. A life-long resident of Miami and a graduate of Florida State University and the University of Florida Levin College of Law, he is the father of two daughters, Rebecca (26) and Ellison (15). Judge Hersch last practiced in

partnership with his wife, the late Patrice Talisman, before his appointment to the Eleventh Judicial Circuit by Governor Scott in February 2012. A former Chair of the Criminal Trial Certification Committee, the Traffic Court Rules Committee, and member of the Code and Rules of Evidence Committee for The Florida Bar, he currently serves on the Executive Council of the Criminal Law Section. He is an avid SCUBA diver and Instrument-Rated Private Pilot with over 2100 hours of flight time.

COUNTY COURT JUDGE DONALD "DJ" CANNAVA



Judge Donald "DJ" Cannava was appointed in 2011 to the Miami-Dade County Court and has been a member of the Florida Bar since 1994. He presides over the Domestic Violence Criminal Division, civil injunction hearings and Domestic Violence Drug Court. Judge Cannava worked in the public and private sectors as

follows: Deputy Statewide and Regional Director for Florida's DCF/Children's Legal Services, Senior Vice President responsible for legal affairs at Passport Marine, Senior Vice President and General Counsel for Inktel Direct Corporation, Business Development Manager at CBSSportsLine.com, and Junior Agent at United Talent Agency. He also served as an Assistant State Attorney in the Miami-Dade County State Attorney's office from 1993 to 1996. Judge Cannava is married to his wife Tiffany and has three wonderful children.

COUNTY COURT JUDGE RODOLFO "RUDY" RUIZ



Judge Rodolfo "Rudy" Ruiz was appointed to the Miami-Dade County Court bench by Governor Rick Scott on April 25, 2012. Prior to his appointment, Judge Ruiz was an Assistant County Attorney with the Miami-Dade County Attorney's Office since 2009. As an Assistant County Attorney, Judge Ruiz was a member of the federal litigation, tax

& finance, and torts sections. He represented Miami-Dade County and government employees in federal and state court at both trial and appellate levels, handling cases regarding civil rights, tax assessment, classification and exemption matters, as well as personal injury for county departments, such as the Property Appraiser's Office, Tax Collector's Office, Miami-Dade Police Department, and Department of Corrections. Before joining the Miami-Dade County Attorney's Office, Judge Ruiz was an associate with White & Case L.L.P. from 2006 through 2008, where he specialized in mergers and acquisitions, asset-backed financings, joint ventures, and general corporate matters as a member of the firm's Corporate Latin America practice group.

Judge Ruiz was a law clerk to the Honorable Federico A. Moreno of the United States District Court for the Southern District of Florida from 2005 through 2006. He received a Bachelor of Science in Economics from Duke University and his law degree from Georgetown University, where he served as the Articles Editor for the American Criminal Law Review.

CIRCUIT COURT JUDGE JUDGE ARIANA FAJARDO



Judge Fajardo was appointed to the Circuit Court for the Eleventh Judicial Circuit in April 2012. Prior to her appointment, Judge Fajardo was a partner with the law firm of Orshan & Fajardo, P.A. specializing in family law. She began her legal career as an Assistant State Attorney.

Throughout her career, Judge Fajardo was involved with the Federalist Society, the League of Prosecutors, the FIU Alumni Board, the Miami Springs Board of Adjustment and Florida Bar grievance committees. Judge Fajardo is also a member of CABA and the National Association of Women Judges.

Judge Fajardo was admitted to the Florida Bar in 1996 and is also admitted to practice in the United States District Court for the Southern District of Florida. She graduated from Nova Southeastern University Shepard Broad Law Center and received a Bachelor's in Science with honors from FIU.

CIRCUIT COURT JUDGE CRISTINA MIRANDA



Judge Cristina Miranda was appointed to the Eleventh Judicial Circuit County Court for Miami-Dade County in 2006 by then Governor Jeb Bush. She served in Criminal division presiding over misdemeanors and criminal traffic cases consisting of motions, bench and jury trials. In August of 2012, Judge Miranda was appointed to

the Eleventh Judicial Circuit Criminal Court by Governor Scott, where she currently presides over all types of felony cases including drug trafficking, kidnapping, sexual batteries, murders, RICO cases and capital cases.

Judge Miranda was born and raised in Miami, Florida, is fluent in Spanish and French, and is a graduate of the University of Miami School of Business and School of Law. Prior to being appointed to the bench, she was a prosecutor for nine years at the Miami-Dade State Attorney's Office. She tried cases in County Court, Juvenile Court, and Circuit Court. She was the first female prosecutor assigned to the State Attorney's Office Multi-Agency Gang Strike Force. In this capacity she was tasked with proactive investigations and prosecuting members of some of the most violent criminal street gangs and drug enterprises. As a senior prosecutor in the Gang Unit, she prosecuted the most serious offenders and career criminals accused of violent crimes ranging from murder, attempted murder, racketeering, robbery, drug trafficking, armed burglary, kidnapping, sexual battery, using firearms or other deadly weapons.

Judge Miranda was designated the Project Safe Neighborhood prosecutor for the federal initiative requiring her cooperation with local, state and federal agencies in determining jurisdictional filing decisions on all gun involved arrests made in Dade County. She was a founding member of the Anti-Human Trafficking Task Force where local, state, and federal agencies worked together on long term investigations. She prosecuted offenders in the State and Federal Courts to stop these organizations from victimizing women and children forced into lives as indentured servants and sex slaves.

Judge Miranda has a ten year old son and a five year old daughter that make her life complete. Her spare time is spent keeping active with her children and her numerous hobbies including snow skiing, shooting, skydiving, scuba diving, weight training and the playing the piano. She is a second degree Black Belt in TAE KWON DO and a certified Yoga instructor.

COUNTY COURT JUDGE BETTY CAPOTE



Betty Capote was appointed to the Miami-Dade County Court by Governor Rick Scott in November 2012.

Betty Capote received her Juris Doctor in 2001, from the University of Miami School of Law. While at the University of Miami, she served as Vice President of the Moot Court Board. Ms. Capote obtained her

undergraduate degree in Business Administration from Florida International University.

Ms. Capote served as an Assistant State Attorney at the Miami-Dade County State Attorney's Office from 2001-2012. In 2006, Ms. Capote was promoted to felony division chief at the State Attorney's Office, where she was responsible for prosecuting homicides and other violent crimes, while training new attorneys and supervising daily courtroom activity.

CIRCUIT COURT JUDGE RODNEY SMITH



Judge Rodney Smith was initially appointed to the Miami-Dade County Court bench in 2008, where he presided over criminal, civil, and domestic violence cases at South Dade Justice Center, Hialeah Branch Courthouse, North Dade Justice Center, and the Miami Beach Courthouse. Judge Smith was subsequently re-elected to the

County Court bench in 2010 without any opposition. Judge Smith was elevated to the Eleventh Judicial Circuit Court bench in 2012, where he currently presides in the felony criminal division. Judge Smith was appointed by former Florida Supreme Court Chief Justice Charles T. Canady to fill the judicial vacancy on the Mediator Qualifications Board in the Southern Division. Judge Smith was raised in the Liberty City community of Miami, Florida where he graduated with honors from Miami Northwestern Senior High School. Judge Smith is a cum laude graduate of Florida A & M University and also a cum laude graduate of Michigan State University College of Law. Prior to his judicial appointment, Judge Smith proudly served as a prosecutor in the Miami-Dade County State Attorney's Office. He subsequently served as a senior assistant city attorney for the City of Miami Beach, a trial attorney with McGrane, Nosich & Ganz, P.A., and as in-house trial counsel for two large insurance companies. Judge Smith is also an Eagle Scout where he serves as a Boy Scouts troop leader. Judge Smith is a devoted husband and proud father of two children. Judge Rodney Smith is known for his intellect, integrity, patience, and treating everyone respectfully, fairly, and equitably.

MIAMI-DADE JUDGES ELECTED IN 2012

COUNTY COURT JUDGE MICHELLE ALVAREZ BARAKAT



Judge Barakat is a native of Miami and a graduate of University of Miami School of Law. During her 13-year career, she worked as a private criminal defense attorney and then as a Mental Health Advocate for the Office of the Public Defender, addressing the needs of indigent defendants. Judge Barakat also worked as Bar Counsel for the

Florida Bar. At the Florida Bar, she handled ethical complaints against lawyers, which included trial litigation and appellate work before the Florida Supreme Court. Most recently, she worked at Barakat Law, P.A. Judge Barakat is assigned to the criminal division at the South Dade Justice Center, where she will preside over misdemeanor, criminal traffic, and domestic violence cases.

**COUNTY COURT JUDGE
TANYA BRINKLEY**



Judge Brinkley is a 1995 graduate of the University of Miami School of Law, and has a B.B.A. in finance from Howard University. She was previously in private practice as a family law and criminal defense litigator at Brinkley & Henrys, P.A., and served as a Civil Traffic Infraction Hearing Officer. Judge Brinkley was recently recognized by

Legacy Magazine as one of the 25 Most Influential and Prominent Black Women in Business in South Florida for 2012, and was awarded the 2010 Wilkie D. Ferguson, Jr. Bar Association Pro Bono Award, and the 2009 Ray Pearson Guardian Ad Litem Pro Bono Award. She regularly serves as a Miami-Dade County Teen Court Volunteer Judge.

Judge Brinkley is assigned to the criminal division at South Dade Justice Center, where she will preside over misdemeanor crimes, criminal traffic, and domestic violence cases.

**COUNTY COURT JUDGE
IVONNE CUESTA**

(INFORMATION REQUESTED; NOT SUBMITTED BY JUDGE)

**CIRCUIT COURT JUDGE
MIGUEL DE LA O**



Miguel de la O practiced law in Miami for over 20 years before his election as a Circuit Court Judge for the Eleventh Judicial Circuit in 2012. After graduating from Miami Jackson Sr. High in 1982, he attended Florida State University, graduating cum laude with degrees in political science and criminology. Miguel graduated with high honors

from the Florida State University School of Law. After law school, he worked for Steel Hector & Davis and later practiced criminal defense at Sonnett, Sale & Kuehne. In 1994, he co-founded the law firm of de la O & Marko. Miguel has been married for 16 years to Rosa Velilla de la O. They have three children, 14-year-old Rebecca Rose, 12-year-old Anna Mikayla, and 9-year-old Miguel Jorge.

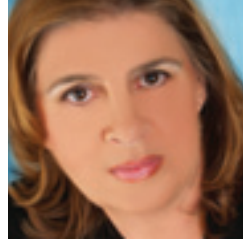
**COUNTY COURT JUDGE
DIANA GONZALEZ**



I am 39 years old, born and raised in South Florida. I started my career as a trial attorney while still a law student at St. Thomas University, where I successfully defended several federal cases. During law school and immediately thereafter I worked at a civil litigation law firm. Following that I became an Assistant Public Defender in Miami-

Dade County and achieved the status of "A" attorney. Prior to being elected to the bench, I was in private practice. I also had the pleasure of working with the U.S. Government assisting in several of their legal projects abroad and locally. I believe that public service is an honor and a privilege and that everyone should be treated with fairness and respect.

**CIRCUIT COURT JUDGE
TERESA MARY POOLER**



Judge Teresa Mary Pooler was born in Springfield, Massachusetts and received a B.A. from Smith College in Northampton, Massachusetts. In 1978, she moved to Miami, mainly for the weather, and soon found herself at the University of Miami School of Law. After graduation, she worked at the State Attorney's Office and then as a sole practitioner

focusing on criminal trial and appellate work. During that time, she had the opportunity to argue in front of the Florida Supreme Court and taught constitutional and criminal law courses at Florida International University from 2004-2008. She has three dogs and works with a dog rescue/humane society group in her free time. She also follows contemporary art and very much enjoys the Miami art scene.

**CIRCUIT COURT JUDGE
MARIA DE JESUS SANTOVENIA**



Maria de Jesus Santovenia has been an active member of CABA for many years. She graduated from the University of Pennsylvania Law School in 1988 and is Board Certified by the Florida Bar in City, County, and Local Government Law. Before her election to the Eleventh Circuit Court of Florida in 2012, her varied practice included

complex commercial litigation and appeals in both federal and state courts. She also contributed to the Everglades restoration in her representation of an Indian tribe in several federal Clean Water Act suits. Judge Santovenia dedicated more than half of her career to public service as an assistant city attorney for the cities of Miami and North Miami Beach. She will continue her public service as a judge in the Juvenile Delinquency Division in the Eleventh Judicial Circuit.

**CIRCUIT COURT JUDGE
MARIA ELENA VERDE**

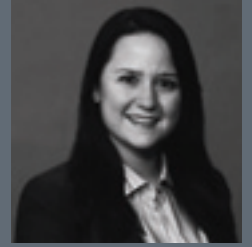


Maria Elena Verde was born in Chicago and is of Cuban descent with parents from Santiago, Cuba. She spent her formative years in Caracas, Venezuela where she attended El Colegio Maria Inmaculada. Maria obtained a BS in Criminology and Political Science from Florida State University. She graduated from St. Thomas

University School of Law in 1998. Immediately after graduation, she began working as an Assistant State Attorney in Miami Dade County. In 2001 she worked for the Law Offices of Grey and Mourin and shortly thereafter opened her own firm where she practiced criminal defense law for over 10 years. She was elected to serve as a Circuit Court Judge in August 2012. She is currently assigned to the Criminal Division. **CB**

NYC Retreat

CABA held its Annual Membership Retreat in New York City this year from Thursday, October 25 through Sunday, October 28, 2012. We kicked off the trip with a cocktail reception on Thursday night sponsored by JAMS. CABA members then enjoyed activities throughout the weekend, including a Broadway play, dinners in the city, and shopping. CABA members also visited the Ground Zero Memorial and had a chance to reflect on the tragedy that took place on September 11th. The weekend concluded with a membership brunch.



by Maria Garcia





CABA Pre-Mentoring Picnic Reception



by Gina Beovides

On Friday, November 9, 2012, CABA hosted a reception recognizing and congratulating the Kozyak Mentoring Foundation on their 9th Annual Minority Mentoring Picnic.

The reception took place at The Stage and was open to all law students, lawyers, and judges. Law students from throughout the state were able to network with local lawyers and judges and ask questions in a social setting. This reception was part of a series of events that CABA put together this year to solidify and expand our relationships with law students. In addition to hosting mentoring receptions, CABA created law school liaisons and school representatives for each Florida law school and began the process of establishing law school chapters. If you are interested in working with our law school chapters or want more information, please contact Committee Chairs, Vivian de las Cuevas-Diaz at vivian.cuevas@hkllaw.com and Maria Garcia at garcia1134@msn.com. **CB**

Orlando Membership Cocktail



by Maria Garcia

On Thursday, November 15, 2012, CABA held its First Annual CABA Orlando Membership Cocktail in downtown Orlando, Florida. Approximately 50 judges and attorneys from the Central Florida area attended the event, as well as South Florida CABA members, who drove up to Orlando for the event. It was great to get to know our Orlando members and discuss ways that CABA can pursue its mission in the Orlando area and assist its members in networking and professional development. We would like to thank Eddie Fernandez from Shutts & Bowen's Orlando office for helping us organize this event.



Membership Appreciation

On Monday, November 28, 2012, CABA held the Fall Membership Appreciation Reception sponsored by Professional Bank at the Richman Greer building. As part of the reception, CABA also recognized the 11th Judicial Circuit Retiring Judges. The following judges were recognized: Hon. Amy Steele Donner, Hon. Joseph P. Farina, Hon. Mary Barzee Flores, Hon. Lester Langer, Hon. Mark King Leban, Hon. Ellen Leesfield, Hon. Juan Ramirez, Jr., Hon. Ana Maria Pando, Hon. Catherine M. Pooler, Hon. Israel U. Reyes, Hon. Arthur Rothenberg, Hon. Lawrence A. Schwartz, Hon. Sheldon Schwartz, and Hon. Scott Silverman.



by Gina Beovides

Also at the reception, CABA recognized individual CABA members who were vital to this year's success. This year's recipients were Yara Lorenzo, who was instrumental in organizing CABA First Annual "Lawyers on the Run" 5k and was the former editor of *CABA Briefs*, Diane Perez, who was this year's editor of *CABA Briefs*, and Nory Acosta-Lopez, who worked on the Corporate Counsel Retreat Committee, the Art in the Tropics Committee, and helped with some of our other events throughout the year.





CABA's Pro Bono Project

Assists the Victims of Foreclosure Fraud



*by Elizabeth Gonzalez,
Pro Bono Project
Staff Attorney*

In 2009, the CABA Pro Bono Project (“PBP”) was a recipient of the Foreclosure Defense Grant (“FDG”). The purpose of the grant was to assist homeowners struggling with their mortgage payments. With funds received under this grant, the project has provided legal representation to members of the Miami-Dade County community, helped process loan modifications, represented homeowners in mediations, offered counsel and advice, and participated in various educational community events throughout Miami-Dade County.

Unfortunately, the massive foreclosure filings rate in the state of Florida gave rise to a number of sham companies more than willing to make a quick profit by defrauding Floridians out of their hard earned money—the same people who were already hurting and were trying to do their very best to save their homes. Thanks to the FDG, since November 2009, PBP has handled more than 180 cases addressing a variety of foreclosure-related issues. These numbers represent families of all ages, races and ethnicities within our community that have found a helping hand in CABA.

An example of the many clients that have been helped by CABA is that of a family that contacted us by means of a community event held at Florida International University. The head of the household informed us that he hired a company to process a loan modification and also to offer him legal representation in the foreclosure lawsuit.



Upon closer inspection, we advised him that while there was a pending foreclosure lawsuit against him, it seemed the attorney handling his case had not responded to the mediation notices that had been sent. CABA contacted the servicer, and we were advised no loan modification applications had been submitted. The client retained our services and CABA Pro Bono gathered and presented the necessary documentation to the servicer. Additionally, we substituted as counsel in the foreclosure lawsuit and a motion for referral to mediation was filed. While the motion was pending, the client was approved for a pretrial modification. By the time the case had been scheduled for mediation, the client had already finished making his pretrial modification and had been approved for a long-term modification. Subsequently, the foreclosure lawsuit was dismissed. Had it not been for the assistance this family found in CABA's Pro Bono Project, the home would have been lost in the foreclosure proceeding.

For seniors, it is even more difficult to face the foreclosure proceeding. Communicating with the servicer can become insurmountable. Many times the clients are given varied information and the same information can be requested over and over again. CABA's Pro Bono Project not only offers legal assistance but also offers assistance with the loan modification process. When the program can successfully offer assistance to one of the seniors in our

community, our mission becomes that much greater. A client was referred to our offices by the "Put Something Back" program. She was a retired person that had suffered several strokes and was barely able to speak. There was a reverse mortgage on her home and as such she was only responsible for paying the property taxes and her insurance. Her son had not been able to take care of her bills for the period in which she had been ill. As a result, the property fell into foreclosure. CABA represented the client in the foreclosure proceeding. We were able to remove the default that had been entered against the client because her fragile health had made it impossible to properly respond to the suit. The son was referred to the proper agency to reinstate the rate at which the property was taxed. Additionally, we contacted the reverse mortgage company and, because the reverse mortgage company alleged the property was uninsured for a number of years, provided proof of insurance for those years. The arrears were lowered and the outstanding arrears were placed in a repayment plan. Subsequently, the foreclosure lawsuit was dismissed.

If you know of anyone struggling with foreclosure-related issues, our office is here to help. Do not hesitate to contact us. You can reach us at (305) 646-0046. You can also contact Executive Director Raul Flores via e-mail at Raul@cabaonline.com. **CB**

The Cuban American Bar Foundation Held its First
ANNUAL GALA FUNDRAISER
in Conjunction with the Kiwanis of Little Havana
to Benefit its Scholarship Funds

On December 1, 2012, at the Miami Seaquarium, Rickenbacker Causeway, Miami, Florida, the Cuban American Bar Foundation (“CABF”) held its First Annual Gala Fundraiser in conjunction with the Kiwanis of Little Havana to benefit its scholarship funds. The CABF recently awarded \$29,000 in scholarships to students throughout Florida and the United States. The event raised close to \$4,000 for the CABF.

Founded in 1986, the CABF is the scholarship arm of the Cuban American Bar Association (“CABA”) and has endowed or awarded close to a million dollars in scholarships. For more information, please contact Victoria Méndez at (305) 298-0480.







by Gina Beovides

CABA CACPA Holiday Reception

On Tuesday, November 20, 2012, TotalBank hosted a holiday reception for members from CABA and CACPA. This was the second joint event with CACPA, which proved to be a great success. The reception also marked the beginning of CABA's toy drive, which gathered toys for needy children throughout the month of December.



CABA's Annual Election



by Maria Garcia

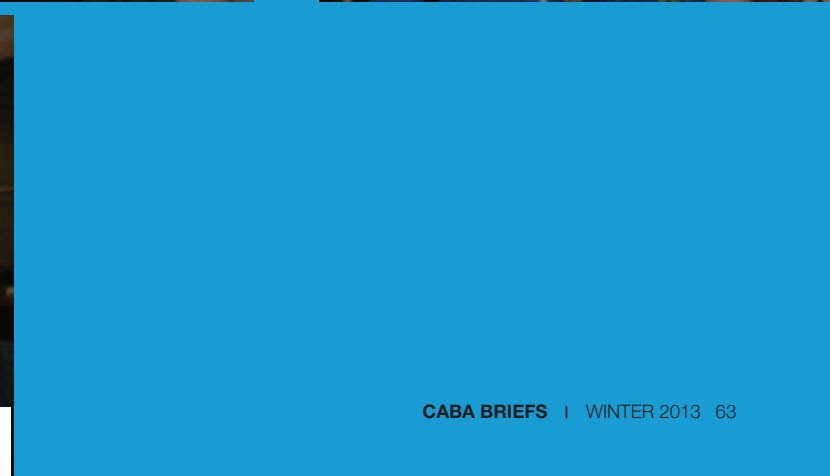
On Tuesday, December 4, 2012, CABA held its Annual Election and Toy Drive at Regions Bank in Coral Gables, Florida. About five hundred CABA members attended the event to elect the new Board of Directors and President-Elect for 2013. Toys were also collected to be distributed to various organizations providing toys for the holidays to underprivileged children in our community. Ricardo Martinez-Cid was elected as President-Elect and Maria D. Garcia, Jennifer Perez, Jorge Piedra, Nelson Bellido, Yara Lorenzo, Manny Crespo and Annie Hernandez were elected to serve on the 2013 Board. Thank you to everyone that voted this year.





CABA's Annual Election





Dichos de Cuba

by Monica M. Albarello

Many Cuban sayings are quite visual. If you can picture the statement, then you will understand the meaning of the saying. The following are a few of the most visual Cuban sayings my family, Cuban friends, and I could recall.

“Nadie escarmienta en cabeza ajena”

English translation: *“You only learn from your own mistakes and not from the mistakes of others.”*

The translation of this saying is quite clear. We all know “someone” who has crashed because they were driving while putting on their make-up and talking on the phone. But then there are some of us who will turn around and do the same thing regardless of the known consequences. If the saying is true, lessons can only be learned through personal experience. This saying, however, should not be true. There are many great lessons to be learned, such as staying out of jail lessons; keeping your bar license lessons; put everything on paper lessons; etc. Lessons like these are priceless and you are definitely in a better position if you are learning them through someone else’s experience than through your own. It is time to show this idiom the door. This year, do yourself a favor, and encourage others to do the same - do not be so oblivious to the lessons life has to offer. When we hear a story about another and their “mistakes,” embrace the lesson and learn from it!

It does not make any sense to willingly make a mistake when you know it is a mistake.



“Camarón que se duerme, se lo lleva la corriente”

English translation: *“The shrimp that falls asleep gets swept away by the current”*

My interpretation of this saying is that one should be alert to their surroundings otherwise a good opportunity may pass them by. It is common to ignore unknown phone calls on your cell phone. Why answer it? You probably don't know the person calling you. It may very well be a wrong number. But we do not know for sure. Additionally, two other things we do not know are: What is the purpose of the phone call? And who gave the caller our number? In our profession, many of us market ourselves and our skills in order to generate business. For this reason, we are encouraged to answer all calls because even if we do not recognize the phone number, it may be business calling us. There is a great possibility that by the time we return the missed call, either the caller will not answer our call, or they have retained another attorney. Whatever the case may be, we probably lost the business. As professionals, we must always be diligent or else we risk losing business. There are more lawyers in South Florida than each of us would like there to be. Therefore, be alert and seize the opportunity before someone else does.

Painting by Poindexter

Monica M. Albarello, Esq., Monica has recently relocated to the Florida Panhandle and continues to practice personal injury. Monica can be reached via email at albarelo83@yahoo.com.



La Cocina de Christina

Inspired by Julie & Julia, I have embarked on a project to celebrate the Cuban kitchen—the food, the abuelas who prepared it, and the family that gathered around the table to enjoy every bite. I am cooking my way through Nitza Villapol's *Cocina al Minuto*. With each recipe, I hope to inspire you to bring the joy—and sofrito smell—back into your home.

Lentejas para un año nuevo (New Year's Day Lentils)



- 2-14oz packages of dried lentils
 - Water
 - 9.5 cups homemade stock (beef)
 - 2 tsp salt
 - Lacón (shoulder of pork)
(cooked in the pressure cooker with the potatoes)
 - 2 large potatoes, cut into chunks
(cooked in pressure cooker with lacón)
 - 1lb calabaza (pumpkin) or butternut squash, cut into chunks
1. Soak lentils in water until they have absorbed all the liquid. They will double in size.
 2. Transfer lentils to a larger bowl and cover again with fresh water. Leave an additional 1" of water over the lentils in the new bowl.
 3. In a large stockpot, add the lentils, including the water, beef stock, and salt.
 4. Bring to a boil and then reduce heat to low.
 5. Simmer on low heat for one hour.
 6. Add the lacón, potatoes, and calabaza to the lentils after the one hour and get started on the sofrito.

Sofrito:

- 4 Tablespoons olive oil
 - 1 large onion
 - 1 green pepper
 - 3 cloves garlic
 - 1lb ham steak, cubed
 - 3 chorizos, sliced
7. In a food processor, blend the onion, green pepper, and garlic.
 8. In a skillet, heat the olive oil.
 9. Add the Cuban trilogy, ham, and chorizo and let cook for a few minutes, until blended well and the green peppers are no longer bright green.
 10. Add the sofrito to the lentils and bring to a boil.
 11. Reduce heat to low and continue simmering.

Final touch:

- 1 platano maduro (sweet fried plantain), boiled
 - 2 7oz cans pimientos (pimiento morrones)
12. In a food processor, blend the cooked platano maduro, one entire can of the pimientos and the other can of pimientos, strained.
 13. Add the blend to the lentils and heat through.

Serve hot with thinly sliced Cuban bread, topped with olive oil and garlic.



www.facebook.com/lacocinadechristina

MOVING FORWARD



by Jorge A. Pérez Santiago

As we transition leadership in the Cuban American Bar Association, it is incumbent on us all to reflect on our past successes in an effort to strive for a more prosperous future. As a result, I have prepared to assume the position of Editor-in-Chief for *CABA Briefs* by perusing the *CABA Briefs*' archives and peppering our current editor, Diane Perez, with constant questions. It is humbling to see the progression of our legal journal as it has passed through the hands of several talented editors, who dedicated countless hours to serve CABA and its members. It is also an honor to follow in Diane's footsteps. As her Articles Editor, I have witnessed her dedication to *CABA Briefs* and have always been amazed at her ability to procure excellent, relevant and timely content. I hope to continue Diane's legacy, maintain *CABA Briefs*' status as a prominent legal journal in Florida, and promote CABA's mission.

In this issue, we covered some intriguing topics, including the head impact and concussion-related litigation pitting former players of the National Football League against the NFL and Judge William Thomas' nomination to the United States District Court for the Southern District of Florida by President Obama. We also welcomed the members of CABA's board, introduced you to new members of South Florida's judiciary, and covered events from this past quarter.

In the next publication and my first issue, we will focus on stimulating and controversial current events, such as gun control legislation as a response to the tragedy in Newtown and the legalization of marijuana in the context of federalism. As always, we will offer both sides of the discussion. We will also continue to highlight the work of CABA and its members, such as the upcoming 39th Annual Installation Gala on February 2, 2013, and the fantastic work CABA's Pro Bono Project and the Cuban American Bar Foundation have been doing for the community.



Sandra M. Ferrera
Cuban American Bar Association

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President of CABA
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