

CABA

BRIEFS

Winter/Spring 2018

Inside this Edition:
2018 Gala Pictorial

NUESTRO
MIAMI
01.27.18
CABA
GALA





CABA ART IN THE TROPICS PROUD PRESENTING SPONSOR 13TH ANNUAL FUNDRAISER



U.S. CENTURY BANK

YOUR CENTURY • YOUR BANK

MORE THAN \$20,000 RAISED

U.S. CENTURY BANK WAS HONORED TO BE THE **PRESENTING SPONSOR** FOR CABA'S 13TH ANNUAL ART IN THE TROPICS FUNDRAISER BENEFITING CABA PRO BONO LEGAL SERVICES. HEARTFELT THANKS TO ALL WHO CONTRIBUTED TO MAKE THIS EVENT A SUCCESS WITH MORE THAN \$20,000 RAISED TO HELP CHANGE THE LIVES OF THOSE IN NEED OF LEGAL ADVOCACY.

Professional Client Group

396 Alhambra Circle • Coral Gables

Janessa Cabo • Vice President

jcabo@uscentury.com

Office 305.448.5557

www.uscentury.com/business/attorney-services

Celebrating our 15th Anniversary



Member FDIC  Equal Housing Lender

Table of CONTENTS

PRESIDENT'S MESSAGE	03
PAST PRESIDENT'S MESSAGE	04
EDITOR-IN-CHIEF'S MESSAGE	05
JUDGE VICTORIA DEL PINO APPOINTED TO THE CIRCUIT COURT	10
JUDGE IVONNE CUESTA APPOINTED TO THE CIRCUIT COURT	14
JUDGE LAURA ANNE STUZIN APPOINTED TO THE CIRCUIT COURT	18
SOCIAL MEDIA: FRIEND OR FOE?	22
CABA PRO BONO AN- SWERS THE CALL AFTER HURRICANE IRMA HITS FLORIDA	26
LEGAL ROUND UP	31
CABA GALA	44
NUESTRO MIAMI	65
CABA ANNUAL RETREAT	72
KOMODO HAPPY HOUR	80
FOUNDATION SCHOLARSHIP AWARDS	86
ART IN THE TROPICS	92



Meet the BOARD

PRESIDENT
Jorge L. Piedra
Piedra & Associates, P.A.



PRESIDENT-ELECT
Maria Garcia
Kozyak Tropin and Throkmorton



VICE PRESIDENT
A. Dax Bello
Stewart Tlghman Fox Bianchi & Cain, P.A.



IMMEDIATE PAST PRESIDENT
Javier A. Lopez
Kozyak Tropin And Throkmorton



VICE PRESIDENT
Frances Guasch De La Guardia
Holland & Knight



TREASURER
Giselle Gutierrez-Madrigal
Stearns Weaver Miller



SECRETARY
Nory Acosta-Lopez
Barakat Law



DIRECTOR
Kristina G. Maranges
Broad and Cassel



DIRECTOR
Amanda Fernandez
Damian & Valori LLP



DIRECTOR
Javier A. Ley-Soto
College Legal Counsel
Miami Dade College



DIRECTOR
Daniel Mendez
Law Offices of Mendez & Mendez, P.A.



BRIEFS COMMITTEE

DIRECTOR
Miriam S. Ramos
Coral Gables
City Attorney



DIRECTOR
Jennifer J. Perez
Femwell



DIRECTOR
Michael A. Pineiro
Marcus Neiman & Rashbaum LLP



DIRECTOR
Olivia Rodriguez
Bupa Latin America



EDITOR-IN-CHIEF
Frances Guasch De La Guardia

- Magazine Design Phil Wolfe Graphic Design
- Cover Design Bellak Color
- Print Sheridan
- Briefs Chair Frances Guasch De La Guardia
Daniel Mendez
- Briefs Vice Chair Monica Vila Castro
Nory Acosta-Lopez
- AD's Editor Daniel Mendez
- Assistant Editors Jorge A. Perez
Miriam Agrait
Alison Leonard
- Committee Members Jason Silver
Monica Albarello
Yasmany Barroso

WINTER/SPRING 2018 | PRINTED IN THE USA

CABA Briefs is published bi-annually by the Cuban American Bar Association, Inc. ("CABA"). CABA is a non-profit voluntary bar association founded in 1974 by lawyers of Cuban descent. CABA's members include judges, lawyers, and law students of all backgrounds interested in issues affecting the Cuban community, as well as broader legal and human rights issues impacting minority communities as a whole. CABA's mission is to promote equality of our members; increase diversity in the judiciary and legal community; serve the public interest by increasing awareness to the study of jurisprudence; foster respect for the law; preserve high standards of integrity, honor, and professional courtesy among our peers; provide equal access

to and adequate representation of all minorities before the courts; facilitate the administration of justice; build close relationships among our members; provide mentoring and scholarship to law students nationally; and support the indigent community through the funding and administration of an effective pro bono legal assistance project and other community programs. Reproduction 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 Frances Guasch De La Guardia at cababriefs@hotmail.com.

President's MESSAGE



Dear CABA Family,

I am truly humbled and honored to begin my term as CABA's 44th President. As an active CABA member for the past 20 years, and a member of CABA's Board of Directors since 2011, I have a true appreciation and deep respect for the history and traditions of our organization.

I have been blessed with the opportunity to serve on CABA's Board of Directors under nine amazing Presidents. My time on the board was rewarded with the opportunity to get to know each and every one of our Past Presidents. Each one of those Past Presidents helped, in many different ways, to make CABA the incredible organization that we know today. Our Gala theme "Nuestro Miami" was a tribute to their significant contribution to shaping Miami into the capital of Latin America and one of the most important cities in the world.

From our brave and humble beginnings, to our rise to prominence and respect, to the steady hand in difficult times, CABA has become, and remains, our community's voice for reason and social conscience. That is why, it is with great awe, that I embrace the challenges ahead and ask for your words of wisdom, encouragement, prayer and support.

CABA has an impeccable record of professionalism, dignity and fairness to all who cross its path. At the same time, CABA takes on just causes with a vigor that is unmatched. This steady and even-handed approach has made CABA one of the most respected institutions in our community. It would be my privilege to honor the work of CABA's 43 Past Presidents by continuing these precious and noble traditions.

As your President, my goal is to make sure that each member has the opportunity to receive a personal return on her or his investment of time, talent and treasure, at least equal in value to that commitment. First, CABA must remain a leader in the quest for judicial equality and diversity. Second, CABA must become the primary voice for the return of human rights and rule of law to Cuba in this delicate time of change. Third, CABA must provide professional networking, educational and business opportunities for all of our members. In addition, we must continue to fund scholarships through our Foundation and serve the community through CABA Pro Bono. These are the principles which will drive and guide my term as your President.

Thank you for your support of CABA, and I look forward to serving you.

Yours in service,

A handwritten signature in black ink, appearing to read "J. Piedra".

Jorge L. Piedra
President, CABA

Past-President's MESSAGE



Dear CABA Family,

What a privilege and honor it has been to serve as your 43rd President! Many said the year would fly by - that is partially true - there were great highs and very low "lows." But the incredible amount of work we put in this year has raised CABA to a new level. We had some great achievements, a few which include: 1) more than tripling our membership through a grassroots effort, 2) raising over \$275,000 at our Gala for our Foundation and Pro Bono efforts, 3) awarding \$25,000 in scholarships to law students in need, and 4) providing roughly a dozen Post-Hurricane Irma clinics throughout South Florida to help over 900 families with insurance claim concerns, issues, and paperwork. I am so proud of the efforts of my amazing board and grateful for their tireless support this year. Our success is due to you. I leave you in the incredible hands of my dear friend Jorgie Piedra who, I know, is going to be an amazing leader. However, of all the events, outreach, fundraising, networking and lobbying we did, there was no event more important to me than

our Judicial Luncheon. This year, we were hit with a terrible tragedy and loss to our community with the loss of Ervin Gonzalez and Raul Valdez-Fauli Jr. We decided to use the Judicial Luncheon as an opportunity to change the discourse on mental health. Our incredible keynote speaker, Brian Cuban, gave a powerful testimonial on depression, suicide, addiction, and most importantly, recovery.

Mental health is an affliction that is pervasive in our legal community, yet is mostly dealt with in secrecy. The stigma might be seen as a sign of weakness or embarrassment. So why do we not discuss it more openly? What makes it so difficult? It is because in order to do so, we must make ourselves vulnerable and that is scary and uncomfortable. We are required to shed the many "masks" we all wear on a daily basis. So I will start. In 2012, my best friend and hero, my Father, passed away after a horrific fight with cancer. I was lost after he passed, angry, depressed, confused. I was in a very, very, dark place. My mentor, partner, and dear friend Harley Tropin came into my office one day and told me it was ok, he was there, he understood, and he gave me a phone number. That phone number changed many things for me. The therapy was not easy, it was not short, and I doubt someone ever truly heals from such a loss, but without the professional help I received, I do not know how that chapter would have ended. Reaching out for help is not a sign of weakness, it is a sign of strength. As spouses, friends, family, lawyers, and partners, we need to do a better job of listening. Listen to your colleagues, the most truth may be said in jest. We are blessed to be able to practice law, it is a beautiful profession. With that blessing, I believe we have the responsibility to be there for each other, show up, be present. Just showing up can save a life. Thank you for the opportunity of a lifetime. If any of you ever need to talk, my cell phone is 305-216-1463.

Un fuerte Abrazo,

Javy Lopez
Immediate Past President, CABA

Editor-In-Chief's MESSAGE



Dear Members:

The Winter/Spring edition is here with the 44th Annual Installation Gala pictorial. At the Gala, Jorge L. Piedra was sworn in as the 44th President of CABA. Jorge serves as President with his Executive Board consisting of President Elect Maria Garcia, Past President Javier A. Lopez, Vice Presidents, Frances De La Guardia and A. Dax Bello, Treasurer Giselle Guterrez-Madrigal and Secretary Nory Acosta-Lopez and his Board of Directors: Kristina G. Maranges, Olivia Rodriguez, Miriam S. Ramos, Jennifer J. Perez, Daniel Mendez, Amanda Fernandez, Michael A. Pineiro and Javier A. Ley-Soto. On behalf of the entire board we hope you enjoy the Gala photos featuring some of the guests that attended. The Gala was held at the Florida International University Arena which was transformed into the lovely "Nuestro Miami."

In celebration of National Women's History Month we share with you stories of our own local women making their own mark in the legal historical landscape. In 1987, the National Women's History Project successfully petitioned Congress to include all of March as a celebration of the economic, political and social contributions of women. This edition of CABA Briefs features three newly appointed women jurist to the 11th Judicial Circuit bench. Each article provides us some insight into Judges Victoria Del Pino, Ivonne Cuesta and Lauren Stuzin in their roles as judges and leaders of our community. All three have contributed to making a mark for Women in history.

In keeping with honoring National Women's History month, we also celebrate the success of CABA Pro Bono Executive Director Mrs. Lesley Mendoza which simply put, is one of the strongest, smartest, caring woman you will ever meet. Lesley shares with us about of the projects Pro Bono has participated in this past year. First its efforts to help South Floridians affected by the devastating effects of Hurricane Irma last year and with its three programs: CABA Human Trafficking Victim's Representation Program, the CABA Domestic Violence Program, and the CABA Immigrant Children's Program to provide pro bono legal services to children, victims of domestic abuse and human trafficking victims.

This edition contains a timely article on the use of social media by legal professionals authored by the former editor of the Daily Business Review and Pulitzer Prize winner, George Haj. Lastly, we have the legal summaries provided by Elliot Kula, W.Aaron Daniel and William D. Mueller.

The event photo section profiles the 44th Installation Gala, Art in the Tropics fundraising event, CABA Foundation's Scholarship Reception, and the CABA Retreat for CABA members and family which was held at the Ocean Reef Club and Hotel.

Make sure to save the date for this year events: CABA's Third Annual Night with the Marlins, Friday, May 11, Que Pasa USA? member's night on May 20th; CABA's 16th Annual Golf Classic on June 1st; the Foundation's Scholarship Awards Reception on June 7th; The CABA Judicial Luncheon August 17th; and, The CABA Getaway for members and family on Labor Day weekend. SAVE THE DATES!

Thank you,

A handwritten signature in black ink that reads "Frances De La Guardia". The signature is written in a cursive, flowing style.

Frances De La Guardia
Editor-in-Chief

Advancing the Common Good

Akerman proudly supports the
Cuban American Bar Association.

Naisen O. Kasdin, Akerman Miami Office Managing Partner
naisen.kasdin@akerman.com

Elizabeth M. Hernandez, Past CABA President
elizabeth.hernandez@akerman.com

Jose A. Villalobos, Past CABA President
jose.villalobos@akerman.com

Jose Felix Diaz, Past CABA Board Member
josediaz@akerman.com

ESD - Lawyers, 2010 Inc.
clerman.com

©2010 Akerman LLP. All Rights Reserved.

akerman

PRINT
BRANDING
DESIGN



BELLAK
COLOR

9730 NW 25th Street Miami, Florida 33172
305-854-8525 bellak.com



Kasowitz Benson Torres LLP

is proud to support the

Cuban American Bar Association

and commends CABA's commitment

to the promotion of diversity

in our legal community.

About Kasowitz Benson Torres LLP

Kasowitz's core focus is commercial litigation, complemented by our exceptionally strong bankruptcy/restructuring and real estate transactional practices. We are known for our creative, aggressive litigators and willingness to take on tough cases.

A close-up photograph of two men in business suits. The man on the right is wearing glasses and has a beard. They are both looking down at a laptop screen, which is partially visible at the bottom of the frame. The lighting is soft and focused on their faces.

Don't settle for good advice.

You deserve better. Clients rave about our service and call us a true business resource. Our expertise goes beyond traditional accounting and tax — we provide business consulting services that can impact your success.

Contact Us:

Ralph MacNamara

rmacnamara@kaufmanrossin.com

305-858-5600

kaufmanrossin.com

KAUFMAN | ROSSIN

Judge Victoria del Pino Appointed to the Circuit Court

Jason D. Silver



In December 2016, Governor Rick Scott appointed Judge Victoria del Pino to fill a vacancy in Miami-Dade County's Circuit Court. She currently serves in the Criminal Division at the Richard E. Gerstein Justice Building.

Judge del Pino was inspired at an early age to serve the community and has done so in a major way in the Miami Dade County Court's Domestic Violence Division. She was a judge in the County Court from 2007-2016.

"My work as a Domestic Violence judge for almost nine years was

probably the most satisfying in my career," Judge del Pino said. "The work that is done in that division is one of those places where you truly feel you make a difference and change people's lives," she said.

Judge del Pino attributes so much to a major mentor and role model in her life, the late Judge Manny Crespo, an iconic former judge, community leader, and Past President of the Cuban American Bar Association in 1981. "Lessons and memories are mostly with Judge Manny Crespo," del Pino said. "He really set the tone for me not only as a lawyer, but as a man who loved his job and passionate about the law and deeply cared for every person in the process."

Those lessons include ones important for litigators and the legal community as a whole in today's fast-paced environment. "Be prepared, be respectful to your opposing counsel no matter what, your reputation is everything and he reminded me, 'just like lawyers talk about judges, judges talk about lawyers, so remember that!'"

Judge del Pino earned her undergraduate degree in Broadcast Journalism from Florida International University and her J.D. from St. Thomas University School of Law in Miami Gardens.

Judge del Pino is an avid boater as well - even holding a captain's license. Before becoming a judge, she was a traffic hearing officer for Miami-Dade County, a family law attorney, and before that, an attorney at the Public Defenders office in Miami-Dade County - a place where del Pino grew as an attorney and had great experiences.

"One of the most enjoyable jobs I had as an attorney was my work at the Public Defender's office. The collegiality with court staff and litigating cases with attorneys was probably one of the truest forms of being a lawyer," del Pino said.

But it was in private practice where del Pino first realized she wanted to be a judge.

"Being in private practice for a few years, I had missed the daily court room time. At that time, a judge

"My work as a Domestic Violence judge for almost nine years was probably the most satisfying in my career."

She also counts Miami-Dade County Chief Judge Bertila Soto as a role model and someone to whom she looks up.

who I frequently appeared in front of, Steven Leifman, invited me to apply for a part time position as a

Traffic Hearing Officer. I was hired and after a week of serving in this position, I knew this was exactly what I wanted to do," she said.

After close to a decade in County Court and serving in all of its

The Cuban American Bar Association has had a big role in Judge del Pino's life. She credits CABA with impacting her life from a young age and career every step of the way and is well aware of its important role in the community.

said. "These were integral for me in garnering the support of many respected attorneys during my election," she said.

Judge del Pino brings a depth of experience together with passion

"One of the most enjoyable jobs I had as an attorney was my work at the Public Defender's office. The collegiality with court staff and litigating cases with attorneys was probably one of the truest forms of being a lawyer."

divisions, del Pino felt the urge to seek a seat in the Circuit Court.

"I was one of those judges who used to say 'I love county court and have no interest in going to circuit.'" she said. "But after 10 years, I had served in every division of the county court and felt that I was ready to try something new and different and that I was worthy of being elevated," del Pino said.

Attorneys appearing before Judge del Pino should be prepared and professional.

"I don't think you need certain experience to be in my courtroom. Lawyers need to be prepared, know the law and most especially the rules of evidence and they also need to comport themselves professionally, not only with the court but with opposing counsel," del Pino said.

"CABA has been a part of my life since I was a little girl and I used to run around Centro Vasco Restaurant where the CABA Board had their meetings in the 1980s," she said. "I deeply believe that if CABA hadn't paved the way, I would never have been able to have the opportunities I have had as a lawyer, let alone become a judge. CABA to me is a beacon of our struggles of the past and our continued endeavor to help all minorities in the legal community," del Pino said.

Judge del Pino recommends community involvement to those who wish to one day be a judge.

"Get involved with legal organizations like CABA. Take leadership roles. Teach at conferences. Get involved with Florida Bar committees, del Pino

and inspired drive to the circuit court. Litigants and the community will benefit from the recent appointment.



Jason D. Silver is an Associate Attorney at Greenspoon Marder, P.A. He represents financial institutions, corporations, individuals and municipalities prosecuting and defending actions in litigation across the State of Florida.

It's about time....
For a bank that
wants to partner
in your success.

For 70 years, City National Bank
has been committed to its clients
and community. Timeless values
based on personal relationships,
local decision-making and
delivering an exceptional
experience.



President & CEO Jorge Gonzalez
Wholesale Banking Executive Nic Bustle
Business and Personal Banking Executive Mara Suarez
Private Banking Executive Chris Damian

These timeless values are as relevant today as they were 70 years ago.

The **value** we place on your time.

The **precision** with which we serve you.

The **relationships** we build that endure time.



Member FDIC

800-435-8839 | citynational.com

 **City National Bank**
Bci FINANCIAL GROUP

A partner in your success.

The Premier Solution for Complex Global Disputes

Kobre & Kim is a conflict-free, global law firm with locations in the Americas, Asia, Europe, the Middle East and the Caribbean that focuses on disputes and investigations, often involving fraud and misconduct. Our team, which includes several former U.S. Department of Justice Prosecutors, regularly represents Latin America-based clients in cross-border government enforcement actions, regulatory investigations and insolvency disputes.



Representative Contacts:



John D. Couriel
Miami/Buenos Aires
+1 305 967 6115



Laura Gonzalez
Miami
+1 305 967 6100



Adriana Riviere-Badell
Miami/Buenos Aires
+1 305 967 6117



Peter Tyers-Smith
Cayman Islands
+1 345 749 4032



Robert Watson
Miami
+1 305 967 6100

NEW YORK | LONDON | HONG KONG | SHANGHAI | SEOUL | WASHINGTON DC
SAN FRANCISCO | MIAMI | CAYMAN ISLANDS | BRITISH VIRGIN ISLANDS
BUENOS AIRES | CHICAGO | TEL AVIV | TURKS AND CAICOS ISLANDS

Judge Ivonne Cuesta Appointed to the Circuit Court

Jason D. Silver



Judge Ivonne Cuesta added a new chapter to her inspirational life journey when Governor Rick Scott appointed her to one of the vacancies on the Miami-Dade County Circuit Court in October 2017.

Not a stranger to the Eleventh Judicial Circuit, Judge Cuesta was a County Court judge since 2012 and a member of the Public Defender's office before that for ten years.

After receiving her bachelors' degree from Florida International University, she earned her a J.D. from Nova Southeastern University's Shepard Broad College of Law.

Judge Cuesta's journey in life and to the bench has been a motivating one. She came to the United States from Cuba during the Mariel boatlift at the age of seven.

Judge Cuesta's mother has been the driving force for her passion for success and a source of life lessons that stay with her when presiding over cases.. "My mother is the one person that has really, she's been the catalyst for my career. My mom and I came to this country when I was seven years old on the Mariel boatlift and she didn't speak the language at all and she held two and three jobs at a time and I remember succinctly her coming home in the late late evening hours and she was exhausted," Judge Cuesta said.

"I always saw her working so hard to get ahead and working hard and doing the right thing. Never taking the road of least resistance. She's always been an example to me. Do the right thing. Be honest. Keep your nose clean and get an education. Invest in yourself as a human being and in your career. She's been my life coach, you can say."

Immigrating to the United States, Judge Cuesta uses her experience in her life and career every day.

"It definitely shaped my character. It's really a mindset. The life of an immigrant is a mindset. You're always striving. You're always wanting to go that next step. Take that higher step. You always want to better yourself and improve yourself. Ultimately I am so fortunate that I've had people around that have helped me and supported me every time I wanted to move forward in my life," Judge Cuesta said.

"Ultimately I am very grateful to this Country for the wonderful opportunities that it has afforded me. Only in America can someone like me be a circuit judge. Someone who came here without speaking the language, without having any advantages whatsoever. I truly feel that I am living the American dream," she said.

A major reason Cuesta wanted to become a judge was her interest in viewing a case from both sides from early on in her career.

"I've always had this natural tendency to look at issues, even in my personal life or daily life, to look at issues from different angles. Even when I was a lawyer and I was in practice, and I did criminal defense, I was an assistant public defender, I always looked at my case from my perspective and from the prosecution's perspective," Judge Cuesta said.

"I've always had that natural tendency to be kind of, not really glued to one side versus the other. That coupled with my real passion which is the law, I always aspired to see and just deal with the broader issues - both sides of the coin so to speak - as opposed to just that plain advocacy," she said.

Judge Cuesta made a point to discuss the importance of things she learned while in county court as it relates to communicating with litigants.

"Temperament and adherence to the law are critical. In any court, but in county court, especially when you're dealing with the pro se or self-represented litigants, when

you need to explain procedure to them, because perhaps they are not familiar with it, I think temperament is so important,” Cuesta said. “You need to have the same amount of patience with litigant number one that came in at 9 o’clock in the morning than you have with litigant number 155 that comes in at 3:45 in the afternoon.”

Lawyers before Judge Cuesta can expect the utmost respect and a meaningful experience in her courtroom.

“I want lawyers to say ‘Judges Cuesta is the judge and what a pleasant place to practice law.’ That’s ultimately what I want the lawyers to feel,” Judge Cuesta said. “That they can come before me and that they’re going to be given the meaningful opportunity to be heard. That they’re going to be treated with respect. That I’m going to rule based on the law. I believe that adherence to the law is paramount. I’m going to do so in a very respectful manner.”

A reason behind Judge Cuesta’s goal to give every litigant the fullest, most meaningful experience in her courtroom comes from experiences as a trial lawyer at the Public Defender’s office.

“I had a wonderful career for 10 years at the Public Defender’s office. I really fell in love with trial work and I fell in love with being in front of the jury and speaking to the jurors, to the people, being one with them,” Cuesta said. “One of the experiences that really comes to my mind is one experience that I had with a particular judge...who has since passed away...I won’t name any names. The experience wasn’t very positive. I was a young, a very young lawyer and defending a DUI trial and my co-counsel and I were treated so poorly as opposed to the other side. We were belittled in front of the jury and the judge really gave us such a difficult time.

Now we were young. We were both young female lawyers...and not that that had anything to do with it but it certainly did come across that way to us,” she said.

“I vowed I would never be ‘that judge.’ I would always treat everybody with respect. Everybody. Young lawyers. More seasoned lawyers. Women lawyers. Men lawyers. To me I have such great respect for the practice of law and for what lawyers do and so that is one of those lessons I guess that has always remained with me. ‘Don’t be that judge.’ Leave pleasant memory in the minds of the lawyers and of the litigants and certainly my client felt the same way I did,” Judge Cuesta said.

Judge Cuesta emphasized the Cuban American Bar Association’s important role to protect democracy. “I think CABA performs a great service. I think CABA needs to continue to stand for freedom and democracy and those basic fundamental rights that we share in a republic, in a democracy, especially given our heritage and our history where those fundamental rights were taken from the Cuban people,” she said.

“I think CABA needs to continue to be a place where it really needs to encourage freedom of speech, freedom to practice our profession without being shamed and other words along those lines...I just believe CABA needs to continue that fight. They’ve done it. They have certainly kept up that tradition for many years and I hope we don’t lose it with the coming generation. I hope that members of the Cuban American community: we continue to learn from the lessons of our parents, our grandparents, and we really continue to fight for those basic fundamental principles,” Judge Cuesta said.

When it comes to advice for others who hope to have the success,

especially younger lawyers, Judge Cuesta says that guarding your reputation is paramount. “The practice of law is one of the most honorable professions in the world. Being a judge - people really look up to that office, to that position of the judge,” she said. “The one advice I always like to give, especially the younger lawyers, is: protect your reputation. Protect your personal as well as your professional reputation. Be civil to your opposing counsel. Be an advocate. You’re a lawyer. You never know in the future who is going to come to your assistance, who’s going to give you a helping hand. Don’t burn bridges. Be civil to one another,” said Judge Cuesta.

It’s safe to say Miami-Dade County’s residents have a dedicated public servant in the Circuit Court that knows where she comes from and is focused on doing the best job possible.

“I never lose sight that I’m a public servant. I am here because the people of Miami-Dade County and now the Governor of the State of Florida have placed this confidence in me. There are expectations of me as a judge and my number one priority is to serve the people of this county and to adhere to the law, to follow the law”, Judge Cuesta said.



Jason D. Silver is an Associate Attorney at Greenspoon Marder, P.A. He represents financial institutions, corporations, individuals and municipalities prosecuting and defending actions in litigation across the State of Florida.



See what we are up to...

@DigitalEventAssociates

@DigitalEventAssociates

@Digital_Event



Combine cutting edge technology with scenic elements to create a stunning stage and a flawless production! Call TODAY!

- Wedding
- Mitzvahs
- Quinceañera
- Birthdays
- Holiday Parties
- Corporate Meetings
- Receptions
- Award Galas
- Fundraisers
- Charity Galas
- Product Launches
- Brand Experiences
- Special Events

Digital Event Associates
 South Florida 954.534.9888
 Orlando 407.255.6650
 DC 202.280.7506
www.dea.events
info@dea.events



“INDIVIDUALLY WE ARE ONE DROP.
TOGETHER WE ARE AN OCEAN.”

-RYUNOSUKE SATORO

We proudly salute the Cuban American Bar Association and
its mission to increase diversity and equality in the legal profession.

AS ONE, WE ARE AN INSUPPRESSIBLE AGENT OF CHANGE.



MARIA GARCIA
CABA President Elect



JAVIER LOPEZ
CABA Immediate Past President



CORI LOPEZ-CASTRO
CABA Past President



**KOZYAK • TROPIN
THROCKMORTON**
ATTORNEYS AT LAW

COMPLEX LITIGATION | BANKRUPTCY | CLASS ACTIONS
HEALTHCARE | HOSPITALITY | INTERNATIONAL
2525 Ponce de Leon Blvd., 9th Floor, Coral Gables, FL 33134
305.372.1800 www.kttlaw.com

Judge Laura Anne Stuzin Appointed to the Circuit Court

Jason D. Silver



Miami native, Judge Laura Anne Stuzin, was appointed to the Circuit Court bench by Governor Rick Scott on October 9, 2017 to fill a vacant seat on the court. She currently serves in the Juvenile Division.

No stranger to the judicial community and Miami-Dade County, Judge Stuzin was first appointed to the County Court Bench by Governor Scott in 2015. She was born and raised in Miami and has lived in Miami-Dade for 44 years.

Stuzin began her career as an Assistant State Attorney in the Miami-Dade County State Attorney's Office after attending college at the

University of Michigan and then coming back home to the University of Miami for law school.

At the State Attorney's Office, she served the community for four years prosecuting crimes ranging from misdemeanors to life felonies. Judge Stuzin then practiced litigation at two law firms in Miami-Dade County focusing on business litigation, insurance litigation and criminal defense.

Judge Stuzin's time as an Assistant State Attorney, where she gained valuable courtroom experience, really left an impact on her—one she recommends to young lawyers today.

"Beginning my career in public service as an Assistant State Attorney has shaped my career. I think it is very important for young lawyers to have an opportunity to get into court," she said. "I believe that whether you work in civil or criminal you should try and get as much in court experience as possible," Stuzin said.

Judge Stuzin realized she wanted to be an attorney at a young age, gathering inspiration from her role model and mentor - her father.

"My father is one of the people I look up to the most. He was a lawyer and I declared at age 7 that I wanted to be a lawyer just like him," Stuzin said.

After years as a litigator, Judge Stuzin joined the County Court bench and says the lawyers and judges with whom she interacted really helped her grow as a judge.

"I loved mentoring the young lawyers who appeared before me in County Court. The judges I remember the most are the ones who helped mold me in the beginning of my career," Stuzin said.

After two and a half successful years in County Court, Judge Stuzin wanted to continue to have an impact in the community and take on the cases that have a big impact on the community, which led her to seek a seat on the Circuit Court.

"The cases in Circuit Court usually have a greater impact on the litigants and the community than the ones in County Court," Stuzin said. "I am currently in the Juvenile Division in the Dependency section dealing with children and families on a daily basis. I take this responsibility very seriously and realize the magnitude of what I am doing and the affect

"My father is one of the people I look up to the most. He was a lawyer and I declared at age 7 that I wanted to be a lawyer just like him."

my decisions can have on people and their lives.”

Attorneys who appear before Judge Stuzin can expect a judge who

always present themselves with the utmost professionalism,” Stuzin said.

A member of the Cuban American Bar Association, Judge Stuzin

lawyers, it mentors young attorneys and it is at the forefront of important issues in Miami-Dade County. I am extremely proud to be a member.”

Judge Stuzin represents a successful story of a servant to the community from the outset of her career and litigants and the community will continue to benefit from the dedicated Miami native.

“I want the attorneys who appear before me to have respect for the Court and the law. I think that being a lawyer is an awesome responsibility and attorneys should always present themselves with the utmost professionalism.”

recognizes and respects the serious role attorneys have. They should share that perspective.

“I want the attorneys who appear before me to have respect for the Court and the law. I think that being a lawyer is an awesome responsibility and attorneys should

certainly recognizes CABA’s strong role and impact in the South Florida community.

“The Cuban American Bar Association is an extremely important organization in our community,” Stuzin said. “It represents a diverse group of



Jason D. Silver is an Associate Attorney at Greenspoon Marder, P.A. He represents financial institutions, corporations, individuals and municipalities prosecuting and defending actions in litigation across the State of Florida.



FOSTER·MORALES SOCKEL·STONE

DORI FOSTER-MORALES AND BONNIE SOCKEL-STONE
LINDSAY GUNIA - NICOLE ALVAREZ - AMANDA TACKENBERG - JESSICA SATINOFF

FOSTER·MORALES SOCKEL·STONE, LLC

150 West Flagler Street Penthouse II
Miami, Florida 33130

www.fostermorales.com



ARISTA LAW & TAX

Proud supporter of the CABA Pro Bono Project.

International Taxation | Trusts & Estates

www.AristaLaw.com | 305-444-7662

Four Seasons Tower, 1441 Brickell Avenue, Suite 1400, Miami FL 33131

Over 20 years helping American and Multinational families reduce their tax burden, protect their assets and businesses from legal risks, and prepare for the eventual transfer of their wealth.

ESQUIRE GETS COMPLEX LITIGATION **RIGHT**

Esquire is honored to be a longstanding supporter of CABA's Pro Bono initiatives. Supporting CABA's commitment to Pro Bono and social justice, Esquire has created a Pro Bono Court Reporting Program that enables law firms to save 50% off their pro bono depositions. With 40+ offices in the United States and a global network of over 1,000 affiliates, Esquire provides coverage no matter where your case takes you.

The Esquire family congratulates CABA's incoming president Jorge L. Piedra, the 2018 Board of Directors, and our own Karen Cespedes, 2017 Público Anard recipient and new CABA Pro Bono board member, and proudly supports CABA's mission to achieve greater diversity and equal opportunity within the legal profession.



To schedule a court reporter or to learn more about Esquire's Pro Bono Court Reporting Program, please contact Karen Cespedes or Halley Peters.



Karen Cespedes, Regional Litigation Consultant
kcespedes@esquiresolutions.com | 305.401.1976



Halley J. Peters, Esq., Regional Litigation Consultant
halley.peters@esquiresolutions.com | 786.479.9789



Close deals. Open doors.

We're more than a bank. We're a partnership you can count on.

- Treasury management solutions
- Commercial real estate mortgages
- Commercial term loans and lines of credit
- Equipment financing

Begin your partnership with us today by calling 1-888-388-0408
or visiting tdbank.com/commercialbanking.

**Proudly supporting CABA's mission to
promote equality and diversity in the
Florida legal and judiciary community.**



Social Media: Friend or Foe?

George Haj

Anyone watching our Twitter-in-Chief over the last year might conclude that social media—particularly Twitter—ought to be avoided by any sane person who doesn't want to pick a fight. Social media has never been more influential, but engaging with users in a thoughtful way has never been more challenging.

At the end of the day, every lawyer ought to be using social media to advance his or her business and showcase his or her expertise.

Why use social media? It's like what Willie Sutton said when asked why he robbed banks. "I rob banks because that's where the money is," he said.

So why have a social media presence? Because that's where your clients are spending more and more of their time. It's where they are getting their news and reinforcing their world views. Nearly 80 percent of online Americans use Facebook, 32 percent use Instagram, 29 percent use LinkedIn and 24 percent use Twitter.

Being relevant means having conversations in the forums where people are actually gathering—online. The assistant general counsel of Air Canada, Fred Headon, made this point a few months ago when he told a Chicago audience that lawyers are making themselves irrelevant to most people because they aren't communicating like everyone else—on social media—the ABA Journal reported.

So where should you start? Each of the three major social media



networks bring different strengths and audiences.

Twitter has huge impact because of its immediacy and audience of thought leaders, journalists and policy makers. Reporters are looking on Twitter all day as they research articles. Lawyers who are good on Twitter generate more media attention for their firms, and their attorneys become known to a larger audience. Good tweets always include a link to the firm's website and content, and often include a photo or visual element. Hashtags are important to be part of the conversation.

LinkedIn has long been the preferred social media outlet for law firms because it's a less chaotic platform and a generally safe space for professional marketing. Ninety percent of lawyers who responded to a 2016 survey had a profile on LinkedIn and it's often the first place people go to research attorneys. But don't stop at producing a compelling profile. LinkedIn is a terrific place to post content of interest to your audience and show your expertise. It's also a good platform to communicate about your firm's brand and to recruit new employees.

Facebook turned 13 years old in 2017, so it's clearly not going away. It's a great way to share with employees and with your community. It might not generate a lot of business but it's important to be visible since it's the way a great many people are getting their "news" and information these days.

Once you've decided which platforms make sense for you, here's

a checklist to help you establish your social media strategy or make adjustments to your plan in the new year:

- What's your audience? Before doing anything else, think about who you are trying to reach and how to grow that audience. Are you trying to reach other attorneys? Consumers? General counsels? C-suite executives? The more focused your audience, the more likely you are to find ways to target them.
- Create and curate content for that audience. The content should be educational, help audience members solve a problem, or have a conversation about common problems. You want to be seen as a thought leader for your audience, so you don't just want to share stories and blog posts about you and your firm; you want to post content from other sources to show you are the expert in your field. Social media is not a commercial—if you just post items about yourself, you won't get much attention.
- Pick your platform. Don't spread yourself too thin and try and be on every platform. Pick two or three on which to be active. It's better to do well on one platform than to do badly on several.
- Have clear goals. As you plan your firm's strategy, what's the primary goal? Are you trying to drive more traffic to your website, get more subscriptions to a newsletter or generate more phone calls and emails seeking consultations?

- Create policies on how to interact with your audience. It's critical that everyone handling social media accounts knows how to deal with comments—particularly negative ones. A snarky or belligerent response to a negative comment can significantly harm your firm's reputation.

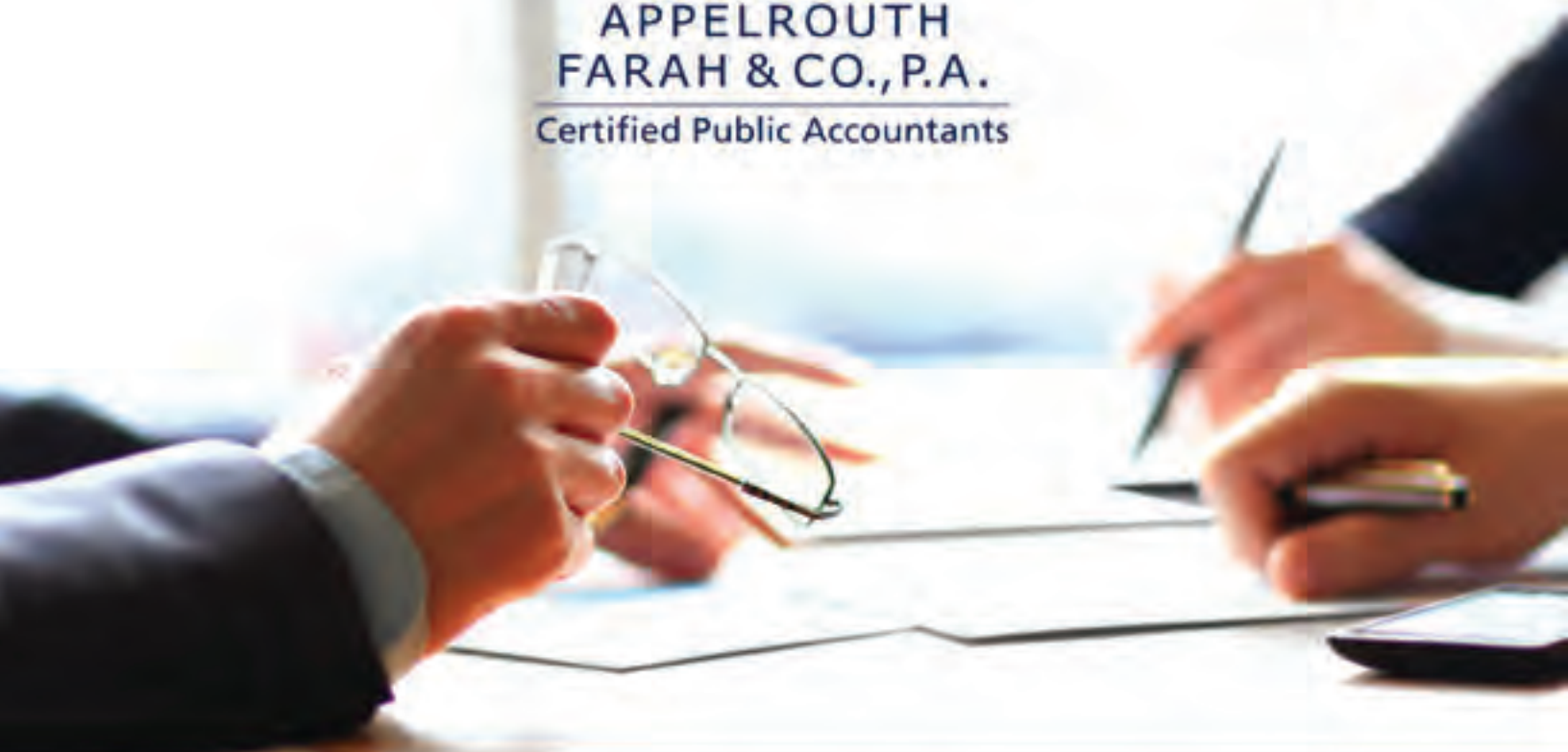
Finally, a reminder of the key word in social media—social. The most successful attorneys are constantly engaging their audience, not simply delivering content to the masses. It means answering questions, having conversations and also sharing the work of colleagues and, gasp, occasionally competitors. That shows that you are a leader in your field and a resource, not simply someone trying to make a sale. Sharing content builds social media equity; and when you write something, others will share it with their audiences. Everybody benefits. And it's easier than robbing a bank.



George Haj is president of Haj Media, a public relations and media consulting firm with a focus on law firms and corporate clients. A Miami native, he previously was editor-in-chief of the Daily Business Review, business editor at the Miami Herald and deputy managing editor of the Houston Chronicle.



APPELROUTH
FARAH & CO., P.A.
Certified Public Accountants



PROUD SUPPORTERS OF THE
CUBAN AMERICAN BAR ASSOCIATION

Success • Your Goal • Our Passion

appelrouth.com

999 Ponce de León Boulevard, Suite 625, Coral Gables, Florida 33134
Main Office: (305) 444-0999

GROWING BUSINESSES

 Bilzin Sumberg

BE JUDGED BY
THE COMPANY YOU KEEP.



At Bilzin Sumberg, we are proud to be judged by the company we keep. Javier Aviñó, A. Vicky Leiva, Melissa C. Pallett-Vasquez, and José Ferrer - like the other members of the Bilzin Sumberg team - are passionate about helping entrepreneurs and other clients thrive in Florida.

CABA Pro Bono Answers the Call After Hurricane Irma Hits Florida

Lesley Silverio Mendoza

Since its creation nearly ten years ago, CABA Pro Bono continues improving and expanding to better serve those in need. The call was answered, again, when a natural disaster struck Florida in September 2017. In response to the aftermath of Hurricane Irma, CABA Pro Bono rapidly developed a new program to address the loss and needs of the community suffered as a result of the hurricane.

Just days following the historic destruction caused by Hurricane Irma across Florida, CABA Pro Bono quickly began to develop a plan to help victims. The aftermath of Hurricane Irma left countless residents struggling with a lack of basic resources and CABA Pro Bono knew it had to answer the call for those most in need and to be part of the solution. CABA Pro



Bono immediately reached out to elected officials offering to assist in the recovery efforts by coordinating and providing free legal services through clinics within their districts.

The need for help was not limited to the local areas. CABA Pro Bono not only wanted to address local needs here in Miami Dade County but also recognized the need to





extend its pro bono efforts to the Florida Keys, assisting those that were hardest hit by Hurricane Irma. The effort to assist and provide the legal hurricane relief clinics required recruiting volunteer attorneys in Florida. CABA Pro Bono met the challenge head on and partnered with Legal Services of Greater Miami, the Monroe County Bar Association and various law firms across South Florida, including Holland & Knight, which sent over 15 volunteer attorneys. Volunteer attorneys included ABA President, Hilarie Bass, and ABA President-elect, Bob Carlson, who personally participated in the Little Havana hurricane relief legal clinic. In the first few weeks following Hurricane Irma, CABA Pro Bono also traveled to the Keys to assist those residents most affected by the hurricane, were displaced from their homes, and needed immediate help with their FEMA claims and Red Cross assistance. The volunteers who traveled to Marathon and Big Pine

Key included CABA Board Vice President Frances De La Guardia, Pro Bono Executive Director Lesley Mendoza, and CABA Pro Bono Board members Karen Cespedes and Monica Cunill-Fals.

Ultimately, CABA Pro Bono's efforts paid off and they successfully developed, led, and executed a collaborative plan that resulted in 10 hurricane relief legal clinics held at various locations in South Florida and the Florida Keys benefitting over 500 Hurricane Irma victims. Moreover, CABA Pro Bono's program was recognized by the Florida Bar Foundation which awarded CABA Pro Bono a grant to allow it to continue serving Hurricane Irma victims as well as Hurricane Maria victims. This coming year, CABA Pro Bono will continue its efforts to provide assistance with the hurricane victims with more hurricane relief clinics and will follow up with appeals to FEMA.

Additionally, in 2017, Miami Dade County, through its Community Based Organizations (CBO) Program, awarded CABA Pro Bono a significant grant. This CBO funding is critical and will allow CABA Pro Bono to expand three of its current programs, the CABA Human Trafficking Victim's Representation Program, the CABA Domestic Violence Program, and the CABA Immigrant Children's Program, to best meet the growing needs of our community. These 3 CABA Pro Bono programs are unique in that not only do they offer holistic legal services to clients in multiple areas of the law simultaneously, but these programs also refer clients to partners that can provide additional social support services. CABA Pro Bono understands that addressing all of the client's needs makes a larger impact for its clients and positively transforms the lives of people in our community. This additional and significant funding will allow CABA Pro Bono to continue assisting



clients through these programs from our offices conveniently located at Miami Dade County's Coordinated Victims Assistance Center (CVAC), and will also allow CABA Pro Bono to forge new partnerships to make its services more accessible and meaningful to those in need.

In 2017, CABA Pro Bono partnered with Connect Familias, a nonprofit organization that provides support to children and families in Miami Dade County, and also with the Community Action Center in Little Havana. CABA Pro Bono meets with victims of domestic violence, child abuse, human trafficking Hurricane Irma, and children and families in need and provides legal services and referrals at both locations multiple times a month. CABA Pro Bono also continues its outreach by meeting with children and victims of abuse, domestic violence and human trafficking in immediate need of legal representation at the Miami Immigration Courthouse and at the Miami Dade Children's Courthouse.

CABA Pro Bono's growth over the past 10 years is directly attributable

to the strong support that it receives from the legal community and the Miami Dade community at large, which greatly benefited our community. CABA Pro Bono continues to work hard for those in need and has many new and incredible plans for 2018.

However, this tremendous growth and great success has resulted in an unprecedented demand for an increase in our services. CABA Pro Bono is working diligently to meet these growing demands and needs your help. Contact Lesley Mendoza at lesley@cabaprobono.com and volunteer or donate today to CABA Pro Bono. By helping an individual in need, you will not only be improving the life of that one person but also serving as a catalyst and positively impacting the lives of future generations. CABA Pro Bono is ready, willing, and able to lead efforts towards a better tomorrow, but it needs your help today. By answering the call to service, together we can make South Florida a better place for all.



Lesley Silverio Mendoza joined CABA Pro Bono Legal Services in February 2013 as Executive Director, and is responsible for supervising attorneys and all legal services provided by the organization. In addition, she conducts outreach efforts to educate the community on the services provided as well as recruitment and fundraising. From 2004 to 2007, Mendoza worked at White & Case in New York as part of the firm's commercial litigation practice group. Prior to that, she worked at Thornton, Davis & Fein in Miami. She earned a juris doctor from the University of Miami School of Law in 2002 and a Bachelor of Arts degree from the University of Pennsylvania in 1998.

You're only as good as the counsel you keep.

Legal Counsel to Community Associations Since 1977

Siegfried • Rivera • Hyman • Lerner
De La Torre • Mars • Sobel

SRHL

S R H L - L A W . C O M

Offices in Miami-Dade, Broward and Palm Beach

Main Office: Suntrust Plaza, 201 Alhambra Circle, Suite 1100, Coral Gables, FL 33134

800-737-1390 | www.srhl-law.com

From the SMGQ Family to yours,
we hope you have a

Prosperous & Joy-filled
2018



ATTORNEYS | SMGQLAW.COM

COMMITMENT | STRONG ADVOCACY | RESULTS

FULL SERVICE LAW FIRM | NATIONAL AND INTERNATIONAL PRACTICE

CIVIL LITIGATION & TRIAL PRACTICE | CORPORATE & SECURITIES | CONTRACTS & COMMERCIAL
TRANSACTIONS | TAX & ESTATE PLANNING | REAL ESTATE LAW & LENDER REPRESENTATION
IMMIGRATION LAW | CRIMINAL DEFENSE | GOVERNMENT RELATIONS | CUBA PRACTICE GROUP

LEGAL ROUND UP

By Elliot B. Kula, W. Aaron Daniel and William D. Mueller

Allstate Fire and Cas. Ins. Co. v. Hallandale Open MRI, LLC, a/a/o Alexia Blake, Case No. 3D16-38 (Fla. 3d DCA November 29, 2017)

More Than You Ever Thought You Wanted to Know About Second-Tier Cert

Headnotes:

- Jurisdiction for “second-tier” certiorari review of an appellate decision of the Circuit Court requires a violation of a “clearly established principle of law resulting in a miscarriage of justice.”
- No jurisdiction where principle of law becomes clearly established **after** Circuit Court decision.

In *Hallendale Open MRI*, the Third District Court of Appeal revisited the standard for petitions for writ of certiorari and certified a question of great public importance to the Florida Supreme Court. The opinion was issued following a second motion for rehearing and arises out of somewhat nuanced lower court proceedings.

The case centered on a personal injury protection (“PIP”) automobile insurance policy dispute between Allstate and a medical provider. Specifically, whether Allstate’s policy contained sufficiently specific language to limit Allstate’s reimbursements to the provider to 80% of the maximum charges of the Medicare Fee Schedule identified in the PIP statute. The county court determined the policy language failed to specify reimbursements would be limited to the (typically lower) Medicare Fee Schedule amount identified in the statute.

Allstate appealed to the Eleventh Judicial Circuit Court Appellate Division for Miami-Dade County. At the time of the appeal to the Appellate Division, there was no controlling authority on the issue from the Third District or the Florida Supreme Court. With no binding authority to direct the outcome, the panel acknowledged two conflicting decisions from the First District and the Fourth District, one determining the same language was sufficient to limit reimbursements, the other determining such language to be insufficient. The three-judge panel affirmed the county court’s judgment the policy was insufficient.

Following the panel’s decision, Allstate filed a petition in the Third District seeking second-tier certiorari. While the petition was pending, two notable events occurred. First, the Third District issued an opinion in a separate case, which held the same policy language at issue in the *Hallendale Open MRI* case was clear and sufficient to limit reimbursements to the statute. See *Fla. Wellness & Rehab. v. Allstate Fire & Cas. Ins. Co.*, 201 So. 3d 169 (Fla. 3d DCA 2016). And second, the Florida Supreme Court accepted jurisdiction over the two conflicting cases. See *Allstate Ins. Co. v. Orthopedic Specialists*, No. SC15-2298 (Fla. Jan. 20, 2016) (accepting jurisdiction).

LEGAL ROUND UP



The Third District's opinion in *Hallendale Open MRI* followed months later, and despite having declared the language used in Allstate's policy clear (thus taking a different view of the language than the county and circuit court judges), the Third District dismissed Allstate's petition reasoning that there was no violation of a "clearly established principle of law resulting in a miscarriage of justice." When the Appellate Division of the Circuit Court issued its opinion, the applicable principle of law was sufficiently unsettled, given the Florida Supreme Court accepted jurisdiction to resolve conflicting decisions on the issue. *Allstate Fire & Cas. Ins. Co. v. Hallendale Open MRI, LLC*, 208 So. 3d 741, 742 (Fla. 3d DCA 2016). In other words, no clearly established principle existed **at that time**.

Allstate requested rehearing of the decision and while the motion was pending, the Florida Supreme Court issued its opinion on the conflict issue, settling the law in favor of Allstate and consonant with the Third District's new decision. The Third District felt compelled by the issuance of the Florida Supreme Court opinion and granted rehearing in April. The Third District, channeling Judge Logue's dissent in the original *Hallendale Open MRI* opinion, changed course and allowed Allstate to benefit from the Supreme Court's resolution of the underlying issue. *Allstate Fire & Cas. Ins. Co. v. Hallendale Open MRI, LLC*, No. 3D16-38, 2017 WL 1401447 (Fla. 3d DCA Apr. 19, 2017). Based upon that opinion, the medical provider requested its own rehearing, asking the Court to re-avow its earlier analysis. For those keeping count, that's the second rehearing in the same appeal.

And in November, the Third District did just that. *See Allstate Fire & Cas. Ins. Co. v. Hallendale Open MRI, LLC*, No. 3D16-38, 2017 WL 5760355 (Fla. 3d DCA Nov. 29, 2017). Reasoning, as it had originally, the Circuit Court Appellate Division committed no error when it failed to accurately predict which of the two persuasive, yet competing, precedents the Florida Supreme Court would ultimately adopt, the Third District withdrew its second opinion (issued after the first rehearing) and ruled in favor of the medical provider.

Recognizing the procedural oddities exemplified by this case, the Third District also certified a question to the Florida Supreme Court on the scope of its second-tier certiorari jurisdiction.

Obregon v. Rosana Corp. d/b/a Original Uncle Tom's Barbeque, No. 3D16-2104 (Fla. 3d DCA 2017)

Offer of Judgments & Barbeque: Savor the Good Ones

Headnotes:

- A **cross**-appeal cannot be taken from a judgment separate from the judgment(s) already on appeal. A separate appeal, with a new case number, must be taken.
- A proposal for settlement and general release must be clear and unambiguous to be enforceable, but appellate courts should refrain from "nit-picking" the language of offer of judgments

Two lessons can be gleaned from a recent Third District Court of Appeal opinion, *Obregon*. In *Obregon*, a patron of Uncle Tom's Barbeque joint

CABA BRIEFS

Allstate Fire and Cas. Ins. Co. v. Hallendale Open MRI, LLC, a/a/o Alexia Blake

Obregon v. Rosana Corp. d/b/a Original Uncle Tom's Barbeque.



LEGAL ROUND UP

brought suit against the restaurant after allegedly slipping and falling on the premises. Following the filing of the complaint, the parties engaged in thorough discovery, which revealed the plaintiff had failed to disclose numerous health care providers that treated her for the injuries and pain for which she was seeking recourse for in the action. The plaintiff had made several misstatements in depositions and written interrogatories that came to light following discovery.

Accordingly, Uncle Tom's moved to strike the plaintiff's pleadings for fraud on the court and contemporaneously filed an offer of judgment. Following an evidentiary hearing, the trial court struck the complaint and thereafter dismissed the action. But, the trial court found the language of the offer of judgment was unclear because the accompanying release included Obregon's "legal representatives" in the definition of the releasing parties and so the offer could not serve the basis for attorney's fees. The plaintiff appealed the dismissal of her action, while Uncle Tom's cross-appealed the order denying entitlement to attorney's fees.

On appeal, the Third District affirmed the trial court's order striking the complaint and dismissing the action finding there was "clear and convincing" evidence the plaintiff committed fraud on the court through her mendacious answers in discovery. But, the Third District concluded Uncle Tom's improperly filed the appeal from the order denying entitlement to attorney's fees as a *cross-appeal* because it is not the function of a cross-appeal to seek review of a distinct and separate judgment. Instead of dismissing the appeal, however, the Third District showed leniency and held Obregon had "plainly been advised of the order being appealed, and ... suffered no prejudice or inconvenience" by the incorrect designation of the appeal.

And Uncle Tom's was quite fortunate the Third District overlooked its mistake because the Court went on to find the language contained in the proposal for settlement and general release was "clear, unambiguous, and enforceable," contrary to the trial court's finding. The Third District acknowledged the language was a bit atypical, but still clear enough to be compliant with section 768.79 of the Florida Statutes.

In that ruling, the Third District followed a recent pattern of appellate court decisions that refrained from "nit-picking" the language of offer of judgments. *Carey-All Transport, Inc. v. Newby*, 989 So. 2d 1201, 1206 (Fla 2d DCA 2008) ("parties should not 'nit-pick' the validity of a proposal for settlement based on allegations of ambiguity unless the asserted ambiguity could 'reasonably affect the offeree's decision' on whether to accept the proposal for settlement"), *State Farm Mut. Auto. Ins. Co. v. Nichols*, 932 So. 2d 1067, 1079 (Fla. 2006) ("given the nature of language, it may be impossible to eliminate all ambiguity"), *Kiefer v. Sunset Beach Invs. LLC*, 207 So. 3d 1008 (Fla. 4th DCA 2017).



LEGAL ROUND UP

Law Offices of Herssein and Herssein, P.A. v. United Services Auto. Ass’n, No. 3D17-1421 (Fla. 3d DCA 2017)

Facebook: The Friends You Never Had

Headnotes:

- “A Facebook friendship does not necessarily signify the existence of a close relationship” for purposes of disqualifying a judge.
- But, the Third and Fourth Districts are in conflict on the issue, which is pending in the Florida Supreme Court.

The Law Offices of Herssein and Herssein, P.A., brought a suit against its former client, United Services Automobile Association, for breach of contract and fraud. But in the course of litigation, one of USAA’s executives, who had the potential to become a party to the dispute himself, may have tampered with a witness or two. In response to the tampering claims, USAA hired a former Circuit Court judge to represent the executive. An issue arose when the Herssein firm discovered the executive’s new counsel was Facebook friends with ... the judge presiding over its case!

Of course, the Herssein firm moved to disqualify the judge, alleging the firm had a well-grounded fear of not receiving a fair and impartial trial. The trial court denied the motion and the Herssein firm moved for a writ of mandamus to compel the disqualification. And so, the Third District was tasked with answering the question of whether a “reasonably prudent person” would fear s/he would be treated impartially because of a judge’s Facebook friendship.

The Third District began the analysis by noting mere allegations of friendship between a judge and an attorney have been deemed insufficient to disqualify a judge. But in this day of technology, could a virtual friendship amount to more than--as the kids would say--an IRL* friendship? (*For the non-kids in the audience, that’s “In Real Life.”)

Indeed, in one recent opinion, the Fourth District held recusal was required when a judge was a Facebook “friend” with the prosecutor in a case. *See Domville v. State*, 103 So. 3d 184 (Fla. 4th DCA 2012). The Fourth District relied upon a 2009 Judicial Ethics Advisory Committee Opinion which focused its analysis on the judge’s “active role in accepting or rejecting potential friends” as it may convey the impression that the lawyer is in a special position to influence the judge.

The Third District took a different view of these online friendships. Siding with a recent decision from the Fifth District Court of Appeal, *see Chace v. Loisel*, 170 So. 3d 802 (Fla. 5th DCA 2014), the Third District held “[a] Facebook friendship does not necessarily signify the existence of a close relationship.” The Court rationalized some individuals have “thousands” of Facebook friends and often can’t even remember the names of all the friends they’ve added. And perhaps more importantly, the Court noted many Facebook friends are selected based upon Facebook’s data-mining technology rather than personal interactions. And so, it could very well be a Facebook friend is more of a reflection of a personal and professional network, than it is a representation of a person’s circle of trust.

CABA BRIEFS

Law Offices of Herssein and Herssein, P.A. v. United Services Auto. Ass’n

LEGAL ROUND UP

In sum, the Third District concluded “[a]n assumption that all Facebook ‘friends’ rise to the level of a close relationship that warrants disqualification simply does not reflect the current nature of this type of electronic social networking.” And so the Third District denied the petition. It did, however, certify conflict with the *Domville* opinion, and (as of the time of writing) jurisdictional briefs are pending in the Florida Supreme Court. Perhaps the Supreme Court will finally give us an answer to one of the great questions of our age: How close *are* your Facebook friends, really?

But stay tuned for the Florida Supreme Court’s “like,” or not. On December 11, 2017, the Florida Supreme Court accepted jurisdiction for discretionary review upon assertion of twin bases: (i) the opinion expressly and directly conflicts with *Domville*; and (ii) the opinion expressly and directly affects a class of constitutional officers. *Law Offices of Herssein and Herssein, P.A. v. United Services Auto.Ass’n*, No. SC17-1848.

Joyce v. Federated National Insurance Co., No. SC16-103 (Fla. 2017)

The Florida Supreme Court Does Away with Rare and Extraordinary Circumstances Requirement for Contingency Fee Multipliers

Headnotes:

- Contingency fee multipliers are **not** just for “rare” or “extraordinary circumstances.”
- In deciding whether to apply a multiplier, court should place itself in the attorney’s position, as of the time the attorney decided to take the case.

In a recent opinion, the Florida Supreme Court distanced itself from prior precedent regarding contingency fee multipliers. The Court wrote to clarify a misapprehension of its seminal 1990 opinion *Standard Guaranty Ins. Co. v. Quanstrom*, 555 So. 2d 828 (Fla. 1999), in which the Court held while trial judges “are not required to use a multiplier,” when they do, “exacting justification” must be “presented to justify the utilization of a multiplier.” *Id.* at 834. Courts interpreting *Quanstrom*, including the Fifth District Court of Appeal, understood *Quanstrom* to hold the multiplier itself was to be used only in “rare” and “extraordinary circumstances.” According to the Florida Supreme Court, that was incorrect.

In *Joyce*, the Court pronounced that after reviewing its own precedent regarding contingency fee multipliers, “it is clear that th[e] Court ha[d] never limited the use of contingency fee multipliers to only ‘rare’ and ‘exceptional’ circumstances.” The Court reasoned contingency fee multipliers provide trial courts with the flexibility to ensure lawyers who take difficult cases on a contingency fee basis are adequately compensated. And without the ability for the trial court to employ multipliers, clients with difficult and complicated cases would likely be unable to find counsel.

LEGAL ROUND UP



The Court further commented that when determining whether an amount of attorney's fees is reasonable, the award for the work done, under the lodestar analysis, is properly analyzed through hindsight by determining the outcome of the case and the amount of time that went into procuring that outcome. But in regards to the contingency fee multiplier, the analysis is best undertaken using the same lens as the attorney at the time the attorney made the decision to take the case.

Ultimately, the Florida Supreme Court reaffirmed that trial courts should apply the *Rowe* factors and determine if they are being presented with competent, substantial evidence regarding those factors. If so, a contingency fee multiplier may indeed be appropriate.

Appellate Practice Pointers: Perennial Traps for the Unwary (You Really Should Consult an Appellate Specialist)

Emerald Coast Utilities Authority v. Bear Marcus Pointe, LLC, Case No. 1D15-5714 (Fla. 1st DCA 2017)

Do check your spam folders every once in a while!

An order in the trial court was rendered assessing attorneys' fees against Emerald Coast in an eminent domain proceeding. The order was sent by email to the email addresses provided by each party's counsel in the action. But, counsel for Emerald Coast employed the strictest of email filters and the order was swept up -- and then deleted -- by counsel's email server. As Murphy's Law dictates, whatever can go wrong in these situations will go wrong. By the time counsel realized the order was entered, the time for appeal had lapsed.

Emerald Coast found itself in the trial court on a Rule 1.540(b) motion to vacate arguing its counsel's failure to see the order due to the spam filter was excusable neglect. Based on that excusable neglect, Emerald Coast requested the court re-enter the order so as to restart the jurisdictional clock. (Bonus pointer: **Don't** do that.) But, an evidentiary hearing ensued in which the clerk's IT director, the firm's IT personnel, several other IT specialists, and shareholders of the firm all testified and it was revealed there the firm had made a conscious decision to employ draconian spam filters that immediately deleted any item classified as spam.

Having determined the neglect was not so excusable, the trial court denied the 1.540(b) motion. An appeal to the First District Court of Appeal followed, and following a thorough breakdown of all the testimony that was elicited, the First District affirmed the trial court's denial of vacatur, determining the trial court's careful consideration of this testimony could not amount to an abuse of discretion.

CABA BRIEFS

Joyce v. Federated National Insurance Co.

Emerald Coast Utilities Authority v. Bear Marcus Pointe, LLC

LEGAL ROUND UP

American Federated Title Corp. v. Gross, Case No. 3D14-758 (Fla. 3rd DCA 2017)

Do stay apprised of any possible conflicts of law affecting your appeal -- even after your appeal is over.

Following a crushing defeat at the hands of the Third District Court of Appeal, which affirmed the dismissal of American Federated's claim for malicious prosecution, appellant American Federated Title Corporation received the mandate from the appeal and thought all was lost. Fortuitously, less than two months later, the Fourth District Court of Appeal issued an opinion directly conflicting with the law relied on in the Third District's opinion, and certified conflict between the two cases.

Sensing hope on the horizon, American Federated moved the Third District to recall its mandate, pursuant to section 43.44 of the Florida Statutes and Florida Rule of Appellate Procedure 9.340(a). Under Rule 9.340(a), an appellate court may recall its mandate within 120 days after its issuance. The Third District granted American Federated's motion and recalled the mandate pending the Florida Supreme Court's jurisdictional determination.

Eventually, the Florida Supreme Court accepted jurisdiction and issued its opinion on the merits of the claim siding with the Fourth District's rationale. The Third District withdrew its original opinion and reissued a new one consistent with the Florida Supreme Court's precedent and reinstated American Federated's claim. ¶

Walgreen Co. and Holiday CVS, LLC v. Rubin, No. 3D17-282 (Fla. 3d DCA 2017)

Do remember that "undue burden" or "undue expense" are never reasons for establishing irreparable harm for certiorari jurisdiction.

In a wrongful death suit, the defendants, Walgreens and CVS, were tasked with onerous requests for production, the costs for which were estimated to be over \$21,000. Accordingly, they attempted to shift the costs of discovery onto the plaintiffs but were ultimately thwarted by the trial court. Seeking interlocutory review of the order, both defendants petitioned the Third District for a writ of certiorari, claiming the discovery order constituted irreparable harm.

To establish the requirements for a writ of certiorari, the defendants were required to prove (1) a departure from the essential requirements of the law, (2) resulting in material injury for the remainder of the case (3) that cannot be corrected on post-judgment appeal. The last two elements are commonly referred to as "irreparable harm," are jurisdictional in nature, and were placed at the forefront of the Third District's analysis in this case.

But of course, the caselaw in Florida is legion that "[m]ost economic concerns regarding the cost of litigation do not involve the essential requirements of the law or a violation of a clearly established principle of law resulting in a miscarriage of justice." The usual remedy available to a party that has incurred burdensome discovery costs is to "recoup them through taxation of costs, not via certiorari." The Third District accordingly denied the petition, holding that in "Florida jurisprudence undue burden or expense normally are insufficient to establish the irreparable harm needed for certiorari jurisdiction."



Appellate attorney **Elliot B. Kula** of Kula & Associates, P.A., work collaboratively with great trial lawyers to provide appellate services and trial strategy consultation. Visit the Firm's website at www.KulaLegal.com.



Appellate attorney **W. Aaron Daniel** of Kula & Associates, P.A., work collaboratively with great trial lawyers to provide appellate services and trial strategy consultation. Visit the Firm's website at www.KulaLegal.com.



Appellate attorney **William D. Mueller** of Kula & Associates, P.A., work collaboratively with great trial lawyers to provide appellate services and trial strategy consultation. Visit the Firm's website at www.KulaLegal.com.



ZAMORA
HILLMAN &
VILLAVICENCIO
ATTORNEYS AT LAW

We're here to help you navigate
the uncharted waters
of your **future.**

Probate

Trust

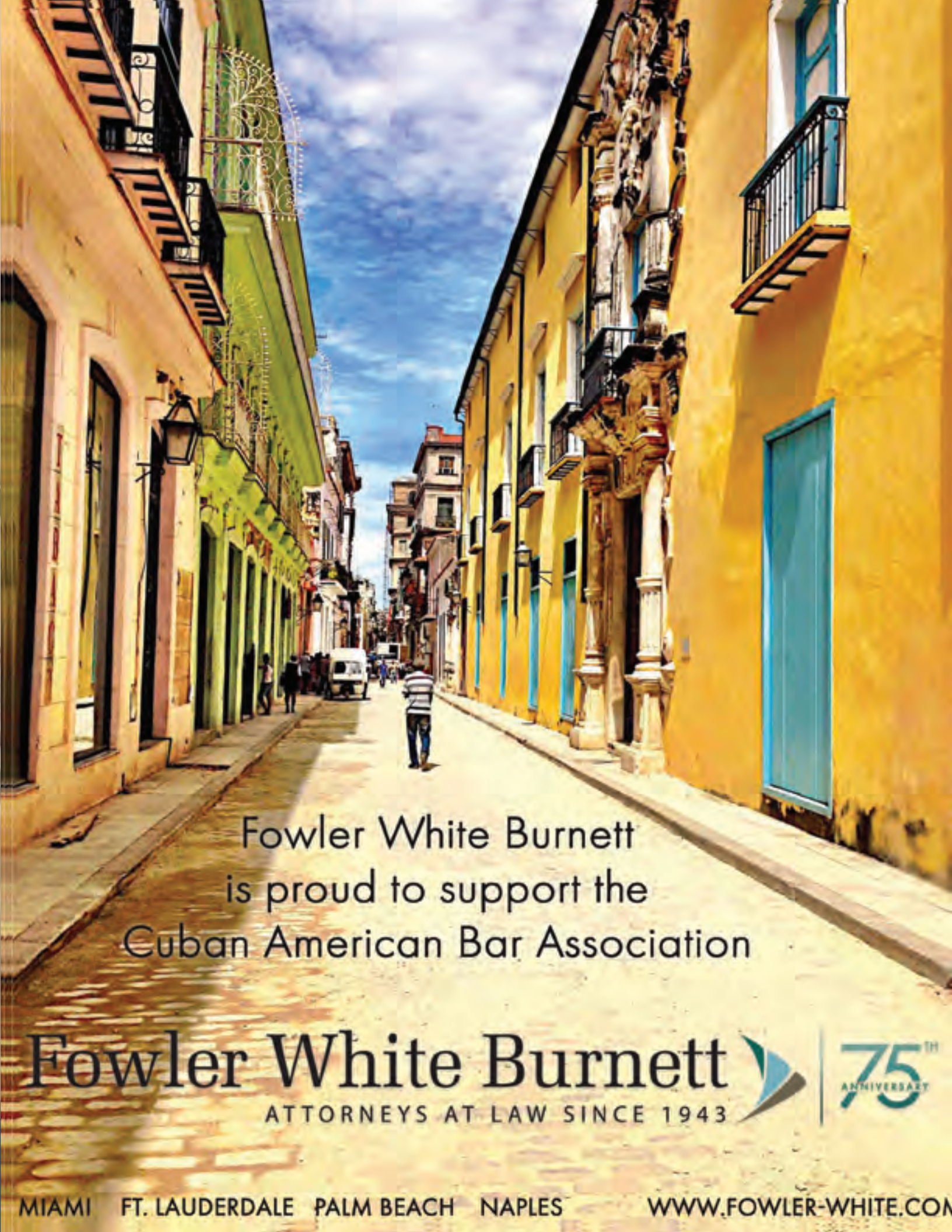
Guardianship

Elder Law

Estate Planning

3006 Aviation Avenue, Penthouse 4C
Coconut Grove, FL 33133

305.285.0285
www.zhlaw.net



Fowler White Burnett
is proud to support the
Cuban American Bar Association

Fowler White Burnett

ATTORNEYS AT LAW SINCE 1943



75TH
ANNIVERSARY

MIAMI FT. LAUDERDALE PALM BEACH NAPLES

WWW.FOWLER-WHITE.COM

SOUTH FLORIDA'S LEADING HVAC PROVIDER



Powered by an experienced team of experts and a portfolio of world-class projects,

Tropic Mechanical designs and builds state-of-the-art commercial HVAC systems. Unlike many of our competitors, we work closely with clients through a true Design-Build process.

Tropic Mechanical offers each client the full capabilities of our planning and engineering teams. Our experts accurately predict costs and mitigate potential budget issues well before they pose a risk. **In fact, our guaranteed estimates mean no client is ever subject to cost overruns.** We promise to deliver a superior HVAC system on time, on budget and aligned with your vision.

The Tropic Mechanical pledge is unique to our industry, and we stand fully behind it. Let us review your next project today and show you this promise in action.



DEMAHY | LABRADOR | DRAKE | VICTOR | ROJAS | CABEZA

Congratulations

DLD Lawyers is proud to support The Cuban American Bar Association and salutes CABA's commitment to the promotion of diversity in our legal community



PRACTICE AREAS: General & Products Liability | Construction | Professional Liability | Directors & Officers | Labor & Employment | Insurance Coverage | Property & Casualty | Intellectual Property | Technology Law | Toxic Tort & Environmental Litigation | Bad Faith | Commercial Litigation | Excess Insurance | Appellate

CORAL GABLES/MIAMI • FORT LAUDERDALE • WEST PALM BEACH

www.dldlawyers.com



D O R T A  L A W
ATTORNEYS

CABA - always remember
that abuse and tyranny
cannot be forgotten by the
passage of time, nor hidden
by political expediency

Make Your Move



Congratulations CABA! FirstBank is united in your mission to serve the community and expand opportunities in South Florida. We commend all your achievements and look forward to serving you with the utmost respect and attentiveness.

We will be here for you when you are ready to make your move.

Call 305.577.6000 or visit 1FirstBank.com.

M NUESTRO MIAMI 01.27.18 CABA GALA

NUESTRO MIAMI
01.27.18
CABA

The 44th CABA Installation Gala was held on January 27th at the Florida International University Arena. Jorge Piedra, a CABA board member since 2011, was installed as the 44th President of CABA. Over 800 guests and CABA members enjoyed the festivities.





NUESTRO
MIAMI
01.27.18 NUESTRO
CABA MIAMI
GALA



NUESTRO MIAMI 01.27.18 CABA GALA

NUESTRO
MIAMI
01.27.18



NUESTRO MIAMI 01.27.18 NUESTRO CABA MIAMI GALA



8 YEARS
OF CRAFTSMANSHIP
FOR A REFINED TASTE.

BACARDÍ USA is a proud supporter
of CABA.



*Uncork Quality
Unleash Experiences*

MEGA
WINE & SPIRITS

Let's celebrate

MIAMI (BIRD RD) • KENDALL (MILLER DR) • KENDALL (KENDALL DR) • HOMESTEAD • CORAL SPRINGS • BIRD RD & PALMETTO • PEMBROKE PINES • MIAMI LAKES • CORAL PARK • DOWNTOWN DORAL • WESTON

Let's connect: www.megaliquors.com  MegaLiquors  Mega Wine Spirits  MegaWine_Spirits

NUESTRO MIAMI 01.27.18 CABA GALA

NUESTRO
MIAMI
01.27.18
MIAMI





NUESTRO
MIAMI
01.27.18 NUESTRO
CABA MIAMI
GALA



NUESTRO MIAMI 01.27.18 CABA GALA

NUESTRO
MIAMI
01.27.18





NUESTRO
MIAMI
01.27.18
CABA
GALA

NUESTRO
MIAMI
01.27.18





786-471-8407

WWW.MIAMIELITEPHOTOGRAPHY.COM



786-471-8407

WWW.MIAMIEVENTPHOTOBOOTH.COM



YOU BRING THE GUESTS,
let us handle the rest!

FROM WEDDINGS TO CORPORATE EVENTS,
HOUSE PARTIES TO GALAS, OUR SEASONED CATERING TEAM
KNOWS HOW TO FEED OUR CLIENTS
WITH STYLE AND GRACE.

*for more information,
please contact us*

305.666.8545 | MENACATERING.COM
7462 SW 48th St, Miami, FL 33155

M NUESTRO MIAMI 01.27.18 CABA GALA

NUESTRO MIAMI 01.27.18





NUESTRO
MIAMI
01.27.18
CABA
GALA

NUESTRO
MIAMI
01.27.18



M

NUESTRO
MIAMI
01.27.18
CABA
GALA

NUESTRO
MIAMI
01.27.18





NUESTRO
MIAMI
01.27.18 NUESTRO
CABA MIAMI
GALA 01



The

TANK

BREWING CO



BREWED TO KEEP THINGS BREWING...

5100 NW 72ND AVE. BAY A-1, MIAMI, FL 33166

SYLVIA CONDE

EVENT PLANNING SERVICES



305.742.4077
conderod@gmail.com

NUESTRO MIAMI 01.27.18 CABA GALA

NUESTRO
MIAMI
01.27





NUESTRO
MIAMI
01.27.18
CABA
GALA

NUESTRO
MIAMI



FIU | Law



#17

Best Value Law School
by the National Jurist

#1

Bar Pass Rate
in Florida

#46

National Ranking,
Graduate Success



Learn more about why FIU Law is right for you:

law.fiu.edu



The Annual Past Presidents Dinner was held at Caffè Abbracci Restaurant in Coral Gables. President Jorge Piedria welcomed the Past Presidents and CABA's Board of Directors at the annual end-of-the-year event.









GRAY | ROBINSON
ATTORNEYS AT LAW

is proud to support

THE CUBAN AMERICAN BAR ASSOCIATION



As a full-service firm, we are uniquely positioned
to help you succeed across the State of Florida.

"2017 Lobbying Firm of the Year"

-INFLUENCE Magazine

Boca Raton | Fort Lauderdale | Fort Myers | Gainesville | Jacksonville | Key West
Lakeland | Melbourne | Miami | Naples | Orlando | Tallahassee | Tampa

www.gray-robinson.com



The law firm of Colson Hicks Eidson
is a proud supporter of the
Cuban American Bar Association

Congratulations to **Jorge L. Piedra** and
the **2018 Board of Directors**



Colson Hicks Eidson is a trial law firm with nearly 50 years of experience handling a wide variety of local, national and international litigation, and arbitration.

A mid-size firm with a diverse staff comprised of more than 50 percent women and minorities, Colson Hicks Eidson prides itself on a track record of developing future leaders within the legal profession and its civic and community involvement.

www.colson.com

255 Alhambra Circle, Penthouse • Coral Gables, Florida 33134

Congratulations & continued success

White & Case is proud to support the outstanding work of CABA

As a pioneering international law firm, we help our clients achieve their ambitions across the world's developed and emerging markets

WHITE & CASE

whitecase.com/social



The CABA Board of Directors and members gathered for a weekend of fun at Ocean Reef Club for the 2017 CABA Retreat for members.









**One Firm. One Team.
One Focus.**

Greenberg Traurig's roots trace back to its founding in 1967 by three attorneys with a business-minded approach and a tradition of community service. With our global footprint, we've built a firm of 2000+ lawyers in more than 38 locations who are focused on delivering efficiency and value.

With client service at the heart of its priorities, Greenberg Traurig recognizes the need to innovate and navigate change in the global marketplace. Our attorneys advise local, national and international companies in numerous industry sectors and deliver legal services and solutions worldwide.

**Greenberg Traurig
by the Numbers**

370+ Attorneys in Florida

Most Hispanic American Attorneys
(*Am Law Diversity Scorecard* - 2017)

43 - Percentage of firm attorneys who are women or minorities (ABA defined)

35 - Languages Spoken

10 - Countries with firm offices

50 - Years firm has been in business

No. 1 Ranking - Largest U.S. Law Firm
(*Law360 400* - 2017)

No. 1 Ranking - Number of Lawyers
(*The Best Lawyers in America* - 2010 - 2017)

No. 1 Ranking - Most Charitable Law Firm
(*Law360 Philanthropy Survey* - 2015)

Most African American Partners (*Am Law Diversity Scorecard* - 2017)

ELIOT PEDROSA | SHAREHOLDER AND CHAIRMAN, MIAMI LITIGATION DEPARTMENT

GREENBERG TRAURIG, P.A. | 333 S.E. 2ND AVENUE | SUITE 4400 | MIAMI, FL 33131 | 305.579.0500

2000 ATTORNEYS | 38 LOCATIONS WORLDWIDE* | 7 OFFICES IN FLORIDA

Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. ©2017 Greenberg Traurig, LLP Attorneys at Law. All rights reserved. Attorney advertising. *These numbers are subject to fluctuation.

STEARNS WEAVER MILLER

Stearns Weaver Miller proudly supports the Cuban American Bar Association in its mission to improve the legal profession through greater diversity and equality of opportunity throughout Florida.



Congratulations to
**Giselle
Gutierrez Madrigal**

for a wonderful year of
service as CABA
Board of Directors Secretary!

SAVE THE DATE

Friday, April 27, 2018

Giselle will be presenting at our 28th Annual
Labor & Employment Law Seminar.

MIAMI ■ FORT LAUDERDALE ■ TAMPA ■ TALLAHASSEE

stearnsweaver.com ■ BeLaborThePoint.com ■ CafeConLabor.com

Buchanan Ingersoll & Rooney PC

**NEW YEAR. NEW LEADERSHIP.
RENEWED VISION.**

Supporting CABA in its work to promote
community, diversity and opportunity

Miami | 17 Offices Nationwide

BIPC.com



Wicker Smith O'Hara McCoy & Ford P.A.

Proudly supports the

Cuban American Bar Association 44th Annual Installation Gala & Foundation Benefit

With almost 200 attorneys*, we are a full-service trial firm that handles complex litigation for a broad variety of clients, ranging from multinational corporations to individuals. We strive to establish long-term relationships with our clients built upon a partnership of communication and trust. We achieve this objective by listening to our clients, understanding their businesses and developing legal solutions to best meet their individual needs.

WWW.WICKERSMITH.COM

Fort Lauderdale
Jacksonville
Melbourne
Miami
Naples
Orlando
Pensacola
Sarasota
Tampa
West Palm Beach



CABA
Cuban American Bar Association

MIAMI CHILDREN'S HEALTH FOUNDATION

MCYA
Miami Children's Young Ambassadors

COUNTY BAR ASSOCIATION
1916

KOMODO

HAPPY HOUR



GreenspoonMarder

Taking Bold Moves with Law.

We are proud to support the Cuban American Bar Association.

Greenspoon Marder is committed to providing excellent client service through our cross-disciplinary, client-team approach. Our goal is to understand the challenges that our clients face, build collaborative relationships, and craft creative solutions designed and executed with long-term strategic goals in mind. Since our inception in 1981, Greenspoon Marder has become a full-service, Am Law 200 and NLJ 500 law firm with more than 200 attorneys. We serve Fortune 500, middle-market public and private companies, start-ups, emerging businesses, individuals and entrepreneurs across Florida and the United States.

Boca Raton
Denver
Fort Lauderdale
Las Vegas
Miami
Miami Beach
Naples
Nashville
New York
Orlando
Portland
San Diego
Tallahassee
Tampa
West Palm Beach



Serving Fortune
500
and Beyond

Am Law
200
Full-Service Firm

More Than
200
Attorneys

888.491.1120
gmlaw.com

BSF

BOIES SCHILLER FLEXNER

*Steve Zack and
Luis Suarez
proudly support
the Cuban
American Bar
Association.*

BOIES SCHILLER FLEXNER LLP

100 Southeast 2nd Street
Miami, FL 33131
305 539 9400



Bryan Cave LLP is proud to support the Cuban American Bar Association

About Bryan Cave

Bryan Cave is a global law firm with more than 900 highly skilled lawyers in 25 offices in North America, Europe and Asia. The firm represents publicly held multinational corporations, large and mid-sized privately held companies, emerging companies, nonprofit and community organizations, government entities, and individuals. With a foundation based on enduring client relationships, deep and diverse legal experience, industry-shaping innovation and a collaborative culture, Bryan Cave's transaction, litigation and regulatory practice serves clients in key business and financial markets.

bryancave.com | A Global Law Firm

200 South Biscayne Boulevard, Suite 400 | Miami, FL 33131 | 786.322.7500

Atlanta | Boulder | Charlotte | Chicago | Colorado Springs | Dallas | Denver | Frankfurt | Hamburg
Hong Kong | Irvine | Jefferson City | Kansas City | London | Los Angeles | Miami | New York | Overland Park
Paris | Phoenix | San Francisco | Shanghai | Southern Illinois | St. Louis | Washington, D.C.



Cadillac

WILLIAMSON CADILLAC

We are proud to support
The 44th Annual CABA Gala.



50th WILLIAMSON
CADILLAC

WilliamsonCadillac.com

LOCATION

7815 SW 104TH ST.
Miami, FL

SALES

1-800-539-8848
Mon.-Fri. 9am - 8pm
Sat. 9am - 6pm
Sun. 11am - 5pm

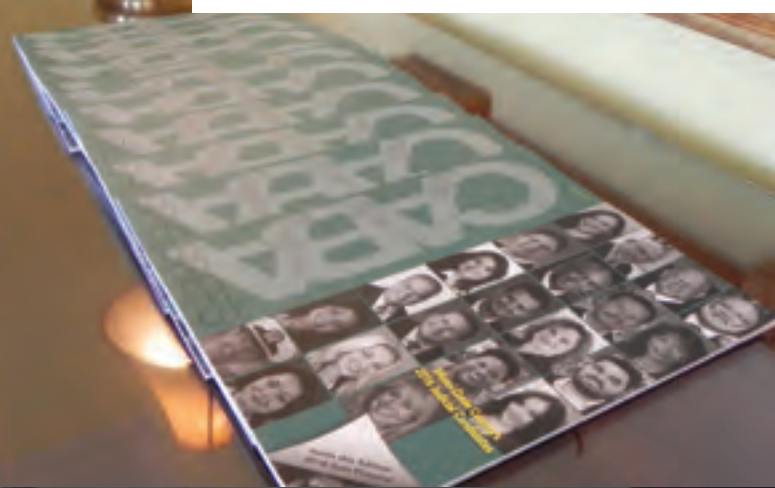
SERVICE

1-800-481-5831
Mon.-Fri. 8am - 7pm
Sat. 8am - 5pm
Sun. Closed

©2018 General Motors. All Rights Reserved Cadillac®

Foundation Scholarship Awards

On June 15, 2017, CABA Foundation held its annual Scholarship Reception at Riviera Country Club sponsored by TD Bank. The Foundation awarded a total of seven \$3,500.00 scholarships to law students throughout the state and country who distinguished him or herself academically or service-oriented activities, which may have included research, writing, community service, leadership positions or other activities of importance to the Cuban-American community. The 2017 CABF At-Large Scholarship Recipients were: **Alina Fernandez, FIU College of Law** | **Christopher Fraga, University of Miami School of Law** | **Jennifer Garcia, St. Thomas University**



Foundation Scholarship Awards


College of Law | Patricia Garcia-Linares, Cornell University College of Law | Daniel Matos, Cornell University College of Law | Astrid Menendez, FIU College of Law | Nicholas Rodriguez-Caballero, FSU College of Law The At-Large Scholarships are awarded by the Foundation annually in an amount and number to be determined by the Foundation Board each year. These scholarships are in addition to those presently endowed and independently awarded by the following law schools: University of Miami | Florida International University | St. Thomas University | Nova Southeastern University | Florida State University



Foundation Scholarship Awards



Culture | Opportunity | Community

A large graphic of teal puzzle pieces, some of which are missing, set against a light blue background. The puzzle pieces are arranged in a way that suggests a complex, interconnected structure.

**We applaud and support CABA's
commitment to improving the legal
profession through greater diversity
and equality of opportunity.**

Diversity and inclusion is woven into the fabric of Hunton & Williams LLP. Our mission is to build and leverage a diverse, inclusive professional community that fosters a culture of respect, collaboration, involvement and empowerment.

Our regard for diversity and inclusion is evident in the respect that permeates our culture, guiding the careful consideration we extend to one another and the thoughtful approach we take when relating with clients. We believe that a diverse, inclusive workforce optimizes the delivery of outstanding client service and creates an innovative, productive community of lawyers and professional staff.

DIAZ REUS

**ATTORNEYS
& SOLICITORS**

Offering a global practice centered around national and transnational parallel proceedings in the following broad areas:

- Sovereign, trade, commerce, finance, and fraud;
- Civil litigation and arbitration;
- Asset identification, location, tracing, and recovery;
- White collar crime, regulatory, and criminal investigations and defense in matters of corruption, bribery, money laundering, FCPA, OFAC, Specially Designated Nationals, and the Bank Secrecy Act; and
- Politically sensitive investigations including the recovery of U.S. immigration status and visas.

**GLOBAL REACH.
LOCAL GRASP.**

U.S. AND INTERNATIONAL LAW

100 S.E. Second Street, Suite 3400
Miami, Florida 33131
305-375-9220 | miami@diazreus.com
DIAZREUS.COM

Bogota • Buenos Aires • Caracas • Dubai • Frankfurt • Madrid • Mexico City • Miami • Lima • Los Angeles
New York • Panama • San Pedro Sula • Santiago • Santo Domingo • São Paulo • Shanghai • Washington D.C.

Michael Diaz, Jr. Global Managing Partner





*Specializing in the
Greens + Flowers you need!*

305.471.0321

1.877.7.GREENS

sales@simpsonsgreens.com

www.simpsonsgreens.com

ART IN THE TROPICS

The 13th Annual Art in the Tropics was held at HistoryMiami Museum and showcased local artists and restaurants for a night of eating, drinking and dancing. Funds raised for the event benefited the CABA Pro Bono Project, which provides free legal services to thousands of indigent South Floridians. Special thanks to the title sponsor of the event: U.S. Century Bank for its support.



ART IN THE TROPICS



ART IN THE TROPICS



ART IN THE TROPICS



ART IN THE TROPICS



ART IN THE TROPICS





Proud to be a Part of this Community.

When you choose hospice,
choose VITAS.

- All hospices are reimbursed in the same way, and do not compete on cost. The quality of service and spectrum of choices differentiate one hospice from another.
- VITAS gives back to the community in which we live and work with charitable care and special needs grants.
- VITAS cares for our communities the way neighbors care for neighbors.

VITAS
Healthcare
SINCE 1980

800.93.VITAS
VITAS.com  

KN **KENNY**
NACHWALTER

We are proud to support the
Cuban American Bar Association
for their dedication and commitment to diversity and service to our community.

Since 1978 Kenny Nachwalter, P.A. has represented clients in complex legal disputes.

FOUR SEASONS TOWER
1441 BRICKELL AVENUE, SUITE 1100
MIAMI, FL 33131
(305) 373-1000

MIAMI, FL
AUSTIN, TX
WASHINGTON, D.C.

KNPA.COM



LEÓN COSGROVE LLP PROUDLY SUPPORTS
THE CUBAN AMERICAN BAR ASSOCIATION
INSTALLATION GALA & FOUNDATION BENEFIT DINNER



MIAMI | DALLAS

LEONCOSGROVE.COM

LUIS E. BARRETO & ASSOCIATES, P.A.



As our loved ones get older, difficult family situations arise regarding their care, management of their assets and wondering what needs to be done in the event of their death. Some of the questions we can help you with include:

- ✓ *What should I do if a family member can no longer handle his or her affairs?*
- ✓ *How do I assist in providing care for my elderly loved one?*
- ✓ *What actions can I take to protect an elderly parent who is being exploited by a sibling, caretaker or other individual?*
- ✓ *What rights do I have as an heir or beneficiary of an estate or as a beneficiary of a trust?*
- ✓ *Can I contest a Last Will and Testament if I was disinherited?*

At Luis E. Barreto & Associates, P.A., we understand how these difficult questions create stress and confusion, especially when it comes to our loved ones. We take great pride in helping our clients with probate and guardianship related issues. Our primary focus is to take the necessary steps to conclude matters on behalf of our clients quickly and effectively. We strive to bring our clients' issues to a prompt resolution. Our firm is small enough to provide individualized attention to every matter, but large enough to handle even the most complex of cases.

We invite you to visit our website www.miamiprobate.com to download the free guide and access monthly newsletters, informative articles, videos and more with answers to these questions and insight as to what to expect during the probate process.



Manion Gaynor & Manning LLP is proud to sponsor the
2018 CABA Benefit & Installation Gala.

With a combination of national experience, unified teamwork, and an unwavering focus on achieving optimal results, MG+M can handle any form of litigation, anywhere in the country. Our attorneys possess the most critical of litigation skills: the ability to quickly assess a situation, master new subject matter, and distill complex information into effective arguments. With focused experience in a variety of areas, our skills are transferable to any litigation problem you may encounter.

Find out more at www.mgmlaw.com



BOSTON | LOS ANGELES | MIAMI | NEW ORLEANS | SAN FRANCISCO | WILMINGTON
HATTIESBURG | IRVINE | LAKE CHARLES | PROVIDENCE | WALNUT CREEK



iCUENTA CON NATIC!

TO MAKE IT SIMPLE AND DO IT RIGHT

Since 1959, NATIC has earned a reputation and distinction in both the underwriting services it provides and the attentive way in which it provides them. CABA members can depend on NATIC.

Contact: Andrew Nadal, NATIC State Agency Manager, Florida
anadal@natic.com or **800.374.8475.**



SIMPLE. DONE RIGHT.

© 2013 North American Title Group, LLC and its subsidiaries. All Rights Reserved. North American Title Group, LLC and its subsidiaries are not responsible for any errors or omissions, or for the results obtained from the use of this information. North American Title Company and NATIC are service marks and Simple Done Right are service marks or registered service marks of North American Title Group, LLC, its corporate parent. | NAD1317-11151 8/30/13



TIME TO GROW

Businesses are meant to grow. **Ocean Bank** offers loans to make it possible. From diversifying your existing business to expanding the office space or opening a new location, **Ocean Bank** loans will help your business get to the next level. Together, let's grow the future of your business.

Subject to credit approval.

© 2018 Ocean Bank, Member FDIC.



 **OCEAN BANK**

305-569-LEND (5363)



Pena Garcia & Diz

Law Firm, PLLC

Pena Garcia & Diz

Proudly supports CABA in its efforts to serve the community and congratulates its new president, Jorge L. Piedra and new board members.

ATTORNEYS AT LAW

Douglas Centre

2600 Douglas Road

Suite 902

Coral Gables, FL 33134

P: 786.361.4950

F: 786.329.7225

www.PGDlegal.com

DISFRUTA PEPSI. RECIBE PREMIOS.

VISITA PEPSISTUFF.COM
PARA MÁS INFORMACIÓN

PEPSI-COLA
SINCE 1898

© 2011, 11. SUGEREA un trozo Pepsi-Lite bebiendo regularmente cada día con Pepsi-Lite. 2.179.11



PodhurstOrseck

TRIAL & APPELLATE LAWYERS

Congratulates

Jorge Piedra

on his installation as President of

The Cuban-American Bar Association

and the entire

2018 CABA Board of Directors

Aaron S. Podhurst

Robert C. Josefsberg

Joel D. Eaton

Steven C. Marks

Peter Prieto

Stephen F. Rosenthal

Ricardo M. Martínez-Cid

Ramon A. Rasco

John Gravante

Roy K. Altman

Lea P. Bucciero

Matthew Wienshall

Alissa M. Del Reigo

Dayron Silverio

Karen Podhurst Dern
Of Counsel

Robert Orseck (1934 - 1978)
Walter H. Beckham, Jr. (1920 - 2011)

Professional Bank
proudly supports the
Cuban American Bar Association
and its newly elected officials
for its 44th Annual
Installation Gala



Abel L. Iglesias
President & CEO




Daniel R. Martinez
Executive Vice President

We welcome the opportunity to serve the legal profession
with unique and tailored solutions to fit your needs.

786.483.1757

www.professionalbankfl.com





We proudly salute the
Cuban American Bar Association
and its mission to
increase diversity and equality
in the legal profession.

**TOGETHER,
WE ARE CREATING
A BRIGHTER MAÑANA
FOR ALL.**



RICHMAN GREER

www.richmangreer.com

Complex Commercial Litigation • Employment Law
Corporate and Commercial Transactions
Real Estate Law • Estates, Trusts and Probate

ARHMF

Avila Rodriguez Hernandez
Mena & Ferri LLP

Celebrating 10 Years

We are proud to support the Cuban American Bar Association
& their commitment to the legal community.

2525 PONCE DE LEON BOULEVARD PENTHOUSE | 2525 | FL 33134-6049 | 305.779.5580 | ARHMF.COM



ZARCO EINHORN SALKOWSKI & BRITO

Professional Association



Franchise & Complex Commercial Trial Lawyers

Where creative litigation meets flexible fees.

Handling litigation and arbitration matters throughout the United States and abroad in all aspects of
Franchising • Hospitality • Licensing • Distribution & Real Estate • Complex Commercial Disputes



MIAMI TOWER

100 SE 2nd St. 27th Floor | Miami, FL 33131
305.374.5418 | info@zarcolaw.com
www.zarcolaw.com

Do it now, not tomorrow

HOME EQUITY LINE OF CREDIT

3.75% APR*

 for the first year.

Call us today to ask about our **NO CLOSING COST HELOC.** **



IB Interamerican Bank

Since 1976

Visit our website for further information on our available programs and branch locations

www.interamericanbank.com

Lazaro Hill: 305-910-6192

Mario Escobar: 786-201-0320

* The Annual Percentage Rate (APR) will be a variable rate and may increase after the first year. Depending on the approved program, you may draw on the line for 10 years during which your minimum payment will only be the accrued interest. The repayment period of principal plus interest begins after the Draw period years: 11 through 70 (15/15 HELOC) or 11 through 30 (15/20 HELOC), depending on the program. The APR will be based on the Prime Rate published in the Wall Street Journal (4.25% as of 11/08/2017) plus a Bank margin. The maximum APR that will apply is 18%. Access to funds is via convenience checks after the three-day right of rescission period. A Home Equity Line of Credit is only available by placing a lien on a primary residence, vacation, or second home and cannot be used to purchase the property being used for collateral. One to four family dwellings, condominiums and attached and detached planned unit developments that are owner-occupied properties are eligible. Hazard, liability, and fire insurance is required. Flood insurance may be required. United States citizens or resident aliens with a valid US Taxpayer identification number can make HELOC credit requests. The maximum Loan to Value (LTV) or Combined Loan to Value (CLTV) accepted is 80%. Based on the borrower's credit score, the maximum LTV or CLTV may be lower. The LTV or CLTV for a Home Equity Line of Credit is determined by a third party appraisal. ** The Bank will give the borrower a \$2,500 lender credit towards closing costs for loans with a minimum amount of \$25,000. Other fees payable to third parties may apply, including appraisal fees, usually between \$250 and \$300. There is no annual fee for the First Year, but a \$100 annual fee will be assessed thereafter. When fees apply, they may not exceed 3% of the line amount. To take advantage of this offer, an application must be submitted by 03/31/2018. Approval is subject to Underwriting, including review of credit history. Other restrictions may apply. Consult your sales advisor concerning interest deduction. For more information, refer to "What You Should Know About Home Equity Lines of Credit," a consumer information brochure prepared by the CFPB. Other programs are available. This is a limited time offer. Rates and offers are subject to change without notice. Loans over \$500,000 must be a first mortgage.





Mendez & Mendez
LAW OFFICES

BE A PART OF THE FAMILY

Since 1972 we have helped thousands of families resolve their legal issues. The firm has been recognized as A+ Rated Preeminent by Martindale-Hubbell and has been part of CABA since the association was formed. Our founding partner, Luis F. Mendez, (U. Habana '50, UM '72) was a founding CABA member.



HOW CAN WE HELP?

AREAS OF PRACTICE

Our practice focuses on Real Estate and Probate, Guardianship, Trust, Administration and Litigation.



REAL ESTATE

- Residential & Commercial Sales
- Foreclosures
- Evictions



PROBATE

- Estate Administration
- Trust Litigation
- Guardianship Proceedings



ESTATE PLANNING

- Wills
- Durable Powers of Attorneys
- Revocable Trusts

CONTACT US WITH ANY QUESTIONS

CALL: 305.667.0112 OR EMAIL: INFO@MENDEZANDMENDEZLAW.COM

WEB: MENDEZANDMENDEZLAW.COM | ADDRESS: 7400 SW 57 COURT • STE 202 • S. MIAMI • 33143



ATTORNEYS AT LAW

SOLD *Rock* *Results*

DEDICATED TO HELPING INDIVIDUALS AND BUSINESSES OBTAIN OPTIMAL BOTTOM LINE RESULTS THROUGH AGGRESSIVE, EFFICIENT AND EFFECTIVE TRIAL ADVOCACY

JORGE L. PIEDRA, ESQ. | GREGORY R. BEL, ESQ. | RENE DIAZ, ESQ. | EDUARDO CASAL, ESQ.
JEREMY A. KOSS, ESQ. (*of Counsel*) | FRANK C. MIRANDA, ESQ. (*of Counsel*)

PIEDRA & ASSOCIATES, P.A. would like to thank CABA's members, sponsors, past presidents and friends for your support of our amazing organization.

BANKING LITIGATION | BANKRUPTCY LITIGATION | COMMERCIAL LITIGATION | CONDOMINIUM LITIGATION
CONSTRUCTION LITIGATION | CONTRACT LITIGATION | INSURANCE LITIGATION | PARTNERSHIP DISPUTES
REAL ESTATE LITIGATION | REAL ESTATE TRANSACTIONS | SHAREHOLDER DISPUTES

WWW.PIEDRALAW.COM
MARTINDALE-HUBBELL "AV" RATED

ROIG Lawyers is a proud sponsor and supporter of **CABA** and it's dedication to promote organizations that share our commitment to diversity.

ROIG Lawyers is a minority owned, Florida firm with a primary focus on Insurance Defense Litigation. We serve as primary counsel for numerous national and regional carriers and corporations related to all aspects of insurance litigation. Our lawyers also lead strategic transactions and complex disputes, offering integrated legal services for multinational companies. ROIG Lawyers offers a fresh approach to our clients by delivering cutting-edge legal advice on matters across a comprehensive range of practice areas that are critical to their individual success.

**We're not just different.
We're incomparable.**

2017 DIVERSITY RANKINGS

- Ranked #1 on Law360's "Best Law Firms for Minority Equity Partners"
- Ranked #4 on Law360's "Best Law Firms for Minority Attorneys" List
- Ranked #1 by Daily Business Review for Percentage of Women & Minority Attorneys

ROIG | LAWYERS
Minority Owned Law Firm

Deerfield Beach | Jacksonville | Miami
Orlando | West Palm Beach | Tampa | Tallahassee
roiglawyers.com



Stewart Tilghman Fox Bianchi & Cain, P.A.

TRIAL LAWYERS



Integrity. Commitment. Results.

DEVOTED TO MAXIMIZING OUR CLIENTS' RESULTS SINCE 1984

**We are proud to support the
Cuban American Bar Association
and the CABA Pro Bono Legal Services**

One SE 3rd Avenue, Ste 3000
Miami, FL 33131 | Ph. 305.358.6644

PERSONAL INJURY | WRONGFUL DEATH | MEDICAL MALPRACTICE
PRODUCT LIABILITY | COMMERCIAL LITIGATION | AND MORE

Visit us at www.stfblaw.com



*Can't Get Enough of
Paul Arcia
in the Court Room*

*Come see him at the
Dining Room at*



*John Paul Arcia, PA & Randazzo's
proudly support the Cuban American Bar Association,
and congratulate*

Jorge Piedra

as the organization's new president.



Latitude One Office Building
175 SW 7th Street, Suite 2000
Miami, FL 33130
Phone: (786) 429-0410



www.randazzosmiami.com
328 Crandon Blvd., Suite 112
Key Biscayne FL 33149
Phone: (305) 456-0480

Our *Experienced* Team. Your *Trusted* Advisors.

Broad and Cassel is proud to support the Cuban American Bar Association, and congratulates the incoming 2018 Board of Directors, including our very own, Kristina G. Maranges.

For more information, contact:

Mark F. Raymond, Managing Partner
mraymond@broadandcassel.com

One Biscayne Tower, 2 South Biscayne Blvd.
21st Floor, Miami, FL 33131

305.373.9400

broadandcassel.com

BROAD AND CASSEL LLP | ATTORNEYS AT LAW



BOCA RATON
DESTIN
FT. LAUDERDALE
JACKSONVILLE
MIAMI
ORLANDO
TALLAHASSEE
TAMPA
PALM BEACH
WEST PALM BEACH

**BROAD
AND
CASSEL**

Veritext proudly supports the **Cuban American Bar Association** and their continued commitment to the legal community!

EXPECT MORE

VERITEXT OFFERS **SEAMLESS COVERAGE**, WITH MORE THAN **45 LOCATIONS NATIONWIDE**, AND **LEADING-EDGE TECHNOLOGIES** THAT KEEP YOU CONNECTED.

PROFESSIONAL SERVICE.

With a pool of more than 9000 professionals, Veritext has the largest selection of high quality reporters and videographers in the industry.

ADVANCED TECHNOLOGY.

Streamline the deposition process and manage your most complex cases with the advanced tools in video, remote depositions, exhibit management, videoconferencing and workflow services.

DATA SECURITY.

As a HIPAA, PII and SSAE 16 compliant company, we ensure your data is physically and electronically protected.

COURT REPORTING • VIDEOGRAPHY • VIDEOCONFERENCING • REMOTE DEPOSITIONS • ONLINE REPOSITORIES • EXHIBIT SOLUTIONS • DATA SECURITY



Schedule a court reporter:
(800) 726-7007
calendar-fla@veritext.com
www.veritext.com/miami





WEISS SEROTA HELFMAN COLE & BIERMANN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW



Congratulations to CABA on all of its
initiatives and endeavors in 2017.

We look forward to your continued
success in 2018!

2525 Ponce de Leon Blvd., Suite 700 | Coral Gables, FL 33132
P:(305) 854-0800 | F:(305)854-2323

200 East Broward Blvd, Suite 1900 | Fort Lauderdale, FL 33301
P:(954) 763-4242 | F:(954)764-7770

1200 N Federal Highway, Suite 312 | Boca Raton, FL 33432
P:(561) 835-2111 | F:(954)764-7770

www.wsh-law.com



ACFD LAW

Alvarez, Carbonell, Cooke, Feltman & Da Silva P.L.

Coral Gables, Florida



Alvarez, Carbonell, Cooke, Feltman & Da Silva PL congratulates the Cuban American Bar Association for all of your great work and dedication to improve the legal profession through greater diversity and equality of opportunity throughout Florida.



WWW.ACFDLAW.COM
PH: 305.444.5885
75 Valencia Avenue, 8th Floor
Coral Gables, FL 33134





Gibraltar Private Bank & Trust
is proud to support the

Cuban American Bar Association

GIBRALTAR PRIVATE
Bank & Trust

Personal & Business Banking
Wealth Management
Trust and Fiduciary Services
Mortgage Lending
Residential Construction Lending
Commercial Real Estate



www.gibraltarprivate.com

Coral Gables • Downtown Miami • Fort Lauderdale • Miami Beach
Naples • New York • Ocean Reef • South Miami

Holland & Knight proudly supports the

Cuban American Bar Association

Our firm has a deep commitment to CABA and its mission to improve the legal profession through greater diversity and access to opportunities throughout Florida.

Congratulations to our own **Frances Guasch De La Guardia** for her year as vice president on the Board of Directors. We also want to honor former presidents **Raul Cosio**, **Vivian de las Cuevas-Diaz**, **Anna Marie Hernandez Gamez** and **Jorge Hernandez-Toraño** for their service and continued dedication to CABA.

Holland & Knight

www.hklaw.com

Kelly-Ann Cartwright | Executive Partner
Miami, FL | 305.374.8500



Frances Guasch De La Guardia



Anna Marie Hernandez Gamez




Raul Cosio



Vivian de las Cuevas-Diaz



Jorge Hernandez-Toraño



Proud to serve members of the legal profession.

IBERIABANK

Private Banking | Commercial Banking | Wealth Management

Idalberto De Armas
Senior Vice President

2109 Ponce De Leon Boulevard | Coral Gables
(305) 376-2461

idalberto.dearmas@iberiabank.com
www.iberiabank.com

Orlando Roche

Regional President – Miami-Dade County
2109 Ponce De Leon Boulevard | Coral Gables
(305) 347-4175

orlando.roche@iberiabank.com
www.iberiabank.com

