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Left to right: Victoria Méndez, Congressman Albio Sires Raul Chacon, Josefa López Peña, Congresswoman Ileana Ros-Lehtinen, Congressman David Rivera, Congressman Mario Diaz-Balart

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ON THE COVER

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CABA'S FIRST ANNUAL CONGRESSIONAL BRIEFING HELD IN WASHINGTON D.C. SEPTEMBER 22, 2011



THE CUBAN AMERICAN BAR ASSOCIATION PRESENTS

Art in the TROPICS

SAVE THE DATE

Auction
and
Restaurant
Tasting

Saturday
November 5th, 2011
7:00 PM

Fairchild Tropical Botanic Garden

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Victoria Méndez
President

PRESIDENT'S NOTES

FALL 2011

Who said anything about a lazy summer? We had so many great events and programming that saying good-bye to summer 2011 and welcoming in the fall actually seems as though we will be able to catch our breath for a minute...I doubt it however!

Your CABA President and Board of Directors have been busy this summer. The Members have had a plethora of events to choose from. In late June, CABA and the Coral Gables Bar Association had a wonderful networking Happy Hour at Novecento. In August, CABA went to Marco Island for its Annual Summer Retreat. Close to a hundred members enjoyed a wonderful weekend, networking and enjoying the sun and sand. After the retreat, CABA was back at work with the 11th Judicial Historical Society hosting its Annual Judicial Luncheon. Close to 300 members descended upon the JW Marriot to listen to Justice Elizabeth Pariente, Chief Judge Joel Brown, Senator Alex Villalobos, and Historian Paul George speak about the importance of our judicial system. Also, in late August, the CABA Young Lawyers had their Networking Domino Game Night at the Stage.

Just when you thought things could not get any more interesting, CABA raised money for scholarships through its annual CABA-CPA Golf Tournament. CABA's Human Rights Committee, chaired by Raul Chacon, Jr. and Yara Lorenzo, also shined with their Congressional meetings in Washington, D.C. on September 22, 2011.

Your CABA President, President-Elect, Human Rights Committee Chairs, and several key committee members traveled to Capitol Hill and met with Congressional leaders. Before a live audience, and in the presence of Congresswoman Ros-Lehtinen, Congressman Rivera, Congressman Diaz-Balart, and Congressman Sires, we participated in a live teleconference with Cuban attorneys on the island, who struggle against human rights violations daily. The event was simulcast to CABA members in Miami through the offices of Broad and Cassel. Several news media outlets covered the story as it unfolded. It was an amazing CABA moment!

In the final months of my Presidency, I could not ask for more. But we are not done yet! CABA's Art in the Tropics is coming up November 5th, followed by John Kozyak's Minority Mentoring Picnic on November 12th and CABA's signature Mentoring and Scholarship event mid-November. Get ready, fall and winter will be busy as well!

Hope to see you soon!

Victoria Méndez

Enjoy!

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Art in the Tropics!

Best wishes to the membership of the Cuban American Bar Association
and to the success of your important Pro Bono Fundraiser.

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Yara Lorenzo
Editor-in-Chief

EDITOR'S NOTE

FALL 2011

El Grito De Yara!

While we worked on this issue, the summer months brought a lot of success to CABA. We held several great events that you will shortly read about. This issue pays special attention to one in particular – *Arab Spring, Cuba's Fall* – CABA's congressional briefing in Washington, D.C. on the status of human rights violations in Cuba and the work being done by independent attorneys.

Before a full room that included several members of Congress, we connected telephonically with independent attorneys in Cuba, who spoke to us about their vision for a free and democratic country. In the event of interference from the Cuban regime, we had three mobile numbers for each attorney. It was a special moment for all of those present in D.C. and our viewers watching us in Miami via Skype. Our connection with attorneys in Cuba was made possible through advancements in technology and communication. With the recent passing of Steve Jobs, a genius of our time, we have all reflected on how technology is changing the world around us. In fact, in February 2011, the revolution in Egypt was credited to the use of social media, specifically Google, Facebook and Twitter, as the catalysts for the series of transformative events experienced in Egypt.

As the title to our event suggested (*Arab Spring, Cuba's Fall*), we await the same for Cuba. Technology has made it so that everyone can play an important role in working towards that end. The domino effect involves setting up a chain of dominos, and once the first is toppled, the next topples and so on. The energy required to topple each additional domino is less than the energy transferred by each impact so the chain becomes self-sustaining. Our collective goal is to help spark the necessary momentum to get the chain going. Though that initial act of courage and bravery can only come from within, showing our strong support is essential. But how?

In the last year, I have been building relationships with independent attorneys in Cuba to learn how we can best support their work. I have learned that helping is not as difficult as one would think. At the most basic level, our counter-parts in Cuba need help re-charging their internet and mobile phone cards. While Cuba may be a complex and often-times controversial issue, something as simple as forgoing a \$20 lunch at La Loggia once a month could provide one independent attorney internet access for a week. We each have the potential to be a domino in the chain of events leading to Cuba's eventual transition. I hope you will be one.

Warmest regards

Yara Lorenzo

* October 10, 1868, marked the beginning of the Ten Years' War in Cuba. That day is known as El Grito de Yara (The Cry of Yara), and is the beginning of the first Cuban War for Independence. The October 10th date is commemorated in Cuba as a national holiday under the name "Grito de Yara," which is where my name comes from.

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LEGAL

ROUNDUP

What's happening in the Courts?

By: Maria D. Garcia



Regulation of Attorneys
Administrative Law
Arbitration
Family Law
Secured Transactions
Medical Malpractice

Regulation of Attorneys

In Re: Oath of Admission to the Florida Bar 36 Fla. L. Weekly S505a (Fla. 2011).

The Florida Supreme Court revised the Oath of Attorney administered to new members of The Florida Bar to recognize “[t]he necessity for civility in the inherently contentious setting of the adversary process.” *In re Snyder*, 472 U.S. 634, 647 (1985). The court stated that in recent years, concerns have grown about acts of incivility among members of the legal profession. Therefore, acknowledging the importance of respectful and civil conduct in the practice of law, it revised the Oath of Admission to The Florida Bar to include the following new language: “To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications...”

Administrative Law

Daniel Presmy v. Dr. Eric Smith, Commission of Education, 36 Fla. L. Weekly D2052a (Fla. 1st DCA 2011).

In 2006, Mr. Presmy, a teacher, was involved in an incident where he ended a disruption by using his finger tips to push a third-grade student out of his classroom doorway. In a criminal proceeding, Mr. Presmy pled guilty to misdemeanor battery on a minor. Mr. Presmy, however, prevailed in the dismissal proceedings before the Education Practices Commission. In accord with the decision, the School Board reinstated Mr. Presmy to his position with the school district.

In 2008, the Legislature amended Florida Statute Section 1012.795(1)(n), mandating that the Commission permanently revoke the educator certificate of any teacher convicted of misdemeanor battery on a minor. Pursuant to the amended statute, the Commission initiated proceedings to permanently revoke Mr. Presmy's educator certificate based on his aforementioned battery conviction, and ultimately, entered a final order adopting an administrative law judge's recommendation that Mr. Presmy's prior conviction warranted permanent revocation of his educator certificate.

Mr. Presmy appealed the Commission's decision. The court addressed the constitutionality of the statute as applied to educators who have had their certificates revoked based on conduct that

occurred prior to the 2008 amendments to Section 1012.795(1)(n). Florida's First District Court of Appeal reversed the decision from the Commission and found that: (1) the Legislature did not intend that the statute apply retroactively; and (2) a retroactive application of the statute violates constitutional principles in that Mr. Presmy had a vested property interest in his educator certification, and the Commission's retroactive application of section 1012.795(1)(n) impaired that interest by attaching new legal consequences to events that occurred before its enactment.

Arbitration

Jupiter Medical Center, Inc. v. Visiting Nurse Association of Florida, Inc., 36 Fla. L. Weekly D2030c (Fla. 4th DCA 2011).

In *Jupiter Medical Center, Inc.*, Jupiter Medical Center, Inc. appealed an arbitral award on the ground that it was based on an illegal contract. Visiting Nurse Association of Florida, Inc. filed both a motion to dismiss and a motion to enforce the award. Appellee had purchased appellant community hospital's home health care agency business, pursuant to a home health care agreement, which contained a broad arbitration provision.

Appellee believed that appellant was not performing its contractual obligations and filed an arbitration claim for breach of contract with the American Arbitration Association. The arbitration panel found that appellant breached the contract and awarded damages. After appellant's motion to reopen the arbitration was denied, it filed a petition with the United States District Court for the Southern District of Florida seeking to vacate the award. The court dismissed the petition for lack of subject matter jurisdiction. Appellant then filed the motion to vacate with the Palm Beach County Circuit Court. In response, appellee filed a motion to dismiss and a motion to enforce the arbitration award. The trial court refused to reach the question of whether the contract was legal. The court denied appellant's motion to vacate and entered final judgment on the arbitration award in favor of appellee.

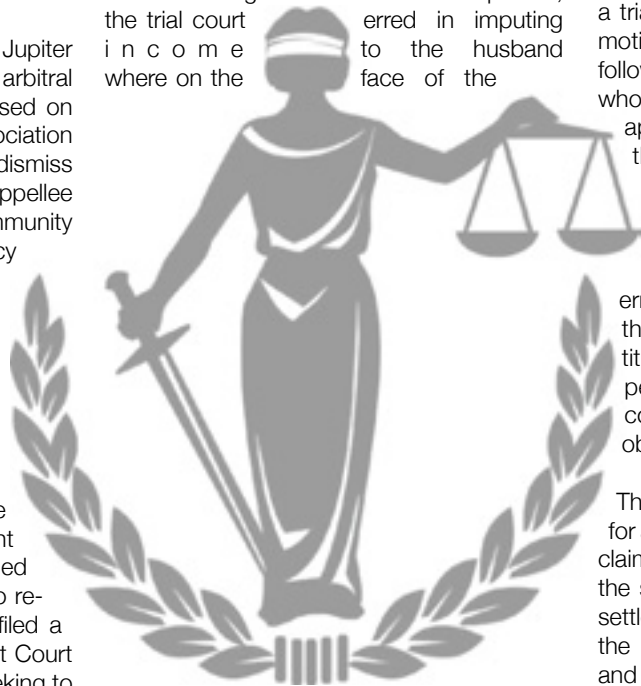
The sole question in the present case was "whether the trial court erred in not considering the contract's legality before ordering enforcement of the arbitral award." Appellant argued that Florida courts should not enforce an arbitrator's award based on an illegal contract, and therefore the trial court erred in refusing to consider the issue. The appellate court agreed citing to a line of case law establishing the principle that illegal contracts will not be enforced. The court

stated that since the arbitral award was based on the breach of a contract, if the contract was found to be illegal, a prior arbitration will not prevent the trial court from vacating the award. When the issue of a contract's legality is raised, the trial court must make that determination prior to deciding whether to enforce an arbitral award based thereon.

Family Law

Alberto Torres v. Shannon D. Torres, No. 2D10-765, 36 Fla. L. Weekly D2151a (Fla. 2nd DCA 2011).

Florida's Second District Court of Appeal found that in adopting a magistrate judge's recommended final judgment of dissolution of the marriage between the parties, the trial court erred in imputing income to the husband where on the face of the



magistrate's report it was clear that findings of employability based on the wife's assertions were insufficient to support the imputation of income.

In this case, the magistrate had found the husband was physically able to work and willfully terminated his employment. The magistrate concluded the husband was capable of earning the same amount that was reflected on his November 2008 financial affidavit filed while he was employed at the job he had held for approximately fourteen years. This was the extent of the magistrate's findings in support of the imputation of income to the husband. The appellate court affirmed finding that "a court [should?] consider the party's recent work history, occupational qualifications, and the prevailing level of earnings in the community for the appropriate class of available jobs. If the trial court does not make the required

findings, the record must reveal competent, substantial evidence supporting the trial court's decision." Even though the wife had the burden of proof, as the party asserting that the husband was voluntarily unemployed and that income should be imputed to him, the only evidence she presented was testimony it was possible the husband could work for his previous employer again and had been paid at least \$50,000 by that employer before he quit. The appellate court declared the wife could present additional evidence on this issue on remand.

Secured Transactions

Regner v. Amtrust Bank, 36 Fla. L. Weekly D2156a (Fla. 4th DCA 2011).

The Fourth District Court of Appeal found that a trial court erred in denying a mortgagors' motion to vacate the certificate of title issued following a foreclosure sale. The defendants, whose home was sold at a foreclosure sale, appealed the circuit court's order denying their motion. The trial court had denied the motion even though it recognized that the bank had not offered any evidence in opposition of the motion. The defendants argued that the court erred in denying their motion because the clerk of court issued the certificate of title while their objections to the sale were pending and because the court did not conduct an evidentiary hearing on their objections.

The appellate court remanded the matter for an evidentiary hearing on the defendants' claims that: (1) they did not receive notice of the sale; (2) the bank breached the parties' settlement agreement by wrongfully rejecting the defendants' final redemption payment; and (3) the bank's purchase price was inadequate.

Medical Malpractice

The Public Health Trust of Miami-Dade County v. Shaniah Rolle, 36 Fla. L. Weekly D2139a (Fla. 3d DCA 2011).

rejected any future filings made by Kivisto in regard to the disciplinary action. Kivisto was disbarred for five years with the eligibility to resubmit a bar application. All future filings by Kivisto after the five-year period must be signed by a member of the Fla. Bar in good standing.

Regulatory Law

Miami-Dade County v. Malibu Lodging Invest., LLC No. 3D09-3218 (Filed June 1, 2011).

The Public Health Trust of Miami-Dade County petitioned for certiorari relief from

a trial court order denying its motion for summary judgment on its defense of sovereign immunity and motion for judgment on the pleadings, asserting it was immune from liability under Florida's Good Samaritan Act, Florida Statute Section 768.13.. Florida's Third District Court of Appeal denied the petition.

On June 11, 1999, appellee went to the emergency room at Jackson Memorial Hospital and was diagnosed with various conditions, including ischemia from a disseminated pneumococcal infection, which had stopped the flow of blood to her extremities, and gangrene. A team of Jackson physicians conducted a four-extremity amputation on the young girl. Appellee alleged that Jackson emergency physicians failed to act quickly in order to have avoided the need for the amputations. Since the filing of this action, Broward Memorial Hospital has settled with appellee and her family for the sum of \$200,000.

The Public Health Trust advanced two major arguments in support of its petition. First, it argued it was sovereignly immune from suit under Section 768.28(5) because another government entity, the Broward County Hospital District, acting on behalf of Memorial Regional Hospital, has paid up to the statutory cap from which state and political subdivisions can be required to be. Second, the Trust asserted it was immune from suit under Florida's Good Samaritan Act, which provides that any health care provider, including a public hospital such as Jackson Memorial Hospital, "shall not be held liable for any civil damages as a result of [emergency] medical care or treatment unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of another."

The Third District Court of Appeal found that even if the appellee had been paid the statutory maximum permitted under the statute, the trial court still has jurisdiction to enter a judgment against the Trust for purposes of supporting a potential claims bill to the Florida Legislature. Further, the Trust argued the appellee had not properly pled around the ordinary negligence bar contained in the statute. The court found, however, that the Act's terms provide the Trust with a defense to liability if it meets the exculpatory requirements of the Act, but it does not provide it sovereign immunity from suit.

In their decision as to the Good Samaritan Act, the appellate court followed the guidance from the Florida Supreme Court's decision in *Wallace v. Dean*, 3 So. 3d 1035 (Fla. 2009), which clarified the difference between lack of duty and non-liability and sovereign immunity. The Florida Supreme Court stated: "When addressing the issue of governmental liability under Florida law, we have repeatedly recognized that a duty analysis is conceptually distinct from any later inquiry regarding whether the governmental entity remains sovereignly immune from suit notwithstanding the waiver present in section 768.28, Florida Statutes." The Third District Court of Appeal reiterated that they "will no longer exercise [their] certiorari jurisdiction to review orders either denying motions to dismiss or denying motions for summary judgment where the sovereign argues that it is not liable as alleged because no duty can be demonstrated." In the present case, the court found that the sovereign sought to invoke a provision of the Act to except it on the facts and circumstances of this case from the "waiver [of] sovereign immunity for liability for torts" provided by Section 768.28(1). This is a fact-specific defense for which the Trust will have the burden of affirmative proof at trial." See, e.g., *Christensen v. Cooper*, 972 So. 2d 207, 209 (Fla. 5th DCA 2007). **CB**

Maria D. Garcia is an attorney at Zumpano, Patricios, and Winker, P.A. in Coral Gables. She focuses her practice on health care and international law matters and serves on CABA's Board of Directors. She earned her J.D. from the FIU College of Law and B.A. in political science, magna cum laude, from FIU.

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ANNUAL JUDICIAL LUNCHEON

On Friday August 11, 2011, the Cuban American Bar Association, along with History Miami and the Eleventh Judicial Circuit Historical Society hosted its Annual Judicial Luncheon at the JW Marriott in Coral Gables. Law students, attorneys, and judges joined to celebrate the past, present, and future accomplishments of the judicial system.

This year the event paid special attention to the lack of funding for the Court system and attacks on the independence of the judiciary. Former CABA President Elizabeth M. Hernandez was a speaker along with Florida Supreme Court Justice Barbara J. Pariente and Florida State Senator J. Alex Villalobos. In attendance were all Third DCA Judges, Former Third DCA Judge Gerald Cope, Historian Paul George and several federal judges. Also in attendance were Chief Judge Joel Brown, former Florida Supreme Court Justice Raoul Cantero and Miami Dade County State Attorney, Katherine Fernandez Rundle.



From left to right: Former Supreme Court Justice Raoul G. Cantero, Former State Senator J. Alex Villalobos, Victoria Mendez, Jose A. Villalobos, Justice Barbara J. Pariente, Judge Mario P. Goderich, Vivian de las Cuevas-Diaz, Frank Angones



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IN THE
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JOIN US ON NOVEMBER 5TH, 2011 FOR CABA'S SEVENTH ANNUAL ART IN THE TROPICS TO BENEFIT THE PRO BONO PROJECT.

BY: ART IN THE TROPICS EVENT CO-CHAIRS JENNIFER J. PEREZ AND ISABEL DIAZ

Art in the Tropics is an annual event that raises money for CABA's Pro Bono Project, which offers free bilingual legal services to the indigent community. The Pro Bono Project was established in 1984 to provide needy minorities with access to our court system and adequate voluntary legal representation. The Project was nationally recognized as a Point of Light by President George H.W. Bush in 1992. In order to sustain and expand this worthwhile cause, we need your support.

CABA's Pro Bono Project's Mission is to assist the poor and indigent community in Miami-Dade County Florida, by providing a referral source to pro bono attorneys. To that end CABA's Pro Bono Project assists low-income individuals with a variety of legal inquiries and issues they may face. Our doors are open to all members of our community regardless of race, creed, color, gender or national origin.

With heartfelt conviction and desire to expand the Pro Bono Project's reach and provide representation in broad legal areas, on March 29, 2007, CABA's Board, incorporated a separate 501(c)(3) entity for its Pro Bono Project, the "Cuban American Bar Association Pro Bono Project, Inc." In order to keep growing however we need strong support from the legal community.

This year the event will take place on Saturday, November 5, 2011, at Fairchild Tropical Botanic Garden, Garden House, located at 10901 Old Cutler Road, Coral Gables, Florida 33156. Come join us for a night of music, picaditos and art! At the event you can expect to sample food from Miami's best restaurants. And of course, the



CABA's Pro Bono Project's Mission is to assist the poor and indigent community in Miami-Dade, Florida.



main attraction of the event is the art! You will have the opportunity to bid on art from artists we all know and love, like Xavier Cortada, as well as up and coming artists that are soon to make their mark in the art world.

In the past few years, thanks in part to the success of past Art in the Tropics, the Project has enjoyed unprecedented success and growth. The Project has hired staff counsel and two full-time staff members, has accepted nearly 400 cases per year, closing in excess of 300 per year, and has documented more than 300 attorney pro-bono hours per year. In order to maintain the level of services that the Project now offers, there is an increased need for critical funding.

Each year, Art in the Tropics attracts over 250 lawyers, government officials, dignitaries, judges and business leaders. We auction work from some of Miami's most prominent artists, as well as from several talented up and coming artists in the community. We also offer a sampling of delicious bites from some of Miami's best restaurants. Please see our event invitation below for a complete listing of the fine eateries participating in our event this year.



There is still time to sponsor this event! To sponsor this event, please contact Isabel Diaz at (305) 373-9418 or idadiaz@broadandcassel.com or Jennifer Perez at (305) 275-1416 or jeperez@bupalatinamerica.com. Tickets to the event are \$75 per person. To RSVP, please contact Diana Powell at diana@cabaonline.com or (786) 210-5984.

We hope to see you there! CB



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YOUNG LAWYER'S

NETWORKING DOMINOS GAME NIGHT AT THE STAGE

Dominos are a longstanding Cuban tradition. On August 23, 2011, members of the Young Lawyers Committee, as well as other CABA members, kept the tradition going at The Stage, located in the trendy Miami Design District.

The evening was spent enjoying friendly competitions of dominos, as well as music from the great artists that are often found playing live at the Stage. The Stage was the perfect setting to combine drinks, games and music, which were enjoyed by all. To top off the evening attendees enjoyed great networking and the opportunity to connect with some of Miami's community leaders and members of the bench. The Young Lawyers committee continues to open doors for its members paving the way for career-long connections.



DOMINO NIGHT



Laritza Diversent

BLOGS FROM CUBA

By: Laritza Diversent / translated from Spanish by Yara Lorenzo

Visit my blog: <http://jurisconsultocuba.wordpress.com/>



EDITOR'S NOTE — As many CB readers know by now, by training, Laritza Diversent is a lawyer, who uses her blog, *Jurisconsulto de Cuba*, or “Cuban Legal Advisor,” to provide legal dissections of life in communist Cuba. In her blog, also known as *Las Leyes de Laritza*, or “Laritza’s Laws,” exposes the insanity of the legal system in Cuba. With her permission, we are republishing some of her recent posts. Here, she addresses a question posted by a reader of her blog who questions how she is able to blog from Cuba.

they have to pay with hard currency, meaning, in convertible pesos. Keeping a blog from Cuba is no where near as expensive as making a trip throughout the entire island, especially if one knows the technological possibilities that the web provides. In order to program in advance, all of the work I do has to be slowly uploaded. I also go through great difficulty to get Internet access. I cannot always connect to the Internet once a week as I would like. At the hotels, they charge us 15 convertible pesos (cuc), a price that in national currency would be enough to take a round-trip with Astro. Paying for the service in Cuban pesos, the way you suggest, in order to support the economy, ignores the time I would have to waste standing in lines, which I hope you saw in Cuba.

A Cuban reader under the name of Philipp, who, because of the flag shown, must live in Germany left the following comment on my blog, August 3rd, 2011:

A question remains - this I do not understand - How is it possible that you have a blog (meaning you have access to the Internet) and that you do not have the possibility of making a trip with Astro, staying at a private house for national tourists, or any of the other camping sites of the many that exist in your beautiful country? I imagine that keeping this blog is at least as expensive as a trip similar to the one I described. Traveling around Cuba, I met Cubans traveling through their own country. In fact, I found more Cuban tourists than foreigners. Can you explain this please? Regards, Philipp.

Back to the topic of the Internet. Let me explain the process I go through so that the world can read these words. With 15 cucs I can acquire a card for two hours of internet access in a Havana hotel. My work begins at home, when I write the text in Word 2007. Then I use a template that allows me to publish it once I connect to the Internet, along with images, directly to my blog. I then open the blog (*Laritza’s Laws*), and I only have to program it so that it comes out at the chosen date.

I wanted to respond to this reader immediately, but my Internet time ran out. In order to respond, I e-mailed the comment to an independent journalist, Tania Quintero. Tania lives in Switzerland as a political refugee. She does me the favor of administering my blog in her free time without charging me a cent. Thus, the explanation I was able to post with great difficulty, was due to their help. In response, I wrote:

Internet cards are one of the best gifts a friend from abroad or a traveler to Havana can make to a blogger. In that sense, I am very lucky. Thanks to those that help me with the money I would use to pay for Internet access, to buy food for my family or to buy a pair of shoes for my son.

Dear Mr. Philipp, I do not doubt that you saw many Cubans touring their country, entering the classification of “national tourism,” but

I hope my explanation helped Phillip. I also hope that those that wonder how we are able to get our writing published from Cuba understand that traveling through Cuba is much more expensive than keeping a blog. They can charge us to move throughout our own country but our thoughts belong to us, and where there is a will to share them, there is a way. **CB**





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ARAB SPRING, CUBA'S FALL?

CABA'S FIRST ANNUAL CONGRESSIONAL BRIEFING HELD IN WASHINGTON D.C. SEPTEMBER 22, 2011

By: Raul Chacon, Aldo Leiva and Yara Lorenzo



“
**Give me the liberty to know,
to utter, and to argue freely
according to conscience,
above all other liberties.**

”

On September 22, 2011, CABA reached a new milestone in its history. CABA's Human Rights Committee organized and held a briefing on Capitol Hill to discuss ongoing human rights violations in Cuba. The event was made possible by Congresswoman Ileana Ros-Lehtinen, Chair of the House Foreign Affairs Committee. In addition to being CABA's first Washington, D.C. event since 2005, it was unique for another reason - the event was streamed live via Skype to approximately thirty viewers assembled at Broad and Cassel's board room in Miami. Finally, with the collaboration of Radio and TV Marti, it was also broadcast to Cuba.

The morning began with welcoming remarks from Congresswoman Ros-Lehtinen, Congressman David Rivera, and Congressman Albio Sires. Congressman Mario Diaz-Balart joined us later in the briefing. Our first speaker was one of the co-founders of the Ladies in White, Josefa Lopez Pena. We then turned to live telephonic presentations by Rene Gomez Manzano, a well-known independent Cuban lawyer that has been involved in the Cuban opposition movement for over twenty years, and Laritza Diversent, a young female independent lawyer that blogs on legal issues in Cuba and that has launched an independent legal network on the island. Both lawyers commented on the status of their latest efforts in creating the rule of law in Cuba and also shared their views on the vital role that independent lawyers will

play in shaping Cuba's future. The morning concluded with a presentation by Alex Sutton, who is the Regional Director for Latin America and the Caribbean at the International Republican Institute. It was a morning filled with substance and inspiration. In this piece, we offer a glimpse of the information conveyed at the briefing.

Josefa Lopez Peña, Co-Founder of the Ladies in White

Many know that during the Black Spring of March of 2003, Castro's regime arrested, prosecuted in one-day trials and sentenced 75 people, including journalists, librarians and human rights activists, to terms of up to 28 years in prison. The crime: exercising their freedom of speech. The arrests were criticized as constituting a breach of the most elementary human rights, including the freedom of expression and political association. What many people do not know is that the opposition group, Las Damas de Blanco ("Ladies in White"), organized shortly thereafter as an outgrowth of the arrests. They are the wives and relatives of the jailed dissidents. The Ladies in White protested the imprisonments by attending mass. They gathered at St. Rita's Church in Havana to pray for their relatives. After each mass, they organized peaceful processions from the church to a nearby park. In those processions, they walked silently, dressed in white - a color chosen to symbolize peace. In 2005, the European Union recognized the Ladies in White with its top human rights distinction, the Sakharov Prize for Freedom of Thought, angering the Cuban government. As a result, the group has since been targeted during their yearly peaceful marches by large, state-organized mobs that repeatedly shout obscenities, insults and revolutionary slogans. Several of the group's members have been detained and threatened by police. The violence toward the group is not only verbal but also includes documented physical violence and destruction of personal property. The group's members live under a constant threat and fear of reprisals for exercising their basic freedom of speech and expression.

¹ John Milton, Areopagitica, 1644

² In Cuba, attorneys are state employees and employed in "Bufetes Colectivos," or "Collective Firms." Therefore, like all Cuban citizens, they are dependent on the Cuban regime for their livelihood. There is no private practice of law in Cuba, and as state employees, all Cuban lawyers are expected to uphold and enforce the dictates of the Cuban regime. In this article, the term "independent lawyer" refers to Cuban lawyers on the island that have earned their professional degrees in Cuba but have chosen to attempt to operate independent of the regime and in so doing, are considered de facto opponents by the regime.

At the briefing, we were fortunate to have with us Josefa Lopez Pena, a co-founder of the Ladies in White. She willingly traveled to Washington, D.C. to testify on their plight. Her husband, Miguel Sigler Amaya, was among the 75 arrested. He served 26 months as a prisoner of conscience for “offenses against the regime.” He was released in 2006 and ordered to leave the country with his wife. Although they live in freedom today, neither of them has forgotten their brothers and sisters that remain in Castro’s gulags. In exile, they continue to advocate for freedom. Unsure if she could get the day off work to testify, Josefa gave her boss an ultimatum. For many, that may seem foolish. A family of modest means relies on employment to put food on the table. Yet, if you met Miguel or Josefa, you would understand that their passion for the cause of a free Cuba is beyond reason; it is their reason for being. Josefa shared with us heartfelt testimony that only someone whose husband has been imprisoned without cause could share. She spoke about the work the Ladies in White are doing, and the constant repression by government officials they face as a result of that work. She shared that the Ladies live in constant fear that their actions will bring verbal and physical abuse for them and their families. Regardless, they continue to peacefully march in an effort to raise awareness and bring about change. They are lauded as heroes on the island, who in the face of certain repercussions stand toe to toe with the Castro tyranny.

The right to freedom of speech and expression is recognized as a human right under article 19 of the Universal Declaration of Human Rights and recognized in international human rights law in the International Covenant on Civil and Political Rights (ICCPR). It states:

“Everyone shall have the right to hold opinions without interference.

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The Cuban government does not recognize these principles, as evidenced by their own laws that limit the voicing of any anti-government opinions. Many of the issues raised by Josefa are succinctly articulated by the Human Rights Watch’s report on Cuba, which states:

“The denial of basic civil and political rights is written into Cuban law. While Cuba’s domestic legislation includes broad statements of fundamental rights, other provisions grant the state extraordinary authority to penalize individuals who attempt to enjoy their rights to free expression, opinion, association, and assembly. Cuban legislation also undercuts the right to a fair trial, by allowing the country’s highest authorities to control the courts and prosecutors, granting broad authority for warrantless arrests and pretrial detentions, and restricting the right to a defense. Unfortunately, Cuban courts have failed to observe the few legal guarantees of due process available to defendants under the law. ... Cuban prosecutors have relied heavily on the provisions against enemy propaganda and contempt for authority (desacato) to silence dissent. Prosecutors also have tried dissidents for defamation, resisting authority, association to commit criminal acts (asociación para delinquir), dangerousness (elestado peligroso), and other acts against state security (otros actos contra la seguridad del estado)....

Cuba’s prisons confine scores of citizens convicted for the exercise of their fundamental rights, or in some cases, convicted without ever having committed a criminal act, for dangerousness. Cuba also detains nonviolent political prisoners who were tried for crimes against state security, such as enemy propaganda, rebellion, sabotage, and revealing secrets concerning state security. Individuals convicted of state security crimes for having exercised their fundamental rights often are serving sentences of ten to twenty years. Prisoners also are wrongfully serving sentences for contempt for authority and illegal exit. The government’s inhuman treatment of its detainees in some cases rises to the level of torture.³



In the face of such repression Josefa shared her conviction that the Ladies will continue to march in peaceful protest until every last prisoner of conscience is released from Cuba.

Rene Gomez Manzano, Corriente Agramontista

The next portion of the briefing was equally as compelling. Our goal was to connect telephonically with attorneys in Cuba to hear them present, ask questions and give them a global microphone to share their passionate words. In the days leading up to our briefing, we were afraid to publicize much of what we were doing in fear that the regime would cut the lines of communication. That morning we were prepared to continue with the briefing in the event that we were unable to reach the attorneys—we all knew it was a real possibility that the phone lines would be blocked because the Castro regime does it regularly. As we dialed the first attorney, the room was silent, as the phone rang and rang. On our first attempt, we did not reach Laritza Diversent and decided to try Rene Gomez Manzano instead. It is rare that you hold the attention of an entire room through technical difficulties.

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However, these difficulties were at the core of the very reason we were all gathered in that room. Upon our second attempt, we connected with Rene. There was a collective sense of excitement in the room to hear the thrill in his voice to be speaking to a room of believers in the Capitol.

Rene spoke about his current activities, as well as his views of the evolving human rights situation in Cuba, based on his participation in Cuba's pro-democracy movement for over two decades. In 1990, Rene founded the *Corriente Agramontista de Abogados Cubanos*, an independent professional organization of lawyers in Cuba, which was established to reform Cuba's judicial system and to litigate political cases against the Cuban government. The organization published a Manifesto calling for a developed rule of law in Cuba, an independent judiciary, and the democratization and decentralization of law offices, all of which are run by the Cuban regime. For over 20 years, the group has sought formal recognition and registration with the Ministry of Justice. The Cuban regime, however, has not responded to such requests, with the exception of a single reply setting forth details of requirements.

where he was sentenced to four years imprisonment and was prohibited from practicing law for five years. Rene was declared a prisoner of conscience by Amnesty International, and after an international condemnation of the unjust imprisonment, he was "conditionally released" in May 2000.

Following his release, Rene continued his political activism, which culminated in his arrest in 2005 and imprisonment (without charges) in a high security prison. During his imprisonment, Rene participated in several hunger strikes and intravenous fluids were administered in order to keep him alive. He was unexpectedly released in 2007 after being held for 19 months without being charged.

Most recently, Rene has filed petitions with Cuban authorities in support of human rights and pro-democracy activists, demanding that the Cuban regime halt its practice of organizing mobs to harass, intimidate, and injure activists that attempt to participate in public protests against the regime's shameful human rights record. To date, the Cuban regime has not responded to such petitions.



Because of his efforts in favor of the rule of law in Cuba, Rene was expelled in 1995 from the state-run law collective where he had been employed as an attorney. In 1997, Rene was awarded the International Human Rights Award from the American Bar Association Section of Litigation. That same year, Rene was arrested for helping draft a document in June 1997, titled "La Patria es de Todos (The Homeland is for Everyone)," wherein he and fellow pro-democracy activists criticized human rights abuses by the regime and called for reforms, including democratic elections, economic liberalization, and respect for human rights.

During the Congressional briefing, Rene thanked CABA for the opportunity to be heard and emphasized that, as an independent lawyer, he is "dedicated to the implementation of a democratic government in Cuba, an independent judiciary, and the establishment and respect for the rule of law." Rene further stated that continued efforts by independent lawyers to speak out for the creation of the Rule of law in Cuba can contribute to the emergence of a national non-violent movement in Cuba, as occurred earlier this year in the Middle East.

Following the arrest, the Cuban regime charged Rene with "counter-revolutionary activities," and was held without trial for almost two years. A very brief trial was finally held in March 1999

He also stated that international support is vital for the on-going struggle for human rights on the island, which requires material resources and communications technology that will allow for greater communication among pro-democracy activists in Cuba



and will also allow them to communicate their call for peaceful change to the Cuban public, which is subject to government repression and censorship. Rene concluded his presentation by stating he will continue to work with fellow independent lawyers and other members of Cuba's emerging civil society in forging the conditions for permanent change and freedom in Cuba.

Laritza Diversent, CubaLex

Next, we turned to Laritza Diversent. Laritza has written for CABA Briefs in the past. She is an independent lawyer and blogger and spoke from Cuba regarding CubaLex, the network of independent legal clinics she is organizing with the assistance of other independent lawyers. Laritza has established these legal clinics to provide general legal information to members of the public, as part of a broader goal of educating Cuban citizens about the rule of law and to help create a culture of petitioning or making demands on the Cuban regime via its own legal institutions. Because these clinics are unauthorized by the regime, Laritza and her colleagues cannot assume legal representation of Cuban citizens in legal matters. They are, however, working to educate Cubans on how to attempt to enforce their own legal rights before a court.



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Above are some of the articles written by various print and online sources such as Fox Latino, Diario Las Americas and the Miami Herald's Naked Politics, on the Congressional Briefing.



jueves 22 de septiembre de 2011

Damas de Blanco ratifican en Congreso de Washington su papel de punta de lanza de invasión contra Cuba

Por M. H. Lagarde

En acto solemne, la “disidencia” cubana ratificó hoy su papel como punta de lanza de una invasión a la Isla. Pero la reunión para anunciar una nueva “fase” de denuncias y activismo inspirado en la “Primavera Árabe, y en la que participaron “Damas de Blanco” no tuvo lugar en La Habana, si no en el Capitolio de Washington y nada menos que bajo el auspicio de la legisladora republicana, Ileana Ros-Lehtinen.

“Esta nueva fase es lo que estábamos esperando. Esas damas de apoyo que se nos unían... sin ningún dolor y sin ningún preso político, han querido también ir a las calles a protestar con nosotras, las Damas de Blanco”, dijo en el acto Josefina López Peña, en referencia sin dudas a las mujeres que reciben dinero, procedente de fundaciones anónimas, por jugar el papel de extras en las manifestaciones de las “Damas”.

De igual forma Josefina -quien fue presentada en el Congreso como “cofundadora” del grupo-, se refirió a las llamadas Damas de blanco como las Damas de hierro, no se sabe bien si por la “hazaña” de tocar cazuelas o en velada alusión a los blindados de las tropas de la OTAN a los que las Damas pretenden, con sus provocaciones en la Isla, desbrozar el camino de una invasión a Cuba.

Por su parte, la legisladora republicana de Florida Ileana Ros-Lehtinen, también conocida como la Loba Feroz, fue mucho más explícita en cuáles son las verdaderas intenciones de las Damas de la OTAN. Según dijo “ha habido cambios reales en Cuba y puede ser por el impacto de la Primavera Árabe”.

“Ojalá que eso llegue a Cuba”, observó la presidenta del Comité de Asuntos Exteriores de la Cámara de Representantes.

El “eso”, la “Primavera árabe”, que según La Loba Feroz debe llegar a Cuba, tiene lugar ahora mismo en Libia donde la sublevación de unos “rebeldes” sirven de cortina mediática a la criminal invasión de la OTAN de la que ese pueblo es víctima.

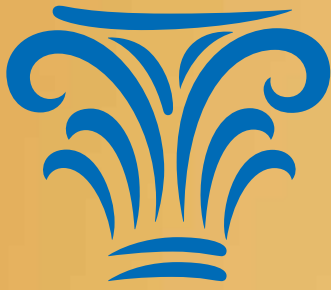
Las declaraciones de Ileana Ros-Lehtinen están en sintonía con las que realizara recientemente el presidente Obama sobre la “primavera árabe” durante una reunión con periodistas hispanos donde salió a relucir el tema Cuba, y confirman además la denuncia realizada hace poco en un programa especial de la televisión cubana donde quedó claro que el accionar de las llamadas Damas solo busca convertir a la Isla en una nueva Libia.

Laritz has also emulated the efforts of Cuba’s growing independent blogger movement by creating her own blog, titled “Jurisconsulta”, which she created to inform the international community and those Cubans that can access the Internet (estimated at anywhere from 6 percent to 10 percent of the population) of details and facts relating to current Cuban law under the Castro regime. Postings range from announcements of the regime’s recent authorization of the sale of automobiles to the continued effect and operation of Cuba’s Law 88 (known among dissidents as the “Gag Law”), which imposes criminal penalties of up to twenty years’ imprisonment for publishing or communicating “subversive” information that may lead to “internal disorder” or “liquidation of the socialist state.” By its definition, Ms. Laritz’s blog may technically violate Law 88 due to unauthorized disclosure of information regarding Cuban law.

Laritz also contributes blog postings to the website of the Committee to Protect Journalists, an independent non-profit organization created to promote press freedom worldwide by defending the rights of journalists to report news without fear of reprisal. Although most Cubans do not have access to her postings, her continued description of the realities of her life in Cuba reach a large international audience, along with blog postings by other independent activists, such as Yoanni Sanchez, who has received a journalism award for her efforts from Columbia University.

During the Congressional briefing, Ms. Laritz stated that independent Cuban lawyers have a central role to play in building solidarity between the democratic opposition movement and the Cuban people. She also spoke to the growing phenomenon of Cuban women assuming leadership roles in the call for recognition of human rights and democracy in Cuba, stating that such activism arises out of the disproportionate impact of Cuba’s ongoing political and socio-economic crisis on Cuban women due to long-standing gender discrimination within the government.

According to Laritz, the general population does not truly support or believe in the Castro regime because of its failure in recognizing human rights and exclusive control over the economy. Lack of support and belief in the system are now translating into frustration and corresponding activism against the regime. Laritz also stated that such leadership may pave the way for the possible election of a female president in a future democratic Cuba.



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For IMMEDIATE Release – September 22, 2011

Ros-Lehtinen Commends Cuban American Bar Association for Human Rights Briefing on Cuba

(WASHINGTON) – U.S. Rep. Ileana Ros-Lehtinen (R-FL), Chairman of the House Foreign Affairs Committee, participated today in a Capitol Hill briefing sponsored by the Cuban American Bar Association (CABA) to discuss the ongoing human rights violations in Cuba. The briefing featured one of the founders of the Ladies in White, Josefa Lopez Peña, two independent attorneys in Cuba: René Gómez Manzano and Laritza Diversent, and the International Republican Institute's Regional Director of Latin America and the Caribbean, Alex Sutton. Rep. Mario Diaz-Balart (R-FL), Rep. Albio Sires (D-NJ) and Rep David Rivera (R-FL) also took part in this morning's panel discussion.



Statement by Ros-Lehtinen:

“This morning’s briefing reflects the Cuban American Bar Association’s tireless commitment to the people of Cuba and their efforts to advance the rule of law, human rights and democracy on the island.

“Forums like these provide an opportunity to hear from valiant advocates of freedoms and democracy like Josefa Lopez Peña, René Gómez Manzano, and Laritza Diversent, and brings to light the daily abuses the people of Cuba endure at the hands of their oppressors.

“It was a great honor to be a part of this event and I commend these young leaders for continuously highlighting the work of the opposition in Cuba, and giving voice to those who would otherwise be silenced by the regime.”





23 de septiembre del 2011

NOTA DE PRENSA

Para más información:

Ileana Ros-Lehtinen, Chairman

CONTACT: Andeliz Castillo, (202) 225-5021 (prensa hispana nacional)
Alex Cruz, (202)-225-8200 (prensa hispana en la FL)

Ros-Lehtinen Felicita A La Asociación De Abogados Cubano Americana Por Auspiciar Reunión Informativa Sobre Cuba Y La Falta de Derechos Humanos

Washington, DC --- La Congresista Ileana Ros-Lehtinen (R-FL), Presidenta del Comité de Relaciones Exteriores, participó ayer, jueves, en una reunión informativa en el Capitolio auspiciada por la Asociación de Abogados Cubana Americana (CABA) para enfocar la atención sobre las serias violaciones a los derechos humanos en Cuba. En la reunión informativa participó una de las fundadoras de las Damas de Blanco, Josefa Lopez Peña, dos abogados independientes en Cuba, Rene Gomez Manzano y Laritza Diversent, al igual que Alex Sutton, Director Regional de Latinoamérica y el Caribe del Instituto Republicano Internacional. Los Congresistas Mario Diaz-Balart (R-FL), Albio Sires (D-NJ) y David Rivera (R-FL) también participaron en la reunión.

Declaración de Ros-Lehtinen:

“Esta reunión informativa refleja el incansable compromiso de la Asociación de Abogados Cubano Americana con el pueblo cubano y sus esfuerzos de lograr el imperio de la ley, el respeto a los derechos humanos y la democracia dentro de Cuba.

Foros como este nos ofrecen la oportunidad de escuchar los testimonios de valientes luchadores por la libertad y la democracia como lo son Josefa Lopez Peña, Rene Gomez Manzano, y Laritza Diversent, y enfoca la atención sobre los abusos diarios que sufre el pueblo cubano a manos de sus opresores.

Para mí fue un gran honor poder ser parte de este evento y felicito a los jóvenes líderes por ilustrar la labor de la oposición en Cuba y darle voz a aquellos que el régimen busca silenciar.”



Alex Sutton, International Republican Institute

Our Congressional briefing concluded with remarks from Alex Sutton, who serves as the Regional Director for Latin America and the Caribbean for the International Republican Institute (“IRI”). The IRI is a nonprofit, nonpartisan organization that works to advance freedom and democracy worldwide by developing political parties, civic institutions, open elections, democratic governance and the rule of law. Alex’s insights on our discussion that morning, coupled with his familiarity with all Cuba-related issues, were well founded. From 1992 through 1996, Alex was a part of IRI’s Eastern Europe Division. During that memorable period of democratization in Eastern Europe, he worked with emerging political activists that would eventually go on to play prominent leadership roles in countries such as Romania, Bulgaria and Macedonia.

Alex began the discussion by addressing the state of civil society. According to him, society is more visible and more relevant as every day passes in Cuba, bringing more spontaneous acts of disobedience. Until recently, acts of spontaneous disobedience would remain largely unknown to the public. Today, however, four or five people capture the act on a phone and making it global. Independent journalists and bloggers are playing a key role in disseminating that information. In talking about the emerging civil society, Alex remarked on how broadly it is growing despite the actions of the regime. Technology is enabling citizens in Cuba to connect with each other, where before, the disconnect within the country was crippling to the progression of any movement. Civil society has forced open that space.

His final point, and perhaps the most important one, is that where Cuba is today is a result of years of resolve and hard work. According to Alex, Internet access and means of communicating are still incredibly limited. Alex remarked it is easy to get the wrong impression solely based on the frequency which Yoanni Sanchez and other Cuban bloggers write. They struggle very much to do what they do. When the international community notices what is going on and joins in support by telling those individuals that struggle to hang in there—those small acts make a difference. It gives the dissidents confidence to continue standing up for themselves because the world is watching and they are not alone. Alex closed his remarks with optimistic words—“change will happen, maybe not today, not tomorrow, but it is certain. The work the Cuban American Bar Association is doing to support the formation of rule of law in Cuba is essential and I commend you.”

In what we hope is the first in an annual tradition, CABA’s Congressional briefing was a success. More importantly, we all walked away with a renewed sense of spirit to continue working in support of Cuba’s independent lawyers and human rights activists. We urge our members to get involved and join CABA’s Human Rights Committee. As the domino on our cover shows, each and every one of us has a role to play. In the domino effect, each domino is key to the chain reaction and to keeping the movement going. CABA’s Human Rights Committee plans on releasing its annual report at an event on International Human Rights Day, which is on December 10, 2011. Please look for details that will be released shortly. It is an exciting time to be fighting for Cuban justice. Join us and be a part of history in the making. **CB**



CABA members watching the Congressional Briefing live via Skype from Broad and Cassel’s Miami office



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On September 30, 2011, the Cuban American Bar Association and the Cuban American Certified Public Accountant Association held their 10th Annual Golf Classic at the Doral Golf Resort and Spa. The event was spearheaded by former CABA President Manny Garcia-Linares and sponsored by Sabadell United Bank. Members from both organizations enjoyed the beautiful morning on the White Course.

Among those hitting the greens were Golf Committee Members: Asnardo Garro, Manuel A. Garcia-Linares, Jose Ramon Gomez, Eugenio Hernandez, Richard Montes De Oca and Carlos Perez Abreu. Through the efforts of our sponsors and members, we raised approximately \$14,000 for scholarships for law and accounting students at our local colleges and universities.

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We are proud to support the Cuban American Bar Association and wish Victoria Mendez a very successful term as president.



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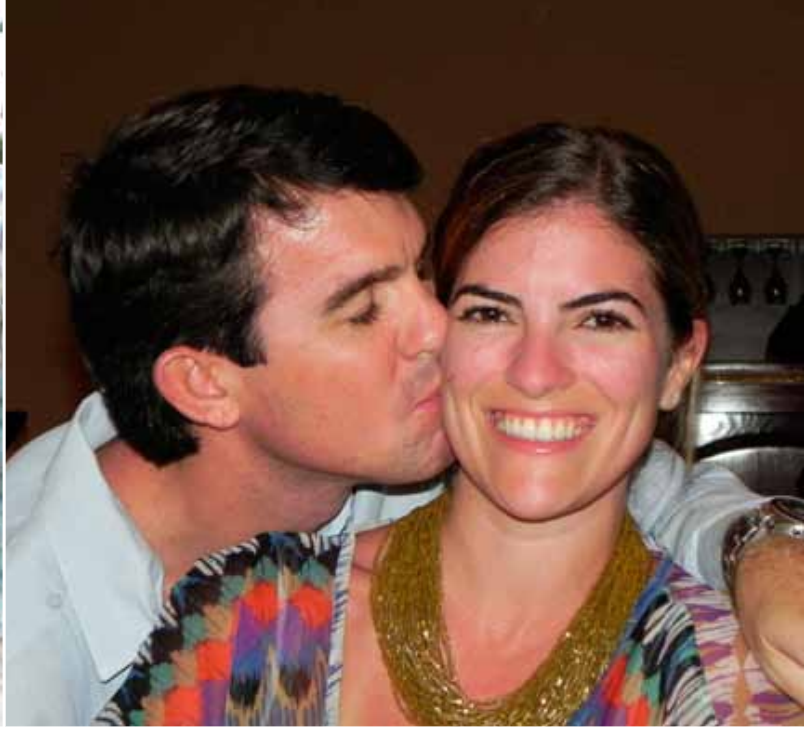
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ANNUAL **SUMMER** **RETREAT** AT MARCO ISLAND

Who does not love fun in the sun with family and friends? On August 11, 2011, CABA members came together at Marco Island's Marriott Beach Resort, Spa and Golf Course to do that very thing.

Members and their families joined to kick off their shoes and explore the paradise found at this one-of-a kind Marco Island resort. The weekend started with a happy hour on Friday night overlooking the beautiful sunset. On Saturday, events included volley ball games, beach/pool, golf, spa treatments, and dinner to bring everyone together. This event has become a Summer tradition, giving members an opportunity to connect with one another without the everyday work pressures.



REACHING

New Heights In the United States Court of Appeals for the Eleventh Circuit

By: Yara Lorenzo



On August 2, 2011, Judge Adalberto José Jordán was nominated to the United States Court of Appeals for the Eleventh Circuit. Judge Jordan is currently serving as a United States District Court Judge for the Southern District of Florida. President Obama had these words to say about him, "Judge Adalberto José Jordán will bring an unwavering commitment to fairness and judicial integrity to the federal bench. His impressive legal career is a

testament to the kind of thoughtful and diligent judge he will be on the Eleventh Circuit. I am honored to nominate him today." Although CABA does not weigh in on judicial appointments, we submitted a letter of support for Judge Jordan's nomination to the Eleventh Circuit stating, "As a bar organization, with about 2000 members, we are ever mindful that there can never be true equality without quality. Judge Jordan epitomizes the very quality and caliber of jurist our circuit deserves. His academic credentials and professional experience are unquestionable. His character and demeanor are impeccable. Judge Jordan will make for an exemplary member of the Eleventh Circuit Court of Appeals." In a strong show of support for what is an unprecedented appointment, CABA's past presidents also came together to write a letter of support for Judge Jordan's nomination.

Judge Jordán was born in Havana, Cuba, and immigrated to the United States with his parents at the age of six. He received his B.A. magna cum laude from the University of Miami in 1984, and his J.D. summa cum laude from University of Miami School of Law in 1987. This will not be Judge Jordan's first experience with the Eleventh Circuit. Post law school, he served as a law clerk to the Honorable Thomas A. Clark of the United States Court of Appeals for the Eleventh Circuit from 1987 to 1988. He then went on to serve as a law clerk to the Honorable Sandra Day O'Connor of the Supreme Court of the United States. As a law clerk myself, I can say that being a law clerk is one of the finest legal jobs in our profession. In 1989, Judge Jordán joined the Miami law firm of Steel Hector & Davis LLP (now Squire Sanders & Dempsey). He went on to serve as an Assistant United States Attorney, from which he was appointed to the District Court bench in 1999. Since then, he has presided over nearly 200 trials on a variety of criminal and civil matters.

When Judge Jordan is confirmed, he will be the first Cuban-born Judge to serve on the Eleventh Circuit. The United States Senate has been known to hold up nominations from time to time based on ideological disputes. Thus far, on October 13, 2011, the Judiciary Committee unanimously voted in favor of his confirmation. At that hearing one of the Senator's from Florida and our very own CABA member, Marco Rubio, introduced Judge Jordan with these words, "Judge Jordan's educational background speaks for itself. Judge Jordan earned both his bachelor's degree and his law degree from the University of Miami. Judge Jordan has been a U.S. District Court Judge for the Southern District of Florida for 12 years. At the time of his appointment to the bench he was only 37 years old. Since then, he has garnered a reputation as being a judge known for his intellect and abiding sense of fairness. Judge Jordan remains an active and involved member of the Florida legal community. He continues to teach courses at the University of Miami School of Law and at Florida International University College of Law." Senator Jeff Sessions from Alabama even congratulated President Obama on nominating Judge Jordan, saying he had met with him and was impressed with his "12 good

years as a district judge," as well as his prior experience. With an election year around the corner, it is our hope that his nomination will not be stalled. Judge Jordan has established himself as someone who does not let biases get in the way, affording every litigant before him the opportunity to be heard. As members of CABA, we hope to see him confirmed before the close of 2011.

*Judge Jordan could not provide comment or be interviewed for this issue of CB until his confirmation process is complete. We hope to include a detailed interview with Judge Jordan in the next issue of Briefs. Stay tuned! **CB**

A letter from CABA's past presidents to President Barack Obama in support of Judge Jordan's nomination.



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May 23, 2011

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The Honorable Barack H. Obama
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

Since 1974, the Cuban American Bar Association has worked to promote diversity in the judiciary and legal community - commitment we know you share. For the first time in our history, all able Past Presidents of the organization have gathered to jointly draft a letter. We do so today to urge you to appoint U.S. District Judge Adalberto Jordan to fill the vacancy on the Eleventh Circuit Court of Appeals.

Judge Jordan has stellar academic credentials and professional experience, including having clerked for Justice Sandra Day O'Connor. Those who have had the pleasure of being before him in court are effusive in their praise of his keen legal mind and demeanor. His character is impeccable. In short, he will be an immediate and invaluable asset on the Eleventh Circuit Court of Appeals.

Hispanics already constitute the largest minority group in the nation and they are the fastest growing segment of our population. The Hispanic population is particularly strong in the region served by the Eleventh Circuit Court of Appeals. Nonetheless, our appellate court has only one Hispanic judge. Neither the Eleventh Circuit nor any other federal appellate court has ever had a Cuban American judge. By appointing Judge Jordan to the Eleventh Circuit, you not only address this regrettable lack of representation, but also appoint the absolute best candidate for the position.

Thank you for your service and leadership on this issue.
Respectfully,

Frank Angones
Frank Angones

Roland Sanchez-Medina, Jr.
Roland Sanchez-Medina, Jr.

The Honorable Barack H. Obama
President of the United States
Page -2-
May 23, 2011

- Michael Diaz, Jr.*
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Jorge Hernandez-Torales
- Arturo Alvarez*
Arturo Alvarez
- Sergio L. Mendez*
Sergio L. Mendez

FIFTH ANNUAL

MENTOR PROGRAM

KICK-OFF RECEPTION

On October 12, 2011, the CABA Mentor Program hosted its Fifth Annual Kick-Off Reception to their mentoring program at Squire Sanders & Dempsey LLP. Students from all of South Florida's law schools joined attorneys and judges in order to learn from their knowledge and experience in the legal field.

Attendees registered as mentors or mentees with the mentoring program. Students indicated their preferred area of practice and were then paired with attorneys or judges that practice in that field. This program has had many years of success and has fostered many long lasting professional relationships.

In furtherance of CABA's goal to raise awareness for important community issues, members of our community's Easter Seals organization were present to share information about their upcoming event, "Easter Seals South Florida Festival of Chefs" taking place on November 10, 2011.



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MOVING FORWARD

High Goals for 2012

In a recent issue of the ABA Journal, the cover read, “The Rise of the Latino Lawyer.” The spread on Latinos in the law did not however focus on our successes, but rather on the struggles Hispanics face to attend, graduate and become successful attorneys. Although Hispanics are the largest minority, only 4% of lawyers in America are Hispanic. The problem, according to the piece, is the many obstacles young Hispanics face and the lack of mentoring to get them through the hurdles.

Of significance in that piece was a portion written on Stephen Zack, who is the immediate-past president of the ABA. He was also the first ABA president of Hispanic Heritage. Zack’s family fled Cuba after Castro’s revolution triumphed in 1959. He and his family experienced many hardships, as many immigrants and first generation immigrants do. According to Zack, fewer barriers to success now exist for Latinos and other minorities in the legal system. The article states “organizations like the ABA, the League of United American Citizens, the Mexican-American Legal Defense Fund, and the Cuban American Bar Association have helped see to that.” What is remarkable about that statement is that Zack placed CABA among 3 other national legal organizations, all of which have been around long before CABA’s founding. With success comes big responsibility. And CABA has taken that calling very seriously— not just working to help students across Miami-Dade County, but throughout the entire state with scholarships to attend law school.

In 2012 CABA’s Foundation, led by past (and the current) president, hopes to raise 100 thousand dollars for its endowment. The money will all go towards strengthening its scholarship and mentoring program. Although CABA is primarily a regional organization working to represent and provide opportunities for its members, it is also breaking barriers nationally for all Hispanics seeking access to a career in the law. After a successful congressional briefing in Washington D.C. earlier this year, CABA will continue to make inroads nationally on the issues that matter to us as an organization. We thank our members for continually supporting these and other endeavors and seek your input. In what ways would you like to see CABA redefining the legal landscape for Hispanics in the law? **CB**

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