

CUBAN AMERICAN BAR ASSOCIATION  
**CABA BRIEFS**  
FALL 2006 ISSUE



Cuban American Bar Association  
**CABA Briefs**

---

**President**  
Corali Lopez-Castro

**President-Elect**  
Elizabeth M. Hernandez

**Immediate Past President**  
Antonio C. Castro

**Vice President**  
Marlene Quintana

**Vice President**  
Roland Sanchez-Medina, Jr.

**Secretary**  
Anna M. Hernandez

**Treasurer**  
Sandra M. Ferrera

**Board of Directors**  
Nelson C. Bellido  
Raúl Chacon, Jr.  
Victoria Del Pino  
Manuel Garcia-Linares  
Sergio L. Méndez  
Victoria Méndez  
Roberto "Bob" Pardo  
Luis E. Suárez

---

**Editor-In-Chief**  
Francisco Ramos, Jr.

**Committee Chairs**  
Sandra M. Ferrera  
Luis E. Suarez

**Committee Members**  
Marlene A. Fernandez  
Carlos Gonzalez

**Printing**  
Sunset Media Partners, Inc.  
305.302.9135

*CABA Briefs* is published by The Cuban American Bar Association. No portion of this publication may be reproduced without prior written consent from the publisher.

---

# INSIDE

---



## FEATURES

<b>CABA's Endowed Scholarship</b>	Page 4
<b>CABA Pro Bono Application</b>	Page 5
<b>Important Message from CABA</b>	Page 6
<b>Profile - Representative Marco Rubio Florida Speaker of the House</b>	Page 7
<b>Member Profile - John W. Kozyak</b>	Page 8
<b>CABA Seminar</b>	Page 10
<b>Judicial Luncheon</b>	Page 12
<b>Editorial - Preserving Judicial Elections</b>	Page 14
<b>Eleventh Circuit Vindicates Fairness of Cuban Spies' Trial in Miami</b>	Page 15
<b>CABA Membership Application</b>	Page 16

## IN EVERY ISSUE

<b>President's Message</b>	Page 3
<b>Editor's Note</b>	Page 4
<b>Practice Pointers - Have You Designated an Inventory Attorney?</b>	Page 9
<b>Judicial Profile - The Honorable Jose Rodriguez</b>	Page 13
<b>Que Pasa CABA?</b>	Page 17

CABA Briefs is published quarterly by the Cuban American Bar Association, Inc. ("CABA"). CABA is a non-profit organization established on August 29, 1974. For over 30 years, CABA's mission has been to promote equality amongst its members and those of other minority groups in the state of Florida. Reproduction in whole or in part of any text, photograph, or illustration without written permission of the publisher is strictly prohibited. To submit an article or ad to CABA Briefs, please contact Francisco Ramos, Jr. via e-mail at [framos@cswm.com](mailto:framos@cswm.com)

# *President's Message*



## **CABA Needs You!**

Dear Member,

You received a letter seeking your help for the CABA Pro Bono Project. I hope you will respond to it because we can take the Project to the next level with your help.

CABA wants to increase the quantity and quality of the legal services rendered to the Cuban-American indigent community. Historically, CABA's Pro Bono Project was housed at the offices of the Florida Immigrant Advocacy Center. This month, the Project will be relocating from downtown Miami to a new location at the offices of Abriendo Puertas located at 1401 S.W. 1st St. in Little Havana. In addition, CABA has hired a new Pro Bono Coordinator, Gigi Wolf Blanco, and an assistant, Jacqueline Rodriguez, to interview clients, conduct community outreach, and refer cases to lawyers who have graciously volunteered to provide legal services. Mrs. Rodriguez recently arrived from Cuba (December 2005), practiced law in Cuba, and is a perfect example of the commitment Cuban immigrants have to their community.

Last year, CABA identified several areas in which the CABA Pro Bono Project could be improved:

1. Staffing (hire new Pro Bono Director with one staff member);
2. Location of the office (relocate to Little Havana);
3. Intake (double the number of cases handled by the Project); and
4. Volunteer hours (increase the amount provided by CABA members).

CABA believed these goals were realistic and achievable and we still do. With the infrastructure currently in place, and with the proper funding, CABA will be able to enhance the quality and quantity of legal services. Put simply, the Project has new money, a new location, and new staff. **ALL CABA NEEDS IS YOU!** CABA must mobilize its members to provide the requisite volunteer hours to make this new office successful. Please contact Gigi Wolf Blanco at [cabaonline@bellsouth.net](mailto:cabaonline@bellsouth.net) to do your part.

I hope I can count on you.

Corali Lopez-Castro,  
President

# Editor's Note

I am happy to announce the addition of a new column to our newsletter. Starting with this issue, we will include a member profile, where we will introduce our readers to one of our members. The first profile is of John Kozyak, someone who has worked tirelessly to advance the interests of diversity in the legal community. Also, we are pleased to announce that one of our members, Ed Guedes, whose article on the Cuban spies' case appears on page 15, has agreed to write a quarterly case law update, highlighting federal and state cases relevant to our respective practices. We look forward to his column starting in the next issue.

Also, I would be remiss not to remind you of CABA's 2nd Annual "Art in the Tropics" with a Taste of Cuba event. It will include a charitable auction event to benefit CABA's Pro Bono Project. The event is on November 3, 2006, at the Sky Lobby at Bank of America Tower, 100 SE Second Street.

I hope you enjoy this issue and I hope to see you in November at Art in the Tropics.

Francisco Ramos, Jr.



## CABA's Endowed Scholarships

*By Sandra M. Ferrera*

CABA wishes to provide its members with detailed information regarding the various scholarships that have been endowed by CABA throughout the years. CABA presently has eight (8) scholarship endowments at the following five Florida law schools: University of Miami; Florida International University; St. Thomas University; Nova Southeastern University; and the University of Florida.

UM has three scholarships which award between \$1,000 - \$2,250 per student. One of these scholarships is awarded from a \$30,000 endowment, while the other two are awarded from what is currently approximately a \$93,000 endowment.

FIU has 2 scholarships, CABA and Mario P. Goderich, both of which were endowed in 2004. The CABA scholarship endowment was recently increased to \$50,000. FIU scholarships will range between \$1000 and \$2500. CABA is working to further increase the FIU CABA scholarship, as the state will match the funds once the \$100,000 threshold is met.

St. Thomas has one scholarship, which was recently endowed at \$50,000. From that endowment a \$2500 scholarship is awarded.

Nova also recently received a \$50,000 endowment, and offers one scholarship at \$2500 from that endowment.

UF has a \$30,000 endowment from which one scholarship at \$1000 is awarded.

Applications for all scholarships, except UF, are accepted in March/April of every year and awarded shortly thereafter. UF has its own criteria and deadlines.

CABA Scholarships are managed through our Mentor Program Committee. This Committee is dedicated to serving as the liaison between CABA and local law students. The Committee reviews student applications for scholarships awarded by CABA at each of the law schools. The Committee also coordinates the mentor program by pairing law students with experienced attorneys who introduce them to real-life experiences associated with working in the legal profession and who guide and encourage them through law school. Finally, the Committee is responsible for serving the needs of our student members by (i) promoting the value of cultural diversity; (ii) assisting students with the transition into practice; and (iii) providing networking opportunities in the legal profession.

The Mentor Program committee's goal is not only to assist qualified minorities with their expenses but also to instill in law students the tradition, pride, and love of the law necessary to successfully practice law.



# C.A.B.A.

## CUBAN AMERICAN BAR ASSOCIATION

### CABA PRO BONO PROJECT

A PRO BONO PROJECT OF THE CUBAN AMERICAN BAR ASSOCIATION  
21445 SW 85<sup>TH</sup> AVE, MIAMI, FL 33189

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_ M.I. \_\_\_\_\_ TITLE: MR. MS. BAR NUMBER: \_\_\_\_\_  
 FIRM NAME: \_\_\_\_\_ SUITE/ROOM: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ OFFICE PHONE: \_\_\_\_\_ FAX NO.: \_\_\_\_\_  
 E-MAIL: \_\_\_\_\_ LANGUAGES SPOKEN: \_\_\_\_\_  
 EDUCATIONAL DEGREES (OTHER THAN JD): \_\_\_\_\_

I WILL PARTICIPATE IN THE FOLLOWING WAY(S):

- A. \_\_\_\_\_ I WILL ACCEPT A CASE; PLEASE CHECK CATEGORIES OF INTEREST OR EXPERTISE BELOW.  
 B. \_\_\_\_\_ MAKING A MINIMUM TAX DEDUCTIBLE CONTRIBUTION OF \$30, MADE PAYABLE TO C.A.B.A.  
 C. \_\_\_\_\_ I AM A JUDGE, GOVERNMENT ATTORNEY, OR RETIRED AND CANNOT ACCEPT A CASE, BUT I WILL:  
 \_\_\_\_\_ TRAIN AT PRO BONO PROJECT SEMINARS IN THE FOLLOWING AREAS:  
 \_\_\_\_\_ PREPARE FORMS OR HANDBOOKS FOR PRO BONO PROJECT IN THE FOLLOWING AREAS:  
 \_\_\_\_\_ SERVE AS A MENTOR TO A PRO BONO ATTORNEY IN THE FOLLOWING AREAS: \_\_\_\_\_

- |  |  |  |   |   |
|--|--|--|---|---|
| <b>FAMILY</b><br><input type="checkbox"/> ADOPTION<br><input type="checkbox"/> CUSTODY<br><input type="checkbox"/> CONTESTED DIVORCE<br><input type="checkbox"/> UNCONTESTED DIVORCE<br><input type="checkbox"/> NAME CHANGE<br><input type="checkbox"/> PATERNITY<br><input type="checkbox"/> SUPPORT MODIFICATION<br><input type="checkbox"/> VISITATION | <b>BENEFITS</b><br><input type="checkbox"/> SOCIAL SECURITY<br><input type="checkbox"/> SOCIAL SECURITY DISABILITY<br><input type="checkbox"/> VETERANS BENEFITS<br><br><b>EMPLOYMENT</b><br><input type="checkbox"/> JOB DISCRIMINATION<br><input type="checkbox"/> WAGE CLAIM<br><input type="checkbox"/> UNEMPLOYMENT APPEALS | <b>CONSUMER</b><br><input type="checkbox"/> BANKRUPTCY CH.7 & 13<br><input type="checkbox"/> EDUCATION LOANS<br><input type="checkbox"/> COLLECTIONS<br><input type="checkbox"/> CONTRACTS<br><input type="checkbox"/> WARRANTIES<br><input type="checkbox"/> LIENS<br><input type="checkbox"/> NON-COLLECTIONS LOANS<br><input type="checkbox"/> UNFAIR SALES PRACTICE<br><input type="checkbox"/> AUTO / OTHER | <b>CORPORATE</b><br><input type="checkbox"/> NOT FOR PROFIT CORPS<br><br><b>GUARDIAN AD LITEM</b><br><input type="checkbox"/> GAL FAMILY COURT<br><input type="checkbox"/> MINOR SETTLEMENT<br><br><b>IMMIGRATION</b> | <b>PROBATE</b><br><input type="checkbox"/> WILL DRAFTING<br><input type="checkbox"/> GUARDIANSHIP<br><input type="checkbox"/> PROBATE OF ESTATE<br><br><b>HOUSING/REAL ESTATE</b><br><input type="checkbox"/> DEEDS<br><input type="checkbox"/> ZONING<br><input type="checkbox"/> LANDLORD TENANT<br><input type="checkbox"/> MORTGAGE FORECLOSURE |
|--|--|--|---|---|

**VIDEO SOLUTIONS**

- Videotaping Depositions
- Syncing Videotaped Deposition and Transcript
- Videotaped Depositions on CD-ROM and DVD
- Day-In-The-Life and Settlement Videos
- Non-linear Digital Video Editing
- Site Inspections/IMEs

**COURTROOM SOLUTIONS**

- PowerPoint Presentations
- Multimedia Presentation System
- Electronic Courtroom
- Document Scanning
- Courtroom Video Playbacks
- Courtroom Equipment Rental

**GRAPHIC SOLUTIONS**

- Technical Illustrations/Timelines
- Information Graphics
- Stock/Custom Medical Illustrations
- Digital Photography
- Document Enlargements
- 2D and 3D Computer Animations

**THE GROUP THAT PROVIDED THE GRAPHICS AND PRESENTATIONS FOR THE 2006 CABA INSTALLATION GALA!**

Contact: Janeena M. Lluy  
Litigation Consultant  
786-443-6526

Saurian Communications, Inc.  
2950 S.W. 27 Avenue, Suite 110  
Coconut Grove, FL 33133  
Telephone 305-461-4610  
Internet www.saurian.com

Since 1993

**Quick Quote<sup>®</sup>** Child Support Worksheet

**Bi-Lingual Child Support Worksheet**

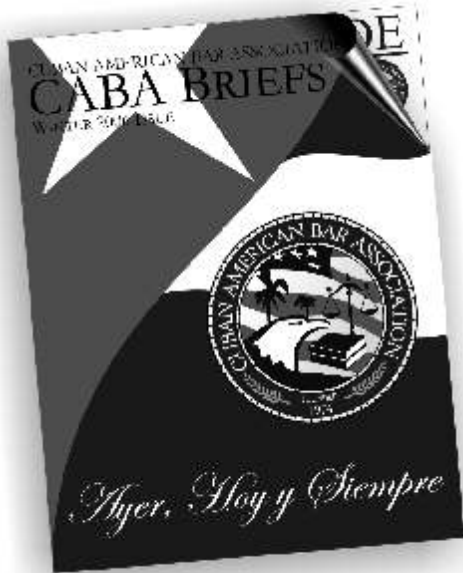
Introducing the first Bi-Lingual Family Law software in the United States. QuickQuote<sup>®</sup>, the industries oldest and most reliable Florida Child Support Program, is now able to print a one page report in English and Spanish with the click of your mouse. Your clients will be able to read and understand the worksheet in their native language. QuickQuote<sup>®</sup>, for today's Family Lawyer.

Download your FREE Trial at [www.accuware.us](http://www.accuware.us)

QuickQuote<sup>®</sup> is only One Screen Producing:

Payroll Tax	Std. Custody
Income Tax	Split Custody
Self-Employment Tax	Shared Custody
Alimony Tax Ramifications	(True 50/50) Rotating Custody

**Accuware, Inc.**  
813-832-9300



**Not a CABA Member?  
Join Today!**  
visit us online at  
**www.cabaonline.com**



Kluger, Peretz,  
Kaplan & Berlin



***Fuerza. Vision. Experiencia.  
Un verdadero compromiso  
con el futuro del cliente.***

*The Intellectual Property Department of  
Kluger, Peretz, Kaplan & Berlin, P.L. is honored to register  
the trademarks of the Cuban American Bar Association.*

*We provide multilingual services related to copyright, trademark,  
patent, Internet and trade secret law to our clients in South  
Florida, Latin America, and throughout the world. We are proud  
to be a part of and to serve the needs of our Latin community.*

For more information on our International Intellectual Property practice  
in Spanish or English, contact **Jorge Espinosa** at [jespinosa@kpkb.com](mailto:jespinosa@kpkb.com).

The Miami Center 201 South Biscayne Boulevard Seventeenth Floor, Miami, Florida 33131  
**(305) 379.9000 • www.kpkb.com**

## Important Message from CABA

Recently, for the first time since January 1, 1959, Cuba was not under the rule of Fidel Castro. While it is still too early to predict what the outcome of this event will be, it is clear that Fidel Castro's hold on power has weakened and will come to an end in the not too distant future.

With this fact in mind, CABA re-affirms its right and obligation to participate and promote a peaceful transition to democracy in Cuba and offers its full support to the Cuban people inside and outside the island. To achieve this goal, we acknowledge and support the following fundamental principles:

1. That the Cuban people are entitled to live and enjoy the rights and duties of a functioning true democracy;
2. That the Cuban people are entitled to enjoy the fundamental human rights encompassed by the United Nations Universal Declaration of Human Rights;
3. That all the Cuban people, including those Cubans who have been forced to leave Cuba for political reasons, and their children, have an inalienable and fundamental right to participate in the promoting and establishing of democracy and human rights in Cuba;
4. That the Cuban people are entitled to a free and fair process to draft a new constitution and an explicit Constitutional guarantee of personal rights, to establish an independent judiciary, to elect legislators, and elect executive officials; and
5. As a starting point for Cuba's transition to democracy, CABA petitions the immediate release of all prisoners of conscience held in Cuban jails, the dissolution of all internal state security organizations, the establishment of freedom of speech, religion, and association, the recognition of private property rights, and the open and unequivocal commitment of the Cuban government to the promotion and protection of human rights and a democratic process.

In closing, CABA calls upon all people of good conscience to stand up in defense of the beleaguered dissent movement in Cuba. When dictatorships feel threatened they lash out against those who speak their conscience, and we must rally to their side in the difficult but hopeful days ahead.

Coralí Lopez-Castro, CABA President



## FLORIDA SPEAKER OF THE HOUSE MARCO RUBIO

*By Francisco Ramos, Jr.*

## Profile



In November 2006, Marco Rubio will become the first Hispanic and second youngest person in Florida's history to preside over a legislative body. He will be the first Cuban-American to assume the position of Florida's Speaker of the House. The position is a constitutional office regarded by many as the second most powerful post in state government.

Marco Rubio was born on May 28, 1971, in Miami, Florida. He is the third of four children of Mario and Oria Rubio, Cuban exiles who arrived in the U.S. in the late 1950s. In 1978 Rubio and his family moved to Las Vegas, Nevada, where they lived until 1985.

Upon returning to Miami, he attended South Miami Senior High where he was a two-year letterman in football. He graduated in 1989, and enrolled in Tarkio College in Tarkio, Missouri on a football scholarship. In the fall of 1990, he enrolled in Sante Fe Community College in Gainesville, Florida. Subsequently, in the fall of 1992, Rubio entered the University of Florida, graduating in the top 10% of his class in May of 1993 with a degree of Political Science. He then enrolled in the University of Miami School of Law in the fall of 1993. He graduated cum laude in May of 1996.

Upon receiving his Juris Doctorate, Rubio immediately went to work as a floor manager at the 1996 Republican convention in San Diego, California. Later he was hired as the South Florida coordinator of the Dole President Campaign.

In April of 1998, at age 26, Rubio was elected to the West Miami City Commission. He missed election to be Vice Mayor by only two votes. He served on the City Commission until January of 2000, when he was elected in a special election to fill a vacancy in House District 111. He has subsequently been re-elected to the House by his constituents in 2000, 2002 and 2004. When asked what got him interested in politics he says, "It is hard to be apolitical when you grow up in a community of political exiles." He wanted to make an impact, and he thought politics was an effective way to make a change.

In November of 2000, Majority Leader Mike Fasano selected Rep. Rubio to serve as the House Majority Whip. In January of 2003, Representative Rubio was named by the Speaker Johnnie Byrd to serve as the House Majority Leader. He is the first and to-date only Hispanic to hold that post in the history of the state. On September 13, 2005, Rep. Rubio was designated to be the Speaker of the Florida House of Representatives from 2006-2008.

Since then, he has been traveling the state soliciting ideas for the book entitled "100 Innovative Ideas for Florida's Future."

The initiative was created out of an unprecedented partnership between Rubio (Speaker 2006-2008) and his two successors - Rep. Ray Sansom (Speaker 2008-2010) and Rep. Dean Cannon (Speaker 2010-2012). To advance the initiative, Rep. Rubio and others have set up a web site, [www.100ideas.org](http://www.100ideas.org). It is an interactive site where Floridians can submit their ideas and see others' ideas and comment on them.

Ideas submitted by Floridians through the website and through "idea raisers" - town meetings held throughout the state - are the centerpiece of this initiative. Rep. Rubio is traveling across the state, listening to the ideas of ordinary Floridians -the problems they face every day and their practical solutions to these real problems. "We are actively involving the people of Florida. We are asking Floridians what they hope for, what they fear, and most importantly, their ideas on what state government can do about it," says Rep. Rubio. So far, over a 1,000 ideas have been submitted through the website or at one of the 100 town meetings held so far. These will be whittled down to 100 ideas which will comprise the book.

Rubio feels that government has lost its ability to tackle the tough issues. "Government has become worse and worse at addressing problems. It is very reactive, not proactive," he says. Finding the truly innovative ideas and putting them into action will make government more practical.

For example, Rep. Rubio hopes these ideas will help revamp education in the state. "With technologies constantly changing the marketplace, what you learned yesterday may be obsolete tomorrow," he notes. He adds, "education in the state has to be revamped so that it focuses on life-long learning. There has to be a focus of constant learning and retraining to keep up with the ever evolving technology. Also, there needs to be more vocational training. There are a lot of careers that don't require a college education. There has to be more education and training for career paths that don't require college."

He hopes when the legislature gathers in November of 2006, for its organizational session, that the agenda will be set by the 100 ideas gathered from Floridians throughout the state. The legislature plans on unveiling the book on November 3<sup>rd</sup>. It will be available in hard copy and will be made available online in PDF format.

And what advice does he have for CABA and its involvement in the political process? "Identify one or two issues that truly matter to the organization. Identify those issues and propose concrete solutions to your legislators on how to address them. There are a lot of groups out there that can identify problems. Very few groups come up with solutions. If groups like CABA have issues that affect our future, and gave solutions, they would be heard and would change the future of Florida."



## John W. Kozyak



How does a man who was born in Champaign, Illinois and grew up in Southern Illinois in a totally segregated, industrial town near St. Louis become the voice of minorities in South Florida? Well, it is an interesting story.

In 1974, John Kozyak clerked for Aurell & Huck, a two lawyer firm in Miami after literally going door-to-door looking for a clerkship. He fell in love with Miami and his firm and decided to spend his final year in law school at the University of Miami. Eventually, John became the managing partner of the firm Valdes-Fauli, Cobb & Petrey. In 1982, John Kozyak, Harley Tropin, and Chuck Throckmorton started their own firm and the rest is history.

John has specialized in commercial bankruptcy since 1979. He has been in every issue of Best Lawyers in America. In 2005 and 2006 John was selected as one of Florida's Top 100 Super Lawyers. The prestigious publication, Chambers, has recognized John's talents and noted his methodological, deliberate and awe-inspiring performances in some of the largest bankruptcy cases filed in South Florida.

Although John is known as a bankruptcy specialist, he is equally admired for his passion for diversity and inclusion. The minority mentoring programs at the University of Miami and St. Thomas Schools of Law are named after him as a result of his relentless personal efforts to match hundreds of Black law school students with lawyers and judges over the past decade. John also mentors students through CABA's mentoring program. He is constantly opening doors, making introductions, and helping minority students and lawyers. When CABA's own Cori Lopez-Castro was installed as President, U.S. District Court Judge Frederico Moreno identified John as the person who had done more for minorities than anyone in our legal community. We agree.

According to John, one of his proudest moments as a lawyer was last October during his minority mentoring picnic when he looked up from carving Ray Abadin's lechón asado and felt the love and good vibes from everyone attending the picnic. John's dedication was recently recognized by the Florida Bar when he was awarded the G. Kirk Haas Humanitarian Award in July for his continued efforts to promote diversity.

John has been married to Barbara Silverman, who is Of Counsel at Colson Hicks, for almost 30 years. They have two boys, Ben and Jeremy.



Professional Trial Exhibits with Individualized Attention

APV  
APVISUALS

LARGE FORMAT PRINTING  
PHOTOGRAPH ENLARGEMENTS  
X-RAY ENLARGEMENTS  
MOUNTING & LAMINATING  
INFOGRAPHICS  
TIMELINES  
MULTIMEDIA INTERACTIVES



receive a complimentary 24x36 full color, laminate blow-up on first order (design time not included)

APVISUALS 3832 N.W. 125th Street Miami, FL 33054  
305.685.0532 OFFICE 305.318.9570 CELL [info@apvisuals.com](mailto:info@apvisuals.com)

## You Designated an Inventory Attorney?

Compiled by Luis E. Suárez

Since January 1, 2006, almost every Florida attorney has been obligated to designate an inventory attorney. Indeed, Rule 1-3.8 (e) of the Rules Regulating the Florida Bar requires such designation. The purpose of this designation is to provide for a means to protect interests of clients if their originally retained counsel cannot or will not do so.

### **What is an Inventory Attorney?**

Inventory attorneys take possession of the files of a Florida Bar member who dies, disappears, is disbarred or suspended, becomes delinquent, or suffers involuntary leave of absence due to military service and no other responsible party capable of conducting the member's affairs is known.

### **Who must designate an Inventory Attorney?**

Florida Bar members who practice in Florida must make a designation.

### **Who may be designated?**

Only other members of The Florida Bar who agree to be designated may be designated as an inventory attorney.

### **How often must you make a designation?**

Once a designation is made another designation is not required unless the originally designated inventory attorney is no longer willing to serve. In such event, designation of another inventory attorney may be made.

### **Is there a form I can use?**

Yes. See [www.flabar.com](http://www.flabar.com) for a pdf form *Designation of Inventory Attorney* you can print and send.

### **Must I file the designation?**

Yes. Mail your designation forms to: Department of Lawyer Regulation, 651 East Jefferson Street, Tallahassee, Florida 32399-2300.

see centerfold

see centerfold

# On August 17th, CABA Held its Annual Judicial Luncheon





## The Honorable Jose M. Rodriguez

By Luis E. Suárez

# Judicial Profile

Jose M. Rodriguez, *A judge but a teacher at heart.*

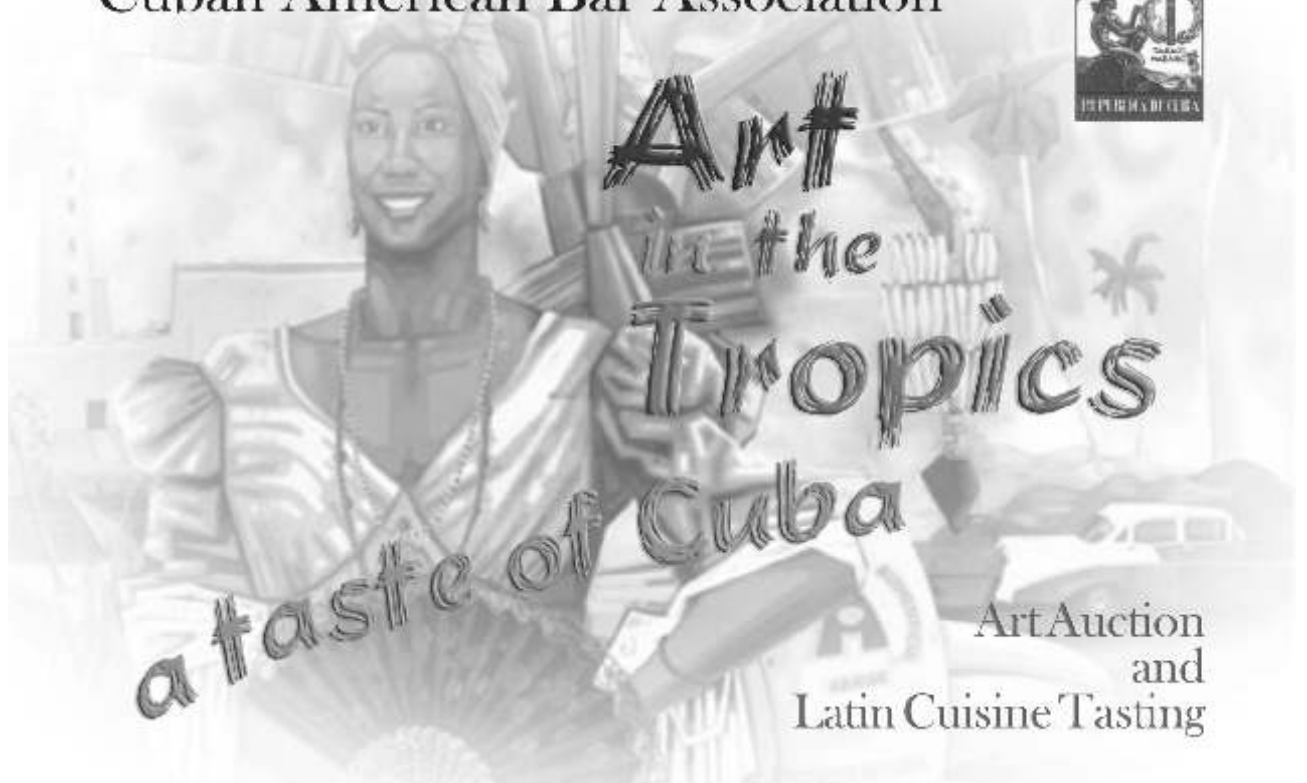
Sitting in room 1111 of 73 West Flagler, Judge Rodriguez calmly reveals that part of what he is most proud of is his involvement in education.

What few know about Judge Rodriguez is that one of his greatest loves is teaching. He teaches classes on the U.S. legal system in English and Spanish to future legal assistants and foreign lawyers. Indeed, Judge Rodriguez has dedicated much of his time to Florida's academic community. Judge Rodriguez has had a long and continued association with Florida International University as an Adjunct Professor in the College of Continuing and Professional Studies at their Legal Studies Institute since 1994. There he teaches the courses of Introduction to the U.S. Legal System and the Online Course Module of Introduction to The Legal System, Legal Writing, Legal Research and Civil Procedure. He is also an Adjunct Professor in the College of Health and Urban Affairs, School of Policy and Management in FIU's Criminal Justice Department where he teaches undergraduate and graduate courses.

En route to teaching, the Honorable Jose Rodriguez earned his Associate's Degree from Miami-Dade Community College in 1976. In 1978, he obtained his Bachelor of Arts Degree at Florida International University and went to Indiana University School of Law where he graduated with a Doctorate in Jurisprudence degree in August 1980. He practiced in his own firm, from 1984 to 1994, when he was appointed as County Court Judge by Florida Governor Lawton Chiles. He served there until May 2000, when he was appointed as a Circuit Court Judge by Florida Governor Jeb Bush.

Regarding CABA he says, "I have been a member of CABA for approximately twenty four years. I was introduced to the Association early in my career by the late Honorable Manuel Crespo. Thereafter, I became very involved. I served as a member of the Board of Directors for a period of seven years until I was appointed to the County Court. During the past twenty-four years CABA has faced many difficult issues important to our members, the legal profession and our community. We have matured as an association."

## Cuban American Bar Association



Art  
in the  
Tropics  
a taste of Cuba  
Art Auction  
and  
Latin Cuisine Tasting



## Preserving Judicial Elections

CABA is pleased with the Florida Supreme Court's decision in *Judicial Nominating Commission, Eleventh Judicial Circuit vs. Sue M. Cobb, Etc, Case No. SC06-1294*, allowing the election of the 55 new trial judges in the State of Florida versus appointment by the Governor.

On July 19, 2006, Herald Columnist, Michael Putney wrote a Column titled "Elections - Judging the Judges," claiming that an appointment/merit retention system is better than an election system. In response to his column, CABA reasserted its position in favor of a hybrid judicial election system, which has long served this community well. The policy question that has long been at issue in this regard is, whether it is more appropriate to have judges appointed by an executive or elected by the people which they serve?

Below you will find CABA's response to Mr. Putney's column.

We must avoid arrogance and sweeping assumptions when we suggest stripping the public of its right to vote. Respectfully, Mr. Putney's call to the public in his column of July 19, 2006, had flashes of both.

Relying on selected anecdotes alone, Mr. Putney takes exception with election billboards, and the electoral process in general, to argue that the public should lose the right to elect its judges, as it elects its other public officials. But there is yet to be a modern election that did not include a billboard or bus bench.

Perhaps Mr. Putney is similarly troubled by billboards and posters for other elected officials as well, such as our state representatives, or local mayors and commissioners. Following that reasoning, some committee could more aptly "select" those elected officials who might be "more qualified" in Mr. Putney's eyes. Indeed, why burden the public with elections at all? We could just have a committee select all of our public officials.

History has shown that the public is better qualified to protect its own interests and freedoms than any committee formed for that purpose. Mr. Putney and many others before him suggest that the election of judges is too political. Yet, the "selection" process is no less political. It merely reduces the number of people involved in the political process to a handful of individuals, and importantly, completely excludes the public at large.

We also applaud Governor Jeb Bush who has been exemplary in appointing qualified minorities to the bench when there were openings. But under a different governor, who could ensure that the judiciary would not return to being an almost exclusive club for white men? With the judicial election system, the public has a direct say.

Sadly, at its essence, Mr. Putney's column encourages a belief that Floridians are incompetent to select an entire branch of their government. That can be a very dangerous sentiment, indeed. In 2000, the public refused to relinquish its right to elect its own judges. The Cuban American Bar Association fought hard then to ensure that the public was not denied the right to vote, and to maintain our current hybrid system. The wisdom of the hybrid system is that it allows the Governor to fill vacancies in the courts through appointments, while preserving the people's right to elect their judges.

If you find a candidate's election billboard distasteful, take it up with that candidate. And if you believe that the public is uninformed on the issues or candidates, then perhaps the Miami Herald, Channel 10, or other media outlets can provide the community with more information on the judicial candidates' qualifications. But do not take away the public's right to vote. No one disputes that the judicial election system can be improved. In the final analysis, we should strive to make the public's participation in judicial elections more meaningful, not deny it.

Mr. Putney may be willing to hand over his voting rights to someone else, but we are not.

Corali Lopez-Castro,  
President of the Cuban American Bar Association



## En Banc Eleventh Circuit Vindicates Fairness of Cuban Spies' Trial in Miami

By Edward G. Guedes



As almost anyone in Miami-Dade County could attest, one of the most closely followed cases of recent years involved the federal prosecution of five agents of the Cuban government, who were charged with, among other crimes, engaging in covert spying, disclosing U.S. national defense secrets to the Cuban government and conspiring to perpetrate murder in connection with the Cuban government's shutdown of the Brothers to the Rescue planes on February 24, 1996. The case was assigned to U.S. District Judge Joan Lenard, who conducted a seven-month trial starting on November 27, 2000, at the conclusion of which the jury deliberated for five days before convicting the five defendants on all counts.

In pretrial proceedings, however, and throughout the trial, the defendants asserted that they could not obtain a fair trial in Miami because of "pervasive community prejudice" against them arising from pretrial publicity exacerbated by the local Cuban-American community and its enmity towards the Castro regime. The defendants essentially asserted that not only could Cuban-Americans not be fair jurors in a case involving agents of the Castro government, but that all other residents of Miami-Dade County live in such fear of upsetting the Cuban-American community that they too could not fulfill their duty to serve as impartial jurors and potentially return a defense verdict.

In support of their motions to change venue, the defendants relied on various newspaper articles as well as a survey performed by F.I.U. Professor Gary Moran, which had been commissioned by the defense. Professor Moran conducted a telephone poll of 300 persons, from which he concluded that it was impossible to impanel a fair jury in a county with 2.2 million residents. Judge Lenard rejected the validity of Professor Moran's survey for various reasons, not the least of which was that the survey parroted key language from earlier surveys he had prepared, which had been previously rejected by the Eleventh Circuit in other cases as non-probative of community prejudice. She denied the motions for change of venue, but assured the defendants that extensive voir dire would be conducted to address their concerns regarding community prejudice against them. In an effort to maximize the perception of fairness, Judge Lenard eventually struck all Cuban-Americans from the jury, over the reverse-*Batson* objections of the Government.

On appeal, the defendants reiterated that they were entitled to a new trial and a change of venue based on pervasive community prejudice. The panel assigned to the appeal reversed the convictions in a lengthy opinion that detailed the history of violence in the Cuban-American community in South Florida and found that the facts of the case constituted a "perfect storm" which warranted a finding of pervasive community prejudice against the defendants. The panel's decision appeared to accept the defendants' implicit suggestion that the mere presence of the Cuban-American community in Miami-Dade County prevented non-Hispanics and other non-Cuban Hispanics from serving fairly as jurors. The tone of the opinion and its characterizations of the Cuban-American community created a sense of unease among members of the legal community and the general public, punctuated by the opinion's unusual closing admonition to certain "citizens" that even if they found the decision unpopular or offensive, the right to a fair trial was one of this country's most sacred freedoms.

When the Government successfully petitioned the court for rehearing en banc, CABA determined it would be appropriate to seek leave to appear in the case as *amicus curiae* for the sole purpose of urging the court not to succumb to the defendants' stereotypes or generalizations about the Cuban-American community or its influence on other groups in Miami-Dade County. CABA argued that a history of jurisprudence aimed at preventing racial and ethnic discrimination in the jury selection process required that such tactics not find their way back into the process in the guise of a motion to change venue based on similar invidious generalizations about the Cuban-American community.

The court heard oral argument in Atlanta on February 14, 2006. On August 9, 2006, the court issued an opinion affirming the convictions by a vote of 10 to 2. The opinion addressed the question of whether Judge Lenard had abused her discretion in denying the motions to change the venue of the trial, as well as her denial of defendants' post-verdict motions for new trial. The majority observed that "[t]he voir dire in this case was a model voir dire for a high profile case. The court conducted a meticulous two-phase voir dire stretching over seven days. In contrast to the generalized, pre-fabricated, and sometimes leading questions of Professor Moran's survey were the detailed and neutral voir dire questions that the court carefully crafted . . . [T]he district court took extraordinary measures to carefully select a fair and impartial jury." As to the issue of pervasive community prejudice, the court concluded, "Miami-Dade County is a widely diverse, multi-racial community of more than two million people. Nothing in the trial record suggests that twelve fair and impartial jurors could not be assembled by the trial judge to try defendants impartially and fairly."

# CABA MEMBERSHIP APPLICATION

## PERSONAL INFORMATION

NAME: \_\_\_\_\_  
(Last) (First) (Middle)

FIRM NAME: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

## PROFESSIONAL INFORMATION

JURISDICTION(S) AND YEAR(S) OF BAR ADMISSIONS: \_\_\_\_\_

BAR NO.: \_\_\_\_\_ STATE: \_\_\_\_\_

AREAS OF PRACTICE: 1. \_\_\_\_\_  
(MAX OF 3) 2. \_\_\_\_\_  
3. \_\_\_\_\_

LAW SCHOOL: \_\_\_\_\_ YEAR OF GRADUATION: \_\_\_\_\_

UNDERGRADUATE: \_\_\_\_\_ YEAR OF GRADUATION: \_\_\_\_\_

MEMBERSHIP DUES PLEASE CHECK ONE OF THE FOLLOWING:

*Annual Membership is from October 1 thru September 30*

STUDENT \$30

ATTORNEY 0-5 years in practice/GOVERNMENT ATTORNEY, JUDGE \$60

ATTORNEY >5 years in practice \$90

I certify that I am a lawyer in good standing with the Bar of the State of \_\_\_\_\_ and qualify for membership in the Cuban American Bar Association. I further certify that the information provided above is true and correct.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Payment for my annual membership is enclosed.

Please make checks payable to CABA and send, along with completed application, to Corali Lopez-Castro, c/o CABA, 2525 Ponce de Leon Blvd., 9th Floor, Coral Gables, Florida 33134



# Que Pasa CABA? [kay passa cah-ba]

## Upcoming CABA Events:

### **Annual CABA/CACPA Golf Tournament**

September 29, 2006

Biltmore Golf Course, 1200 Anastasia Avenue, Coral Gables, Florida

For more information, including sponsorship opportunities, please contact Manny Garcia-Linares at [mlinaires@richmangreer.com](mailto:mlinaires@richmangreer.com)

### **Mentor Reception Honoring Frank Angones**

October 4, 2006

Location TBD

### **CABA's 2nd Annual "Art in the Tropics" with a Taste of Cuba: A charitable auction event to benefit CABA's Pro Bono Project**

November 3, 2006

Sky Lobby at Bank of America Tower, 100 SE Second Street

Sponsorships are available for this worthy cause.

For more information, contact Vivian de Las Cuevas-Diaz at [vcuevas@broadandcassel.com](mailto:vcuevas@broadandcassel.com)



## Upcoming Events of Interest:



### **Second Annual Lawyer Appreciation Night**

Tuesday, September 26, 2006

Seminar at 4:30 pm in Hall of Champions (Gate E); First Pitch at 7:05 pm

For more information, please contact: Charles Sano at 305-626-7276

See attachment for further details

### **Minority Mentoring Picnic**

October 21, 2006

Amelia Earhart Park

For more information, please contact: Annie Hernandez via e-mail at

[ahernandez@pathmanlewis.com](mailto:ahernandez@pathmanlewis.com)

### **300 Nuts & Bolts of Filing Petitions Against Nations for Human Rights Abuses - the Cuban Dissidents' Cases**

November 10, 2006; from 4:30 pm to 6 pm

For more information, including please contact

Roland Sanchez-Medina at [rsanchez-medina@rsm-law.com](mailto:rsanchez-medina@rsm-law.com)

## Web Site

CABA's Website Committee has been working hard to launch a fresher look website. We are pleased to announce the Website's launching on September 1, 2006. We hope you enjoy the revamped website as much as we do.

## Let Us Know

If you are interested in advertising in CABA Briefs or listing an upcoming event, please contact Frank Ramos at [framos@csclawfirm.com](mailto:framos@csclawfirm.com).



Visual Communication Specialists



Let us

design

&

print

your next

*"First Impression".*

FULL COLOR PRINTING • BUSINESS CARDS • LETTERHEADS • ENVELOPES • POST CARDS • BROCHURES • CATALOGS • BOOKLETS • POSTERS • COVER SHEETS  
PRESENTATION FOLDERS • BUSINESS FORMS • CARBONLESS FORMS • LABELS • TRADE SHOW GRAPHICS • AD SPECIALTIES • ENGRAVING • RUBBER STAMPS  
INVITATIONS • EVENT PROGRAMS • ANNUAL REPORTS • FULFILLMENT • FULL COLOR BANNERS • DOOR SIGNS • VEHICLE GRAPHICS • CONSTRUCTION SITE SIGNS • DISPLAYS  
CREATIVE • PRODUCTION • CONSULTING

Printing-Signs.com

7870 NW 62nd Street • Miami, Florida 33166 • Telephone: 305.302.9135 • Fax: 305.477.3230 • E-mail: sunsetmp@aol.com

DEMAHY  
LABRADOR  
DRAKE &  
PAYNE



TRIAL LAWYERS

The Colonnade - Suite 600  
2333 Ponce de Leon Blvd.  
Coral Gables, Florida 33134  
Telephone: 305.443.4850  
Facsimile: 305.443.5960  
[www.dldlawyers.com](http://www.dldlawyers.com)

Referrals are welcome

# Commitment



KT&T is pleased to announce that David Buckner has joined the firm. David is the former Assistant United States Attorney who successfully argued the government's brief to the *en banc* Eleventh Circuit Court of Appeals in the Cuban Spies Case.

Like David, Kozyak Tropin & Throckmorton is committed to excellence. For more than 20 years, our firm has concentrated on two practice areas—complex litigation and bankruptcy. Our success in and out of the courtroom has earned us a national reputation for excellence.



KOZYAK • TROPIN  
THROCKMORTON

Miami, Florida 33134  
(305) 372-1800  
[www.kttlaw.com](http://www.kttlaw.com)



Cuban American Bar Association  
c/o Sandra M. Ferrera, Esq.  
200 South Biscayne Boulevard  
Suite 3000  
Miami, Florida 33131

PRSRT STD  
U.S. POSTAGE  
**PAID**  
SUNSET MEDIA  
PARTNERS  
33166