

CUBAN AMERICAN BAR ASSOCIATION
CABA BRIEFS

FALL/WINTER 2007

CABA:
Un Carnaval
De Éxitos



Cuban American Bar Association
CABA Briefs

President

Elizabeth M. Hernandez

President-Elect

Marlene Quintana

Immediate Past President

Coralí Lopez-Castro

Vice President

Manuel Garcia-Linares

Vice President

Roland Sanchez-Medina, Jr.

Secretary

Anna M. Hernandez

Treasurer

Sandra M. Ferrera

Board of Directors

Nelson C. Bellido

Raul J. Chacon, Jr.

Manuel L. Crespo, Jr.

Vivian De Las Cuevas-Diaz

Ricardo Martines-Cid

Victoria Mendez

Roberto "Bob" Pardo

Luis E. Suarez

Editor-In-Chief

Marie Elizabeth Mato

Committee Chairs

Sandra M. Ferrera

Luis E. Suarez

Committee Members

Marlene A. Fernandez

Nicole E. Mestre

Printing

Design to Print

Powered by Sunset Media Partners, Inc.

305.406.2300

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

Annual Judicial Luncheon	6
Eliminating Borders: CABA in Broward	7
In Memoriam: CABA Remembers Sy Gaer	7
Member Profile: Cristina Pereyra-Shuminer	10
CABA Honors Justice Raoul G. Cantero	14
CABA's 6th Annual Golf Tournament	14
FIU Scholarship Endowment Fundraiser	15
Minority Mentoring Picnic	16
Mentor Kick-Off Reception and Fall Reception	17
2007 Art in The Tropics	18

IN EVERY ISSUE

President's Message	3
Editor's Note	4
Practice Pointers	9
The Law Review	11
Judicial Profile	20
¿Que Pasa CABA?	32

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 Marie E. Mato via e-mail at mmato@aol.com.



President's Message

The Year in Review

As the year winds down and my tenure as President comes to an end, it is time to reflect on what we as individuals and CABA as an organization have accomplished. I can only hope that the seeds that we have planted will grow. You may recall that at the Installation Gala in January, I talked about mentoring and the role we all play in shaping the future of our community. I asked you to take a good look around your boardroom during your next meeting. If everyone looked like you and the community was not reflected at the higher levels of your law firm, then you had failed yourself, your firm, your family, and the community. This is your community. You have chosen to live, work, and play here so embrace it!

With these goals in mind, CABA planted several seeds this year that hopefully will continue to bear fruit. We started the year with the endowment of the Justice Raoul G. Cantero III Diversity and Enhancement Scholarship at the Florida State University College of Law. We are very proud that this scholarship honors one of our own members. In the spring, we hosted our mentoring luncheon at the Biltmore, and were fortunate to have Justice Angel Cortina of the Third District Court of Appeal speak on the importance of mentoring and how to be better mentors and mentees. In May, CABA traveled down to Key West to host the San Carlos Diversity Symposium Opening the Doors for Minorities: Increasing Diversity in the Legal Profession. The symposium was the perfect venue for speakers from several national corporate legal departments to share their experiences and teach participants how to market themselves to Fortune 500 companies.

This summer CABA was at the forefront of sensitivity enlightenment in Broward County, where we sought improvements in the manner in which litigants and visitors to the courthouse are treated. During our Annual Judicial Luncheon in August, CABA presented Judge Elijah Williams of the Seventeenth Judicial Circuit with the Diversity Award. To ensure diversity in the legal community, CABA increased scholarship opportunities at the various law schools, providing those students who would otherwise not go to law school with the opportunity and resources to do so. During the summer, CABA announced the FIU School of Law Scholarship Drive. In October, Greenberg Traurig stepped up to the plate with a \$10,000 scholarship commitment. This will help us reach our goal of \$100,000 so that we can fund two full law school scholarships. For those who want to participate, we have included a pledge card to fund the FIU Scholarship in this issue.

CABA wants to see that our law firms are living up to their commitment to ensure diversity. We mailed out a survey to see how our law firms measure up. This questionnaire was designed to profile the perceptions held by attorneys in medium and large-sized law firms in South Florida on issues such as race, ethnicity, gender, and sexual orientation in the practice of law.

In addition to all these events that have taken place throughout the year, CABA continues to proudly support the Pro Bono Clinic. Thanks to your generosity, CABA has been able to serve over 400 needy families this year. Art in The Tropics, one of our premier events and main fundraiser for the Pro Bono Clinic, took place at Fairchild Tropical Gardens. The event raised over \$60,000. Governor Charlie Crist was on hand to help out and endorse the program.

As you can see, we have been very busy this year. I thank our Board for their service, our past presidents for their wisdom and counsel, and you, our members for your support. My only hope is that we continue to embrace diversity and empower all members of our community. Thank you for allowing me to serve as your President.

Sincerely,

*Elizabeth M. Hernandez
President*

Editor's Note



Dear Readers,

It is with great pleasure that I bring this issue to you. During the hustle and bustle of the holiday season, we take a moment to reflect on the year that has passed and what we've accomplished. In her last message as President of CABA, Liz Hernandez reviewed those accomplishments. Throughout this issue, you will see that we have been very active in our community and have met many of our goals. However, this time of the year is not merely about congratulating ourselves for our individual and collective accomplishments. The season is really about giving thanks and spending time with family, sharing our values and traditions.

It is family that defines us. No matter how far we've traveled and where we are, the reality is that at our core, we really do not change much. Those values and lessons we grew up with, stay with us. Our interview with Chief Justice R. Fred Lewis illustrates this point. He is the head of the Florida Supreme Court, yet he defines himself as a coal miner's son from Beckley, West Virginia. The lessons he learned from his mother and father and those miners who went down into the earth to provide for their families still resonate with him. His values are those of that humble, hard-working community and he has passed those values on to his children through his words and through his example.

Our interview with Justice Lewis also illustrates that those things that unite us are greater than those things that divide us. Justice Lewis recalled his move to Florida and how as a young man from West Virginia he connected with a young Mario Goderich and other Cuban exiles during his law school days at the University of Miami. As the new year approaches, we should heed Justice Lewis' call and resolve to find common ground so that we can make our community a better place. I want to thank Justice Lewis for his time and his candor. I wish him well as he continues to lead us.

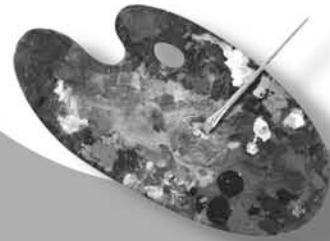
To all of you, may you be blessed with health and peace in the New Year.

Sincerely,

*Marie E. Mato
Editor-in-Chief*

regard
gaze
see
view
envision
look

**An artist
translates the
everyday into the
extraordinary**



Nothing changes our own perspective like seeing our world through someone else's eyes. We are honored to join in supporting Art in the Tropics and the CABA Pro Bono Project.

Great Florida Bank

www.greatfloridabank.com



change



ANNUAL JUDICIAL LUNCHEON AUGUST 17, 2007

by Victoria Mendez*

This year's judicial luncheon, sponsored by Mellon Bank, was held at the JW Marriott on Friday, August 17, 2007. It was a huge success with over 270 attendees. Since this is not an election year, the atmosphere was light and guests were able to enjoy a wonderful luncheon. CABA recognized Judge Elijah H. Williams of the 17th Judicial Circuit for his work to promote diversity in the legal profession.



* Victoria Mendez is an Assistant City Attorney with the City of Miami and a member of CABA's Board of Directors.



ELIMINATING BORDERS: CABA IN BROWARD

by Corali Lopez-Castro*

For the past few years, CABA has been working with the voluntary bar associations (iVBAís) in Broward County to make diversity and sensitivity a priority in the 17th Judicial Circuit. Many practitioners in Miami-Dade County feel uneasy when they have to attend a hearing in Broward County because they do not know what to expect. This is an unfortunate perception that CABA and the VBA's would like to eliminate. It would be preferable that lawyers from both counties feel equally as comfortable to practice in either circuit. Although perceptions are not reality, perceptions have to be confronted. As lawyers we have a responsibility to make sure that the public views all courthouses as a place where justice will be dispensed regardless of race, gender, ethnic background, or economic situation.

A recent effort in Broward County was the presentation of the program "Demystifying the Judicial Qualifications Commission." The program was presented by CABA in conjunction with the Asian Pacific Bar Association, Caribbean Bar Association, the Haitian Lawyers Association, the TJ Reddick Bar Association, and the Wilkie D. Ferguson, Jr. Bar Association. The purpose of the program was not to encourage the filing of JQC Complaints. Rather, the purpose was to demystify the JQC process and to have members of the JQC provide a brief overview of the commission, discuss when JQC complaints should be filed, evaluate the pros and cons of confidentiality in the process, and explain the different sanctions issued in connection with the process. The VBA's were fortunate to have the current Chair of the JQC, the Honorable Morris Silberman, the Vice-Chair, Stanley Tate, and judges who are members of the JQC and the 17th Judicial Circuit, Judges Paul L. Backman and Peggy Gehl. Finally, we heard the unique perspective of Lauri Waldman Ross, who is a JQC special prosecutor and Edward Cheffy, who has defended judges before the JQC.

Many members of the press attended the presentation which in our opinion was a positive addition to the program. It is important that the public be educated about the process in addition to our peers. At the end of the presentation, we inquired as to which myths the panel wanted to demystify regarding the JQC. Many panel members expressed the desire to communicate that the process does work (although the public presumes that nothing happens due to the confidential restrictions).

The leaders of CABA and the VBA's look forward to working with the new Chief Judge of the 17th Judicial Circuit, Judge Victor Tobin, to confront perceptions and improve the reality.

*Corali Lopez-Castro is Immediate Past President of CABA and a shareholder at Kozyak Tropin & Throckmorton, P.A.

IN MEMORIAM: CABA REMEMBERS SEYMOUR "SY" GAER

by Marie E. Mato

No, he wasn't a member of CABA. As a matter of fact, I don't think Sy Gaer belonged to any organization. However, for those of us who practice in the Metro Justice Building, the criminal courthouse, there was no one like Sy Gaer. I was privileged to litigate against him and watch the legend at work. He didn't wear fancy suits or carry expensive briefcases. He didn't brag about his court victories. I don't think he even owned a computer. He would just walk into the courtroom with his little black book in hand which contained everything he needed to know. He frustrated young prosecutors with his irreverence, often referring to them as "persecutors" or if female, as "the prosecutrix." Soon though, most of these young attorneys grew to appreciate Sy's wit and his effectiveness as an advocate.

Sy was respected by attorneys on both sides of the aisle. When he walked into a courtroom, no matter how crowded, everyone would make room for him, kind of like Moses parting the Red Sea in the movie The Ten Commandments. Once he got to the podium, Sy worked his magic and brightened our lives. It is no wonder that after his passing so many of us had so many Sy stories to tell. He was a role model for us all.

Before his passing on August 7, 2007, Sy learned that he was among a select few named "Legal Legends" by the Eleventh Judicial Circuit Historical Society. Though not one to talk about himself or his accomplishments, Sy was excited about this honor and was looking forward to the ceremony. He did not live to see the ceremony but Sy was overwhelmed to have the respect of his peers.

Sy, you are sorely missed. May you rest in peace.

LAW OFFICES OF OSCAR E. MARRERO



2600 Douglas Road
Penthouse 4
Coral Gables, FL 33134

Tel: 305.446.5528
Fax: 305.446.0995

LAW OFFICES OF

Oscar E. Marrero

WWW.MARREROLEGAL.COM

ALWAYS THERE FOR YOU



FAST DECISIONS MADE LOCALLY...
THAT'S U.S.

U.S. CENTURY BANK
YOUR BUSINESS IS OUR PRIORITY

www.uscentury.com

Member FDIC



17 LOCATIONS IN SOUTH FLORIDA · 305.513.3733

CABA: Un Carnaval De Éxitos
★ 2008 Installation Gala

Saturday, January 26, 2008
6:30 p.m.



Doral Golf Resort & Spa
Legends Ballroom
4480 NW 87th Avenue
Doral, Florida
Black Tie

CABA Thanks The
In-Kind Sponsors





ESTATE PLANNING 101

by Stephen R. Garcia-Vidal*

Estate planning is the process of preparing the disposition of assets upon a person's death. Estate planning can also involve the transfer of one's assets during one's lifetime. There are different objectives and goals that are associated with estate planning including the creation and transfer of wealth to the heirs of an individual and avoidance of estate taxes, and the avoidance of probate or estate administration.

One should note that spouses, who are U.S. citizens, can transfer property to each other without incurring a gift tax and this is known as the Unlimited Marital Deduction. There is no limit to the amount of transfer between spouses. However, if the spouse is not a U.S. citizen, then the exclusion is \$125,000.00 in 2007 and anything above that amount is subject to gift tax. The gift tax and estate tax exclusion were the same in 2003 in the amount of \$1,000,000.00. The gift tax exclusion was frozen (currently \$1,000,000.00 in 2007) while the estate tax exclusion, called the Unified Tax Credit, was increased in the following amounts:

2003 -	\$1,000,000.00
2004 - 2006 -	\$1,500,000.00
2006 - 2008 -	\$2,000,000.00
2009 -	\$3,500,000.00
2010 -	No limit

Unless Congress states otherwise, the estate tax will be repealed in 2010. Nobody knows for sure what will happen after 2010. In addition, there is an exception in the payment of gift tax for individuals (currently \$12,000.00 in 2007). This is called the Annual Exclusion and there is no limit as to the number of persons that could be recipients of this gift. For example, spouses can give to each of their children in the sum of \$24,000.00 (effective 2007) without any tax consequences.

Life insurance is used for liquidity purposes. Life insurance can be used to pay for funeral expenses, credit card debts, medical expenses, income and property taxes, mortgage loans, automobile loans, nursing home expenses (especially if there was no long term care insurance), state and federal estate taxes, probate and estate administration costs, and any other debts that were left by the decedent. The purpose of estate planning and the purchase of life insurance is to ensure that the deceased's heirs will not have to liquidate estate assets in order to pay the above estate expenses.

The final point is the creation of trusts to protect and allow assets to grow. A trust is a contract between the grantor (the person that creates the trust) and the trustee (a third party who holds legal title to the trust property) for the benefit of another person or beneficiary (the person who holds equitable title to the trust property referred to as corpus). The trust is divided into two parts, which is the legal title and equitable title as defined above. Although the trustee has legal title, he or she is subject to the terms of the trust instrument as dictated by the grantor. Please note that the trustee can be an individual or a corporation that acts as a professional trustee and charges administrative fees for their services. In addition, a trust could have an income element in which case the trust instrument would have to state the trustee's powers with regard to distribution of income. However, the trust instrument could also dictate whether the grantor has any power over the distribution of the trust income and whether the trust would qualify as a grantor trust.

The trust has advantages and disadvantages. The following are some of the advantages of a trust: 1. Avoids probate; 2. Confidentiality or privacy; 3. Some trusts have protection from creditors; 4. Direction and management of trust assets versus estate administration by the courts; 5. Distribution of property to the beneficiaries stated in the trust. Some of the disadvantages of a trust are as follows: 1. The fee could cost more than other basic estate planning documents such as a will, living will, or health care surrogate; 2. Title to assets and property will have to be changed into the name of the trust, which can be time consuming; 3. Homestead or bankruptcy protection could be lost if title to a primary residence is placed in trust and it depends on the type of trust (irrevocable vs. revocable trusts) and who is the beneficiary of the trust.

As noted above, I have only touched on the basic issues of estate planning and there are numerous factors which go into estate planning and the creation of trusts. If one is to integrate real estate and estate planning, then a team that includes an attorney, accountant, life insurance expert, tax expert, and any other personnel should be put in place to help implement the plan.

*Stephen R. Garcia-Vidal, Esquire is a partner at Garcia-Vidal Law Firm located in Coral Gables, Florida, handling probate cases as well as residential and commercial real estate closings, representation of lenders in closings and foreclosures, management of title companies, and resolving title issues. In addition, he is also a lecturer for National Business Institute regarding real estate and title seminars and is a licensed mortgage broker.

Member Profile:

Cristina Pereyra-Shuminer



Once again one of our own has made the move from the Eleventh Judicial Circuit to television. Cristina Pereyra-Shuminer is the star of “Veredicto Final” (“Final Verdict”) which premiered on September 17, 2007 on the TeleFutura network, sister station of Univision. Judge Pereyra was on the short list for a seat on the Third District Court of Appeal when she was offered her own Spanish-language television show. Torn between continuing with the interview process for a position with the Third District Court of Appeal and a four-year television contract, Judge Pereyra looked to her family and friends for advice. Her friends asked her if she was willing to spend the rest of her life wondering “what if...” She clearly was not. A seat on the Third District Court of Appeal was not guaranteed. The opportunity to reach out and educate our community in their language on the court system and the legal process was too good to pass up. Judge Pereyra submitted her letter of resignation as circuit court judge to Governor Charlie Crist and requested to withdraw her name from consideration for the Third District Court of Appeal.

Judge Pereyra was born in Tampa, Florida to Cuban parents, Gonzalo and Maria Jose Pereyra. Her father’s job with Champion Spark Plugs required the family to move. The family of five which consisted of Cristina and her two younger brothers, Gonzalo and Rodrigo, lived in Toledo, OH, Los Angeles, CA, and Mexico. It was in Mexico that Judge Pereyra lived for seventeen years and it was there that she completed her studies. She received her law degree from the Universidad Anahuac in July 1984. When her father relocated to Coral Gables, Florida, Judge Pereyra then attended the University of Miami School of Law where she graduated in December 1988.

Fresh out of law school, Judge Pereyra went to work for the Miami-Dade Public Defender’s Office. She served as an Assistant Public Defender for ten years handling all types of felony cases before being elected to a seat on the County Court bench in September 1998. As a county court judge, she worked out of the South Dade Justice Center and the Coral Gables Branch Court where she presided over civil and domestic violence cases, traffic and misdemeanors, and uncontested divorces. In March 2005 then Governor Jeb Bush appointed Judge Pererya to the Circuit Court.

When not busy taping before a live studio audience in Miami, Judge Pereyra enjoys spending time with her family which includes her husband of 16 years, attorney Alan Shuminer, and their two children, Daniel, 14, and Marc, 12.

You can watch Judge Pereyra issue her “final verdict” Monday thru Friday at 2 p.m. Eastern Standard Time on the TeleFutura network.



THE LAW REVIEW

by Edward G. Guedes*

This column is intended to provide CABA members with an update of recent case law decided by the state and federal appellate courts, which might be of interest. The listing is by no means intended to be exhaustive.



Florida Decisions

***Law Office of David J. Stern, P.A. v. Security Nat'l Serv. Corp.*, 2007 WL 1932251, 32 Fla. L. Weekly S396 (Fla. July 5, 2007)**

In a divided decision, the Florida Supreme Court has reaffirmed the rule that claims of legal malpractice cannot be assigned, except in the most unique of circumstances, and that any suggestion that such assignments might more readily be possible constitutes a misreading of the Court's more recent precedents on the subject. The case arose from a botched foreclosure action and the subsequent assignment of the underlying note and mortgage, along with the implicit assignment of the malpractice action.

The Fourth District Court of Appeal had reversed the trial court's summary judgment and concluded that Security National, as the assignee of the note and mortgage, had standing to sue the lawyer who botched the original foreclosure action. In doing so, the Fourth District relied on the Supreme Court's decision in *Cowan Liebowitz & Latman, P.C. v. Kaplan*, 902 So. 2d 755 (Fla. 2005) and read it to stand for the proposition that "the door is now open to assignment of legal malpractice actions in exceptional cases...." The Supreme Court promptly shut the "door" and reminded the litigants, the Fourth District and the Bar that *Kaplan* could not be read to permit a case-by-case analysis of whether legal malpractice claims could be assigned. *Kaplan* was confined to the "specific facts and circumstances of that case," one which involved the performance of legal duties that were directed to benefit third parties other than the lawyer's client, namely, the preparation of a private placement memorandum.

The Court further noted that the assignment of the note and mortgage could not implicitly assign the claim for malpractice relating to the note and mortgage because the assignment of the instruments "does not implicitly assign the attorney-client relationship between the assignor and his attorney," which is the "real basis and substance" of a malpractice claim. Finally, the Court reiterated its concern regarding the potential creation of a marketplace for legal malpractice claims.

Chief Justice Lewis, who had dissented in *Kaplan* because he disagreed generally with the idea of assigning legal malpractice claims, concurred in the judgment based solely on his *Kaplan* dissent, but concluded that *Kaplan* is now the law in Florida and that the Fourth District had correctly interpreted *Kaplan*. He observed that "it is now too late for this Court to close the proverbial barn door by asserting that the *Kaplan* decision was limited only to the specific facts...in that case." In short, the concurrence reads as a dissent, and is cited approvingly by the other dissenters. Chief Justice Lewis urged the Court to recede from *Kaplan* rather than attempt to distinguish it.

***Bakerman v. The Bombay Co., Inc.*, 961 So. 2d 259 (Fla. 2007)**

This equally divided decision appears, at first blush, to expand the notion of what constitutes an intentional tort that would allow an employee to impose additional liability on his employer for a workplace accident otherwise covered by worker's compensation laws.

Bakerman, the employee, used an old, wobbly ladder than was in "poor condition" to retrieve merchandise from storeroom shelves. He lost his balance reaching for an item and fell, shattering his left heel. While Bakerman had complained to his employer about the condition of the ladder, it had been used hundreds of times by Bakerman and other employees without incident. In order to overcome the immunity afforded his employer by worker's compensation laws, Bakerman alleged an intentional tort.

The majority noted that in order for an employer's conduct to constitute an intentional tort, the employer "must either exhibit a deliberate intent to injure or engage in conduct which is substantially certain to result in injury or death." This determination the Court described as an "objective analysis." Nonetheless, the Court reversed the Third District's decision directing that judgment be entered in favor of the employer because the Third District had erroneously imposed a requirement for liability that the employer have engaged in concealment of danger.

The dissent observed that the intentional tort exception to worker's compensation immunity has to be read narrowly so as to avoid defeating the purpose of worker's compensation laws. It noted that in the absence of any prior injuries or accidents arising from the use of the ladder, it could not be said the employer acted intentionally.

***University of Fla. Bd. of Trustees v. Andrew*, 961 So. 2d 375 (Fla. 1st DCA 2007) and *Hoffman v. State of Fla., Dept. of Mgm't Servcs., Div. of Retirement*, 2007 WL 2007 WL 1772145, 32 Fla. L. Weekly D1547 (Fla. 1st DCA 2007)**

The First District granted a motion for written opinion after previously having issued a PCA in each case. In neither case, however, did the court change the ultimate outcome; it merely provided a detailed explanation for its decision.

***Smith v. Grove Apartments, LLC*, 2007 WL 2376661 (Fla. 3d DCA 2007)**

In this case, a tenant sued his landlord after sustaining injuries when he fell from a ladder trying to trim back overgrown vegetation in the parking lot that was interfering with the tenants' ability to get in and out of their cars, damaging vehicles and causing power outages. The ladder and equipment used by the tenant were his own, and there was evidence that the ladder fell because the tenant had leaned the ladder against branches in an unsafe manner. The majority concluded that a question of fact existed as to whether the landlord could be held liable for the injury caused by the tenant's "self-help" and reversed the defense summary judgment entered by the trial court.

The dissent, authored by Judge Ramirez, took the majority to task for extending the concept of proximate causation well beyond the bounds of reason. Noting that a negligence claim would undoubtedly lie for injuries resulting from the overgrown vegetation (such as the damage to vehicles or physical harm to tenants from the branches), the dissent pointed out that the intervening cause of injury – the tenant's negligent use of his own equipment to trim the vegetation – could not, as a matter of law, have reasonably been foreseen by the landlord, and therefore, the summary judgment should have been affirmed.

***Kuvin v. City of Coral Gables*, 2007 WL 2376654 (Fla. 3d DCA 2007)**

For lovers of pick-up trucks, you may now rest assured that even though your home may not be your castle in Coral Gables, your pick-up truck certainly is. In a surprising decision authored by Senior Judge Schwartz, the court criticized the city for its pick-up truck parking ban by invoking constitutional principles usually reserved for more fundamental personal liberties. The court stated: "The effect of the ordinances are therefore to...require Kuvin to choose between owning and parking a personal vehicle of his choice in Coral Gables and leaving town (which is what Kuvin, taking his cursed truck with him, actually did). That is a decision that no government may require."

The court criticized the City for disapproving of a "perhaps unorthodox vehicle and the possibly diverse taste and lifestyle which may be reflected by its ownership." The criticism did not end there: "Perhaps Coral Gables can require that all its houses be made of ticky-tacky and that they all look just the same, but it cannot mandate that its people are, or do. Our nation and way of life are based on a treasured diversity, but Coral Gables punishes it. Such an action may not be upheld."

The 30-page dissent, authored by Judge Rothenberg, draws attention to the fact that there is no principled distinction between allowing a city to regulate (on the basis of aesthetics) the appearance of something as personal as one's home, while disallowing its authority to regulate what kind of vehicle can be parked in front of that same home. Surely, a home's architectural style and color say as much about the "diversity" of the individual owner as does the vehicle he or she drives. If, as the majority conceded, the former can be regulated, reasoned the dissent, then why not the latter? It would seem the majority chose to draw a bright line at the pick-up truck.

***Baez v. Koelemij*, 960 So. 2d 918 (Fla. 4th DCA 2007)**

A judge should, to avoid an appearance of bias or prejudice, disqualify himself or herself if one of the attorneys appearing in the case previously represented the judge's current girlfriend or boyfriend.

***Luque v. Ale House Mgm't, Inc.*, 2007 WL 2403171 (Fla. 5th DCA 2007)**

Section 768.125, Florida Statutes, provides a cause of action against a commercial vendor of alcoholic beverages for injuries arising from the sale of liquor to a minor or a person "habitually addicted" to the use of alcohol, even if that claim is brought by the "drunkard" (the court's term, not mine) who drank the beverages.

Lastly, for now...

***Friend v. Deutsche Bank Trust Co.*, 2007 WL 2010839, 32 Fla. L. Weekly D1699 (Fla. 5th DCA 2007)**

Even though an appellate court may lack jurisdiction to hear an appeal that was untimely filed, it still has the authority to award attorney's fees to the prevailing party on appeal when the basis for fees is a contractual provision.

*Edward G. Guedes is a Shareholder in the Appellate Practice Group at Greenberg Traurig, P.A. He is currently co-chair of the Third District Court of Appeal's 50th Anniversary Committee and is Board Certified by the Florida Bar in Appellate Practice.

 **COCONUT GROVE BANK**
SINCE 1926

PROUD SPONSOR
OF CABA'S 2008
INSTALLATION GALA

MAIN OFFICE
2701 South Bayshore Drive
Miami, FL 33133

For other convenient locations call 305-858-6666
or visit www.coconutgrovebank.com

The most trusted Bank in South Florida™



Member
FDIC



Congratulations to the
Cuban American Bar Association
for its leadership in
professionalism, diversity
and ethnic sensitivity.

THANK YOU

CABA Members
for your past and continuing support

LEON M. FIRTEL
CIRCUIT COURT JUDGE



Paid Political Advertisement. Paid for and approved by Judge Leon M. Firtel for Circuit Court, Group 16.



TAMiami
CHRYSLER JEEP



8250 SW 8th Street
(3 blocks west of the Palmetto Expressway)
Miami-Dade: 305.266.5500 • Broward: 1.800.845.2886
www.tamiamichrysler.com | SAVE A LIFE. DON'T DRINK & DRIVE.

**PRESENT THIS AD AND RECEIVE \$500 OFF
ANY NEW OR PRE-OWNED CAR, JEEP OR MINIVAN.**

Gibraltar Private Bank & Trust
is proud to support

*Cuban American
Bar Association*

GIBRALTAR PRIVATE
Bank & Trust

Coral Gables 305.476.1982
Fort Lauderdale 954.728.2445
Miami (Downtown) 305.381.9088
Naples 239.254.2960
New York 212.338.0400
Ocean Reef 305.367.3040
South Miami 305.661.5656

www.gibraltarprivate.com

INSURED BY
FDIC 

A Member of the Boston Private Wealth Management Group

CABA CELEBRATES THE ENDOWMENT OF THE JUSTICE RAOUL G. CANTERO III DIVERSITY AND ENHANCEMENT SCHOLARSHIP

On July 17, 2007, CABA held a reception at Cielo Garden and Supper Club in Coconut Grove to celebrate the endowment of the Justice Raoul G. Cantero III Diversity and Enhancement Scholarship at Florida State University College of Law. This South Florida reception was held to accommodate all those who were unable to attend the official ceremony held in Tallahassee on March 17, 2007. On that date, CABA presented the law school with a check in the amount of \$50,000 to endow the scholarship.



6th ANNUAL CUBAN AMERICAN BAR AND CPA ASSOCIATIONS GOLF TOURNAMENT

by Manuel A. Garcia-Linares*



On September 28, 2007, CABA together with the Cuban American Certified Public Accountants' ("CPA") Association enjoyed a beautiful day at the Doral Golf Resort & Spa. Through the efforts of our sponsors and members, we raised \$21,000 to fund scholarships for law and accounting students at our local colleges and universities.

*Manuel A. Garcia-Linares is a member of CABA's Board of Directors and is the Managing Shareholder at Richman Greer P.A. His main areas of practice are business and commercial litigation, class action litigation, and commercial business transactions.





CABA'S FIU SCHOLARSHIP ENDOWMENT FUNDRAISER

by Raul J. Chacon, Jr.*

Through the generosity of Northern Trust Bank, on October 17, 2007, the CABA Scholarship Committee hosted a kick-off fundraiser for the CABA Scholarship Endowment at Florida International University. The fundraiser generated more than \$12,000 in donations.

The Florida International University College of Law was founded by the Florida legislature in 2000 to provide members of our community access to a legal education. Today, the law school stands fully accredited and is recognized as one of the nation's most diverse colleges. However, since its founding, the legislature has abolished the Minority Participation in Legal Scholarships Program. We now have an affordable, high-quality law school in our backyard but lack the scholarship dollars to support those who have dreams of a legal career but lack the resources.

Thanks to your generous commitment, CABA has been able to establish two endowments at the FIU College of Law: the Cuban American Bar Association Scholarship and the Honorable Mario P. Goderich Scholarship. The current full-time tuition at the law school is \$9,000. We hope to increase the endowments by \$100,000. With this additional money, FIU can apply for state matching funds in the amount of \$50,000. This would mean an endowment of \$300,000 which would allow CABA to fund a full-time scholarship to a student who would be selected based on merit and financial need.

To contribute, please visit <http://law.fiu.edu> or www.cabaonline.com. You can also contact the law school's development director George Corton at (305) 348-1125 or me at (305) 372-9044. Any donation will inch us closer to changing a student's life. Thanks for your support and participation.

*Raul J. Chacon, Jr. is a partner at Houck Anderson, P.A. where he specializes in maritime, admiralty, and commercial litigation. He serves on CABA's Board of Directors and chairs the Mentoring and Scholarship Committees.



4th ANNUAL MINORITY MENTORING PICNIC AT AMELIA EARHART PARK

On Saturday October 27, 2007, CABA co-sponsored the 4th Annual Minority Mentoring Picnic at Amelia Earhart Park in Hialeah. The picnic featured great food, volleyball, children's activities, and music. Joining CABA in its efforts to reach out to all minority law school students were sponsors John W. Kozyak and Barbara Silverman, Mellon Bank, the Florida Bar Young Lawyers' Division, the Dade County Bar Association, Abadin & Cook, Association of Corporate Counsel, our local law schools, and several voluntary bar associations.





MENTOR PROGRAM KICK-OFF RECEPTION
SEPTEMBER 20, 2007
 sponsored by **Squire Sanders & Dempsey, LLP**
 by Raul J. Chacon, Jr.



On September 20, 2007, the CABA Mentor Program, through the generosity of Squire Sanders & Dempsey, LLP hosted its Kick-Off Reception. Students from the University of Miami, Florida International University, St. Thomas University, and Nova Southeastern networked with attorneys and judges. Attendees registered as mentors or mentees with the mentoring program.

Those who signed up as mentors and mentees met at the 4th Annual Mentor Reception on October 23, 2007. The event was hosted by the CABA Mentor Program and Scholarship Committees and was sponsored by BNY Mellon Wealth Management and Akerman Senterfitt. Mentors and mentees were paired up by the Mentor Program Committee after it reviewed student and volunteer applications. Students indicate their preferred areas of practice and are then matched with judges or attorneys who practice in that field. During the reception, the CABA Scholarship Committee awarded scholarships to the winners of CABA's essay contest. This year's law school winners were Edlyn Hernandez (UM), Jennifer Perez (FIU), Rebecca Salokar (FIU), Daniel Espinosa (St. Thomas), and Anthony Rodriguez (UF).

FALL MENTOR RECEPTION
OCTOBER 23, 2007





Art in the Tropics



OCTOBER 5, 2007
FAIRCHILD TROPICAL GARDENS



CHIEF JUSTICE R. FRED LEWIS



This interview of Justice Lewis conducted by Gene Zenobi took place via satellite at the Third District Court of Appeal on August 30, 2007.

Q: Before we start the formal talk you and I have some ground rules and you basically said go do whatever you want. So I'm going to take you to some places where hopefully other people haven't. Is that okay?

A: Well, I mean within the bounds of propriety which I understood to be you would never ask me about cases and those kinds of things.

Q: That is not part of the questioning.

A: Right and that is what I understood and we also understood that if you make me too emotional then we won't get through this thing.

Q: Well there are some questions which I want you to keep yourself together on and I will try to do the same, okay?

A: That's fair. I've never been interviewed by a very good friend like this. This is great.

Q: I asked if I could ask some questions which were a little bit out of the usual interviews and I've read some of your interviews and I found that you were very candid. So let's start.

A: Okay.

Q: Let's go for it. First of all, recently there's been news of the Utah mine disaster. From one coal miner's son to another coal miner's son have you been following it?

A: Absolutely did, Gene. It was during court recess when all of this started. I was out of town and I found myself basically glued to the TV awaiting word on what was happening. It was almost an abnormal attraction to it unlike anything else. I mean I like athletics and I follow sports but this was something that was beyond just watching TV. It was a very touching time and to come on the heels of the Sago mine disaster back in West Virginia that occurred last year and these other things you just find yourself glued waiting for word.

Q: What was your perspective personally on the job that miners did in comparison to other jobs?

A: Well, during my childhood, the deep shaft mining in the mines in and around Raleigh county had terminated to a great extent by '52, '53, '54. But up to that time, it was what the men did. It is a perception of who you were that men did. I think that it is only in years later when you reflect back because when you live in the middle of whatever it is that you're in and it was not in an information age and we didn't see on TV these fancy apartments and people with fancy cars that's

Judicial Profile

what your perception is of life and that's what you do. It was a very hard job, a very dirty job. It was very demanding. It took a certain mental approach to be able to go into the earth to do it and it was based I think on a commitment to family. People would do what they had to do to feed their families and that's the only thing that was available to them in that area.

Q: Speaking of family, you lost your mom Dorothy at the age of 12. What kind of impact did it have on you, Fred Lewis, Jr.?

A: As I look back on it at the time it was absolutely devastating but I don't think I had a full appreciation at the time as to why. I was with her so much in those early formative years and we had such a bond that it was in the emotional end that I think that it was so devastating. It was only years later when I really came to understand why. She truly was the stability. She was the female true stability in my life and I think that she had that burning desire for education. I think that she had seen her daddy and her brothers and ancestors work in the mines and go do that kind of work and I think that she thought that education was the answer. She did not have the opportunity to complete her education and I think she believed that education was truly the salvation of the young people in that community. To think back on it, she was the gentleness, she was the voice of reason, she was the one looking with a broad vision. I think I lost all of those things within the family at a fairly early age. Folks will say to me, "Well, you know you don't have the same temperament or emotional response of your father. Where did that come from?" I'm not like my dad in many, many ways and I can only trace it back to the gentleness that she had. As I look back, that part of my life was replaced I think by the teachers. I wasn't abandoned by my father at all but he had come from such a difficult background and had no parents. He described it as his family giving him away and so that creates who you are and that's who he was. He's very tough. He had to be in the coal mining community. Nobody looked after him. He worked virtually as a child servant, as an indentured servant just for food and so that gave him a different view of life than my mother had. I don't mean to suggest that I was at all abandoned by my father. I mean he is still living. He lives with us and is 98 years old. His makeup was far different than my mother's so that's why I think that I have such an affinity and such a respect for educators because I think they did fill that part, that void in my life as I was growing up. I can look back and without their direction in later years Lord knows where I would have ended up.

Q: You have any an extraordinary commitment to education probably more so than not only any chief justice but any judge that I've ever seen. It sounds like your mom had a lot to do with that attitude. Would that be a fair statement?

A: Well, I think that it probably is. As you try to do some self analysis you know what makes you as you are. Education was from my early years presented to me as the way to open the world, to open yourself, to make you be a person. I think of the positive experiences I had in my educational background. I can't think of a negative the entire time I was in school. Those individuals and the educational process itself to me were so important in helping me to develop as a person and to help me do the things that I thought I liked to do. It created for me a love for the process and those involved in that process. Maybe I have an over-inflated value of it because to me it was the answer to many, many, many problems. I wish I had a background in more areas of education but because you and I deal in this thing we call the law and the constitutional structure that's the area where you and I have something to offer to these folks. We can't expect the young people to act or behave or do or to have a vision of the future unless we give them the information. Everything I had in the educational system itself was positive and it was a total life-changing process for me. To me education just provides so many answers to so many questions and so many problems that I think it's important to all of us and our children and that's why we created Justice Teaching.

Q: After your appointment in December 1998 you gave a talk after you were sworn in and you placed a great emphasis on the educational system. I just wondered whether that went back to not only your mother but your comment on the "red dog road" coming in and not going out. Was there a connection?

A: Probably, and you know what "red dog" is and not many people do.

Q: I do.

A: For those that don't, it's the surface that one lives on or that was always placed on dirt roads so that they wouldn't wash out. Red dog would prevent the roads from becoming just absolutely treacherous every time it rained and would keep the dirt down so it didn't fly everywhere. That's the way I view my life. Everyone has a red dog road, Gene, of some kind. That is the symbol that I think probably epitomizes where I come from. We all have to deal with something in our background, who we are and where we come from. Everybody has a red dog road of some kind that they must deal with.

Q: Speaking of having things to deal with, your wife and your children have been very supportive. You have had to deal with your disabled child. How has your care for your child and your support from your wife entered into what you have done - this immense amount of education you've brought to the community and your decision-making within the Supreme Court?

A: Well, first of all, my wife is absolutely the stability in my life. She is a rock-solid person and she is the one who helps me maintain stability when I'm on the edge of not being able to maintain it. I cannot tell you what she's meant to my life and our relationship. Part of it has grown because we have a child that has an illness. We both were involved with helping children. She was a school teacher. She taught Spanish and English down at Cutler Ridge Jr. High School and then she went over to Centennial when that opened and we always were around helping children, but not children who had multiple issues. All children have some kind of issues but not the disability issues. She would go with me when I would go to work at the little league baseball program. She would work near Homestead Air Force Base teaching ESOL (English for Speakers of Other Languages) and there was a vast array of students in that class. On weekends, and you'll get a kick out of this because you also know my love for my university, we would go rent vans, you know like a van to go to a football game that I would do with my buddies. Rather than loading up the van with adults, we would go down into Cutler Ridge, load up that van with children who had never been to American things and I can remember taking them to McDonalds and then going to University of Miami football games. I remember the kids just being so excited about doing this fast food kind of thing and what small, small, small things were so important to them. This was our life of children who did not have to overcome other physical disabilities. They had issues such as not being able to speak the language or coming from families that had economic issues but it was not until our youngest came along that we were really exposed to the world of children with disabilities and children with illnesses. I had always been involved in children's activities but not to the level of those needing assistance with disability issues. When we discovered that we had such an issue, we traveled the country trying to find answers. Everywhere we would go we would see the hurt and the pain in these children's hospitals that most of us as parents never see and I had never really seen it. It is through that process that one becomes I think attune to that and realize that we have it pretty good. You ought to see what's happening to an awful lot of people around this country and it does impact the prism through which you look at life, the value structure, the visions that you may have as to the way things ought to be. I don't believe one can go through those kinds of things and not have it have some impact. Now, can I individually truly evaluate that impact? There's no doubt that I'm more sensitive to issues of those with disabilities simply because I've walked in those shoes. It's not that others don't care or are hard or uncaring or don't notice. We know what we've been exposed to.

Q: How is your oldest daughter Elle?

A: My oldest daughter, the tennis player as you know, is very, very healthy. We were very proud of her when she went away to school. She became involved and is now very heavily involved in Special Olympics out in Texas. We were just commenting on how proud we were of her and a friend was there and he said, "You know this is not Elle's first involvement in special activities. She has lived the Special Olympics her entire life." That's the way it is with families, adults, and siblings that have family members who have special needs. You just look at things differently. You have a sensitivity to them, an empathy. I'm not disabled but I have an empathy for them because of being so closely involved with our daughter. We've handled it as a family. That's the way we've approached this. It makes you see things in a

different light. I wouldn't wish this on anyone. I would hope that we could help everyone see these things without having to personally experience them because there are times that are very difficult, particularly on my wife. Yesterday, as I spent all day here working, my wife spent all day being the job coach for our youngest daughter. She is involved in this process on a 24/7 basis so that's why my respect for her as a person, as a human, has just grown through this process. I mean I just care for her more today than I ever did before because I've watched the strength of my wife.

Q: Justice Lewis I've had the opportunity to see you with your wife and your youngest child Lindsay. You look at your wife and you look at your child with an astounding amount of love. I was taken back by the way that you looked at your child. This disabled child has done something for you. What has it done for Fred Lewis personally?

A: Everything.

Q: Such as?

A: Everything. Every part of my life. I think it's made me a better person. It has made me more sensitive. I think it has enlightened me. I think it's given me better judgment. It has made me more compassionate, more patient. Everything that is a positive value I can trace to her being in my life.

G: Your programs are clearly aimed at education and young children. Your care and love for your child and your family are clearly the mark of someone who is absolutely dedicated. You had an appellate practice, you probably represented corporations. Sometimes you have cases that come before you where these things are at odds. Without going into specific cases, with someone who feels so deeply about these things, how do you deal with these things on the Supreme Court?

A. Well, I think that one can never permit their emotions, things other than the intellect and the law to govern the decision-making process or what we may personally want or we are then a traitor to our true values and that is the rule of law to which I've committed myself as you have Gene. You've done the same thing and I like to use this example: in 2001 we had a case come before us regarding whether the constitutional amendment for the protection against the tethering of pregnant pigs should go on the ballot. As a person, my thoughts were, this is ridiculous in the constitution. I would never personally support that or think that it should go into a constitution but my judicial position was to evaluate certain legal principles: that was whether it was a single subject and whether the title was confusing. I voted certainly that the issue should go on the Florida ballot; it was the legal decision. However, when I walked into the ballot box I voted against it and I don't mind people knowing that because I didn't think it belonged in the constitution. I think that is what happens when you take on a constitutional responsibility --- one has to be able to separate those kinds of things. Now do you ever take out of your soul who you are? No you don't, but you have to have the intellect and be sure that one does not consider himself or herself to be bigger than the law. My personal opinions and my personal views are not bigger than the law, not bigger than the Florida constitution or the U.S. constitution. We have a job to do and I know you do a lot of work defending individuals who are charged with very serious kinds of things and I wouldn't for a moment think that because you did that kind of work that you are supportive of what allegedly happened. You do your job. Your function is not to judge the person. Our emotions and opinions do impact who we are and how we look at things, but it can't cloud our judgment and our intellect as we perform our professional and our constitutional obligations.

Q: This brings up an interesting question. Speaking as a coal miner's son from Scranton, Pennsylvania anthracite region to another coal miner's son from Beckley, West Virginia, what was it like coming to Miami, Florida?

A: I was fortunate enough Gene that I had a slight transition. It was not a full transition but I had one stop in central Florida in Lakeland. I was invited to come and look at this college and when I did the students weren't there but it was the most beautiful thing I think I had ever seen. It was Frank Lloyd Wright architecture and they treated me as I have

never been treated before and so I said, “Yes, I’ll go there.” Well then along comes August and it’s time for me to head out and I arrive and the students are there. Well it just seems as though I’m dressed differently, I talk differently, I hear more jokes about being married to cousins, and having couches and refrigerators on the front porch than I really care to ever remember. I was really coming from a different world. I came into a world where kids were lawyers’ children, the daughter of the president of Clark Candy Company was at this school, General Motors’ executives’ children were there, and here’s this kid from this hole in the wall. So I was stepping into a different world.

Q: Any moment that illustrated your experience?

A: I can remember this day I mean just as clearly as a bell. We had these language laboratories and everybody had their little cubicle and you had the earphones and across the earphones would come the sentence spoken in Spanish and you were supposed to reply back or be able to say the sentence or answer the question. I remember sitting there very early on, probably the first or second week of class, and I heard the clicking sound which means it’s your turn to speak and the professor is listening to you. I did the best I could and then I heard another click and Professor Jose Martinez, a wonderful, wonderful man, came on the phone and he said, “Señor Lewis, with your hillbilly twang you’ll never speak Spanish.” You know, it hurt badly when people would make those kinds of remarks, and I guess I probably became a jokester and would laugh along with it when I was really offended by it. This was a different world that I was walking into and I thought that I would go back to West Virginia. In fact, I had many, many offers to come back and work up there and had people call me. In the summers I would go and work with children back in West Virginia. I planned to go back North but then an opportunity came up to go to law school and I met this lovely woman whose family was from Miami and Miami had a law school and I had no money. I was accepted at the University of Florida and they offered me an 80% scholarship and Miami accepted me and said, “We’ll pay for it all.” Well, “pay for it all” and you’re accepted is a better deal than even a crazy old country boy could recognize and I said, “Miami is for me.”

Q: What happened when you got down to Miami?

A: You’ll appreciate this, my very first night down there I drove down Old Cutler Road to go down to King’s Bay Country Club for a reception for this law school thing and I said to myself, “Hey man, I really have gone to heaven.” It was a beautiful night and I’m driving down Old Cutler Road. I get there and I see folks who were wearing where they had been to school on their sleeves. I ran into people from Rutgers and from Yale and from different Ivy League schools and the more they talked the more I knew I was a nobody. I went home just shaking my head and thinking, “I’m not good enough to be here. I really need to go back somewhere else.” However, I hung out and after the first semester grades came out, I felt pretty good. I was in pretty good shape. I realized I didn’t know as little as I thought I did. Miami was a different and more fast-paced community from West Virginia. You know Geno, it’s like everything else. I met you when I was there. I met Tom Young. Within this huge fast-paced kind of world, I met so many wonderful people. Florida Southern had supported my underlying values and my value structure and then to find the wonderful people in Miami, that helped me overcome the obstacles. Florida to me is that line from the Field of Dreams where Kevin Costner’s character and his father are having a discussion and he says, “This is not heaven. This is just the place where dreams come true.”

Q: When you came here the Cuban-American influence was not as pronounced as it has become over the last several years. Would you explain how you’ve seen the Cuban-American experience, whether it relates to you, and how it’s affected Miami?

A: When I first came to Miami one of the first persons that I met was Mario Goderich (law school librarian) and I didn’t look at now Judge Goderich as being any particular nationality other than just like me. I didn’t know anything about his background but he was just absolutely the most down-to-earth, nicest guy that I had ever run into. I mean you talk about a wonderful person, that’s Mario Goderich. I had that West Virginian approach which is either we’re all going to survive or we’re all going to die. We’re all in it together. In my classes I spent my entire time with Irma Hernandez, who I didn’t

think that she was any particular ethnic background. Irma was Irma. I also ran into Mr. Mendez, who was the father of one of the past presidents of CABA and he had been a lawyer in Cuba and we sat together and we talked. We were friends and I saw this person who had given up his life and who he was and his profession. Now he was doing the same thing I was doing and it gave me just such inspiration.

Q: How did it inspire you?

A: It made me think how could I ever get down about something when this person has started his life all over again like that? I had one-tenth of one percent of an understanding because I came into a situation where I didn't speak like everybody else, I didn't dress like everybody else, yet I spoke the language. I have always admired just what amazing strength and courage somebody must have to go to a different county and to have all these things working against you, yet to say, "I'm going to build myself up." The first president of CABA was Mario Goderich. Then my very first year on the court, my good friend Mr. Mendez' son was being inducted as president of CABA and they were doing a special tribute to my good friend Mario Goderich that same night. It was a very, very special night for me because both of those things were happening. You know, we all work very hard at our professions, some overcome greater obstacles than others, but when I look at these folks I can't imagine having to overcome such obstacles. I mean leaving your family and the people that you love and you're driven away from that and you don't speak the language and you come and you do anything that you can to make a life for your family I say, "Wow! Wow!" To me that is the same kind of determination in a different way as miners who went under the ground to provide for their families. They'll do anything. They'll go underneath that dirt everyday so they can put food on the table. Those who've come to Miami to be our friends, to share in the American dream and the American vision which I have shared, to me it's a thing of beauty. It's a true, true, true vision of beauty when you are so devoted in so many ways.

Q: I understand that you recently gave a speech in Spanish for your friend Frank Angones. Would you tell us about that?

A: I'm chief judge up here at this place. I go into the front office and I have my very good friend Frank Angones come in as Florida Bar President and even though Professor Martinez forty years ago warned me that I would never speak Spanish, I sat down and I tried to write out what I wanted to say during his swearing-in ceremony. I had to have help. I had help from Alina Alonso, my very first staff attorney that I hired. Alina is from Miami. She sat with me and helped me write it out, helped me say my speech correctly. I practiced and I practiced so that I could say what I wanted to say in Frank's native tongue, in honor of everyone who came here. I fear I butchered it, but it wasn't intentional. I tried to pay tribute in a very small way because Frank's father was driven out. Frank came to this country as a child when he was around nine or ten years old. I knew what fear I had when I came down to Florida, what anxiety I had and I was 17 years old and I'm from this country. I wondered what anxiety, what fear that young man must have experienced and just look where it's taken him. He's overcome all of that, he's got a beautiful family and how can you *not* have just the greatest respect for that? I guess I would say that the Cuban-American community allowed me to grow up with them because I came to Miami when that was really underway in the early 60s. So I'm a beneficiary of that entire process.

Q: Your comparison of the young man from Beckley, West Virginia to the young men and women from Cuba or perhaps any other country is very appropriate.

A: I would never say or compare what happened to me to what happened to them. Mine was never to the extent of theirs but I have a small understanding, I think of an individual going some place where you're considered different. I would never want any of them to think I say "I'm in their shoes." I'm not. I'm not because I can speak the language, so please, please be sure we understand that.

Q: What do you see as the future of the funding programs for the Supreme Court and I'm talking about the court itself, the additional judges you spoke about, the attorney situation which is now at issue as far as appointments?

Have you had any input into those things? Any suggestions you might have?

A: Certainly we've had and we're going to have to find a mechanism to provide better funding for the entire court system if this branch is truly going to remain an independent and equal branch of state government. I spent all day over in the legislative process discussing these things and I fear that all too often the entire court system is treated as just another agency. Unless and until we can educate our citizens to the point that they see that a court system is absolutely essential to the freedom and liberty of the citizens of this nation, I'm not sure we're going to get the groundswell support that is necessary to obtain that funding. Now we do have a long-range constitution and budget commission that's meeting and we're right now working on the documentation as to our projections of what's going to happen with the judicial branch over the next 20 years and there are a number of things that we could propose. Right now the entire court system operates on .06% of the entire state budget, six-tenths (6/10) of one percent (1%). What are they going to do? Cut us down until we are .01 of the entire budget? There may come a time where we need to have some type of system built in so that we have automatic increases and avoid the political aspects of funding with regard to a court system, something such as a fixed percentage of the state budget ought to go to providing for the judicial branch. I do think we need to be creative. We're looking at those things now.

Q: Why is this so important?

A: I think that we must be ever-vigilant because that is the way in this great nation to kill the third branch of government that guarantees equal justice. If you cut off the funding, you cut off the service that it provides to its people and I think that's a very dangerous road to follow. We need some protection on this because every time an issue comes up, the response is "Oh well, we'll just slice the budget further." Well, our district courts of appeal have nothing but judges and their staffs. There are no programs or services other than adjudicating cases. When you start telling a district court of appeal that you are going to cut 10% what are you going to do? Fire the judges that are necessary to render decisions on cases? All they do is judge cases. These are the types of things or discussions that we have to continue to have so that we have some understanding of the importance of this branch. This goes back to education. We are graduating an entire generation of people that don't understand the relationship between the judicial branch and this constitutional structure. If they don't understand that then how can we expect the elected representatives to be encouraged or be held accountable to make sure that there's sufficient and adequate funding for the operation of that separate branch? I go back to education for our students so that the voter will know "if I don't have a court system then maybe I'll get arrested and I'll never have a trial and I'll sit in jail someplace." Those kinds of things I think are important.

Q: Justice Lewis, let me give you some options here because .06 is a very small part of the budget. Are you suggesting that the way to remedy this situation is negotiation, which I know you're going through right now, legislation through both the house and the senate, executive action, a constitutional amendment, or a combination of all of those?

A: I'm speaking of a combination of all of those. It may come down to that we need either through a citizen's initiative or through the legislative process a constitutional amendment. I think this is something that needs to be out on the table for discussion, things such as a minimum amount of funding. I mean there's always ways to cut back. The problem is getting to the point where you are fully funded and it takes an across-the-board type of commitment to this. Our trial judges have to commit that they are not going to be out of these courthouses at one o'clock every day and not be available to do a full day's work. I mean I'm not naïve. I'm a trial lawyer just like you. I can go through some courthouses and folks will say to me, "Well, I've been to courthouses and everybody's not working every day." These are issues that we have to be prepared to address. We have to dedicate ourselves. This judicial branch and all the judicial officers have to commit themselves to fulfilling the responsibilities of their constitutional office. These are all discussions that need to be held. I think the answer is an open and full discussion of all options with the recognition that the court system is being starved to death.

G: One of the things that has surprised me personally whether it be in Miami-Dade or other counties, is that the

voters tend to have a lack of knowledge of the judiciary. Would you agree with me on that?

A: Yes.

Q: Let us suppose that the constitutional amendment is the way that we are going to go. The question I have for you is: how do we get the word out on the crisis of the courts and the constitutional amendment requirement that the courts be funded correctly when there seems to be such a dearth of knowledge about not only judges but about the court process itself since it seems like the executive and legislative branches seem to occupy the papers all the time?

A: Okay, it's a couple of steps. Your question involves I mean several levels of discussion. I think first, is the education process which Justice Teaching represents. We must give our citizens the background information to understand the relationships, the interactions, and what court systems do. Secondly, you asked about more information about judges. I agree with you totally. That's why I appointed the Judicial Evaluations Commission. For a year, this commission took testimony and brought in experts to figure out whether there is a way that we can better serve the citizens of Florida with regard to information about judicial officers, including trial judges, appellate judges, and senior judges. The commission under the direction of Judge Peter Webster of the First DCA and Tom Warner who is a former solicitor general was comprised of lawyers, judges, and lay people. They just issued their report and they concluded that there is no better way to provide information to the public about judges and judicial performance other than what already exists. They viewed these judicial polls and those kinds of things as the best mechanism. There was a great fear that if we started creating evaluation commissions that those could then become politicized which is the last thing that the judicial branch ought to be involved in. I think there was a risk in doing nothing and a risk in doing something. You ask, can we have complete information on judges? Now the judges that are elected up in Marion County or over in Palatka or in those kinds of areas, there's more personal interaction. Miami-Dade County is such an urban area, such a metropolitan kind of complex that the citizens there do not have the same information, the same interaction with their judges that the smaller communities do. How many trial judges do we have in Miami-Dade now? We must have 100 circuit judges or so down there? It's just not possible that they can be out and be known in all of the areas. I do think this is a discussion that we need to continue. I think we've done an outstanding job in the evaluation now, but I don't think it stops there. I think the discussion continues in what are the best ways to get the information out. Our citizens will never support a judicial branch if they don't understand what it does. That's why I say that the education of our young people and an informed citizenry is really probably the answer.

Q: I'm going to take your study from the National Juvenile Defenders' Center where it was found, and your familiar with this, back in October 2006 that the judges in juvenile court were doing not a very good job. In fact, the findings were that the least-experienced judges were on the juvenile benches. They were getting the juveniles to waive their rights and you made some comments that things weren't going too well in juvenile court. The question is if these things are happening and pursuant to the study that you brought out, what is the credibility that is being gathered by the judiciary through these studies, if any, and how do you deal with it?

A: There are a couple of issues that come into play and we have to account for Florida historically, I think, for some of the problems in this area. The first is, of course, as you know, when you and I first came to Florida, we had basically a mismatch of courts, justice of the peace courts, municipal courts. We started this process of creating what we call a unified court system but it wasn't because it was dependent on local funding. Until we had revision 7 every circuit in this state operated as a kingdom in and of itself because so much of the funding came through that process. Well, if that's where your structure comes in, that's your power base, so historically it was, "Tallahassee centralized Supreme Court keep your hands out of what's going on locally. We are satisfying the local politicians. We're getting the money, so this ought to be run on a local level." As revision 7 comes in, we started shifting responsibility, the dollars. The dollars start shifting so it starts becoming a state responsibility. It had not totally shifted over but also we had not shifted away from that mentality

that we don't want decisions being made in Tallahassee. We at the local level know better than you at the state level. That's really where we are and as we sit down with the 20 chief judges that's a constant comment ("all those 7 people in Tallahassee... we don't want them messing in our affairs.") Well, what does this do? This leaves every circuit with its own system for rotation of judges, for assignment of judges, for selection of senior judges so it still becomes a local autonomy. It's recognized and it's still been preserved. I cannot as a chief justice or anyone who comes after me or anyone who's been before me, cannot simply enter an administrative order that says "x, y, and z with regard to our juvenile courts." We also have in some areas some very dedicated judges, so we have to be careful about just painting all folks that deal with juveniles as less than desirable, that this is a punishment to go there, if you will.

Q: What are you doing to change that perception, to make juvenile court more attractive to judges?

A: We're trying to do it through education. We're trying to make it attractive. We're trying to emphasize the importance of dealing with our young people in both delinquency and dependency. We're trying to place more resources there. We're trying to get more training at this level. We're trying to get more grants through our family court steering committee. These are the kinds of things that we can do. Have we reached the level that we can order that chief judges shall rotate at the local level every 2 years, every 4 years? We're not there yet. Are we to the level that we can mandate that certain judges have to be rotated through or can't rotate through? We can't do that. I think that our biggest push has to be in the area that no matter who sits in the juvenile court that we can say that we've given them every tool, every educational opportunity, and every ounce of training that we can to make them the best judges they can be. Gene, let's face it, it's a human process. Every judge in the state of Florida is not the same. All have pluses, all have minuses. Every justice on this court, same thing. It's a human process. What we must do is provide that foundation, that background, and give that support so we can have a system that we can be proud of. Now, that's an awful lot as you know. It goes back to our chief judges at the local level. Who are they going to put in these different locations? I think, for example, there in Dade we have judges who have committed themselves to staying over there in juvenile. It's an awful facility to have to work in but they've dedicated their lives to children and Cindy Lederman is an example. She has dedicated herself to this dependency system and trying to make it better. We also have a judge in the center of the state Judge Dawson who is also very dedicated. I don't know why every judge is not super-robo judge but we've got all kinds of issues. Some people don't want to get involved in judging and some people can't afford to get involved in judging because of salaries. There are any number of reasons that come into play because it's a human system. I think that in many areas we can improve. For example, we can improve judicial salaries so we can attract allegedly a higher grade although I don't think money is the reason. I know I didn't. I knew exactly what the pay was and I gave up money so I could come and do what I felt I ought to do. There is no silver bullet, but there are things that we can address. For example the issue of taking pleas without counsel, I think we've taken some steps in that area. Issues with regard to shackling our children, you've seen me writing on the topic. However, that also becomes a local issue. We know how it is in the criminal courtroom. Each individual judge controls his or her courtroom with regards to these issues of security. I think it's a multi-faceted issue that we have to deal with. All these studies are important and they need to be filtered through the system and not just placed on the shelf and ignored. We're trying to do the things that are necessary to improve the courts' performance. Will we ever be perfect? You know that we'll never get to that level. It's a human process and I think we need the face to face with judges. We need caring judges, intelligent judges but above all, we need committed judges. I don't mean institutionalized but rather committed to their purpose.

Q: What are your thoughts on the death penalty with regard to its effect on the courts and the administration of the court system?

A: When I first came to the court, I saw tremendous problems with the operation of counsel in the post conviction arena. I would say that the performance of counsel on direct appeal coming here was quite good. Certainly Gene you know as I do that there are wonderful carpenters, there are good carpenters, and there are some that are not so good. There are great mechanics, okay mechanics, and some not so good. Yet they're all mechanics and they're all carpenters. The performance

level of lawyers in the state of Florida I think is a huge level. We have from the best you'll ever find to some that I wonder how they got admitted into the bar. It falls in different categories. I guess what we have to do in the system is make sure that we have competence and that's what the law requires. Well in the direct appeals I think they were doing that.

Q: What is the effect on the post conviction appellate process?

A: We saw problems with lawyers defending cases. The level of trial lawyers was revealed through the post conviction process. On direct appeals we saw pretty good lawyering and whether one agrees or disagrees with capital punishment that is part of Florida law. As a judge, that's my constitutional obligation to deal with that unless and until it crosses the line into an area that violates some constitutional provisions. However, the lawyers with the CCRC (Capital Collateral Regional Counsel) initially had some real problems. There were folks that would file a brief and they would raise issues in the brief that had never been presented to the trial judge. They would then come to Tallahassee and make arguments that had never been in the brief and had never been presented to the trial judge. We go in some morning to listen to the case and we'd say, "Where did that come from?" This happened on several occasions. Our Court, I think, started sending out the message: "This lawyering has to get better." Some of this, I think, was because of the split-up of the CCRC and the state counsel. Well, I think we were getting to a point where we were getting much better lawyering from a northern, central, and southern region of counsel. They had some standardized approaches and had investigatory capacity. They were using them and learning what arguments they needed to preserve and to make. Whether one agrees with the time period or not, the process seemed to be getting better in my mind. Well, then there came a period where they then started bickering again and we went back to a system of some CCRC counsel and some private counsel. Well we went back into that spectrum of some wonderful lawyers down to how did he ever practice law? We did not have a screening mechanism as to who could be assigned to these cases. Now they're trying to do it through the regional counsel approach so that's a third way to try to look at it. It becomes very difficult, quite candidly. You want your Supreme Court to comment on these things, yet we don't have the concept of law of ineffective assistance of counsel in post conviction status coming out of the courts. It creates a dilemma. We'll work with the new system. I spoke with several of those new regional counsel, but I just hope we build up a stable of lawyering that does not fall on the end of the spectrum of "what in the world are you doing being a lawyer?" We'll have to wait and see. However, it seems to me that the process since I've come here has improved. Every time you meddle with it you get new problems.

Q: What improvements, if any, have you seen?

A: I think that the DNA testing process has improved as well as the decisions coming out of the United States Supreme Court on mental retardation. I think those processes are improving. We're now in the middle of people taking a look at lethal injection, including the protocols involved and whether or not it works. Things get better when people look at them and study them and get correct and truthful information. It seems to me we're moving in the right direction. I'm not unaware of the study that came out on capital punishment and where Florida stands with all of that. Courts need to keep their position with regard to the constitution and the rule of law and applying those things. If we get involved in this philosophical kind of discussion then that throws us back where we were talking before: Do you follow the rule of law or do you decide based on what you feel? I may have my own personal feelings with regard to capital punishment, but that's not my job. My job is to follow the constitution, the rule of law, and decide it as best I can intellectually with the foundation that I have and that's who I am and where I've come from.

Q: You were appointed in December 1998, and as I recall, very shortly thereafter, you walked into the firestorm of the Florida 2000 elections. As I watched it, the relationship between the Florida Supreme Court which you sat at during that time and the legislature was not the best.

A: I think that's a fair comment.

Q: Well, let's just say it was not very good. Here you are 7 years later, and you're dealing with essentially the same

federal administration although the legislature has changed. Now you're the Chief Justice and you are going before the legislature. We have .06 funding for the court and we have all these wonderful issues concerning children that you want to bring up. We have the attorney issue and the capital punishment/effectiveness of counsel issue. You are the man who is going to be at the front of it. How are you going to approach this issue in light of past problems with the legislature? How are you going to deal with that? What are your thoughts on getting the best for the court system and for the people of Florida?

A: Well, Gene, I think you know me and you know my nature. My nature is to be one of cooperation, collaboration, working together, fighting to build a consensus rather than trying to be a superhero to go in and through force and being truly confrontational trying to get to the end result. That being said, sometimes the stars just line up through no good deed of your own. I've found that the stars have begun lining up for me. First I came into the front office and I stepped into what was a royal fight between the judicial branch, DCF, the sitting Governor at that time, and what was happening in our courts. That's not a good place to be, where you're fighting within government. Well, I started some behind the scenes things and then something happened over which I had no control over. We had an election that placed into the executive branch a man that I think really cares about the people of Florida. I don't care about labels. The person who was elected really cares about Floridians and what happens to this state. He started doing the things that he thought were in the best interests of Florida. I had nothing to do with that and what he did was that he started putting people in places that had his view. He put people in places who wanted to resolve some of these things. Lo and behold, Bob Butterworth is appointed as secretary of DCF, and then all of a sudden, Bob Butterworth, the Governor, and I are talking about how we can solve these problems. The Governor is not spitting at me, not throwing daggers at me, not shooting me. There's a Governor that starts approaching problems and problem-solving. For example, we have got this major initiative on mental health that we are really working on in a cooperative way to resolve issues such as people in Dade county languishing in jails who ought not to be there. When your leadership is really determined to try to be a problem-solver and to get rid of the things that divide us and find the things that join us, then you start seeing over in the legislative branch the same kinds of things. I'm not for a minute going to think that there's not probably out there someone who still hates me, but that's okay. I'm supposed to do my job, and if they can't respect me while they hate me, then that's their problem.

Q: What have you done in the past year to bring your Court agenda before the various committees and agencies?

A: Last spring, I went to the judiciary committee that is responsible for our budget. I went to deliver the message from the courts and I had a chairperson there give an apology to the courts for the way we've been treated for the last 8 years. Now that's never done in Tallahassee. I then went to the house before our committee there which is the Council on Public Safety who does our budget and I get the same thing. The whole tone changed and when the tone changes, everything starts to change. I think we are in an era where we don't all have to agree but it does not become personal. It starts with the leadership in the executive and legislative branches. We need to somehow understand we're all Floridians at the end of the day and we do need to get together. We're moving down that right road so that's when you say, how do you send your message and how do you work with people that don't like you? Well, you know I've spent a lot of time going over to the legislative halls and talking to people and nobody shot at me and they all smiled and smacked me on the back and asked, "How are you doing?" or said, "Thank you for coming over." Some of them have different views of what a judiciary ought to be, but that's okay, that's all right. I am excited with what's happening in this administration. I look around and I see Walt McNeil at the Department of Juvenile Justice and what a wonderful guy he is. I know Dr. Ana Viamonte-Ros, a wonderful lady at the Department of Health who is the daughter of a local physician in Miami. I've met Secretary James McDonough. I know you do defense work, but I think Secretary McDonough with the Department of Corrections is one of the most decent people involved in Corrections that I've ever met. This man said to me sitting in a meeting in my office upstairs, "I didn't spend 35 years of my life in the military protecting these constitutional values and have people shoot at my behind merely to come to the state of Florida and deny someone those protections that I was fighting to preserve." I never heard those words out of the mouth of somebody in Corrections. He put the computers back in to do the post conviction stuff. It's a whole attitude. We need stuff to bring us together. We can disagree but we do it for the right

reasons not because we have reasons that separate us.

Q: I saved this question for last so sit back. We know each other well.

A: We do.

Q: I've actually written this one down because I want to say it right. During your tenure as justice on or off the bench, what particular unique moment or moments have touched you so deeply that they will always remain with you?

A: The very first capital punishment case that I had to rule on impacted me. Each one that I rule on impacts me. Secondly, I think what I've seen going on with our children throughout the state. My contact with the people of Florida has impacted me in a very dramatic way. This is a wonderful state, Gene, and I've seen children from Pensacola to Palatka to Live Oak, you name it. I've had the privilege and the honor of being able to interact with these Floridians. They have made me even more committed to them. These are wonderful people. Florida is a great state. We have to avoid things that divide us and we have to find things that unite us. It has given me an additional energy. There is no doubt that the capital punishment cases because it involves something just different and the opportunity to interact with so many Floridians and so many wonderful people has given me additional energy to do things. As far as cases, I get disturbed about cases, and unfortunately I tend to write more strongly than I ought to at times. I recognize that. I mean things like the dissent I wrote in a case involving the internet and the immunity provisions on the internet and not holding them accountable when they knew that really bad things were happening to Florida's children. I wrote a very stinging dissent on that issue. Maybe I shouldn't have, but I believed that it was so wrong. I've written very harsh dissents in areas with regard to the shackling of our children in our courtrooms. I don't believe in that. I've written very strongly with regard to turning our system into a television monitor so that judges would not make decisions through a piece of glass and metal rather than touching the child, rather than seeing the child. I don't believe in that. I believe we have a human system and this technology is wonderful, but it also has its problems. Technology solves a lot of issues, a lot of medical issues, but technology also unfortunately has some very, very deadly stings in it. It's not the be-all-end-all to everything. You just can't sit there and work on a case without it having some impact on you. I see young lives wasted in criminal cases that the law says they go away. I see such missed opportunities and you sit back and you think, why did this happen to somebody? I see young people under the Jimmy Ryce Act being locked away, essentially forever. Why did these things happen to these folks? I think we're locking people away, not getting them treatment, and we're like throwing away the key on them. I'm not one to support behavior that's against social and acceptable standards, but I'm also not in favor of locking up people forever and throwing away the key. These are indeterminate sentences basically, but our Supreme Court says that's okay, so that's the law. I have to separate my own personal views in those kinds of cases. I try to see things for what they are and I try to work in areas where I can. I do recognize the limitations of my constitutional obligations and I hope that I never lose sight of those. I hope someone will be there beside me saying, "Watch what you're doing because you're deviating from the rule of law." We always have to be mindful and vigilant that we don't do that and that we don't think ourselves above the rule of law.

Q: Justice Lewis, thank you for your time, your honesty and your candor. It was a sincere pleasure to talk to you, as always.

A: Nice to see you, Gene.

¿Que Pasa CABA? [kay passa cah-ba]



Upcoming CABA Events:

2008 CABA Installation Gala

January 26, 2008, starting at 6:30 p.m.
The Doral Resort & Spa, 4400 N.W. 87 Avenue, Miami, FL

For detailed information on the above and other CABA events, please visit www.cabaonline.com



Membership:

Membership in CABA is open to all lawyers in good standing with the Florida Bar and law students who have an interest in, and wish to contribute to, the purposes of the association. To join CABA, please fill out the membership form on the next page and return it along with your membership dues, as indicated.

CABA Briefs Subscription:

To obtain your CABA Briefs subscription please contact Marie E. Mato via e-mail at mmato@aol.com.

Advertising: To advertise contact Marie E. Mato at mmato@aol.com

For More CABA News visit www.cabaonline.com

**CUBAN AMERICAN BAR ASSOCIATION
2008 MEMBERSHIP DUES INVOICE**

The 2008 Membership year runs from October 1st, 2007 through September 30th, 2008



Name: _____ Bar Number: _____
 Address: _____ Date of Admission: _____
 Suite: _____ Law School: _____
 City, State, Zip Code: _____ Undergraduate School: _____
 Phone: () _____ Area(s) of Practice: _____
 Email: _____

2008 CABA Membership Fee: Please check off the appropriate category below.	Amount Due
Student	\$30.00 _____
Government Attorney/Judge	\$60.00 _____
Attorney (Less than 5 years of practice)	\$60.00 _____
Attorney (Over 5 years of practice)	\$90.00 _____
Tax Deductible Donation to Pro Bono Project (Please indicate amount)	\$ _____
Donation to the CABA Scholarship Fund*	\$ _____
Listing as Practicing Attorney in a particular area for one year on CABA's website	\$25.00 _____
If interested in the above, please specify practice area (limit 2): (1) _____ (2) _____	
	\$ _____

Please make checks for Membership payable to CABA, checks for Pro Bono Project Donations payable to CABA Pro Bono (tax deductible) and checks for the CABA Scholarship Fund payable to CABA Foundation.

**All checks should be mailed to:
 Cuban American Bar Association,
 8567 Coral Way, #382
 Miami, FL 33155-2335**

What you would like to see CABA doing?: _____

Or e-mail your ideas to vcuevas@broadandcassel.com or marlene.quintana@gray-robinson.com

8567 Coral Way, #382, Miami, Florida 33155-2335
 Phone: (305) 644-2285 * Fax: (305) 646-0633
 Website: www.CABAonline.com



BE AN ACTIVE PART OF CABA!

Another great way to take part in CABA is by volunteering to take case(s) under the Pro Bono Project. If you are interested in participating, please specify under which area(s) you can assist:

(1) _____ (2) _____

COMMITTEE SELECTION

IMPORTANT NOTE: IF YOU WERE ACTIVE ON A COMMITTEE LAST YEAR, YOU MUST SUBMIT A FORM TO BE RE-APPOINTED. ROSTERS ARE CLEARED EACH YEAR.

Please select committees in order of preference (i.e. 1=First Choice and 2= Second Choice). Every effort will be made to appoint you to the committee(s) you choose.

- | | | |
|-----------------------|----------------------------------|-----------------------------|
| _____ Broward Liaison | _____ By-Laws | _____ CABA Briefs |
| _____ CABA on Cuba | _____ Coalition of Hispanic Bars | _____ Community Liaison |
| _____ Events | _____ Judiciary | _____ Law Firm Survey |
| _____ Legislative | _____ Membership | _____ Mentoring/Scholarship |
| _____ Website / QPC | | |

If you have any questions, please contact Vivian de las Cuevas-Diaz at (305) 373-9426 or via e-mail at vcuevas@broadandcassel.com.

Vivian de las Cuevas-Diaz
Membership Chair

Victoria Mendez
Membership Co-Chair

Natalia Mendez
Executive Director

8567 Coral Way, #382, Miami, Florida 33155-2335
Phone: (305) 644-2285 * Fax: (305) 646-0633
Website: www.CABAonline.com



David M. Buckner, Esq.

305.728.2977
dmb@kttlaw.com




KOZYAK • TROPIN
THROCKMORTON
ATTORNEYS AT LAW

Congratulations to
our newest shareholder,

David M. Buckner

David, a nationally recognized former Assistant United States Attorney with significant experience in prosecuting white collar offenses, graduated from Harvard Law School magna cum laude in 1995. Now a member of our complex litigation team, he focuses his practice on civil trial work, including antitrust, consumer and securities fraud class actions.

2525 Ponce de Leon, 9th Floor | Miami, FL 33134 | 305.372.1800 | kttlaw.com



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