CABA BRIEFS

CUBAN AMERICAN BAR ASSOCIATION
JULY 2004



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CABA BRIEFS

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Editorial Report

SERGIO L. MENDEZ, Editor

WHAT ARE YOU DOING?

Members of the Board are frequently asked what CABA is doing. That question can only be answered by those that participate. CABA has at least one event every month. The Judicial luncheon is scheduled for July 22d. The judicial bar poll will be sent to you in the near future. There will be an event honoring the Past Presidents in September. In October the Second Annual CABA retreat and seminar is scheduled at the San Carlos Institute in Key West. The schedule for all future events can be obtained by visiting www.cabaonline.com.

I joined CABA in 1986. I have served on the Board since 1992. This organization has provided me with opportunities to meet some of the finest people in our community. Get involved and help your voluntary bar association to further advance the interests of our profession and community.

To advertise in CABA BRIEFS, call Araly Herrera at 305-448-4010 or Victoria Mendez at 305-298-0480.

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Contact us at: WWW.CABAONLINE.COM

PRESIDENT'S MESSAGE

By: Ramon A. Abadin



elcome to CABA Briefs. It seems hard to believe that almost seven months have passed since I became President of CABA. With the help of an incredibly talented and hard working Board, we have accomplished a tremendous amount so far this

year. We have been working hard to maintain the tradition of service to our members and to our community and look forward to completing an ambitious agenda during the remainder of this year.

Our annual installation took place at the new Parrot Jungle in January of this year. Through the efforts of Board member Marlene Quintana Morales, we hosted 680 guests and raised almost \$60,000.00 to help support CABA's numerous activities, scholarships and programs. We were honored to have over 60 members of the Judiciary, former Housing and Urban Development Secretary, Mel Martinez, and Assistant U.S. Attorney General, Alex Acosta, among our many guests. It was a very special privilege for me to be sworn in as CABA's 31st President by my dear friend Justice Raoul Cantero, and to have 3rd District Court Judge Mario Goderich (CABA's first President) at the podium with us. It was truly inspiring to look out over that wonderful crowd and see just how far CABA has come since its humble beginning in 1974.

As many of you know we have already had a busy year and several firsts for CABA. In March, CABA held its first ever CABA Day in Tallahassee. Board members Liz Hernandez, Roland Sanchez-Medina, Yvette Reyes, Marlene Quintana Morales, Victoria Mendez, Vicky Planas, President-Elect Tony Castro and I, spent a day at the Capital where we met with Governor Bush, Attorney General Crist, House Speaker Byrd and most of the Miami delegation, including Senator Villalobos, and Representative Marco Rubio. We had lunch with Chief Justice Anstead and Supreme Court Justices Bell, Lewis, Pariente, Cantero, and Wells. At the end of a long day, CABA hosted a cocktail reception at Andrew's. In attendance was the Mayor of Tallahassee, Florida Bar President-Elect Kelly Overstreet-Johnson, Justice Cantero and his staff, Representatives Gaston Cantens, and Marcelo Llorente, among others. We ended the evening with dinner hosted by the Florida Bar at Chez Pierre. Through the efforts of many, including CABA, we are assured of adequate funding of our courts for another year.

In early April, CABA sponsored a fundraiser at Mellon Bank's beautiful corporate offices for Summer Fun for Kids, a charity that provides summer camps for underprivileged kids. Through the generosity of the over 100 people who attended, we raised close to \$3,000.00, which will help a number of underprivileged children attend camp this summer. I was a panelist on the first Diversity Symposium of the Florida Bar held at St. Thomas University School of Law. I applaud the Florida Bar President Miles McGrane and the Florida Bar for recognizing that diversity in our profession and in the Florida Bar is a key element in the administration of true justice. I look forward to working with President-Elect Kelly Overstreet-Johnson in further diversifying the Florida Bar.

On May 5th, CABA sponsored a spirited debate among seven mayoral candidates at the JW Marriot. Mayoral candidates Jimmy Morales, Carlos Alvarez, Jose Cancela, Miguel Diaz de la Portilla, Jay Love, Marta Perez, and Deliverance Charles Blue were asked to answer some tough questions about a wide range of issues. We hope to invite the candidates for US Senate to a

similar debate in September.

For the second year, CABA sponsored a booth at Cuba Nostalgia. This year, we partnered with Casa San Carlos, the only territory of the Republic of Cuba which is free from dictatorship, to spotlight a treasure of our rich history. Over three days of the event, thousands of visitors admired a photographic retrospective of Casa San Carlos and of the history of our organization.

CABA continues to pursue its objective to diversify all aspects of our legal system. In spite of our apparent success, we are still not satisfied with the composition of the Judiciary in Miami-Dade County and in the State of Florida. At the request of Governor Bush, I met with Hispanic Bar leaders in Broward County to offer Cuba's support and resources. Unfortunately, Hispanics are woefully underrepresented on the Judicial Nominating Committee of the 17th judicial district and on the bench in Broward County. CABA is reaching out to our Hispanic colleagues in Broward and we will work with them to help change the status quo that has effectively precluded Hispanics, and other minorities, from meaningful participation in the administration of Justice in Broward County.

I look forward to continuing to serve all of you and to work with the Board of Directors. We have many interesting events planned for the remainder of the year, and I hope to see you there. Enjoy this issue of CABA Briefs.

Saludos,

Ramon A. Abadin



Kozyak Tropin & Throckmorton congratulates our partner

Cori Lopez-Castro

on her election and committed service as Vice President of the

Cuban-American Bar Association.

KT&T is also pleased to announce its recent receipt of the

Law Firm Commendation Award

from Chief Justice Harry Lee Anstead of the Florida Supreme Court.

The purpose of this award is to recognize, when appropriate, a law firm which has demonstrated a significant contribution in the delivery of legal services to individuals or groups on a pro bono basis.

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"CABA PARTICIPATES

AT CARTER CENTER "



At the invitation of President Jimmy Carter and the Carter Center, the Cuban American

Association participated in a Bar conference of Cuban leaders in exile to discuss the future transition to a free and democratic Cuba. The conference was held in Atlanta Georgia. CABA was represented by our immediate Past President Victor M. Diaz, Jr. CABA's participation was intended to learn more about the work of the Carter Center and the ongoing dialogue among Cuban exile leaders of diverse point of view on Cuban issues which the Center is facilitating. Prior to our participation, the CABA Board met to discuss substantive issues relating to the Conference and voted to take no affirmative position at this time regarding open questions on US/Cuba travel and remittance policies. The CABA Board did vote to emphasize the ongoing human rights violations the in Cuba and our sentiments that there should be no liberalization of current US policy towards Cuba until human rights concerns are addressed.



Be Your Own Investigator

By: Francisco Ramos, Jr.

hen you litigate a case, you need to learn all the facts. That entails learning everything you can about your client, about the opposing party and about the companies and products involved. You could go out and spend lots of money on a private investigator to find this information or you can do it yourself. And the best part is you never have to leave your office. Thanks to the internet, much of the information you are looking for is a few clicks away. The following are some databases you can access to acquire the information you need.

Driving Records.

You can obtain a person's Florida driving record at The Florida Department of Highway Safety & Motor Vehicles located at http://www.hsmv.state.fl.us.

Criminal Records.

The Florida Department of Law Enforcement (FDLE), Division of Criminal Justice Information Services (CJIS), is the central repository for criminal history information for the state of Florida. Obtain a person's criminal history at the Florida Department of Law Enforcement web page, located at http://www.fdle.state.fl.us/index.hmtl.

Corporate Records. ■ ■

The Florida department of State Division of Corporations has created Sunbiz, a data base which provides information regarding corporations, trademarks, limited partnerships, limited liability companies, federal lien registrations, fictitious names, judgment liens, limited liability & general partnerships and UCC

information. You can access it at http://www.sunbiz.org.

Customer Complaints. ■ ■

The Better Business Bureau (BBB) provides information on over two million businesses and charities. The BBB keeps track of customer complaints and helps you evaluate whether you are dealing with a reputable company. Its website is http://www.bbb.org.

Occupational Complaints.

The U.S. Occupational Safety & Health Administration (OSHA) maintains a database of its accident investigations which you can search at http://www.osha.gov/cgi-bin/inv/inv1. The search may reveal that a party involved in your case was subject to such an investigation.

Court Records.

You can track down court records including a party's prior lawsuits, criminal records, probate records and vital records at the County's Clerk's page. For Miami-Dade county records, go to http://jud11.flcourts.org and for Broward County records, go to http://www.17th.flcourts.org.

Bankruptcy Records.

You can obtain information regarding corporate and personal bankruptcy information for residents of South Florida at the web site for the US Bankruptcy Court for the Southern District of Florida. You can access their web page at http://www.flsb.uscourts.gov.

Malpractice Records. ■ ■

You can obtain background and malpractice information of medical providers and vital



You should have received the judicial poll by now.
Please take the time to fill it out.

Deadline is Thursday, August 5, 2004, at 5 p.m.

> If you have any questions, Please call Victoria Méndez at 305.298.0480

statistics at Florida's Department of Health at http://www.doh.states.fl.us.

All Public Records.

You can search all public records throughout the United States for a fee at http://www.autotrackxp.com

Products Recalls.

Are you suing a product manufacturer? Defending one? See if the product has been recalled at the US Consumer Product Safety Commission at http://www.cpsc.gov/prsrch.html.

Auto Defects.

How about an auto manufacturer? Check out the National Highway Traffic Safety Administration to see crash results, recalls and defect investigations at http://www.nhtsa.dot.gov.

Plaintiff's employment and earnings records.

To obtain detailed records of a Plaintiff's employment and earning history, have him sign releases for his social security, tax, employment compensation and workers compensation records and submit them to the appropriate federal and state agencies. These records will provide a complete job and earnings history.

Magazine Search.

Search and read over 3,500.000 articles from over 700 magazines publications at Look Smart at http://www.findarticles.com/PI/index.jhtml. One or more of these articles may feature one of the parties in your lawsuit.

Newspaper Search.

Search newspapers throughout the United States at The Internet Public Library at http://www.ipl.org/div/news/browse/US.

Internet Search.

If you want to find out more about someone, simply do a Google search for his name. You would be surprised at what you find. That person may have his own web page or may be the subject of an online discussion or an article.

Thanks to technology, you can be your own investigator. The sites above and others like them are available, most for free, to obtain the information you will need in your next case.

Francisco Ramos, Jr. is an attorney with the Miami law firm of Clarke Silverglate Campbell Williams & Montgomery. He may be reached by phone at (305)377-0700 or by email at framos@cswm.com.





Over 23 Years Experience

Judge D. Bruce Levy was elected to the Miami-Dade Circuit Court almost 24 years ago. For more than two decades, Judge Levy has served our community with distinction as a judge in both the Criminal and Juvenile divisions. He is presently assigned to the Probate division. Throughout his career, Judge Levy has achieved a reputation for maintaining the highest levels of professionalism and integrity. He has consistently been highly rated in the Miami-Dade Judicial Bar Poll. His wealth of experience and long history of public service is necessary to maintain exceptionally qualified jurists in our community.

"Judge Bruce Levy, for over two decades, has treated all that appeared before him with dignity and respect. His knowledge and compassion distinguish him both locally and nationally."

- Osvaldo Soto

Vote · Tuesday, August 31st



CABA

would like to acknowledge the longstanding support of Mellon. and thank our friends, President Mario Trueba and Senior Vice-President Alex Prendes.



CABA'S Installation Dinner













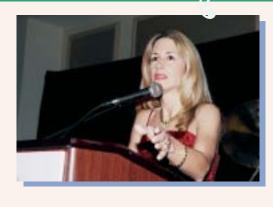




CABA'S AT PARROT JUNGLE

























"IN HIS OWN WORDS"

Interviewed By: Roland Sanchez Medina

n August 22, 2003, President George W. Bush selected R. Alexander Acosta to serve as Assistant Attorney General for the Civil Rights Division of the United States Department of Justice.

Mr. Acosta previously served as a Member of the National Labor Relations Board ("NLRB"), an independent federal agency responsible for administering and interpreting the National Labor Relations Act, the principal federal statute regulating private sector labor relations. Mr. Acosta has previously served as Principal Deputy Assistant Attorney General in the Civil Rights Division.

A native of Miami, Florida, Mr. Acosta earned his bachelor's degree from Harvard College and his law degree from the Harvard Law School. After graduation, he served as a law clerk on the United States Court of Appeals for the Third Circuit and then worked at the Washington, D.C. office of the law firm of Kirkland & Ellis, where he specialized in employment and labor issues. He has also taught several classes on employment law, disability-based discrimination law, and civil rights law at the George Manson School of Law.

Mr. Acosta is the first Hispanic to serve as an Assistant Attorney General at the Department of Justice. He was the recipient of the Mexican-American Legal Defense and Education Fund's 2003 Excellence in Government Service Award and the D.C. Hispanic Bar association's Hugh A. Johnson, Jr. Memorial Award.

CABA: Can you tell me a little about yourself.

AAG Acosta: Sure. My parents and grandparents emigrated from Cuba in the early '60's. They settled in Miami, which is where I was raised. My grandfather passed away about the time I was born. My grandmother lived with us, as is typical in many Cuban families. Because both my parents had to work, my grandmother played a large role in raising me. In fact, as she did not speak English, I spoke only Spanish until I started attending school.

As far back as I can remember, my parents emphasized the importance of education. They worked hard to ensure that I had a good education. Just like they had a job, I did too – to study.

I remember applying to Harvard. My Mom stayed up late helping me type my application. She'd quiz me to help me prepare for tests. I remember calling her to tell her when I was accepted. She thought that I was joking – it took me a while to convince her that I actually got in. I stayed at Harvard for law school, and ultimately moved to D.C.

CABA: Mr. Acosta, Tell us a little bit about the Civil Rights Division.

AAG Acosta: Sure. It's my good fortune to lead approximately 350 dedicated lawyers in enforcing the nation's civil rights laws.

The Division is responsible for enforcing a number of statutes including those that prohibit discrimination on the basis of race, sex, disability, religion, and national origin. These cover a number of areas, including education, employment, credit lending, housing, public accommodations, and voting.

CABA: Do you think that being Latino gives you a different perspective on your job, as compared to someone who, for instance, is not Latino or not a minority?

AAG Acosta: I think that everyone's life experiences lend them a unique perspective. You can't grow up in Miami without appreciating the richness that the melding of cultures and ideas can bring to America. Growing up at home where English was not the primary language certainly exposed me to the challenges faced by people who have difficulty speaking English. That certainly lends me a unique perspective as Assistant Attorney General for Civil Rights.

Our responsibilities include laws that

require ballots be made available in languages other than English in certain circumstances, and that federally funded programs provide meaningful access to non-English speakers. Now, as a lawyer I understand the theory and mechanics of these statutes, but I also understand it from a much more personal perspective.

CABA: Can you give us some examples of some enforcement actions the Civil Rights Division has taken since you became AAG?

AAG Acosta: Of course, but let me first stress that everything we do is important. I don't want to suggest otherwise. But, let me focus on a few areas that do bear special mention. We have been extremely active in enforcing the criminal civil rights laws—including pursuing human trafficking, and prosecuting cross burnings. We have also taken the lead in protecting the civil rights of juveniles, the elderly, and the developmentally and mentally disabled in state-run institutions. We have also had some key successes in the employment and housing areas.

CABA: Let's break those down. What's human trafficking?

AAG Acosta: The textbook definition is pretty easy – it's the acquisition or holding of human beings, through the use or threat of force, fraud or coercion, typically for the purpose of sexual exploitation or for forced labor, or both.

But the technical definition miserably fails to capture the depth of human suffering that is trafficking in humans. Human trafficking, simply put, is modern-day slavery. It is evil and hideous. That it occurs at all is unjustifiable, that it occurs here in the United States of America is intolerable.

Let me try to paint a picture. Imagine a small space, the size of a twin bed, partitioned off from a larger room by a ragged blanket hung as a curtain. A scared 14-year old girl is held captive there. This girl not only sleeps there, but is forced to engage in commercial sex act with up to 30 men per day in that bed.

I have a picture of that room in my office. It serves as a daily of why I come to work. That little girl, as the picture shows, was left with only two earthly possessions – a teddy bear to remind her she was a girl, and a roll of paper towels to use – between rapes.

Trafficking is a problem of a global scope. We target trafficking related to both sex and labor slavery. The victims we rescue come from sources including Central America, Eastern Europe, and Southeast Asia.

Since 2001, we have greatly increased the number of trafficking prosecutions. In 2001, we have charged 149 human traffickers, more than triple the number charged over the prior three year period. So far, we have a 100 percent conviction rate. Moreover, I expect our caseload to rise, as we currently have 156 open investigations.

CABA: You also mentioned cross burning. I thought that was all in the past.

AAG Acosta: Unfortunately it's not. In fact, over the past three years we have convicted over 40 defendants for cross burning.

Cross burning has too long been a tool for the intimidation of racial and religious minorities. It is born of hatred and ignorance, and ranks among the most ugly forms of conduct our culture knows. We will prosecute every viable case we find, and unfortunately we find far too many.

CABA: You mentioned the civil rights of residents at juvenile justice facilities and nursing homes. What kind of work do you do in these areas?

AAG Acosta: Our work in these areas takes place chiefly under two statutes, the Violent Crime Control and Law Enforcement Act of 1994, which we refer to as "Section 14141", and the Civil Rights of Institutionalized Persons Act of 1980, which we call "CRIPA". These allow us to target systemic abuses of the civil rights of institutionalized persons. Let me give you a couple of examples.

Most of these kids are non-violent

offenders. They have every possibility of becoming law abiding and productive members of society. They simply have no one to advocate on their behalf. When the state takes custody of them, the state must take responsibility for their well-being and guidance. The violence and neglect that we see in these cases is no way to provide care, and no way to set them on the right path.

CABA:

One thing that comes to mind when you talk about civil rights is employment discrimination. What do you do in this area?

AAG Acosta: We are active in this area. We enforce the federal law prohibiting employment discrimination on the basis of sex, race, national origin and religion by public employers - states and municipalities. Already this year we have filed seven lawsuits.

CABA: How about discrimination in housing?

AAG Acosta: Again, we have made some major strides in securing fair access to housing. One case in particular is worth mentioning. We recently negotiated a stiff consent decree to resolve allegations of racial discrimination by a township in New Jersey. The Hispanic population in this township grew rapidly during the 1990s. At about the same time, the borough actively undertook a number of measures to change housing policies, including: adopting a more stringent property maintenance code, and adopting a new zoning plan that would have displaced residents in the less expensive neighborhoods. On their face, these may appear to be neutral changes in a town zoning policy. Evidence showed, however, that they were intended to exclude Hispanics. Our investigation found an Internet chat room that discussed the new zoning restrictions. What we discovered on this site was truly frightening. We found evidence that at least one elected borough official solicited names and addresses of latinos. With this information city inspectors would be dispatched to selectively

enforce the new zoning restrictions. Needless to say, we got involved.

On March 10th we signed a consent decree prohibiting these discriminatory practices.

CABA:

How have you been able to achieve the success you have had?

Acosta:

One key, I have found, has been to listen. I often tell my staff that there is nothing more valuable in our jobs than keeping open communications with all. In my seven months on the job I have visited with over 200 civil rights groups and leaders. I travel widely, to let people know what we are doing, and to hear what we can do better. From this dialogue comes better understanding and from understanding comes more focused energy from the Civil Rights Division. At the end of the day we see that we all many more goals than differences.

CABA:

One last question, where do you plan to take the Division while you are AAG?

AAAG Acosta: I plan to continue to vigorously enforce our nation's civil rights laws. I also plan to make sure that the Division remains an excellent place for attorneys to grow and develop.



CUBAN ASSETS CONTROL REGULATIONS;

REVOCATION OF SPECIFIC LICENSES AND OTHER RESTRICTIONS

(31 CFR Part 515)

By: SERGIO L. MENDEZ*

The Department of the Treasury, Office of Foreign Assets Control (OFAC), amended the Cuban Assts Control Regulations to implement President Bush's policy concerning certain recommendations of the Commission for Assistance to A Free Cuba issued in May. The effective date of the changes was June 30, 2004. An extension for travelers in Cuba on June 29th was granted until August 1, 2004.

A person who accepts goods or services in Cuba without paying for them is determined to be engaging in a prohibited dealing in property in which Cuba or a Cuban national has an interest. This is prohibited unless otherwise authorized by an OFAC general or specific license. OFAC will infer receipt of services or other dealings in property in which Cuba or a Cuban national has an interest from multi-day travel in Cuba.

Payment for air travel to Cuba on a third-country carrier, which involves property in which Cuba has an interest, is now prohibited unless the travel is pursuant to an OFAC general or specific license.

The general license which authorized license travelers to purchase in Cuba and return to the United States with up to \$100 worth of Cuban merchandise for personal consumption is revoked. With the exception of informational materials (artwork, CD-Roms, books, etc) no merchandise may be purchased or otherwise acquired in Cuba and brought back into the United States. Prohibited merchandise shall be confiscated.

The category of relatives who can be visited has been narrowed. It was previously defined to include second cousins. Now only members of one's immediate family which includes a spouse, child, grandchild, parent, grandparent or sibling of the person or of the person's spouse, as well as any spouse, widow or widower of these persons may be visited. The narrowed definition of immediate relatives also applies to those who can receive family remittances which remain at \$300 per quarter and a

maximum of \$1200 per year. The general license to travel to visit immediate family is amended to once every three years and for no more than a 14 day period. Specific permission from OFAC is required. The time period is counted from the time the person last left Cuba. The per diem amount authorized to be spent in Cuba is reduced from \$167 to \$50. A totals of \$50 per trip may be spent for transportation purposes within Cuba. An authorized traveler may now only carry to Cuba accompanied baggage of up to 44 pounds.

Only packages containing food, medicine, medical equipment and supplements, radios and batteries may be shipped to immediate family. With the exception of food products, this may be done only once per month. Clothes, shoes, personal hygiene items, seeds, photographic materials, and fishing equipment are prohibited.

The administration has announced that the new measures are designed to hasten Cuba's transition to a free and open society. These rules have been issued in interim form. Comments from interested persons shall be considered in the development of the final regulations. The time period for submission of comments will close on August 16, 2004. Comments may be submitted by any of the following:

http://www.regulations.gov; http://www.treas.gov./offices/enforcement/ofac/comment.html.:

Fax: Chief of Records, 202-622-1657

Mail: Chief of Records, ATTN: Request for Comments,
Office Foreign Assets Control
Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, D.C. 20220

All comments must include "Office of Foreign Assets Control, Treasury" and FR Doc. 04-13630 filed 6-14-04; 9:51 am

^{*} This article is purely informative and does not express any opinion or views of the organization or reporter.

CABA







ABA'S first trip to Tallahassee took place on March 17, 2004, and was a great success. This was an excellent opportunity for CABA to express the needs of its members to our Legislators and Governor Jeb Bush. CABA looks forward to next years trip.



CABA in Tallahassee











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VOTE FOR VALERIE R. MANNO **FOR COUNTY COURT JUDGE ON AUGUST 31st, 2004**

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- University of Miami School of Nursing
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- Miami-Dade County Resident for 45 years
- Registered Nurse (R.N.) for 23 years



A just hand for the bench!



CABA IVITES YOU TO IOIN US FOR TH

INVITES YOU TO JOIN US FOR THE FOLLOWING UPCOMING EVENTS:

July 22: Annual Judicial Luncheon

Place: Sheraton Biscayne

Time: 11:30 am – 1:30 pm

Visit our website, www.cabaonline.com, for further updates.



The Cuban American Bar Association is planning our 30th Anniversary celebration.

If you would like to be a part of this historic event, please contact Marlene Quintana Morales at 305-374-5600 or email: mmorales@akerman.com

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Campaign Co-Chairs:

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Pd.Pol.Adv.Paid for by the campaign to elect John Schlesinger for Circuit 109 Court Judge. Deputy Treasurer: Lewis B. Freeman. Approved and authorized by John Schlesinger.

CABA BRIEFS

C/O Mr. Sergio L. Mendez 901 Ponce de Leon Blvd. Suite 304 Coral Gables, Florida 33134