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Featured on the cover is artwork by Miranda Mojena, the winner of CABA’s 10th Annual Art In The Tropics Contest. Ms. Mojena is a student at “Arts & Minds” Academy in Coconut Grove and hopes to continue her pursuit of the arts in college.
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CABA Briefs is published quarterly 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. 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 court; 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. Currently, CABA has in excess of 2,000 members in our organization. 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 De La Guardia at cababriefs@hotmail.com.
For over forty years CABA has strived to make way for its members in the legal community. Our members have worked hard to make a difference in the community at large serving as both examples of, and advocates for, equal opportunity and access.

Given the enormous strides we have made over the years, and the unmistakable mark our culture and society has made in South Florida, it is sometimes easy to forget that there remains much work to be done. CABA is considered by many to be one of the preeminent voluntary bars in the state, and it is one of the largest and most influential minority bars. As such, we have an obligation to help our sister minority bars address continuing inequities in our community, and especially in other areas in the state and country. We can, and must, do more.

2015 is a year filled with promise and opportunity for our organization to meet the legal, political and moral challenges presented by the rapid changes in relations between the United States and Cuba. As the character of the long and complex relationship between the two nations changes once again, CABA stands ready to provide sober expertise and guidance, whether in the private sector or the public sphere, including the drafting of transitional legislation to nurture the peaceful reintroduction of democracy to the people of Cuba.

We are members of one of the oldest and noblest professions. We are charged not only with helping our clients resolve whatever problem they have, but to do justice, as well. To give back to our community.

Dr. Eduardo Couture, a renowned Uruguayan lawyer and professor of law who taught in universities in the U.S. and Europe, wrote a lawyer’s ten commandments. And they are: To study, think, work, seek justice, be loyal, tolerant, patient, to have faith in the law, to not harbor rancor, and most of all, to love the profession.

Let us all actively contribute to CABA’s mission and continue pressing forward. Our work is far from done.

Manny Crespo, Jr.
President

I am both excited and humbled to take on the role of co-editor of CABA Briefs. I look forward to working with my editor in chief Jorge R. Delgado to bring you a publication that is worthy of our organization and its esteemed members and that is insightful, informative and thought-provoking. I thank you for electing me to the board of directors and for entrusting me with the task as co-editor in chief.

It does not escape me, or anyone on our editorial board, that given the rapidly changing geo-political landscape today, the organization and the editorial staff will be addressing significant issues this year. As most of us are aware, fifty years after the United States enacted an embargo with Cuba, we are now faced with the administration’s decision to resurrect diplomatic ties with Cuba. Regardless of our political inclination on this subject, the inevitable truth is that this is, and will continue to be, a topic of debate and discussion for many years to come. I would like to assure you that the editorial staff is committed to addressing these legal, political and moral issues in a professional and ethical way. To that end, CABA’s principle goal is to foster the peaceful reintroduction of democracy to the people of Cuba.

Our Spring-Summer issue addresses some of these important topics. The issue also highlights CABA’s various events including CABA’s Benefit Gala, CABA’s premier fundraising event where we celebrated the installation of the Board of Directors and of Manny Crespo, Jr. as Caba President. I hope you enjoy the issue.

Again, Jorge and I, along with our brilliant group of assistant editors and board of directors, thank you for this opportunity. We shall endeavor to meet the journalistic and moral challenges presented by these ever changing times in a professional manner and also provide a voice to our members to freely express the issues and their opinions.

Lastly, I would be remiss if I did not take a moment to thank my family, my husband Rick, my firm Holland & Knight, and my colleagues that constantly provide me the support, guidance, and love to better serve you all.

Frances Guasch De La Guardia
Editor-In-Chief
Dear Friends and Colleagues,

With so much going on in the Cuban American community and in CABA over the last few months, it is with great excitement that I present you with our newest edition of CABA Briefs. This year we have put together a tremendous committee who have all worked tirelessly to bring you articles on relevant topics and hot-button issues. I commend the committee and its leaders, Frances Guasch-de la Guardia, Jorge Delgado and Jorge A. Perez Santiago, on a job very well done. Enjoy!

A. Dax Bello
Co-Chair
By Julie Kay

She Learned Firsthand Just How Lacking in Basic Freedoms Cuba is

On the day that Cuba was officially removed from the U.S. list of state-sponsored terrorism, I was banned from writing any stories while in Cuba.

So much for change.

But I asked to go and was thrilled when I had never been to Cuba, and I’m not Cuban American. But I saw the trip as a great opportunity for a Miami journalist, or any journalist for that matter, with so many changes afoot—relaxation of travel restrictions, imminent opening of embassies and consulates in Cuba or establish relationships with Cuban law firms.

I attended a lecture by a young Cuban attorney that morning. He spoke frankly about the Cuban legal system, relating how when a Cuban is arrested, he can be jailed without the right to see a lawyer or make a phone call for 72 hours. After a week, the prosecutor decides whether to grant the person bail or not.

He called the criminal system “disgusting.”

The lawyer also discussed how students become lawyers, how the decision is made by the government based on their test scores, and how 79 percent of law students are female and only 10 percent black.

He also had positive things to say about the legal system, noting that bribery and corruption of judges does not exist in Cuba.

After taking copious notes, asking the lawyer questions and snapping his picture after the lecture, I went to the lobby—the only place the Internet worked—to write my story.

That night, while our group was eating dinner at a lovely, outdoor restaurant, our tour guide approached me with his cellphone. Someone had emailed him a copy of my story, already posted online.

“This headline is going to ruin that headline to something innocuous: “Cuban lawyer assesses Cuban legal system.”

I later found out the tour guide had failed to tell the lawyer—or any of the speakers—a reporter was in the room. WHAT?

I later learned they were in shock and had meetings throughout the night about the situation.

Quinter tried to calm me, taking me to the rooftop pool for a chat. I went back to my room a little nervous. I felt bad for the lawyer, but I was also concerned about what might happen to me. I felt like calling a friend but was afraid to even talk openly on the phone.

I assume the tour guide had little experience dealing with reporters. “This was supposed to be a positive story,” he said. “You need to filter everything here.”

I was incredulous. I had basically regretted everything the lawyer had said. I did no independent research, put no “spin” on the story.

Luckily, we were able to get my web editor on the phone and he changed the headline to something innocuous: “Cuban lawyer assesses Cuban legal system.”

The rest of the dinner was tense. I could see the tour guide was trying to turn the lawyers against me. One—a friend—came up to me and said tersely, “Can you change the headline? I feel so bad for this man.”

Things did not improve on the bus ride home. When we pulled back into our hotel, the tour guide took the microphone and announced to the group that he was kicking me off the tour. “Julie’s a good person,” he said. “But her Cuban American copy editor created this headline. And I have to take a stand.”

I was stunned that not one of the lawyers—some of them my friends—said a word. I later learned they were in shock and had meetings throughout the night about the situation.

Quinter tried to calm me, taking me to the rooftop pool for a chat. I went back to my room a little nervous. I felt bad for the lawyer, but I was also concerned about what might happen to me. I felt like calling a friend but was afraid to even talk openly on the phone.
I woke up that morning feeling better, if not grumpy. Kick me off the tour? After I paid all that money? He better at least get me a ride to the airport, I thought. Anyway, I knew that U.S. Sen. Al Franken was in town for a press conference in Havana on the terrorism designation being lifted, I figured I’d just go cover that. I’ll find my own stories, I thought.

I parked myself in the lobby to email my editor about what had happened with the tour guide, and Zack approached me. “You’re back on the tour,” added the tour guide.

“I’m happy to say that none of the lawyers went along with his plan. I’m told they informed him we have something called freedom of the press in our country. They did, I’m told, agree to write some sort of letter for the young lawyer to have as cover in case the government came calling. I never saw that letter. Phew, I thought. I emailed my editor with the good news. “We’re back,” I said. Phew, I thought. I emailed my editor and left for 20 minutes to write up my story. That’s when I saw the tour guide approaching again. “What now?” I thought.

“We have another problem,” he said. We had a Cuban tour guide accompanying us through the entire tour. After he had made such a fuss, she had notified her government bosses about the situation. They decided it was banned from writing any more stories during my trip since I had failed to obtain a journalist license. Now I had specifically asked the guide beforehand if I needed a journalist license. “No,” was the answer, “you’re with a special group.”

I made the decision not to post any more stories while in Cuba and just save them up for when I returned to the United States. I had no desire to see the inside of a Cuban prison.

I enjoyed the rest of the trip anyway. In addition to the interesting lectures, I got to meet taxi drivers and shopkeepers and hear their stories. Like the lawyer, they were quite candid, telling me how they didn’t want to be end the embargo and how they are suffering. “Socialism doesn’t work,” one taxi driver said. “We’re just people, like you,” a shopkeeper said.

My last heart-stopping moment came at the airport, when I went to check in and the lady behind the counter said, “You’re not on the list.” She grabbed my passport and visa and left for 20 minutes. “Please don’t leave me,” I said to Zack, while we waited for her to return. “I’m not going anywhere,” he said.

Turns out there was a snafu and I was supposed to be on an earlier flight. They found another one for me. I was happy as when I heard the sound of my passport being stamped.

The tour guide made his best case to remove me, if I’m told, and even to write a letter of complaint to the newspaper. I’m happy to say that none of the lawyers went along with his plan. I’m told they informed him we have something called freedom of the press in our country.

They did, I’m told, agree to write some sort of letter for the young lawyer to have as cover in case the government came calling. I never saw that letter. Phew, I thought. I emailed my editor with the good news. “We’re back,” I said. Phew, I thought. I emailed my editor and left for 20 minutes to write up my story. That’s when I saw the tour guide approaching again. “What now?” I thought.

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All That Glitter Is Not Gold

Commentary by: CABA Board Of Directors

Cuba that the regime wants us to see. It is a place with gorgeous beaches, a lush tropical landscape, and great food and music that can make just about anyone dance. I suppose that is what Julie’s tour guide attempted to remind her was the “spirit of the tour.” The second is the real Cuba—a place where its citizens live in fear of their own neighbors and the government has absolute control over most things.

In his letter warning those lawyers that participated in the trip to not let the glitter of an island paradise fool them, CABA’s President, Manny Crespo, spelled out a number of atrocities that are being carried out today by the Cuban regime on its own people. CABA’s mission is merely to educate, and remind those embarking on the journey to not be blinded by the falsities portrayed by a regime that survives only on oppression, fear and intimidation. If we can guide our resources to helping end those vehicles of succession rather than celebrating them, then rest assured that our brethren on the island will one day enjoy the everyday rights that many of us may take for granted, nothing more, nothing less.


2. The Florida Bar International Section’s Chair was given the opportunity to respond to Ms. Kay’s article. At the time of press, no response to the request has been received.

People keep asking me whether the young Cuban lawyer just flew into any trouble. As he told me, things happen slowly in Cuba. You don’t get arrested so much anymore, they just make your life miserable.

“I really like that you have freedom to say what you want,” he told me. “We don’t.”

I pray that he’s OK.
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— Fernando L. Roig, Founding Partner

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THE CUBAN RAFTER CRISIS REVISITED

By Christina M. Frohock

In the summer of 1994, tens of thousands of refugees—so-called “balseros”—boarded boats, rafts, and even truck tires in a desperate attempt to leave Cuba and come to the United States. Despite U.S. law that promised asylum upon exit from the island, the Coast Guard intercepted these refugees at sea and brought them to the U.S. Naval Station at Guantánamo Bay, Cuba, where they lived for a year before finally entering the United States. CABA v. Christopher is the lawsuit filed on behalf of the refugees’ behalf.1

Now, on its twentieth anniversary, the case stands as a landmark opinion in constitutional law and a prelude to U.S. Supreme Court opinions determining constitutional law.

The Cuban refugees’ diversion to Guantánamo signaled a reversal of U.S. policy that the two countries had “agreed to take measures to ensure that migration between the two countries is safe, legal, and orderly.”2 This agreement formally ended the open-arms policy of the United States toward Cubans and codified the long-term nature of Operation Sea Signal. Under new U.S. policy, Cuban “migrants” intercepted at sea had three options: (1) remain in Guantanamo; (2) repatriate to sovereign Cuba and seek formal relief; or (3) travel to a third country.3 The key to this policy was the requirement that refugees seek entry into the United States indirectly, that is, back through sovereign Cuba.4

Watching the rafter crisis unfold, several attorneys flew from Miami to Washington, D.C., on October 13, 1994, for a private meeting with White House officials.5 “We did not want to file a lawsuit,” attorney Frank Angones said. “We wanted to come to an arrangement.” The attorneys hoped to gain access to the refugees in Guantanamo and secure their release directly into the United States. Although both sides sought an open and democratic Cuba in the long term, the discussion stalled on the immediate issue of repatriation for the Guantanamo refugees.6 In fact, White House officials refused to recognize the Cubans as detained refugees. The officials saw them as migrants who had chosen to “hit” rafts and were now choosing to stay in safe haven camps.7 On the legal front, attorneys back in Miami were busy drafting a complaint. But, as attorney Roberto Martínez explained, “we didn’t have a client. Lawyers need clients.”

They found clients in the form of both legal organizations in Miami and individual refugees in Guantanamo. The Cuban American Bar Association served as lead named plaintiff, along with sympathetic refugees such as pregnant women, minors, and political dissidents under the Castro regime. One named plaintiff was a twelve-year-old girl, Lizbet Martínez, who played the Star-Spangled Banner on her violin.8 On October 24, 1994, the Cuban refugees and their attorneys filed CABA v. Christopher as a class action in the U.S. District Court for the Southern District of Florida, raising claims under the First and Fifth Amendments to the Constitution. The complaint invoked the refugees’ due process rights to seek asylum in the United States and to be free from indefinite detention. Additionally, against the new U.S.
Appeals for the Eleventh Circuit for months of time,” Professor Koh said.

By Christina M. Frohock

November 4, 1994, ruling from the United States. The refugees wrote of their discomfort in Guantánamo: “They have locked me in a cell; I have no room to stand; I cannot sleep,” 29 “I was in search of freedom”; 27 “I could not stand it.” 31

“The objective here was to make the impression that Guantánamo was a land without law,” Professor Koh said. “Therefore, there became constant pressure to bring the refugees into the United States. Indeed, Guantánamo had been declared in C-8/B 4 to be beyond constitutional reach for non-U.S. citizens. 30 After September 11th, with the United States at war and soldiers apprehending enemy combatants on the battlefield abroad, the courts were presented with a new challenge of constitutional law that appeared to be beyond the existing legal framework. 49 Most of the Haitian refugees were returned to Cuba, and the United States did not agree with the politics of Castro.” 50

Attorneys continued to represent the refugees’ legal rights that are cognizable in the courts of the United States. 34 The court held a total of 779 detainees. 49 The legacy of C-8/B 4 - v. Christina M. Frohock is Professor of International Law at the University of Miami School of Law. She teaches and writes about Guantánamo, the Yemeni habeas cases, and the habeas corpus under the Suspension Clause, apply to non-citizens detained in Guantánamo. The impact of Boumediene is more procedural than substantive, as detainees have not found success filing habeas writs. 49 Still, the echo of C-8/B 4 is evident, as the judiciary again considered whether the Constitution reaches Guantánamo. Given the strong connection between the plaintiffs in C-8/B 4 - v. Christina M. Frohock and the persons in Boumediene—enemy combatants captured in war—the cases may be considered as adjudicating rights in different historical moments. The Constitution reaches Guantánamo for those in detention, but not for those in safe haven.

In the end, C-8/B 4 - v. Christina M. Frohock is place in history is secure. The case stands as both a public memory of the 1994-95 Cuban rafter crisis and a legal precedent for Guantánamo issues that continue to arise.

Additional Resources:


Video panel discussion held at the University of Miami’s Cuban Heritage Collection: https://umiami.mediaspace.kaltura.com/media/CABA-v-christopher-1_y9htzdp


New York City and at both White & Case LLP and Sullivan & Cromwell in New York. She received her J.D. magna cum laude from New York University School of Law.

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By Christina M. Frohock

3. Caba, 43 F.3d at 1417.
9. Id.
10. From author).
12. Id.
13. Id.
14. Id.
15. Id.
16. Id.
17. Id.
19. By Christina M. Frohock

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3. Caba, 43 F.3d at 1417.
9. Id.
10. From author).
12. Id.
13. Id.
14. Id.
15. Id.
16. Id.
17. Id.
19. By Christina M. Frohock
The Effect Of Normalizing Relations With Cuba On Thousands Of Cubans Living In The United States With Final Orders Of Deportation.

By Carlos J. Martinez

Immigration Consequences: THOUSANDS OF CUBAN EXILES IN JEOPARDY

The Intersection of Immigration and Criminal Law

Immigration law is complex, particularly within context of a criminal case. Upon arrival to the United States, Cubans obtain parole status through the Cuban Adjustment Act. After one year of physical presence in the U.S., the Cuban parolee becomes eligible to apply for Lawful Permanent Resident status, which then leads to his or her eligibility for citizenship. However, some criminal convictions change this process. Depending on the type of crime, a conviction could preclude the individual from adjusting his/her immigration status or from staying in the U.S. In Padilla v. Kentucky, 559 U.S. 356, 130 S.Ct. 1473 (2010), the U.S. Supreme Court recognized this complexity and the need for non-citizens to receive salient advice from their criminal defense attorneys. The Court reasoned that, in certain situations, banishment from the U.S. may be worse than being sentenced to jail time. Therefore, it is crucial the criminal defense attorney be well-versed in immigration law to advise his or her client about the consequences a conviction or admission will or could have on the non-citizen's status in the U.S.

To understand the scope of the concerns and the possible solution to the repatriation dilemma, it is helpful to take a historical approach to sensitize policy-makers regarding the special conditions to be considered when formulating a future U.S. and Cuba repatriation agreement.

The Drug Epidemic

In the 1980s and 1990s, Miami-Dade County experienced a drug epidemic. Drug arrests, particularly for non-citizens to receive salient advice from their criminal defense attorneys. The Court reasoned that, in certain situations, banishment from the U.S. may be worse than being sentenced to jail time. Therefore, it is crucial the criminal defense attorney be well-versed in immigration law to advise his or her client about the consequences a conviction or admission will or could have on the non-citizen's status in the U.S.

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In the 1980s and 1990s, Miami-Dade County experienced a drug epidemic. Drug arrests, particularly for possession and purchase of controlled substances and paraphernalia, were rampant. One criminal justice system was overwhelmed, and it was not simply drug traffickers who were convicted. During a period of 15 years, an estimated 100,000 drug users, including many in the Cuban-American community, ended up with an indelible criminal record. In response to the drug epidemic, the drug court was created in Miami-Dade in 1989. Clients with no criminal history had cases dismissed when they completed drug court; others with previous convictions did not receive a dismissal. Despite their success in drug treatment, their case dispositions are now considered “convictions” for deportation purposes. Countless others did not receive treatment through the drug courts, but instead served a short period of time in the local jails and received a drug conviction or what is called a withhold of adjudication. In immigration context, this withhold is considered a conviction.

In 1994, Congress approved additional immigration reforms. Drug cases that were originally not grounds for deportation, became deportable offenses and the laws were made to apply retroactively. Thus, a drug offender, who previously pled to an offense at a time when that charge carried no threat of deportation, was now deportable. We can expect a large number of the 34,525 on the list to be deported. There is no right to an attorney in immigration court if you are indigent. The U.S. government says there is a right to an attorney in immigration court. However, the right to an attorney in immigration proceedings is an illusory right when the person lacks funds to hire an attorney. An indigent person facing deportation or exclusion from the U.S. does not have the right to government-appointed counsel. An attorney is essential because relief from deportation is possible. One with the benefit of an attorney to present his case in immigration court may exist in a much better position to present his/her case and avoid deportation back to Cuba. For example, relief may be sought when one is facing deportation proceedings as a result of a misdemeanor conviction obtained in a case where an Order of No Imprisonment (ONI) was issued. That message was not only conveyed in criminal courts. In fact, many Cubans signed waiver of deportation hearing forms or deportation orders without the right to an attorney in immigration court. Even if private attorneys volunteer in droves, that is not enough. No one gets deported to Cuba. Since December 17, 2014, immigration attorneys have been inundated with calls from concerned Cubans who have a relative or friend who received a drug conviction obtained in a case where an Order of No Imprisonment (ONI) was issued. That message was not only conveyed in criminal courts. In fact, many Cubans signed waiver of deportation hearing forms or deportation orders without the right to an attorney in immigration court. Even if private attorneys volunteer in droves, that is not enough. No one gets deported to Cuba. Since December 17, 2014, immigration attorneys have been inundated with calls from concerned Cubans who have a relative or friend who received a drug conviction obtained in a case where an Order of No Imprisonment (ONI) was issued. That message was not only conveyed in criminal courts. In fact, many Cubans signed waiver of deportation hearing forms or deportation orders without the right to an attorney in immigration court. Even if private attorneys volunteer in droves, that is not enough. No one gets deported to Cuba.

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No Right to an Attorney When Facing Misdemeanor Charges

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A Possible Solution

The United States has established a precedent for dealing with repatriation of those who have been deported after originally seeking asylum. That precedent comes to us in the form of the 2008 agreement between United States and the Socialist Republic of Vietnam. The agreement states, in pertinent part, the following:

**Article 2**

**Removable Persons and Conditions of Acceptance**

1. The Vietnamese Government will accept the return of Vietnamese citizens in accordance with Article 1 and item 2 of Article 2 of this Agreement, if upon investigation the individual meets the following requirements:
   (a) The individual is a citizen of Vietnam and is not a citizen of the United States or of any other country;
   (b) The individual previously resided in Vietnam and has no current residence in a third country;
   (c) The individual has violated U.S. laws and has been ordered by competent authority removed from the United States; and
   (d) If the individual has been convicted of a criminal offense (including immigration violation), the person will have completed any imprisonment before removal, and any reduction in sentence will have been ordered by competent authority.

2. Vietnamese citizens are not subject to return to Vietnam under this Agreement if they arrived in the United States before July 12, 1993, the date on which diplomatic relations were re-established between the U.S. Government and the Vietnamese Government. The U.S. Government and the Vietnamese Government maintain their respective legal positions relative to Vietnamese citizens who departed Vietnam for the United States prior to that date. (emphasis added).

Undoubtedly, the immigration situation between Cuba and the U.S. is far more complex than it was with Vietnam because of geographical proximity, length of time the two countries have been without normal relations, and the pervasive anti-immigrant sentiment in Congress. Even if the U.S. wished to push for the removal of these Cuban nationals, it is doubtful the Cuban Government would want to absorb the 34,525 Cubans who have obtained deportation orders nor the additional thousands who are eligible for deportation. Nevertheless, we expect the U.S. government not to leave the fate of tens of thousands of Cuban-American families in the hands of a Communist Cuba.

Carlos J. Martinez
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Novely of concept aside, understanding some of the risky realities associated with entering the Cuban market should be a critical factor in the rhetoric and analysis of any perceived incentive to expand engagement in business transactions.

There are two basic realities of engagement by foreign investors in Cuba that cannot be discounted: (1) the cumbersome nature of doing business in a bureaucratic command economy reticent to follow any free market reforms, and (2) the legal exposure associated with foreign investment in a totalitarian jurisdiction. These realities are highlighted by Cuba’s recently-revised foreign investment law, Law No. 118.

With an economy predicated upon bureaucratic centralized power, the Cuban nation has been largely sustained over the last five and a half decades by foreign subsidies and preferential trade agreements. During the Special Period of the 1990s, following the collapse of the Soviet Union, Cuba’s struggle to reorient its weak economy was particularly palpable and gave anxiety rise to a “black market,” or informal economy, which palpable and gave drastic rise to a “black market,” or informal economy, which ordinary Cubans depended on to meet their basic needs and which the Cuban government arguably camouflaged as it subsequently incorporated the practice into its own brand of top-down mixed economy. Thereafter, Venezuela—another ideologically-aligned trade partner—began subsidizing the Cuban economy in an amount estimated at approximately $15 billion a year, inclusive of 100,000 barrels of oil per day, half of which were re-exported and sold in Spain. With the value of Venezuela’s oil aid decreasing as a result of the decline in oil prices and the revision of a delicate political and economic environment in Venezuela, Cuba recently started entertaining economic alternatives in order to keep itself afloat in a sea of otherwise unfettered ideology.

In March of 2014, the Cuban National Assembly adopted a new foreign investment law, Ley No. 118, which has been billed as offering greater incentives for foreign direct investment under terms more favorable than the previous Law No. 77, enacted in 1995, which superseded. “The new law offers much better terms. It cuts the tax on profits in half—from 30 percent to 15 percent for most industries—and eliminates the old 25 percent tax on labor costs. The new law allows 100 percent foreign ownership, which, though previously legal, was never allowed in practice. Investors in joint ventures get an eight-year exemption from all taxes on profits.” These revisions to Cuban law in particular aim to make a more attractive landscape for the foreign investor. Notwithstanding, several projects undertaken for largely political reasons, this potential, however, has not thus far materialized. There is a sizable gap in Cuba’s reported growth of just 0.6 percent in the first half of 2014 and its goal to reach annual growth targets of above 5 percent by attracting foreign direct investment. The reality is foreign investors to date have been sold towards Cuba, at least in part, if not in great part, as a result of the reasons set forth herein. Estimations indicate just $5 billion has been invested in Cuba over the last 20 years.3

There are two aspects of Cuban law, however, that remain wholly unchanged despite the revisions made by 2014’s Ley No. 118—one, that major projects still will require approval by the Council of State or Council of Ministers; and second, that investors will still need to hire workers through the state’s labor exchange rather than hiring them directly. The approval of Cuba’s heavy-handed bureaucratic mechanism has proven incredibly cumbersome, as the delays associated with obtaining requisite authorizations linger well beyond the most generous of plausible projections. Additionally, investment proposals under negotiation “still must be approved by the highest level of the Cuban government [and] include projects in light manufacturing, packaging, alternative energy, pharmaceuticals and warehouse shipping logistics.”5 The disadvantages presented by the cumbersome reality of dealing with a bureaucratic state that has not relinquished control of certain elements, otherwise basic to doing business in a free-market economy, unquestionably hinders the past, present, and control of the foreign business investor’s undertaking and, in many instances, frustrates the purpose of the enterprise as a whole. The prospect of entertaining any investment that necessitates the use of Cuban labor also poses numerous disadvantages for the foreign investor. Presently, no foreign investor can hire labor in Cuba directly (with very limited exceptions). Therefore, the foreign investor must procure the labor force needed for its joint ventures from a government employment agency, which charges a fee for such services and pays the employee’s salary in Cuban pesos (CUP) while charging the investors in convertible currency (CUC). This salary is negotiated with the foreign investor on the basis of the minimum pay equivalent to the national average salary, which as of 2014 amounted to 456.00 CUP (1 CUC = 25 CUP, 1 CUC = $1).6 The Cuban state has effectively positioned itself as

Newly Paved Foreign Investment Avenues in Cuba: Potholes and Pitfalls.

By Candice Balmore, Esq.1

RISKY REALITIES OF FOREIGN INVESTMENTS IN CUBA

In the context of President Obama’s December 2014 statement regarding the re-establishment of diplomatic relations between the United States and Cuba, the expansion of the sales and exports of certain goods, and the undertaking of other initiatives discussed therein, an intrigue in the opening of other prospective avenues presently unavailable to U.S. citizens seems to have awakened, particularly with regard to U.S. business interests. December’s statements set forth a media firestorm regarding the potential in the context of President Obama’s December 2014 statement regarding the re-establishment of diplomatic relations between the United States and Cuba, the expansion of the sales and exports of certain goods, and the undertaking of other initiatives discussed therein, an intrigue in the opening of other prospective avenues presently unavailable to U.S. citizens seems to have awakened, particularly with regard to U.S. business interests. December’s statements set forth a media firestorm regarding the potential

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the island nation's largest employment placement agency, profiting directly from every employment agreement entered into while paying only a fraction of the salary negotiated with the foreign investor in convertible currency to the worker in Cuban pesos. In seeking to bolster its economy through foreign investment, Cuba seems to have found one of its most profitable trades at present to be the human capital of its people.

Furthermore, Cuba's laws present significant legal risks to be weighed by corporate foreign investors. The prohibition of foreign investors from hiring or firing employees directly, for example, obligates companies to submit labor disputes to a state agency for resolution. Additionally, under Article 4.1 of Chapter III of the new Law No. 118, foreign investment also can be expropriated for reasons of public utility or social interest. In several cases, conflict resolution is even governed by local courts rather than an international court of arbitration or any other resolution term bargained for at arm's-length.

In fact, just last year, the executive of the Canadian-based Tokmakjian Group, one of the most successful foreign companies in Cuba selling transportation equipment, was sentenced by a Cuban court to 15 years in prison for bribery and other economic crimes (which the Tokmakjian Group vehemently has denied) after the Cuban government seized $100 million worth of the company's assets. While only charged last year, Tokmakjian had been under house arrest, or in prison, for bribery and other economic crimes (which the Tokmakjian Group vehemently has denied) after the Cuban government seized $100 million worth of the company's assets. Though only charged last year, Tokmakjian had been permitted the would-be emigrants to leave for the United States from the Peruvian embassy in Havana within only a matter of days to seek asylum in 1980 in response to the poor political and economic climate of the Cuban nation. To ease the crisis confronting the Cuban state by the thousands of Cubans streaming into the Persian embassy in Havana within only a matter of days to seek asylum, the Cuban government permitted the would-be emigrants who could coordinate a boatlift to leave for the United States from the Peruvian embassy in Havana within only a matter of days.
LA RED DE LA CALLE
By Jane Muir

It is no surprise Cuba’s connection to the internet is highly regulated. Many consider it to be among the most tightly controlled in the world. With few connections, tight censorship and high costs, it is difficult, some would even say impossible, to gain access to news updates, share files and play online games on the World Wide Web. Due to these difficulties, resourceful Cubans have created an underground network known as La Red de la Calle, or Street Net, (“SNet”) which has been under construction since 2001. This private network of more than 9,000 computers is made up of small, inexpensive, and powerful hidden Wi-Fi antennas and Ethernet cables strung over streets and rooftops spanning the entire city. Currently, it has approximately 2,000 users a day.

Cubans first internet connection was established in 1996. It was a 64 bit link to Sprint in the United States. The connection to the internet has not developed much further than its original form. In 2011, plans were made to establish a fiber optic connection with Venezuela, by way of Jamaica. Ultimately costing $70 million and funded by the Venezuelan government, the underwater fiber-optic cable line linking Cuba, Jamaica and Venezuela were online in January 2013.3

Aside from the physical barriers, there are regulatory barriers to access. Internet service is reserved for state officials and foreigners, while most Cubans turn to government offices, hotels, some businesses and more than 100 government-run cyber-centers around the country.4 Observers from abroad and many Cubans blame the lack of internet on the Government’s desire to control the populace and to use disproportionately high cell-phone and internet charges as a source of cash for other government agencies.5

“Rather than relying on the technically sophisticated filtering and blocking used by other repressive regimes, the Cuban government limits users’ access to information primarily via lack of technology and prohibitive costs,” Sanja Tatic Kelly, project director for Freedom on the Net at the American NGO Freedom House, told AFP.6

By Jane Muir

Jane Muir is a civil litigator with Gersten & Muir, P.A. For more information, please visit www.gerstenmuir.com.

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4 Id.
7 Id.
8 Id.
10 Id.
11 Id.

Source: http://books.google.com/
By Jason Silver

Former CABA leader Judge Monica Gordo reishes her new role in the Circuit Civil Division

Every three years, Miami-Dade County judicial assignments rotate, and change springs on the court administration, the bench and attorneys throughout the county. That change has been felt in a big way in Circuit Civil Division. The Honorable Monica Gordo begins her first term as a Civil Judge after four successful years in the Criminal Division.

Judge Gordo's Miami roots run deep. She received her Bachelor's degree in Business Administration and Juris Doctorate from the University of Miami. She was admitted to the Florida Bar in 1999, and dedicated her career to public service, serving as an assistant state attorney for eleven years. Immediately prior to taking the bench, Judge Gordo served as a special prosecutor in the Gang Strike Force.

Judge Gordo is no stranger to the Cuban American Bar Association, having proudly served on its Board of Directors from 2007 to 2010.

"I wake up excited to go to work every day," says Gordo, who began her judgelship in the Criminal Division of Miami-Dade County.

"I miss the hustle and bustle in the morning in Criminal [Division]. You really get to interact with the public at large and members of the community. I was able to deal with people first hand," Gordo said. "At the same time, that is where I learned the skills I use today. The regular motion calendar gave me the opportunity to review a lot of fact intensive issues, and gave me a chance to review a high volume of motions and issues. That has helped me transition to my current role in the Civil Division."

It certainly is a new role. At any time during motion calendar, Judge Gordo can be confronted with a vast array of new and complex issues presented by attorneys well-versed and experienced in their respective fields.

"I have loved every minute of the civil bench, so far. It has been extremely interesting," Gordo said. "It is a very busy division. I sometimes wonder if people realize how much work we have, and how high volume the caseload is. Even when I work nights and weekends, there is still a high volume."

Thus far, Judge Gordo's impressions on the civil bench have been fascinating, exciting, and educational.

"I have found the breadth and scope of the areas of law are extremely interesting and challenging, and that the attorneys appearing before me are very well prepared," Gordo said. "I love the issues that I am dealing with, and I enjoy that it is more complex and involves more legal determinations. In civil, I interact with numerous fields of law on a daily basis, versus criminal, which was very fact intensive with a simple set of controlling legal principles."

Judge Gordo's education certainly has prepared her for the civil bench. "In undergrad I majored in business administration, the bench and attorneys rotate, and change springs on the court administration, the bench and attorneys throughout the county. That change has been felt in a big way in Circuit Civil Division. The Honorable Monica Gordo begins her first term as a Civil Judge after four successful years in the Criminal Division."

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Judge Gordo has brought four years of vast experience in the Criminal Division coupled with a hard-working and positive attitude to the civil bench.

"I am extremely grateful to be a judge. I really enjoy what we do in the courtroom. I also feel I have a lot to offer as a jurist," Gordo said. "I am so lucky and blessed, and I think Miami-Dade has one of the best judges. I could not be more honored to be a part of our great bench."

It is easy to see Judge Gordo is passionate about her role as judge. She has spent her career as a dedicated public servant. It is evident her true purpose is to continue to serve the people from the bench. With an emphasis on professionalism and preparedness, Judge Gordo has brought four years of vast experience in the Criminal Division coupled with a hard-working and positive attitude to the civil bench.

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Bryan Cave LLP
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By Elliot Kula and William Mueller


Jurors’ Secrets Don’t Make Friends… or New Trials

When prospective juror, Regina Whipple, was asked during jury selection whether she could be a fair and impartial juror in a case about medical expenses and pain and suffering, she answered “yes.” But when the trial started, Whipple found out the case involved a motor vehicle accident similar to one her daughter was in years ago. She then professed to the rest of the jury that an sound of such medical expenses in her daughter’s case would have “ruined her life.”

The jury informed the trial attorneys of Whipple’s statements and one individual juror prepared an affidavit representing as much. The trial attorney, seeking a new trial, introduced the affidavit to the trial court.

But the Supreme Court held Federal Rule of Evidence 606(b) bars the introduction of juror testimony when a party seeks to secure a new trial on the ground a juror lied during voir dire. A post-verdict motion for a new trial based on dishonesty during voir dire plainly entailed “an inquiry into the validity of [the] verdict” which is precluded under 606(b).


Need Your Case Removed from State Court? Just Allege “There’s No Place Like Federal Court”

In a 5-4 decision, with Justice Ginsburg writing for the majority, the Supreme Court found a party who wishes to remove a case from state court to federal court need not provide factual evidence of the amount in controversy.

When a party wishes to remove an action to federal court, they are required only to file a “notice of removal” containing “a short and plain statement of the grounds for the removal.” 28 U.S.C. § 1446(a); Chesea, 135 S. Ct. at 558 (Scalia, J., dissenting). The Tenth Circuit Court of Appeals, interpreted this as requiring evidence beyond mere allegations supporting federal jurisdiction. After finding Dart’s notice of removal did not include evidence of the jurisdictionally required amount in controversy, the district court remanded the case to state court.

The High Court reversed, holding a defendant’s notice of removal need include only a plausible allegation the amount in controversy exceeds the jurisdictional threshold. “Evidence establishing the amount is required by § 1446(c)(2)(B); only when the plaintiff contests, or the court questions, the defendant’s allegation.” Id. at 554.


Florida’s Supreme Court Declares Which Service of Process Statute Stands on First

Until recently, a fundamental question about service of process had gone unanswered.

In Koster, the Florida Supreme Court supplied clarity on whether, in addition to the requirements of section 48.21, a facially valid return of service must also include the factors relating to manner of service under section 48.031(1)(a). Which of two statutes’ requirements must be met to constitute a valid return of service: those of Florida Statute 48.21, which defines valid return of service, or § 48.031(1)(a), which defines the manner of service generally?

Fla. Stat. §48.21, defining valid return of service, states that: “Each person who effects service of process shall note on a return-of-service form attached thereto, the date and time when it comes to hand, the date and time when it is served, the manner of service, the name of the person on whom it was served and, if the person is served in a representative capacity, the position occupied by the person.”

A failure to do so invalidates service.

Applying to require additional express elements in a valid return of service, Fla. Stat. §48.031(1)(a) states: “Service of original process is made by delivering a copy of it to the person to be served with a copy of the complaint, petition, or other initial pleading or paper or by leaving the copies at his or her usual place of abode with any person residing therein who is 15 years of age or older and informing the person of their contents.”

In Koster, the Florida Supreme Court held that, in order to be facially valid, a return of service need only demonstrate compliance with those requirements found in section 48.21. The return need not also expressly list the factors defining the general “manner of service” contained in section 48.031(1)(a). The Court found the Legislature is “best positioned to make a policy determination” regarding the contents of a return of service. Employing the maxim, expressio unius est exclusio alterius (or, “the express mention of one thing excludes all others”), the Court determined the Legislature’s list of specific requirements in section 48.21 prevented reading any additional requirements—found elsewhere—into that statute.

Deutsche Bank Trust Co. Am. v. Beauvais

Only One Bite at the Foreclosure Apple

The Third District Court of Appeal blared the foreclosure trail in Beauvais by holding a mortgage lender’s acceleration of a mortgage triggers the statute of limitations that may preclude the lender, following dismissal of its action without prejudice, from accelerating the note anew.

The lender in Beauvais initiated a foreclosure action against the borrower in December 2007, stemming from the borrower’s default that occurred in 2006. That initial action was involuntarily dismissed without prejudice. Two years later, the lender filed a second action based on a subsequent default one month after the default on which the original action had been based. The lender contended the dismissal of the first action constituted an automatic “deceleration” of the loan – allowing the lender to re-accelerate the loan during a subsequent legal action.

But the Third District held the applicable 5-year statute of limitations had run by the time the lender sought to initiate the second action. The Third reasoned that when a mortgage contains an optional acceleration clause, the statute of limitations commences once the lender elects that option to accelerate by, for example, filing a foreclosure action. As a result, the clock started ticking when the initial action was filed in 2007.

Here’s the kicker, according to the Third, the dismissal without prejudice did not stop the clock. That is, the Court distinguished the facts in Beauvais from Singleton v. Greymar, Assoc., Inc., 51 So. 3d 910 (Fla. 4th DCA 2010), and U.S. Bank Nat’l, As’n v. Dart, 140 So. 3d 1007 (Fla. 5th DCA 2014), cases involving a dismissal with prejudice. Specifically, the Third found that in the lender’s initial action, by virtue of the dismissal without prejudice, there had been no adjudication on the merits, and thus no determination regarding the lender’s acceleration of the debt. Without adjudication on the merits, the entire debt remained accelerated and due; thus there were no new installment payments due from which to accrue a new cause of action.
Florida Court Expands Pro Se’s Right to Claim Guardianship

After a psychiatric evaluation performed on ward, Ana Maria, found her to be incapacitated, the trial court appointed a committee to determine her legal capacity. The committee recommended the court appoint a plenary guardian. Ana Maria’s sister, Ursula Silveira, could not be present when the appointment took place and the court appointed the Guardianship Program of Dade County, Inc. as Ana Maria’s guardian.

Typically, a public guardian should be appointed where “there is no willing and responsible family member or friend, other person, bank, or corporation available to serve as guardian for an incapacitated person, and such person does not have adequate income or wealth for the compensation of a private guardian.”

But Ana Maria’s sister, Ursula, was willing and financially capable of becoming her guardian. Accordingly, she petitioned the trial court to become Ana Maria’s guardian. The trial court ruled that under Florida Probate Rule 5.030(a), it could not review Ursula’s petition unless she was represented by a lawyer.

But the Third District held Florida Probate Rule 5.030(a) applied to only those guardians already appointed and not to individuals seeking guardianship. Under the Third’s holding, therefore, a pro se litigant now can seek appointment as a guardian without the use of counsel, greatly expanding access to courts for many family members or friends who wish to serve as guardians, but for whom an attorney would be too costly.

Sanislo v. Give Kids the World, Inc., 157 So. 3d 256 (Fla. 2015)
Negligently Drafted Exculpatory Clauses Still Cover Negligence

The Supreme Court of Florida found exculpatory clauses are not required to expressly refer to “negligence” or “negligent acts” to render them as an effective bar to a negligence action. Ultimately, the Court decided, the basic objective in interpreting a contract is to give effect to the parties’ intent. So where the circumstances are such that a liability release form clearly conveys it wishes for one party to be “released from any liability,” it should be read as exculpating the party from negligent actions, even absent express language.

The Court’s decision represents a divergence from case law governing indemnification agreements, which require a specific provision protecting the indemnitee for its own negligence in order to be enforceable. See Univ. Plaza Shopping Ctr. v. Stewart, 272 So. 2d 507 (Fla. 1973).
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Carlos Garcia, Esq., is a Presiding Attorney in Miami. He has been in the real estate industry since 1980, and in the late 90s started his endeavors in commercial real estate. Working with commercial deals ranging from a few hundred thousand dollars to millions of dollars is a career that requires many people working together, and his partners with The Fund for assistance on all his commercial real estate transactions.

“Dependable, Understanding, Responsive,” Carlos says when asked to describe The Fund. “In fact, he couldn’t say enough about the high level of communication and personalized service he is given. For Carlos, the personalized, concierge services from The Fund starts with his Fund Representative.”

“A Long Tradition of Enduring Relationships” by Carlos Garcia.

Zumpano Patricios & Winker, P.A.
congratulates
Maria D. Garcia
on her re-election to the Cuban American Bar Association’s 2015 Board of Directors.

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“Zumpano Patricios & Winker, P.A. congratulates Maria D. Garcia on her re-election to the Cuban American Bar Association’s 2015 Board of Directors. Office: Miami • Chicago • Salt Lake City Satellite Offices: Boston and Providence, RI; Fort Lauderdale, FL; Tampa, FL; West Palm Beach, FL; Coral Gables, FL; Coral Springs, FL; Miami, FL; Hollywood, FL; Miami Beach, FL; New York, NY; Chicago, IL; Columbus, OH; New Jersey, NJ; Detroit, MI; and a variety of other locations around the world. Zumpano Patricios & Winker 312 Northeast Avenue, Coral Gables, FL 33134 (305) 444-5515 • www.zumpano.com The listing of a lawyer in an important publication is not meant to be a seal of approval or endorsement by the Florida Bar, or any other bar association or regulatory body. Before you decide, ask us to send you free written information about our qualifications and experience.”
The Cuban American Bar Association’s 41st Annual GALA held on January 31st, 2015 at the Fontainebleau Hotel in Miami Beach was not only an exciting social event, but also an important philanthropic event benefiting both the Cuban American Bar Association Pro Bono Project (CABA Pro Bono) and the Cuban American Bar Association Foundation; raising funds vital to the success of each of these organizations.

One of the most memorable parts of the evening was when Elmer Ernesto Guardado Leiva, an 18 year old young man from El Salvador, addressed the crowd of over 1,000 attendees on how CABA Pro Bono had changed his life forever. Elmer’s words followed by a short video on CABA Pro Bono prompted a record-breaking amount of donations to CABA Pro Bono. These donations will help make possible the expansion of existing programs to benefit an even greater number of children, families and individuals in need.
In recent years CABA Pro Bono has grown tremendously, and currently plays a critical role in making access to justice feasible for all in Miami Dade County.

CABA Pro Bono has offices located at 2400 South Dixie Highway. Has a staff of eight (8) including 5 attorneys.

CABA Pro Bono represented over 2250 clients in 2014 alone. A 72.8% increase from 2013.
CABA PRO BONO

Had over $1,200,000.00 of in-kind legal services donated by pro bono attorneys in our community over the past 18 months.

CABA PRO BONO

Held over 25 CLE clinics to train pro bono attorneys in 2014.

CABA PRO BONO

Sponsors 2 outreach clinics each month at different locations across Miami-Dade County for income eligible clients.

CABA PRO BONO IS CHANGING LIVES FOR THE BETTER THROUGH ITS VARIOUS SPECIFIC PROGRAMS.
The CABA Foundation came together with the Cuban American CPA Association for the 13th Annual CABF & CACFPA GOLF CLASSIC at International Links Gold Course for a great day of golfing and dinner to raise money for student scholarships. FirstBank Florida was the Tournament Sponsor.

The annual CABA Board of Director Elections and Toy Drive - one of the most well-attended events of the year - took place once again at Regions Bank in Coral Gables, with catering by Novecento. The membership voted, and elected your 2015 Cuban American Bar Association Board of Directors:

- President - Manny Crespo, Jr.
- President Elect - Anna Marie “Annie” Hernandez
- Immediate Past President - Ricardo Martinez-Cid

Sabadell Bank once again hosted the annual Past President’s Dinner, where CABA’s Past Presidents join the sitting Board of Directors to reflect on the events of the previous year and exchange thoughts for the future of CABA.
The Board of Directors gathered to celebrate the close of another fantastic year and gather strength for the events of 2015. Dinner was graciously hosted by Mass Mutual Financial Group at Casa Juancho on the famed Calle Ocho.

To mark the 20th anniversary of the 1994 Cuban Raft Crisis, CABA Members were able to hear a panel discussion detailing the events surrounding the CABA v. Christopher litigation from the pro bono attorneys who worked on the case, including CABA Past President Frank Angones. The event was co-sponsored by the University of Miami School of Law, the University of Miami Cuban Heritage Collection, CABA, Southern Wine & Spirits, and Colson Hicks Eidson.

City National Bank's Brickell Avenue branch hosted the 2015 Kickoff Membership Appreciation Cocktail and Past President's Reception, where CABA members started the year by welcoming and recognizing all the newly elected Judges taking the bench.

The 4th Annual Lawyers on the Run 5K drew its most diverse crowd to date, with everyone from competitive runners to kiddies taking part. An Easter Egg hunt, rock climbing wall and dunk tank helped give the event a family-friendly carnival feel enjoyed by all, as much-needed funds were raised to benefit the CABA Pro Bono Project.
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Holland & Knight is proud to support the Cuban American Bar Association in its commitment to improve the legal profession through greater diversity and access to opportunities throughout Florida.

Past Presidents Jorge L. Hernández-Torreño, J. Raúl Coeli and Vivian de las Cueva-Diaz, President-Elect Ana Marie Hernandez and Director Frances Guasch De La Guardia are pleased to continue their deep involvement in CABA, and are excited to further their efforts to promote diversity and legal excellence.

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BACARDÍ USA PROUDLY SUPPORTS THE CUBAN AMERICAN BAR ASSOCIATION.
El que quiera su celeste que le cueste – If you want the sky, it will cost you.

Success has a price: effort, time, money, dedication, etc. This dicho may sound insensitive, but it is only the truth: hard work is how to succeed. We cannot expect for all dreams to come true without playing a part in making sure they are met. I recently saw a picture on social media of a ballerina wearing only one ballerina pointe shoe. The foot that was bare revealed all the cuts, bumps, and missing toenails of that ballerina. I am not sure who this ballerina is, but she is living her dream and the picture confirms she has paid a price for her dream to come true. I bet she has no regrets about the price she paid. Similarly, all of us in our legal profession have paid a price to get to where we are today. If you believe success is limitless like I do, then we will forever be paying some sort of price. Thankfully, the prices I have paid have been well worth it.

La avaricia rompe el saco: Your insatiable desire for wealth and gain will break the sack. This dicho is meant to be visual. Although avarice is a synonym of greed, avarice also can mean you want but just for the sake of having it, not necessarily to use or waste it. This dicho concerns the latter definition. Someone who continuously gets what he or she wants and just keeps it, will eventually collect enough things to break the sack. If you have seen those TV shows about weird obsessions, you will find these types of avaricious people. One notable person was a lady from a southern state who fanatically loves gingerbread cookies. The lady even goes to work, the grocery store, doctor’s visits, etc. with a big gingerbread doll by her side. Her entire house is filled with gingerbread memorabilia, and she bakes gingerbread cookies every day! This gingerbread lady broke the sack when she turned her residential mobile home into a gingerbread house because there were no more gingerbread things to collect.

Toma chocolate y pague lo que debe: Take this chocolate and pay your debt. Do you know someone who is not responsible enough to borrow money? I know a few. These people require a loan with no interest and will return payment on their own terms (when it is convenient for them). These kinds of people usually come with the reputation they do not pay off their debts, yet have the confidence to continue to seek loans. Beware of these folks. This dicho is what you would tell someone who owes you money and you are trying to collect the overdue debt. The chocolate does not mean much but let’s us consider it a motivating factor to make someone pay you back. This dicho is used mainly by frustrated lenders who are tired of waiting for repayment while the borrower continues on with life without concern for his debt. Sadly, all you are left with after you tender the money to one of these people is this dicho.
Taking Charge of Your Health

Multiple studies have shown the benefits of primary care, which focuses on improving health and well-being through preventive, proactive medical care.

At Baptist Health Primary Care, the focus is on optimal care, including minimal wait times, same-day appointments, evening hours and a dedicated team of nurses for quick diagnosis and nursing consultations. Our goal is to provide an expanded, comprehensive care for all stages of life.

Patients can receive free appointments by calling their primary care physician's office. Patients are encouraged to be actively involved in their healthcare decisions,” said Thomas Shehadeh, MD, chief medical officer for Baptist Health Primary Care.

Here are a few basic questions that can apply to a routine visit for a specific illness:

- What medications do I need and at what dosage do I need them?
- What kinds of tests do I need, and what will those tests tell me?
- What are the side effects of this medication and how long will I have to take it?
- Do these medications interact with each other?

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Preheat the oven to 450 degrees. Remove the ribs from the fridge and
3.
2.
Mix the ingredients for the marinade
1.
FOR THE SAUCE:
1 ½ cup soy sauce
1 Tablespoon of freshly grated ginger
3 Tablespoons of light brown sugar
2 Tablespoons of Liquid Smoke
½ cup ketchup
½ cup of light brown sugar
1 Tablespoon of freshly grated ginger
1 ½ cup of light brown sugar
2 Tablespoons of salt
2 Tablespoons of Liquid Smoke

FOR THE MARINADE:

This recipe is for 4 guests. Double the recipe, depending on the number of guests you will host. I hope you have enjoyed the simplicity of this recipe. Email me at lacocinadechristina@gmail.com or share your costillas stories with us on Facebook at http://facebook.com/lacocinadechristina.

INSTRUCTIONS

1. Mix the ingredients for the marinade the night prior to cooking the ribs and let the ingredients sit in a plastic container overnight.
2. On the day you will cook the ribs, rub the ribs with the marinade and let them sit in the ribs for at least two hours in the fridge.
3. Remove the ribs from the fridge and brush them generously on both sides with the sauce and let them sit in the sauce for at least an hour in the fridge.
4. Preheat the oven to 450 degrees.
5. Place the ribs in the oven, fatty side up, on a rack or oven tray with ribs, in order to let the grease drip down into another tray that sits in the rack underneath.
6. Bake at 450 degrees for 15 minutes.
7. Lower the temperature to 350 degrees and cook the ribs at this temperature for another hour.
8. Reapply the sauce to the ribs every 15 minutes and make sure to flip the ribs each time you reapply the sauce in order to ensure even browning on both sides.

I congregate Frances Guach De La Guian and Jorge R. Delgado on the success of their first issue, which celebrates the twentieth anniversary of the Guantánamo Refugees Litigation, and features an excellent article authored by Carlos Martinez, the Public Defender for Miami-Dade County, on the less prevalently discussed repercussions of the renewed diplomatic relations between the United States and Cuba.

As many know, the restoration of diplomatic relations between the United States and Cuba is a dynamic and developing story with economic, historical, political, and emotional angles to explore. Indeed, with the exciting revelation that two Cuban-Americans are candidates to become president of the United States, and with President Obama removing Cuba from the List of State Sponsors of Terrorism, we can expect this topic to continue garnering widespread attention. In turn, we anticipate that upcoming issues of CABA Briefs will feature commentary on these emerging issues from prominent members of the community. Further, we invite and encourage our readers to submit articles sharing their views on this evolving diplomatic relationship. I, for one, have found it difficult to remove my emotions from the equation when I hear my peers eagerly refer to Cuba as a land of opportunity when I know it as a land of oppression and obstruction.

Lastly, as the times change and technology improves, the printed word is becoming a less efficient method of mass communication. Thus, the time has come for CABA Briefs to adapt and accommodate change. CABA Briefs, in a deliberate process, will move towards the increased efficiencies of electronic production and distribution of our publication. We hope this will allow CABA Briefs to have more room for content such as event photographs and substantive articles, be more readily accessible than ever, and be easier to amend after publication.
The Arias Law Group, P.A. is a proud and dedicated supporter of the Cuban American Bar Association.
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