



BRIEFS

Summer/Fall 2018



**Miami-Dade County's
2018 Judicial Candidates**



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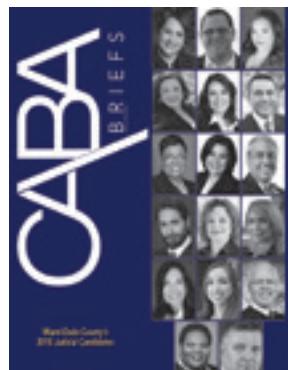
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2018 Judicial Candidate

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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

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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,

Time flies! Fortunately, our incredible CABA team of directors, past presidents, committee members and our Director of Operations, Danny Espinosa, have not wasted any of it this year. Since our amazing Gala we have:

- Led the fight for a new civil courthouse
- Hosted “CABA Pro Bono Marlins Night” in which over 600 of our members, family and friends attended to raise over \$10,000 for the CABA Pro Bono Project
- Hosted one of our largest golf tournaments ever in which we, along with the Cuban American CPA Association, raised over \$20,000 for scholarships
- Awarded \$25,000 in scholarships at a beautiful reception hosted by TD Bank
- Hosted monthly CLE breakfasts which are free to our members
- Created a working an on-line working membership directory
- Conducted a successful judicial poll to educate our members and the voting public as to the qualifications of our judiciary
- Re-established “Que Pasa CABA” to update the membership on our current events
- Addressed two planned “CLE” trips to Cuba
- Addressed the immigration separation of families issue
- Re-established the CABA on Cuba committeeProposed changes to our By-laws

The coming weeks will be even busier. Please make sure that you make plans to attend our annual “Getaway” at Ocean Reef on Labor Day Weekend. You will not want to miss the all new AIT: Uncorked on September 29 at the Penthouse Riverside Wharf.

We truly appreciate and thank all of you for all of your support. We look forward to seeing you at as many events as you can attend. If there is anything that you think that we can and should be doing, please do not hesitate to reach out to me at jpiedra@piedralaw.com

Yours in service,

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

Jorge L. Piedra
President, CABA

Editor-In-Chief's MESSAGE



Dear CABA Readers:

I hope you enjoy our judicial CABA Briefs edition. The Summer edition includes profiles of the judicial candidates in the upcoming mid-term elections to be held on August 28, 2018. The cornerstone of our democratic process and freedom in this country is the exercise of our right to vote. In an effort to help and educate our members and readers on the judicial choices this election, we asked each candidate to share a biographical profile of themselves with our readers.¹ I trust that the section on the candidates for judges will provide you the insight and guidance as you exercise your right to vote this election cycle.

The Summer edition also features an article on the recent government changes in Cuba and how this will affect those on the island as well as those abroad. The article was authored by CABA members Candice Balmori and her brother Daniel Balmori. We thank them for their continued support of CABA and contributions to Briefs. An informative article, by Mike Redondo, on cyber phishing and the ways to avoid

the common pitfalls of cyber-attacks. We also hope you enjoy an interview of Carlos Halley and his work with the Florida Bar Foundation by former CABA past president Roland Sanchez-Medina. Please enjoy an informative case law summaries by Elliot Kula, William Mueller and Aaron W. Daniel.

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Finally, as usual, we have a section covering the latest CABA events including the Annual Marlins Night benefiting CABA Pro Bono and the Cuban America Bar Foundation Classic Golf Tournament at Melreese golf course. Make sure to mark your calendars for more upcoming CABA events, such as CABA's Getaway at Ocean Reef, where all members and family are welcome to unwind and enjoy the Labor Day holiday weekend. Lastly come join us at the "AIT Uncorked" event featuring various local restaurants and wine tastings to be held at the Wharf Penthouse on September 29, 2018. Get your tickets and make your reservations if you wish to participate.

Thank you,

Frances De La Guardia
Frances De La Guardia

Editor-in-Chief

¹ Each candidate was provided equal opportunity to submit a profile, a campaign picture and/or purchase an ad. The candidates profiles were written by them and edited by the editorial staff.

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CABA BRIEFS Judicial Round Up: The 2018 Miami Dade Circuit and County Judicial Races

The primary election will be held on August 28 2018. The judicial round up provides a brief biography and photograph for each judicial candidate.

CIRCUIT COURT ELECTIONS

Elisabeth Espinosa versus Judge David C. Miller for Circuit Court Group 08



Elisabeth Espinosa

A Miami native, Elisabeth Espinosa was born to parents who fled Cuba during Castro's regime.

She graduated Our Lady of Lourdes Academy, graduated Cum Laude from the University of Florida, where she earned both a Bachelor of Science Degree in Psychology and a Bachelor of Arts Degree in Spanish Literature, and obtained her law degree from Stetson University College of Law.

As an Assistant State Attorney, she served as the Felony Division's Lead Trial Attorney, where she handled cases involving violent crimes, theft, and drug offenses. In private practice she has litigated on behalf property owners and small business owners.

Espinosa has tried 73 jury trials and 67 bench trials. She currently practices in the areas of defense of negligence cases involving premises liability of commercial and residential clients, dog bites, aquatic accidents including commercial and residential drownings, negligent security, and wrongful death.



The Honorable Judge David C. Miller

Judge David C. Miller is running for re-election to the Miami-Dade Circuit Court after having served close to 18 years in various divisions of the court, including eight years in the Civil division, seven years in Criminal division, and three years in the Family division.

Prior to becoming a Judge, Miller was a litigator for 22 years, trying cases as a civil trial lawyer. He now has close to 40 years of experience in Miami's legal community.

Judge Miller is a Miami native. He received a B.S. from the University of Florida in 1975 and his J.D. from Nova Southeastern University in 1978.

Miller was elected to serve on the Circuit Court in the year 2000 and emphasizes that he stands out due to his hard work, integrity, judicial intellect, independence, and patience. He is proud that he frequently arrives to work at six in the morning to get the day started.

He values providing all parties an opportunity to be heard and he provides litigants hearings at seven in the morning if needed.

He is a dedicated family man, who married his Coral Gables High School Sweetheart, Marilyn, in 1973. The two have raised two sons together and now have five grandchildren.

Renee Gordon vs. Louis Martinez vs. Vivianne Del Rio for Circuit Court Group 14



Renee Gordon

Born in Miami, Florida and educated in the Miami-Dade County Public School System, Renee learned the importance of education from her mother, a public school teacher. However, it was the summers of her youth, spent on her grandparents' working farm in rural Georgia, where she learned the benefits of a strong work ethic, a charitable heart and an unquenchable commitment for helping others.

Renee graduated from the University Of Connecticut School Of Law in 1992. Her talents, interests and legal education propelled Renee to work directly with young people in the community, by managing the Miami Halfway House, a Department of Juvenile Justice residential program for "troubled" youth.

Renee successfully operated the Miami Halfway House and was "tapped" by the State of Florida's Department of Juvenile Justice to use her talents State-wide. Renee was an instrumental participant in the initiation of the Department of Juvenile Justice's Quality Assurance Program.

For over 20 years, Renee has worked either as a full-time or as a contract attorney for that Office. As an Assistant Public Defender. For over twelve (12) years of her legal career, Renee owned and operated a successful private law practice. During that time, while still representing clients as a contact attorney with the Public Defender's Office.

Renee is a member of the Florida Bar Juvenile Court Rules Committee, the Florida Association of Women Lawyers, Gwen S. Cherry Black Women Lawyers Association, Wilkie D. Ferguson Jr. Bar Association,

Cuban-American Bar Association, Delta Sigma Theta Sorority, Inc. National Council of Negro Women, and a retired board member of the Miami-Dade County Black Affairs Advisory Board.

Renee was recognized for her professionalism in May 2016, when she received the John F. Balikes award, in recognition of her "significant contributions to child welfare and juvenile justice in Miami-Dade County." She was also recognized as someone who "exemplifies servant leadership", when in early 2017, Renee received the Mercerdese R. Clark Trailblazer Award from Delta Sigma Theta Sorority.



Louis V. Martinez

After attending De Paul University College of Law, he began his career as a Cook County Assistant State Attorney in Chicago, Illinois, in 1995, and progressed from the DUI Traffic Division to the Felony Trial Division. In 2001, he moved to Miami and was a Senior Assistant Attorney General in the Florida Attorney General's Office, rising to the position of Deputy Chief Assistant Attorney General for the Medicaid Fraud Control Unit.

He then became a Special Assistant United States Attorney for the Southern District of Florida and served on that position until 2007. He has also served as the Vice Chairperson of the Florida Bar Criminal Procedure Rules Committee.

He is an active member of our community, serving on the 2012 Miami Dade Charter Review Task Force, served a five-year tenure as the Chairman for the Miami Beach Community Development Corporation and most recently served as the Chairman for The Miami Dade Expressway Authority Board of Directors for two years and continues to serve on that board.

Renee Gordon vs. Louis Martinez vs. Vivianne Del Rio for Circuit Court Group 14:



Vivianne Del Rio:

Vivianne del Rio is a Miami native who graduated from Ransom-Everglades School. After earning her undergraduate degree from Southern Methodist University (SMU), she returned to Miami to attend law school at the University of Miami.

Del Rio started her career 1991, when she became a certified legal intern for the Miami-Dade State Attorney's office while attending law School. After graduating she became an Assistant State Attorney where she practiced for 26 years. She served in a variety of different divisions and most recently was in charge of the Post-Conviction Unit.

She oversees the Justice Project, reviewing claims of actual innocence/ wrongful convictions and has taught an intermediate level CLE course on Post-Conviction Motions and has been a guest speaker at Florida International University College of Law, St Thomas University School of Law and Law Day.

She is a member of the Cuban American Bar Association, the Dade County Bar Association, the Florida Association for Women Lawyers, and the League of Prosecutors.

A wife and mother to four children, del Rio volunteers with her children with the Pack of Dogs volunteer task force on weekends.

COUNTY COURT ELECTIONS

Yery Marrero versus Joe Perkins for County Court Group 25



Yery Marrero

Yery Marrero was born in Bayamo, Cuba and fled with her parents when she was just three years old. While in Cuba, her family had a history of public service as her paternal grandfather was the Mayor of Bayamo.

She graduated from Miami Coral Park High School and Florida State University, and received her law degree from Loyola University School of Law in New Orleans. After law school, she returned to Miami and joined the Miami-Dade Public Defender's Office.

After almost ten years at the office where she progressed to handling major crimes in the Circuit Court, she opened her own private practice. In 2000, she co-founded Marrero Bozorgi, assisting individuals under investigation or charged with state and federal criminal offenses. She has been practicing law in Florida for 28 years.

She is a member of professional boards and serves as a legal analyst and commentator on Spanish-language television. She was previously appointed to serve on the DUI Review Board for the Florida Department of Highway Safety and Motor Vehicles by the Governor, has served as a Traffic Magistrate in Miami-Dade, and has served on a Florida Bar Grievance Committee.

She is a member of the Cuban American Bar Association, multiple other local bar associations, and has served as President of her neighborhood homeowner's association in Coconut Grove. She currently serves as the Chair of the Board of Trustees of her daughter's school, St. Stephen's Episcopal Day School.



Joe Perkins

Joe Perkins earned his bachelor's degree in three years, graduating cum laude with a degree in International Area Studies from Drexel University and with distinct honors from Pennoni Honors College. He then earned his Juris Doctor, with honors, from Boston University School of Law.

Perkins is currently a Partner and trial attorney at commercial litigation boutique law firm Garbett, Allen & Roza, P.A., in Miami.

Perkins practices civil litigation handling complex commercial disputes involving bank fraud, real estate, receiverships, and business torts. He has extensive experience handling trials that last a week or more. He also has an international law practice. He represents small and large businesses, banks and financial institutions, and governmental entities, including the Federal Deposit Insurance Corporation.

Perkins has volunteered in the community by providing legal services free of charge to underprivileged members of the community.

He speaks Spanish and Japanese and has been married for 15 years to his wife, Fernanda.

Rosy Aponte vs. Kristy Nuñez for County Court Judge Group 02



Rosy Aponte

Rosy Aponte was born in Adjuntas, Puerto Rico and moved to the United States when she was three years old, with her single mother. She was raised in Little Havana, across the street from Jose Marti Park.

She graduated from Miami-Dade Community College with an AA. Followed by graduating from Barry University with a Bachelor in Science in Elementary Teaching and worked at an accounting firm during that time, as well.

An elementary school teacher for the public school system for over seven (7) years, she then went to law school in the evening while still teaching during the day. Aponte graduated Whittier Law School in 2007.

She began her career focusing on Civil Rights and Discrimination cases against employers for Race, Nationality, Gender, Age, Sexual Orientation and Religion. She then defended residential foreclosure actions, representing borrowers. She has owned and managed R.Aponte & Associates, PLLC, in Doral, Florida since 2009.



Kristy Nuñez

The daughter of Cuban immigrants, Kristy Nuñez was born and raised in Miami and graduated from Carrollton School of the Sacred Heart, the University of Miami where she earned a B.A. of Business Administration, and then St. Thomas University School of Law where she received her J.D.

She began her career as Assistant State Attorney and still holds that position after 13 years. She has tried approximately 50 cases before a jury. Since 2016, she has served as the Chief of the Human Trafficking Unit where she prosecutes sex and labor trafficking cases as well as supervises the unit.

In 2010, Nuñez co-founded Urban Promise Miami, a nonprofit organization which serves at-risk youth and their families in under-resourced communities within Miami-Dade County. The organization has accomplished a 100% high school graduation rate in an area where only 39.6% of high school students typically graduate.

Nuñez also serves as a Board Member of the Miami-Dade League of Prosecutors and from 2010 to 2013, served on the Board of Directors of The Melissa Institute, a nonprofit organization dedicated to the study and prevention of violence. In 2012, she served on the Alumni Council for Carrollton School of the Sacred Heart, and as Events Chair for the St. Thomas School of Law Alumni Council.

Lizzet Martinez vs. Chris Pracitto for County Court Group 32



Lizzet Martinez

Lizzet Martinez is the managing partner of the Law Offices of Damian & Martinez, and has practiced law for over 20 years, representing more than 1000 clients in the areas of family law and bankruptcy.

Martinez has also represented individuals in the areas of child support, domestic violence, eviction, and civil suits and has served as a *guardian ad litem* in contested dissolution cases representing children in Court.

Martinez sits on the board of American Children's Orchestras For Peace in order to offer her legal services for free so that children in underprivileged areas can receive music classes for free during the summer and after school.

Martinez ran for Judge in 2016, when she received almost 105,000 votes.



Chris Pracitto

Chris Pracitto graduated from the University of Florida and then University of Miami School of Law. He is currently a private practitioner and founder of the Law Office of Christopher Pracitto, P.A..

Pracitto began his career as an Assistant Public Defender in Miami-Dade and has been a criminal defense and family law attorney for the past 23 years. He has tried more than 50 jury trials and 50+ non-jury trials, as well as assisting with complex civil litigation and personal injury cases.

He serves his community as a guest lecturer on the Miami-Dade Commission on Ethics and Public Trust's Ethical Governance Day, through his church at Camillus House and St. Anne's Mission, as well as representing military veterans pro bono or for reduced legal fee.

Olanike Adebayo vs. Eleane Sosa-Bruzon for County Court Group 33



Olanike Adebayo

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Eleane Sosa-Bruzon

Olanike (“Nike”) Adebayo is originally from Chicago, Illinois and relocated to Miami while attending University of Miami School of Law where she earned her J.D.

She began her legal career at the Office of the State Attorney for Miami-Dade County where she prosecuted and tried felony, misdemeanor, juvenile and domestic violence cases. She eventually earned the position Chief of Litigation in the Juvenile Division.

After eight years of working as a prosecutor, Ms. Adebayo became a Police Legal Advisor at the Miami-Dade Police Department. In this role, she prosecuted civil forfeiture actions and assisted the department in all legal matters. She also taught at the police department’s accredited Metropolitan Police Institute.

Adebayo worked for the MDPD for five and half years and then returned to the Miami Dade State Attorney’s Office. After two and half years, she then opened Olanike Adebayo, P.A., primarily focusing on criminal defense and family law.

Since December 2014, Adebayo has practiced with the Office of Criminal Conflict and Civil Regional Counsel and she currently serves as an Assistant Regional Counsel assigned to the Dependency Division.

Born in Miami and raised in Hialeah, Eleane Sosa-Bruzon is a first-generation Cuban American and is also the first in her family to graduate college and law school. Her family came to the United States in 1971 in the final flights from Varadero, Cuba, fleeing Fidel Castro’s regime.

Sosa-Bruzon has over 12 years of experience as a litigator in both civil and criminal courts and tried more than 20 jury trials to verdict as a public defender. At the Public Defendant’s office she handled misdemeanor, juvenile and felony cases, ultimately progressing to the major crimes division.

As a civil litigator, she practiced all over the state in the areas of Banking, Commercial Litigation, Real Estate, and Insurance litigation.

She is currently a partner at Landau and Associates, practicing insurance litigation.

Sosa-Bruzon is a member of the Cuban American Bar Association, the Miami Lakes Bar Association, and the Florida Association of Women Lawyers’ Miami Chapter.

Michael Barket vs. Elena Ortega-Tauler for County Court Group 40



Michael Barket

Michael Barket is a Miami native who graduated from Columbus High School and went on to earn B.S. in Criminal Justice from Seattle University and J.D. from Cumberland School of Law at Samford University.

He began his legal career working with his father, George E. Barket, then opening his current firm, Michael G. Barket, P.A. He has practiced in the areas of Probate and Estate Planning, Guardianship, Commercial and Residential Landlord Tenant, Real Estate, and Family Law for the past 20 years.

Barket has served on civic committees and boards, including the Bayfront Park Management Trust and City of Miami Community Relations Board. He has also been a Judge in the Miami-Dade County Teen Court and was on the search committee for the City of Miami Chief of Police.

An avid runner and triathlete, he routinely competes in 5K, 10K, Half and Full Marathons, Triathlons and Ironman 70.3. Barket says his greatest achievements are his two daughters, Alexa and Emily.



Elena Ortega-Tauler

Ms. Elena Otega-Tauler did not respond to various requests to submit a biography profile for CABA Briefs.

Milena Abreu vs. Mike Mirabal for County Court Group 43



Milena Abreu



Miguel "Mike" Mirabal

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Milena Abreu was born in New Jersey to Cuban parents. She attended Rutgers College, where she earned a double baccalaureate degree, and then Loyola Law School in New Orleans, La.

Abreu began her career in Miami with the Miami-Dade Public Defender's Office and has been practicing for almost 20 years. She now handles death penalty cases for the Office of Criminal Conflict and Civil Regional Counsel, Third Region of Florida.

One of only seven women and four Hispanics certified to handle death penalty cases in Miami-Dade County; she has tried more than 100 jury trials to verdict and also handled complex civil insurance defense claims and family law cases.

Abreu has also worked as a Traffic Hearing Officer for the past seven years, presiding over thousands of civil traffic infractions.

She is a member of the Cuban American Bar Association and of several voluntary bar organizations including the Dade County Bar Association, Florida Association of Women Lawyers, and is board member of Florida Association of Criminal Defense Lawyers in Miami. She also has Chaired two Florida Bar Ethics Grievance Committees.

Abreu ran for Judge in 2016, where she earned over 100,000 votes

She is a proud mother to her daughter Isabella and her hobbies include flamenco dance, motorcycling and scuba diving.

Mirabal was born, raised, and educated in Miami. His parents left Cuba in 1960 as political prisoners and exiles. He attended Christopher Columbus High School and then St. Thomas University in Miami Gardens, where he received a Bachelor's Degree and Master's Degree in International Business. After college, he attended Barry University School of Law where he received his Juris Doctorate Degree.

Additionally, while working full time at a law firm in Madrid, Spain, he returned to law school for a second time to obtain dual degrees in Spanish Law E.U. and an L.L.M. in International Law.

Mirabal has practiced law for 13 years and has handled cases involving international and immigration legal disputes as well as family and domestic violence cases. He started a law firm and several businesses in Miami, has served as an in-house counsel, a Guardian Ad Litem, and has worked with InterJURIS, an international law firm based in Madrid, Spain, with offices in Venezuela, Honduras, Mexico and Panama.

He has also taught as an adjunct professor in business law, as well as guest seminar speaker in the topics of international law, global trade, EB-5 investor visas, immigration and real-estate.

Mirabal is the Liaison and Coordinator with "Global Humanitarian and Protect," a global non-profit organization whose goal it is to produce, feed and educate at risk women and children and simultaneously extradite and prosecute American pedophiles and child sex traffickers in Latin America.

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Cuba's 2018 Presidential Election: Introducing the New Face of the Old Regime

By: Candice Balmori, Esq. and Daniel Balmori, Esq.

"Power is not a means; it is an end."
George Orwell, 1984

When Miguel Díaz-Canel Bermúdez went to the polls in his hometown of Santa Clara in March to vote in its single-party, single-candidate elections for the Cuban National Assembly, the international press in Cuba was encouraged by government officials to cover the story. He was accompanied by bodyguards, some of whom had previously protected former Cuban President Fidel Castro himself. But before the results were announced, during Cuban television's live coverage of his voting, a Cuban state-run television anchor accidentally referred to Díaz-Canel as "Cuba's president." She quickly corrected herself, as Díaz-Canel had not yet formally been elected to office. The error was, of course, understandable. After all, as the only candidate nominated for the presidency and endorsed as Raul Castro's handpicked successor, Díaz-Canel would soon be ratified as president by the newly-elected Cuban National Assembly anyway.

And so the story goes that, as of April 2018, Cuba had a new president. His name is Miguel Díaz-Canel Bermúdez.

In most political systems, an election is an opportunity to replace an incumbent and change a governmental approach. But in Cuba's case, the 2018 presidential election appears to be only a small component of a larger strategic transition in progress from a personal to a more institutional power base.

Scholars and journalists previously noted Fidel Castro's personal ability to publicly brand himself as the face of the Cuban Revolution. This strategy served him well to consolidate power in his early years and then to maintain it. Arguably, Raul Castro's most important task during his tenure has been to usher in a series of superficial reforms necessary to transition that public brand from man to party. At 87 years of age, however, it is implausible to assume that Raul Castro can, on his own, transition the revolutionary brand and simultaneously consolidate the Party's power going into the future. His time is limited.

In the absence of a Castro-led Cuban Regime, the sustainability of the present Cuban government depends in great part upon the perception that the party itself (not one man) retains the stronghold of power in governance. This sentiment is expressly articulated in Article 5 of the Cuban Constitution of 1976, which provides that "[t]he Communist Party of Cuba . . . [is] . . . the organized vanguard of the Cuban nation, [and] is the superior leading force of the society and the State." As a result, the future of the Communist Party of Cuba, and therefore of the present Cuban Regime itself, greatly depends upon: 1) the continuity of leadership and 2) the strengthening of Party presence with military support.

Despite stepping aside from the presidency in 2018, Raul Castro will continue to serve as the head of the Communist Party in Cuba and as

Commander in Chief of the Cuban Revolutionary Armed Forces. This continuity of leadership in the Party is by design. Prior to the April 2018 presidential election, the Cuban Regime successfully weathered at least one transition of leadership from Fidel Castro to his brother without enduring much collateral damage. It was easy enough to carry the brand over. Both men had the same last name, and both fought side-by-side in the Cuban Revolution.

But continued political transition can easily lead to factional splintering among the populace, and even among segments of the Communist Party of Cuba itself. Gradually addressing potential political cleavages in a slow and methodical transition of leadership is far preferable to the hasty missteps made by other authoritarian regimes in the past that failed. If maintaining the Communist Party of Cuba as the "superior leading force of the society and the State" remains the overarching goal, then Raul Castro's labor will be to ensure the continuity of the Party's leadership in governance.

The Cuban Regime's history of gradual, superficial reform (even as recent as its newest laws on private investment and entrepreneurship), has generally been one of calculated rhetoric and tightly controlled, limited implementation. The election of a new president without the Castro surname is no exception. It is a feat made possible, however, by Cuba's unique single-party system of government.



Cuba's Single-Party System of Government

Cuba's government is structured as a parliamentary system. In theory, while "parliamentarism provides a more flexible and adaptable institutional context for the establishment and consolidation of democracy,"¹ the Cuban Regime has, instead, engineered its parliamentary structure

as a check to ensure the establishment and consolidation of its single-party government. Generally, "[u]nder parliamentary government ... myriad actors—parties, their leaders, even rank-and-file legislators—may at any time between elections adopt basic changes, cause realignments, and, above all, make or break prime ministers."² In Cuba, however, the Constitutionally-prescribed

one-party system impedes this political development, as multiparty political pluralism is not permitted. The Communist Party of Cuba is the only lawfully authorized party.³ So the electoral system in Cuba, as implemented, is not designed to accommodate any concept of political pluralism. It is this lack of political pluralism that makes Cuba's latest presidential "election" worthy of ex-

amination.

Díaz-Canel's ratification by Cuba's National Assembly was newsworthy because Raul Castro elected to step aside from his presidential position of leadership. However, this is not the first time since the 1959 Revolution that someone other than one of the Castro brothers has served as Cuba's president. In the early years of the Revolution, and prior to the rewriting of the Cuban Constitution in 1976, four men other than Fidel or Raul Castro served as president of Cuba—some for just a matter of days.⁴ Many today are unfamiliar with this bit of trivia, as the presidency of Cuba is essentially a powerless office when occupied by someone who does not control the party in power or the military. And while Fidel Castro ceded his presidential power to Raul Castro, who has since groomed and endorsed Cuba's newest president, Raul Castro himself is anything but out of the picture. Despite the latest presidential election, he still controls Cuba's main power centers: the Communist Party and the armed forces. But as the only candidate proposed for the Presidency of the Council of State by Cuba's National Assembly,⁵ it is not exactly surprising that Díaz-Canel was formally elected by them.

Cuba's Electoral System

The 1976 Constitution created Cuba's National Assembly of People's Power (the "National Assembly"), whose members were originally chosen indirectly. In 1991, following the collapse of European communist regimes, Cuba's Fourth Communist Party Congress agreed to amend the Constitution and the electoral law to permit a direct popular vote for National Assembly deputies for the first time since the revolutionary regime took power.⁶ This law went into effect in October of 1992. However, Cuba's concept of direct popular vote does not come close to a pluralistic election.

The Communist Party of Cuba is the only lawfully authorized political party on the island. Self-nomination is prohibited. Candidates are screened and proffered by commissions whose members are drawn from the state sponsored organizations.⁷ Only municipal assemblies choose candidates for deputy. And in national elections, the number of candidates always equals the number of seats to be filled.⁸

Indeed, Candidates may not even draft their own biographies and post them. This task is expressly delegated to the electoral district commissions.⁹ Cuban electoral law also permits every voter to support *el voto unido*, a systemically encouraged practice for efficiently marking an "X" at the top of the ballot in support of all proffered candidates.¹⁰ A voter may also vote for as many candidates as may appear, or may leave the ballot blank.¹¹

Regime-sponsored neighborhood committees and groups of students are officially tasked with contacting voters to turn out. Likewise, job promotions or the allocation of benefits may depend on verification that an applicant has voted.¹² In conjunction, these systemically-supported practices help explain the island's high voter turnout. But, to conflate high voter turn-out with traditional notions of political participation would be an error. While casting an electoral ballot anywhere is an inherently political gesture, obligatory voting on ballots with a single candidate per office falls short of involving Cuba's populace in any true political participation. Political participation extends beyond the casting of a ballot and encompasses processes outside of election-day obligations, like campaigning, talking about politics, contacting political officials, and working on public problems, among other things. There is simply very little civic engagement afforded to Cuba's electoral process, a reality underscored by the one candidate per seat approach taken by Cuba in its national elections.

Who is Cuba's New President?

The 58 year old Díaz-Canel was not yet born when Fidel Castro seized power, but his resume makes him out to be a solid choice for his octogenarian revolutionary compatriots.

Díaz-Canel was a Cuban Communist Party leader in the provinces of Villa Clara and Holguin, and later served as Minister of Higher Education¹³ In his twenties, he was named the Party's liaison to Nicaragua, the only other communist government in the region at the time.¹⁴ After serving as Minister of Higher Education, he became Vice President of the Council of Ministers, and thereafter First Vice President of Cuba, where he acted as deputy to the President Raul Castro. He has advocated for the continuation of Cuba's single-party political system and centrally planned economy. Along with Raul Castro, he has served as a member of the Politiburo of the Central Committee of the Communist Party of Cuba, which is the Party's highest decision-making body in between sessions of the Central Committee. These meetings are, of course, chaired by Raul Castro. Díaz-Canel is a serial political insider and his longstanding loyalty to the Cuban Communist Party is as apparent as the reasons for his (s)election to the Presidency.

Dime Con Quién Andas y Te Diré Quién Eres

Immediately after assuming office, Díaz-Canel affirmed to the Cuban National Assembly that Raul Castro would continue to spearhead the nation's political decision-making. "I affirm to this assembly that comrade Raul will head the decisions for the present and the future of the nation," he announced. He went on to say, "Raul remains at the front of the political *vanguard*." Díaz-Canel then vowed to prevent the restoration of capitalism to the island nation.

Words aside, Díaz-Canel's actions have also signaled a rank-and-file commitment to the old regime. On April 21, 2018, Venezuela's Nicolas Maduro was the first head of state to visit Cuba after the election of Díaz-Canel to the Presidency.¹⁵ Díaz-Canel, in turn, made his first state visit as President of Cuba to Venezuela.¹⁶ In a ceremonial capacity, in June of 2018, Díaz-Canel attended a ribbon-cutting ceremony, along with Dr. Machado Ventura, a former 26th of July Movement guerilla fighter, who was Minister of Health under Fidel Castro as early as 1960 and until 2013 served as the First Vice President of Cuba under Raul Castro. Since Díaz-Canel's election, there has been a very public effort to communicate the legitimacy of his role as president while he continues to navigate the same waters as his predecessors.

Even still, the Cuban Regime's central power remains undeniably exerted from within the Cuban Communist Party and the nation's military—both of which remain firmly in Raul Castro's control. As long as that is the case, it seems clear that Cuba's new president is merely the new face of the old regime—a careful rebranding of the same repressive machinery by methodical design.

"¿Elecciones para qué?"

Shortly after seizing power in 1959, Fidel Castro orchestrated mass rallies across the island under the slogan, "Elections, for what?" During these rallies, he denounced the value of elections as the only democratic method to assume power, suggesting instead that the Revolution itself was the true reflection of the people's will in governance. According to his commentary, the triumph of the Cuban Revolution was all the legitimacy that the nation's leadership required.

It has been nearly sixty years, however, since Fidel Castro attempted to undermine the importance of free and fair multiparty elections with

his rhetorical inquiry as to what purpose they might serve. As cameras followed Miguel Díaz-Canel Bermúdez to the voting booths in March, the same question seemed posed in a very different way. What good are the single-party, single-candidate elections of a totalitarian government?

¿Elecciones para qué?

¹ Juan J. Linz, *The Perils of Presidentialism*, 1 J. OF DEMOCRACY 68 (1990).

² *Id.* at 55.

³ 1976 Constitution, Article 5.

⁴ Anselmo Alliegro y Mila served as president for one day after the departure of Fulgencio Batista from Cuba (Jan. 1-2, 1959); Carlos Manuel Piedra was appointed provisional president in accordance with the 1940 Cuban Constitution and served office for one day (Jan. 2-3, 1959); Manuel Urrutia Lleo was president for six months before disagreements with Fidel Castro saw him leave office (Jan. 3- July 18, 1959); and Osvaldo Dorticos Torrado served as president for 17 years (July 18, 1959 to Dec. 2, 1976).

⁵ The members of the Cuban Communist Party comprise the unicameral National Assembly, which is the only body in Cuba that is vested with constituent and legislative authority.

⁶ Jorge I. Dominguez, Angela Foneca Galvis, Chara Superti, *Authoritarian Regimes and Their Permitted Oppositions: Election Day Outcomes in Cuba*, 59 LAT. AM. POL. AND SOC. 27, 27-52 (2017).

⁷ Ley Electoral, Article 68 & Article 89.

⁸ Ley Electoral, Article 92.

⁹ Ley Electoral, Article 30 (c) & (h).

¹⁰ Ley Electoral, Article 110.

¹¹ See *supra* note 6, 32-33.

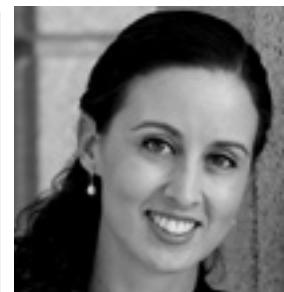
¹² *Id.* at 36.

¹³ Azam Ahmed and Frances Robles, *Who is Miguel Díaz-Canel, Cuba's New President?* N.Y. TIMES (Apr. 19, 2018), <https://www.nytimes.com/2018/04/19/world/americas/miguel-diaz-canel-bermudez-cuba.html>

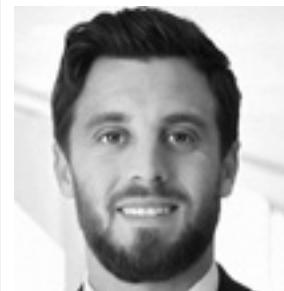
¹⁴ *Id.*

¹⁵ Why did Díaz-Canel make his first state visit as President to Venezuela? GRANMA (Jun. 1, 2018), <http://en.granma.cu/cuba/2018-06-01/why-did-diaz-canel-make-his-first-state-visit-as-president-to-venezuela>.

¹⁶ Miguel Diaz-Canel begins official visit to Venezuela, GRANMA (May 30, 2018), <http://en.granma.cu/cuba/2018-06-01/why-did-diaz-canel-make-his-first-state-visit-as-president-to-venezuela>.



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Florida Office of the State Court Administrator–2018 Domestic Violence Training Seminar in Orlando, Florida

By: Viviana Mendiola, Esq.

I am an Attorney Case Manager at the 11th Judicial Circuit's Family Division Case Management Unit at the Lawson E. Thomas Courthouse Center in Miami, Florida. Pursuant to Administrative Order No. 17-8 dated November 16, 2017, my Division has been preparing for and attending civil Domestic Violence Injunction hearings when a Petition for Injunction for Protection has been filed and there is an open Domestic Relations case, or when a Domestic Relations case is filed subsequent to the entry of a Temporary Domestic Violence Injunction but prior to the entry of a Permanent Domestic Violence Injunction.¹ Domestic Violence Injunction cases include petitions filed for protection against domestic violence, stalking, dating violence, sexual violence and repeat violence.² In view of my Division's involvement in Domestic Violence cases, on April 24-25, 2018, I attended the Florida Office of the State Court Administrator's ("OSCA") Domestic Violence Training Seminar in Orlando, Florida. Topics on the Agenda were especially relevant to judges and court staff, practitioners, advocates of victims of domestic violence, and unrepresented litigants.

The first topic, presented by Patty Ceci Sharp of OSCA's Innovations & Outreach Division, was "OSCA Apps." Seminar attendees reviewed the Florida Courts Help App and provided feedback on whether it was easy for unrepresented litigants to use. This App, available at App stores or at help.flcourts.org/download-the-app/, is a resource for pro se litigants. It includes fillable

forms, information on local self-help centers, contact information for sources of free and low-cost legal aid and tips on what to expect while the case is pending. This information is also available at <https://help.flcourts.org>, which is accessible on a variety of electronic devices. Attendees also reviewed the user-friendliness of the Florida Interpersonal Violence Help App. This App was developed by Georgetown Law students, who were motivated to create it based upon the statistic that in Florida, 88% of domestic violence litigants are not represented by an attorney. This App helps pro se users obtain legal relief in situations involving interpersonal violence. It determines what type of injunction a user may qualify for. It also guides users in filling out necessary forms for filing in court. The App became the Social Media Award winner of the 2018 Iron Tech Lawyer Competition received.

Kathleen Tailer, Senior Attorney at OSCA, presented the second topic, "OnlineTraining Modules." In a video, Circuit Court Judge Karen Cole of Florida's Fourth Judicial Circuit discussed the effect of domestic violence issues on timesharing between parents and children. The video, available at http://www.flcourts.org/tst/module-1/story_html5.html, educates viewers on how to address time-sharing with children in domestic violence cases, including child testimony. It also discusses paternity, supervised and unsupervised time-sharing, risk, and third-party supervision issues.³

Jerry Bevan, Law Enforcement Specialist at the Florida Coalition Against Domestic Violence, presented the third topic—"Electronic Stalking." He provided the following tips to share with victims of domestic violence:

- Turn off Bluetooth to avoid call interception;
- Be aware of caller ID "spoofing" for voice calls and text messages. The victim should always confirm the sender of a text message before acting on the content of the message;
- Be mindful of the malicious use of VoIP (Voice over Internet Protocol) to select a random phone number from which to call a victim and thereby disguise the location of the caller;
- Save harassing text and voice messages. Switch to airplane mode and turn off Wi-Fi to preserve the call and text evidence on the device, and then take the device to law enforcement or to an attorney to have the evidence documented in a format admissible in court;
- Ask law enforcement or consult a lawyer to have a computer checked for spyware or remote log-in software;
- Deactivate geotagging on a cell phone's camera app to prevent adding geographical information (i.e. a victim's location) to websites, images, videos and other media;



- Ask law enforcement or a mechanic to search a vehicle for a GPS tracking device;
- Ensure that wireless or wired cameras are not hidden in the victim's residence;
- Be cognizant of Radio Frequency Identification (RFID), which is relatively inexpensive technology that allows the identification of an item using radio waves. RFID technology is used to generate, among other things, Sunpass records which can be used to track a victim's whereabouts;
- Check for any keystroke logging device, which is undetectable by software;
- Request the removal of personal information from sites such as Peekyou.com, Radaris.com, BeenVerified.com and WhitePages.com;
- Adjust privacy settings on social media sites or go offline;
- If the victim and the stalker or aggressor were married or cohabited for a protracted period of time, the victim should change his or her passwords and security questions; and
- Webcams can be activated without a victim's knowledge, though this may be prevented by placing tape over the lens.

The fourth topic was "Grant Funded Lawyers for Victims," which focused on a relatively new statewide project that provides attorneys to survivors of domestic violence. The federal Victims of Crime Act,⁴ through the Florida Coalition Against Domestic Violence, provided grants to 35 domestic-violence shelters throughout Florida, including The Lodge in Miami-Dade County. The speaker on this topic, Monica Victorica, is one of the Injunction for Protection (IFP) project

attorneys working with Harbor House, a domestic-violence shelter and IFP Grant recipient in Orange County. She stated that some of the benefits of providing legal representation include assistance at the outset of a case, like helping with the completion of the Petition for Injunction for Protection Against Domestic Violence under Section 741.30 of the Florida Statutes,⁵ as well as preventing perceived or actual "bullying" by a respondent's attorney. While the IFP project grant excludes repeat violence cases, the grants are not limited by income guidelines, and there is no cap on the number of clients who can participate. The criterion for accepting a case is if a prospective petitioner proffers substantial competent evidence to support that they have been a victim of domestic violence.

"Economic Self-Sufficiency for Victims of Domestic Violence," which was the fifth topic, was presented

by Circuit Court Judge Alice Blackwell of Florida's 9th Judicial Circuit. Judge Blackwell highlighted the following information about the economic obstacles faced by victims:

- In 92% of cases, an abuser restricts a victim from economic resources prior to physically abusing the victim;
- In Florida, legislation has not been enacted to provide for paid leave for victims of domestic violence, so trips to the courthouse may result in job loss or lost wages. This may lead to a victim's failure to complete the application process or failure to appear at domestic violence hearings. An abuser may also engage in workplace interference;
- Often, the abuser has alienated the victim from family and friends, making the victim dependent on the abuser for basic needs such as food and shelter;
- Victims may experience unauthorized use of finances, mail theft, debt from healthcare, damaged property, as well as moving and security costs;
- Single mothers face a greater threat to economic security because of childcare costs; and
- 73% of Black women and 77% of Latino women, who are more vulnerable to violence against women, are economically insecure.

According to Judge Blackwell, these economic obstacles underscore the importance of petitioning under Section 741.30 of the Florida Statutes for temporary support for a minor child, exclusive use and possession of the dwelling that the parties share, and use of a vehicle and personal property.⁶ She also emphasized that victims should bring to court evidence of costs incurred as a result of abuse, such as photos of damaged property, medical bills, documentation of missed workdays, and receipts for surveillance equipment. Additionally, Judge Blackwell

advised that a victim should receive information about resources and remedies such as protective orders, IFP grant-funded Project Centers, crime victim compensations funds, restitution, free community resources such as day care services and food banks, and of "advocates," including court advocates, who can inform victims of their rights and options and address economic needs. Judge Blackwell cited the importance of having established paternity when seeking child support in a domestic violence case and the possibility of filing a case with the Florida Department of Revenue's Child Support Program. Judge Blackwell concluded that the safety of victims is connected to their economic security, and that addressing economic security can decrease the amount of delayed reporting, recanted statements and repeat appearances by victims of domestic violence; moreover, safety and economic security can also increase the likelihood that litigants will not take up judicial resources with litigation abuse or issues that could have been previously resolved. She also suggested another educational resource for victims of domestic violence—Court's Guide to Safety and Economic Security for Victims of Violence Against Women, available at <https://iwpr.org/publications/courts-guide-safety-economic-security-victims-violence-women>.

The sixth topic, "Eliminating Cultural Bias in the Courts," was presented by Circuit Court Judge Rosa Figarola of Florida's 11th Judicial Circuit. She specified that the purpose of enhancing cultural responsiveness in the courts is to enhance access to justice, assess culturally-specific barriers that litigants may face in domestic violence cases, design strategies for overcoming such obstacles, and ensure that litigants are treated fairly, respectfully, neutrally, with dignity, without bias, receiving a just outcome despite coming from diverse backgrounds and cultures. Judge Figarola stated that language access is critical, and that verbal and sign language interpreters are vital. She also emphasized the importance of identifying local cultur-

ally specific community-based programs that can help litigants access the courts, as well as help identify strategies that can be implemented by the courts to help them be more culturally responsive. Judge Figarola urged avoiding making hasty decisions based upon instinct and interactions with litigants that might be predisposed by implicit bias. She further suggested that courts view statistics in their areas and compare them to statistics for the general population—if disparities exist, courts should find out why and make adjustments as needed.

After the seminar, Judge Figarola spoke with me about her involvement in the issue of eliminating cultural bias. What has surprised her most about working on this cause is the ease with which assumptions are made about other people and how this is particularly true the more difficult a situation seems. Judge Figarola explained, "there is a tendency to try to find explanations for issues that seem insurmountable or suffering that seems unexplainable, especially when dealing with children. As we examine the way these difficult issues come before the court and the effectiveness of interventions, there is a growing emphasis on understanding how inherent bias and societal privilege, when undetected, can taint access to the court and deny due process." What she has found most challenging about this issue is conveying the concept that it is perfectly acceptable to acknowledge our own sense of bias or lack of understanding. She observed that unfairness comes from "the lack of understanding that one is biased. It is the pursuit of setting personal bias aside when evaluating a case that cultivates fairness in the judicial process." Judge Figarola noted that the interest in this issue is increasing because of a growing awareness that the court system cannot address the needs of people seeking court intervention without being culturally aware of their needs. "There are obvious aspects of this issue, such as awareness of how certain disabilities or the lack of language may impact a litigant's

access to the courts, but there are also less obvious ones. The issues that are less obvious are those premised on the dynamics of a person's personal situation that can serve to skew an outcome if the court process is not open to providing a safe environment conducive to excavating the truth of a family situation that may be dangerous for children.⁶ Finally, she stated that she believes that over the next few years, the recognition of the growing diversity of our population will continue to require assessments of the manner in which access to the courts is provided. Her hope is that superficial evaluations are eschewed in favor of those that "lead to a deeper understanding and respect of our diversity in order to cultivate a forum for the exposition of the truth afflicting families and a proper adjudication of their needs."

To this end, noteworthy resources shared by presenters include a virtual courtroom designed to introduce judges, court staff and other interested parties to issues and challenges that typically arise in civil domestic violence cases. Judges and court staff may access the program at <http://virtualcourt.flcourts.org> and follow the link "Go to the Training." Other interested parties may access the program by emailing vcsupport@flcourts.org and requesting a user name and password; the email must include

the sender's name, title, phone, email, agency name and address. Judges and court staff may also contact Ms. Tailer at TailerK@flcourts.org and ask for an invitation to join the Yammer group, "Domestic Violence Statewide Judicial Forum." Using this tool, judges and court staff may connect with one another and discuss current issues, training and resources.

The information provided at the 2018 Domestic Violence Training Seminar serves as a timely reminder that domestic violence is an insidious problem in our communities. According to Florida Coalition Against Domestic Violence, an estimated 1.3 million women are victims of physical assault by an intimate partner each year, on average more than three women a day are murdered by their husbands or boyfriends in the US, almost one-third of female homicide victims that are reported in police records are killed by an intimate partner, and the cost of intimate partner violence exceeds \$5.8 billion each year, \$4.1 billion of which is for direct health care services.⁷ For those interested in assisting, readers may wish to consider providing pro bono legal assistance to victims, especially in light of the previously mentioned statistic that 88% of domestic violence litigants are not represented by an attorney in Florida.

⁶ FL 11th Cir. Ct. Admin. Order No. 17-8 (Nov. 16, 2017).

⁷ Fla. Stat. § 741.30 (2018).

⁸ The video, available at http://www.flcourts.org/tst/module-1/story_html5.html, is a five-minute module educating viewers on how to address a number of topics such as: time-sharing with children in domestic violence cases, including when such matters should be attended to; identifying when children should testify in court; and on issues surrounding paternity like supervised and unsupervised time-sharing, risk, and third-party supervision.

⁹ 34 U.S.C. § 201 et seq.

¹⁰ § 741.30.

¹¹ See id.

¹² <https://www.fcadv.org/resources/floridas-domestic-violence-statistics> (last visited June 14, 2018).



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Gone Phishing: The Increasing Risk of Cyber Security Threats to Lawyers and Law Firms

By: Michael D. Redondo, Esq.

Dear Sir/Madam. I greatly need your assistance. I am a Nigerian prince who needs help transferring a substantial amount of money into the US that I received as an inheritance. If you are willing to wire \$20,000 to cover the cost of my local lawyer to release the funds, I will deposit the full \$2,000,000 into your account and you can keep \$100,000 as your fee. Please let me know immediately if you can assist as I must transfer

the money within two weeks or it will be seized by the government.

If you are still reading this, you probably know that I am not in fact a prince and that there is no easy money to be made. In fact, many of you may have received a similar message, known as an advance-fee phishing scheme, prior to today. There are numerous variations on this type of scheme, but today most online users are experienced enough to

recognize such an obvious phishing attempt. The “Nigerian prince scam” continues to live on, however, and cybercriminals are growing increasingly sophisticated in their efforts to remake the scheme in an increasingly digital world. That is because phishing and other internet crime is big business. According to the most recent Internet Crime Report compiled by the FBI, cybercriminals stole over \$1.4 billion from US users in 2017 alone, with over \$57 million



resulting from the same type of advance fee scheme described above.¹ And Florida ranked second in the nation (behind only California) in terms of the number of victims of internet crime.

Cybercriminals specifically target lawyers and law firms as potential victims because lawyers are generally already accustomed to using wire transfers as a regular means of sending and receiving money. Although the large, sophisticated data breaches that make the headlines are generally reserved for large law firms who deal in mergers and acquisitions,² small firms, and even solo practitioners, can fall victim to the more common cybercrimes like the advance fee scheme. In fact, the Florida Bar Practice Resource Institute regularly provides information about reported scams targeting lawyers, legal services providers, and legal service consumers on its website. These resources can be found at <https://pri.floridabar.org/office-technology/cybersecurity> and are a great starting point to educate yourself on current threats to lawyers in particular.

In order to protect yourself (and your clients), you should be proactive in implementing a cybersecurity policy that reduces risk as much as reasonably possible. Below are a few tips that you can use in your daily practice to avoid becoming the next victim:

- If it looks too good to be true, it (still) probably is.

Although this may seem like common sense, the frequent stories of lawyers falling for this kind of arrangement reveals that this point is still worth mentioning. If an unknown, out-of-state client offers to pay you a large retainer via cashier's check and then immediately asks you to wire money to another account for an "emergency," proceed with care. Often, cybercriminals try to trick their victims by providing what appears to be an easy windfall in

the form of a large upfront payment that is then partially refunded via a wire request that requires urgent action on the part of the lawyer. An example would be a sudden medical emergency on the part of the client or an urgent request to pay a creditor of the client. If the lawyer does not wait for the cashier's check to clear before disbursing funds, a practice authorized by the Rules Regulating the Florida Bar,³ they do so at their own risk. In many cases, as soon as the lawyer sends the wire, the fake client disappears along with the lawyer's money.

- Pay extra attention to any requests to transfer funds that deviate from the norm.

Although foreign royalty offering easy money and strange clients bearing cashier's checks may be clear red flags, there are other scenarios that are not as obvious. Imagine you are a young associate who receives an e-mail from the managing partner of your firm to initiate a wire transfer to refund an important client's overpayment of legal fees. These types of phishing attempts generally involve either a spoofed e-mail address of a trusted contact (i.e. the sender's name is altered in Outlook so that it matches up with a legitimate contact) or even an actual hack of an actual user's account. As a result, these phishing attempts tend to be more successful because they appear legitimate at first blush and lure the recipient into a false sense of comfort so that they comply with the request. Cybercriminals can gather all the information they need for this type of phishing attempt by simply reviewing the biographies on a law firm's website. The critical point to remember in these instances is that they tend to deviate from the norm. Take a moment and ask - why is the person asking you, specifically, to initiate that wire? If wire transfers are not something you are typically involved with in the first place, it is worth taking the extra time to reach out to the sender by phone

or separate e-mail to confirm their request.

There are dozens of other examples of similar scams aimed at defrauding lawyers and their clients. Just like anywhere else, the best advice is to use common sense and make sure you know exactly where your (or even worse, your client's) money is going before you complete a wire transfer. In addition to the embarrassment that comes with losing your own money, any loss of client funds could lead to professional liability and even problems with the Florida Bar. Thus, even in this increasingly digital age, the old adage still holds true: an ounce of prevention is worth a pound of cure.

¹ 2017 Internet Crime Report, p. 21 available at https://pdf.ic3.gov/2017_IC3Report.pdf.

² Hackers Breach Law Firms, Including Cravath and Weil Gotshal, available at <https://www.wsj.com/articles/hackers-breach-cravath-swaine-other-big-law-firms-1459293504>.

³ See Rule 5-1.1(j) of the Rules Regulating the Florida Bar.



Michael D. Redondo, Esq. is a senior associate at the law firm of Lash & Goldberg LLP. He is an experienced litigator who represents clients in both state and federal court in a wide variety of practice areas including class actions, business litigation, and healthcare disputes.

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Carlos Halley, Serving our Community Through The Florida Bar Foundation

By Roland Sanchez-Medina Jr, ESQ



Carlos Halley, vice president of commercial banking with FirstBank Florida, is a public member of the Board of Directors of The Florida Bar Foundation (the “Foundation”) and a long-standing member of the banking community in Miami-Dade County, Florida. Recently, I sat down with Carlos to discuss his work with the Foundation and passion for the Cuban American Bar Association.

1. Please tell me about your work with the Foundation?

The Foundation was formed in 1956 to foster law-related public interest programs. The Foundation has evolved into a statewide 501(c)(3) public charity that provides funding for legal aid and finances efforts to improve the administration of justice in the State of Florida. In June 2017, the Foundation board approved a strategic reset that will guide the Foundation to (i) maximize the impact and effectiveness of civil legal assistance provided to low- and moderate-income individuals and communities in Florida, (ii) expand the role of the Foundation as an expert facilitator of effective civil legal assistance for low- and moderate-income individuals and communities in Florida, and (iii) serve as a catalyst for broad-based, systemic change and innovative solutions to reduce and eliminate the justice gap in Florida’s civil justice system.

The Foundation’s budget for the 2016-2017 fiscal year was \$6.2 million that came from the so-called IOTA or Interest on Trust Accounts Programs generated from the trust accounts of lawyers. Total charitable activities in the same year totaled \$11.1 million, of which \$9.7 million came in the form of grants and \$1.4 million in program-related expenses. Investments since 1982 total \$489.8 million, of which \$479 million came in the form of grants and \$10.8 million in program-related expenses. I don’t want to bore you with numbers, but I do want to share the following with your readers:

- Economic Impact: A 2016 study found that civil legal assistance generated \$7 of economic impact for every \$1 spent on legal aid by federal, state and local governments, the Foundation, grants from community foundations and charitable donations. It also created 2,243 jobs outside of legal aid.
- Grants for legal aid in Florida for the calendar year of 2016 provided 8.6% of legal services funding in Florida. This includes general support for 31 organizations serving all 67 Florida counties.
- More than 84,000 legal aid cases were handled by general support grantees in the calendar year of 2016.
- Children’s Legal Services grants awarded in FY 2016-17: \$993,720 for 14 projects. 100% of donations to Children’s Legal Services (CLS) on The Florida Bar Fee statement go to CLS grants.
- The Foundation’s Improvements in the Administration of Justice (AOJ) funded the Florida Justice Technology Center, a statewide nonprofit dedicated to increasing access to justice through the innovative use of technology, the Innocence Project of Florida, which has exonerated 15 wrongly convicted people using DNA evidence, and the Florida Law-Related Education Association, which teaches students about civics and the law.

- In the 2016-17 fiscal year, more than 4,400 individuals, organizations and corporations contributed to the Foundation. Our core supporters are our Fellows, those who pledge \$1,000 to become lifetime members of the Foundation (\$200/year, or \$100/year for young lawyers, judges, government and non-profit employees). The Foundation also offers planned giving options and receives *cum pres* awards from state and federal cases.

2. When did you join the Board of FBF? What steered you in that direction, to get involved with the FBF?

About ten years ago I was talking to former CABA president, Manny Morales, about getting more involved with The Florida Bar and he suggested that I join the Citizens Advisory Board of The Florida Bar. A week or so later I ran into another former CABA president, Ray Abadin, who was then a board member of The Florida Bar, and he further encouraged me to join and formally sent my name to the Florida Bar.

I was on the Citizens Board for three years and left as co-chair with Dori Foster-Morales, who currently serves on the Board of Governors. Upon terming out of the Citizens Board, I received a phone call a few months later asking me to join the Foundation. After some initial hesitation due to time constraints, I realized that I had the passion for this kind of service and decided to accept the seat on the Foundation. I have served on the board of the Foundation for the past three years and was recently approved by the Florida Supreme Court for another three-year term. I am the only Hispanic non-lawyer on the board of the Foundation.

3. What do you enjoy the most from this kind of service?

You know that I have been involved with the business side of the law for many years, banking lawyers and other professionals for more than 20 years. I realized that lawyers

reach their decisions and course of action a little different than non-lawyers. One of the roles I play, and really enjoy, is opining and making recommendations on the business side of that decision-making to the table. I was pleasantly surprised to discover how open and receptive The Florida Bar and the Foundation are to hearing the opinions of non-lawyers on the issues. Both the Citizens Advisory Board and the Foundation have always welcomed a different perspective and therefore really nourished my passion in this area.

I was speaking recently with another board member of the Foundation and commented that I did not think many citizens of the State of Florida knew that The Florida Bar is the only self-policing professional group in the State of Florida. Obviously, The Florida Bar takes this role very seriously and is one of the main reasons it has been so successful over the years.

4. I know the most recent recession really hurt the FBF? How is the FBF doing now?

Most people don't know this, but the Foundation was primarily funded for many years by the income generated from IOTA accounts. After the recession, which commenced at the end of 2007 and beginning of 2008, interest on IOTA accounts went down significantly. One of the things that makes the Foundation a very good organization is that the then board of directors did not immediately suspend its philanthropic function and kept many of its programming going by utilizing reserves. However, as one would expect, as funds from the reserves began to diminish, some of the programs had to be cut.

With financial institutions again competing fiercely for deposits interest on IOTA accounts should start to creep up, benefiting the Foundation. I don't know how many lawyers know the service, the good that the Foundation is doing across the State of Florida. Further, the Foundation received \$25 million about 6 months ago from

the Bank of American settlement in the mortgage foreclosure class suit. While those funds are fantastic, those funds have certain restrictions that limit their usage to the context of foreclosure cases.

5. Please tell me about your day job? How long have you been doing it? Where you are now?

I've been a banker for almost 40 years. During that time I have been fortunate to have been able to spend significant time with the business side of the legal profession. Besides lawyers, my career also encompassed other professionals and businesses needing commercial loans and commercial real estate loans. While I've been on the lending side of the banking business, I consider myself a banker and not just a lender. I enjoy counseling and assisting my clients, whether they need a loan or not. I think that is one of the main reasons why I have been successful. Much like the law, banking is about establishing and maintaining relationships and it's something that I take a lot of pride in.

Currently I'm employed at FirstBank, a very strong full-service Puerto-Rican based bank. FirstBank was established in 1948, has operated continuously for more than 65 years and has more than \$12 billion in assets. FirstBank has regional headquarters in Miami and a network of strategically placed branch locations throughout Miami-Dade and Broward counties. On a personal basis, FirstBank is an excellent place to work at, with terrific leaders and a wonderful corporate environment. Calixto ("Cali") Garcia-Velez is executive vice president and regional executive for FirstBank. Cali is a local kid, growing up in Miami and attending Belen Jesuit Prep and the University of Miami, and he has certainly excelled. He knows this market extremely well.

6. How long have you been involved with CABA?

I have been involved with CABA for at least 20 years. I got my start at another financial institution in partnership with Alex Prendes, a

now retired banker who many of the former CABA presidents will remember. I attended most of the CABA events and enjoyed lively discussions with CABA members on issues affecting the organization and the Cuban-American community. I have a lot of respect for the drive, acumen and love of community the founders of CABA had. I have seen CABA change from the early days when it was a fledgling organization to the very influential organization it is today. Under the leadership of

Jorge Piedra, who I have a great deal of respect for, and the entire CABA board, I expect its influence and stature to grow.

7. What are your Future Plans?

I have a lot of gas left in the tank. I remain dedicated to the objectives of the Foundation, and I plan to continue to grow both personally and professionally in order to make a difference in this great community of ours



Roland Sanchez-Medina, Jr. is a partner at SMGQ Law and focuses his practice in the areas of corporate and securities law, including mergers and acquisitions, corporate structuring/restructuring, board governance, domestic and international commercial transactions, commercial and residential real estate transactions, tax and estate planning, and other general transactional services. Roland is also a CABA Past President.

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- Member of the Madrid Bar Association, Madrid, Spain
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LEGAL ROUND UP

By: ELLIOT B. KULA & W. AARON DANIEL & WILLIAM D. MUELLER

Citizens Property Insurance Corp. v. Anderson 241 So. 3d 221 (Fla. 2d DCA 2018)

Make Sure Your Multiplier Order Includes The Required Findings: You Won't Get By On Appeal Without Them (Apparently, Even When The Appellant Fails In Its Burden To Present An Adequate Record On Appeal)

After prevailing against Citizens Property Insurance Corporation on a claim for breach of contract for its failure to pay for a sinkhole loss, Anderson sought attorneys' fees and costs as the prevailing party including a contingency fee multiplier. The trial court held an evidentiary hearing in which both parties attended and presented evidence, but no court reporter was present. Following the hearing, the trial court awarded nearly half a million in attorney's fees that included a 1.7 contingency fee multiplier.

The trial court's order found that the use of the multiplier was appropriate under the guidelines set forth in *Rowe*¹ and *Quanstrom*², and the court explained it believed that at the "outset of the handling of the case, [Anderson's] chances of success were 50/50." But the trial court did not specifically enter a finding in its order as to whether the applicable market supported a multiplier pursuant to *Quanstrom*.

The issue presented to the Second District Court of Appeal was whether the trial court was obligated to make that affirmative finding. The Second District held that the trial court was obligated to provide more than a "conclusory statement" that the multiplier was appropriate under *Rowe* and *Quanstrom*, and in fact make "specific findings" regarding the "appropriateness of the reduction or enhancement factors." The majority felt that it could "simply [not] affirm due to lack of a transcript or a more thorough statement of the evidence," as the dissent would have done based on *Applegate*.³

The dissent, authored by Judge Khouzam, felt that the majority opinion "radically shifts well-established jurisprudence regarding an appellant's burden on appeal and th[e] [appellate court's] scope of review." That is, the dissent honed in on the applicable standard of review, which for review of awards on attorney's fees, limits the appellate court to determine whether an "abuse of discretion is shown." That standard of review, coupled with the presumptions afforded to a trial court under *Applegate*, "thwarted th[e] [appellate court's] ability to meaningfully review the trial court's reasoning." Based upon that narrow avenue for review, the dissent felt that affirmance was warranted.

¹ *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985).

² *Standard Guaranty Ins. Co. v. Quanstrom*, 555 So. 2d 828 (Fla. 1990).

³ *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150 (Fla. 1979).



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R.J. Reynolds Tobacco Co. v. McCoy 229 So. 3d 847 (Fla. 4th DCA 2017)

The Special Harmless Error Standard Continues To Be Tested

The Florida Supreme Court revised the harmless error rule for civil trials in *Special v. W. Boca Med. Ctr.*, 160 So. 3d 1251 (Fla. 2014). But the contours of harmless error under *Special* continue to be defined. As every trial lawyer (and the diehard readers of CABA briefs) will recall, the Court in *Special* held that “the **beneficiary of the error** [i.e., the appellee] has the burden to prove that the error complained of **did not** contribute to the verdict. Alternatively stated, the beneficiary of the error must prove that there is no reasonable possibility that the error contributed to the verdict.” *Id.* at 1256 (emphasis added). This test was applied in an interesting way by the Fourth District Court of Appeal in *R.J. Reynolds Tobacco Co. v. McCoy*, 229 So. 3d 847 (Fla. 4th DCA 2017).

The defendant tobacco company appealed a judgment in favor of the plaintiff smoker, arguing that documents published by the Surgeon General were erroneously admitted into evidence and improperly used to bolster the testimony of the plaintiff’s expert opinions. The Surgeon General Reports were determined to have been hearsay in a prior Fourth District Court appeal, making the analysis in this case entirely predicated on whether the plaintiff, as the beneficiary of the error, could provide “that there is **no reasonable possibility** that the error contributed to the verdict.”

The Fourth District reviewed the trial transcript to determine how much the Plaintiff relied on the erroneously admitted Reports. And upon that review, the Court determined that the “extensive reliance on the Reports throughout trial renders it impossible for the plaintiff to meet his burden of showing that the error was harmless.” Thus, it seems that in the Fourth District, the appellee will be facing reversal under *Special* if erroneously entered evidence is heavily relied upon at trial.

Winn-Dixie Stores, Inc. v. Dolgencorp, LLC 881 F.3d 835 (11th Cir. 2018)

An Appellate Court’s Mandate Is Not Advisory, Nor Is It Open To Debate: Deviate From The Mandate At Your Own Risk

The proceedings began when Winn-Dixie filed suit against fifty-four Big Lots, Dollar General, and Dollar Tree stores, for violating several lease provisions that allegedly prohibited the stores from selling groceries within the same shopping mall as Winn-Dixie. In its lawsuit, Winn-Dixie sought compensatory damages and punitive damages, as well as an injunction ordering the stores in violation of the lease provisions to remove groceries from their stores to

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Winn-Dixie Stores, Inc. v. Dolgencorp



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the extent necessary to end the violation and ordering them not to violate the provisions in the future.

On summary judgment, the district court was faced with interpreting the commercial leases and specifically the use of the terms “groceries” and “sales area.” The district court acknowledged the existence of the Florida appellate court decision, *Winn-Dixie Stores, Inc. v. 99 Cent Stuff-Trail Plaza, LLC*, 811 So. 2d 719 (Fla. 3d DCA 2002), that addressed what the terms “groceries” and “sales area” meant in a materially identical grocery exclusivity provision. But the district court thought that decision was distinguishable and provided its own meaning to the terms. Based on its unique definitions, the district court refused to grant Winn-Dixie injunctive relief for 37 of the 54 stores in the three states.

The district court’s first order was appealed, and the Eleventh Circuit Court of Appeals held that the district court instead “should have followed the holding” in *99 Cent Stuff-Trail Plaza* by looking to the dictionary definitions, which defined what the terms “groceries” and “sales area” meant. But on remand, the district court “did not do what [the Eleventh Circuit] instructed it to do because it was led astray by the defendants’ attorneys.” Indeed, the Eleventh Circuit chided the defendants’ attorneys for contending that the *99 Cent Stuff-Trail Plaza* decision should not have retroactive applicability to any lease entered into before the Third District’s holding in that case. The attorneys also mischaracterized the Eleventh Circuit’s order on remand.

In the second appeal, the Eleventh Circuit again reversed the district court on the basis of the **mandate rule**. As the Eleventh Circuit held, “[t]he mandate rule is a specific application of the ‘law of the case’ doctrine which provides that subsequent courts are bound by any findings of fact or conclusions of law made by the court of appeals in a prior appeal of the same case.” And the Eleventh Circuit stressed that “[w]hen an appellate court issues a clear and precise mandate … the district court is obligated to follow the instruction. Neither the district court nor any party is free to ignore the law of the case.”

The lesson learned here: Do what the appellate court tells you!

Koppel v. Ochoa SC16-1474, 2018 WL 2251709 (Fla. May 17, 2018)

The 30-Day Deadline For Accepting Proposals For Settlement Cannot Be Tolled.

In *Koppel v. Ochoa*, the Florida Supreme Court provided further guidance on the topic of proposals for settlement, this time addressing the timing for accepting proposals. Rule 1.090 affords the trial court discretion, upon good cause shown, to extend the 30-day deadline for accepting a proposal under Rule 1.442(f)(1). But what happens when the offeree moves for such an extension before the expiration of the 30 days, but the trial court does not rule until after expiration?

Ochoa served Koppel with a proposal for settlement, but before the expiration of the 30 days also provided additional discovery which impacted Koppel’s decision to accept or reject the proposal. On the 29th day, Koppel



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requested an enlargement of the deadline, arguing he needed additional time to assess the impact of the new discovery. Two months later, but still before the trial court ruled on the motion for enlargement, Koppel served a notice stating his acceptance of the proposal. The trial court thereafter denied the enlargement, but nonetheless denied Ochoa's motion to strike the acceptance as untimely and enforced the settlement. The motion for enlargement, reasoned the trial court, had tolled the time for acceptance.

The Second District Court of Appeal reversed, reasoning that Section 786.79, Florida Statutes, and Florida Rules of Civil Procedure 1.090 and 1.442 failed to contain any language authorizing such tolling pending a ruling on a motion for enlargement. The Second District disagreed with a prior decision of the Fifth District Court of Appeal, which had authorized such tolling.

Based on this intra-district conflict, the Florida Supreme Court accepted discretionary review under Article V, Section 3(b)(4) of the Florida Constitution. Justice Quince wrote for the unanimous court, approving the Second District's approach which rejected any tolling. The rules, reasoned the Supreme Court, require the trial court to exercise its discretion in granting an enlargement of time, and then only upon good cause shown. Automatic tolling would undermine those requirements of judicial discretion and cause. Were automatic tolling tolerated, the Supreme Court continued, "an offeree could extend the offer indefinitely, all while the offering party continues to incur the costs related to the case."

The other side of the coin, though, as argued by Koppel in support of tolling, is that an offeror could "surprise offerees with new discovery that offerees may not have time to consider before the 30-day window for acceptance closes." While acknowledging the concern, the Supreme Court nonetheless held that the plain language of the rules simply did not allow for enlargement without judicial discretion.

So, from here on out, if you are served with a proposal for settlement and you find yourself in need of additional time to assess the offer, you better make sure to secure an extension order from the court **before** expiration of the 30 days!

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

HSBC Bank USA, N.A. v. Nelson 2D17-740, 2018 WL 1973717 (Fla. 2d DCA Apr. 27, 2018)

Do not argue "tipsy coachman" as an appellee unless the record on appeal supports the argument.

On appeal from dismissal of a foreclosure action based upon the statute of limitations, the Appellee knew that the law favored Appellant. But the Appellee attempted to save the appeal by asserting several "tipsy coachman" arguments. The tipsy coachman doctrine, of course, allows an appellate court to affirm a trial court that "reaches the right result, but for the wrong reasons." See *Dade County Sch. Bd. v. Radio Station WQBA*, 731 So. 2d 638, 644 (Fla. 1999).

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*Winn-Dixie Stores, Inc.
v. Dolgencorp*

Koppel v. Ochoa

*HSBC Bank USA, N.A.
v. Nelson*

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Not so fast. The key to the tipsy coachman doctrine's application is that the alternative basis for affirmance must appear **in the record**. *Id.* at 644-45. In *Nelson*, the record had yet to be developed in the lower court on the alternative theories for affirmance. The Second District Court of Appeal noted that the trial court expressly declined to address the alternative theories that the Appellee was offering as tipsy coachman arguments on appeal, and Appellee was stopped short. The Second District held that it could not "employ the tipsy coachman rule where a lower court has not made factual findings on an issue and it would be inappropriate for an appellate court to do so."

Make sure you have the horsepower in the record before hopping on the tipsy coachman wagon.

HSBC Bank USA for PHH 2007-2 v. Magua, 4D17-1685, 2018 WL 1517245 (Fla. 4th DCA Mar. 28, 2018)

Do not confess error without being clear on your grounds, or you could inadvertently trigger attorney's fee exposure.

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The underlying foreclosure action first made its way to appeal following the trial court's entry of a final judgment in favor of the bank. In that first appeal, the Appellant-Borrower argued for the final judgment's reversal on two grounds. Apparently, the Appellee-Bank acknowledged that at least one of the two grounds had merit. And, without saying which one had merit, the Appellee-Bank simply filed a general confession of error, stating merely that the Bank "confesses to error and does not oppose reversal of the Final Judgment."

The Fourth District Court of Appeal accepted the general confession, and issued an opinion that read in its entirety: "Appellee confesses error, and does not oppose reversal of the final judgment. After reviewing the record, we agree that the trial court erred, and reverse the final judgment of foreclosure entered by the trial court and remand for further proceedings." *Magua v. HSBC Bank USA*, 197 So. 3d 1274, 1274 (Fla. 4th DCA 2016).

On remand, the Borrower argued that it was entitled to recover attorney's fees as the prevailing party. The Bank opposed the motion, arguing that the Borrower won the appeal on an issue that did not trigger attorney's fee entitlement (*i.e.* standing to enforce the contract, *see Nationstar Mortgage LLC v. Glass*, 219 So. 3d 896 (Fla. 4th DCA 2017)). But the trial court awarded attorney's fees nevertheless.

On its return to the Fourth District, the Bank argued that *Glass* precluded an award of attorney's fees, but the Bank's confession of error in the initial appeal came under close scrutiny. The Fourth District held that "as to the first appeal, the bank confessed error without specification as to which of the two appellate issues it was confessing error ... [I]t likewise, this court (without objection or a motion to reconsider or clarify) reversed based on a finding of an unspecified error." And so, the Fourth District reasoned, there was no telling on which of the two issues the Borrower won, thus he was entitled to attorney's fees. The danger of imprecision in a confession of error lurks.



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LEGAL ROUND UP



Guy v. Plaza Home Mortgage, Inc., 4D17-3335, 2018 WL 1953106 (Fla. 4th DCA Apr. 25, 2018)

Do not confuse rendition (the triggering date for the 30-day appeal window) with the date the order is signed.

In what could have been a sticky situation, the Fourth District Court of Appeal wrote to disapprove of a practice by the Broward County Clerk's office which involved the clerk's office backdating judgments for docketing purposes.

In *Guy*, a summary judgment hearing was held on September 27, 2017, at 1:30 p.m.; yet, the electronic stamp on the summary judgment order indicated the order was filed with the Broward County Clerk on September 27, 2017, at 8:35 a.m.—nearly five hours before the hearing even took place. Luckily, “Justices” Holmes, Watson, and Moriarty were on the scene and discovered that the clerk’s office usually does not receive dispositions on the date of their entry and so the clerk changes the date of filing to coincide with the date of entry of the final judgment. In other words, the filing is backdated, but the time reflects the actual time of scanning, resulting in an electronic stamp that appears to precede the actual entry of the judgment.

The Fourth District noted that such a practice can cause, at best, confusion, and at worst, a loss of appellate rights. After all, rendition of an order — triggering the 30-day window for a notice of appeal — occurs “when a signed, written order is **filed with the clerk** of the lower tribunal.” Fla. R. App. P. 9.020(i). Thus, the date that the clerk’s office receives an order or judgment is the date of rendition. So the clerk’s practice of backdating the electronic filing stamp was actually affecting the rendition date, possibly to the prejudice of an appellant.

An unimaginable practice to be sure. Luckily, no appellants were harmed during this corrective measure.

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*HSBC Bank USA for
PHH 2007-2 v. Magua*

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Mortgage, Inc.*

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CABA Night with the Marlins

CABA's Third Annual Night with the Marlins

The night began with crowds of proud Cuban Americans entering the iconic Marlins Park in honor of Cuban Heritage Night and CABA's 3rd Annual Night with the Marlins. People of all ages gathered together to watch America's national pastime, listen to some of Miami's upbeat music, and eat the best ballpark food around. As a bonus, everyone received limited edition Marlins jerseys with the Cuban Flag on the sleeve; it made for a fantastic Cuban Heritage Night!

CABA's 3rd Annual Night with the Marlins was an exceptional night, not only because of experiences shared and the memories made, but because of the cause. All the funds collected this year benefitted CABA Pro Bono Project and totaled approximately \$20,000! These funds will be used to assist the poor and indigent community in Miami-Dade County by connecting them with attorney volunteers, regardless of race, creed, color, gender, sexual orientation or national origin. These funds will go a long way in helping CABA Pro Bono achieve its mission to help our community.

This night would not be possible without the generous contributions of our generous sponsors:

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We would also like to extend a very special Thank You to the 2018 Marlins Night Committee who, without them, we could not have accomplished all that we did and who worked tirelessly to make this year's Night with the Marlins a huge success:



Mariel Acosta



Valentin Arenas



Jackie Augusto



Daniel Buigas



Leo Concepcion



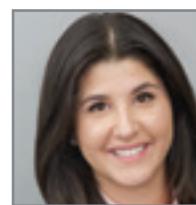
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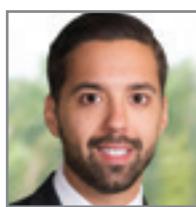
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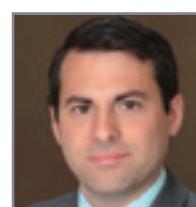
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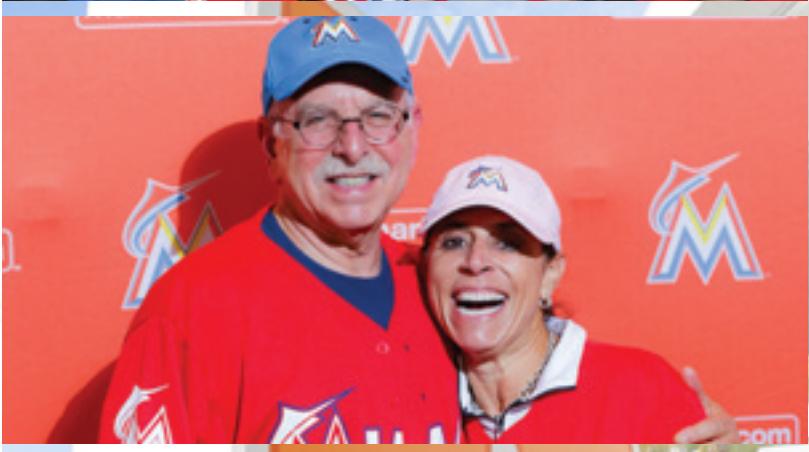
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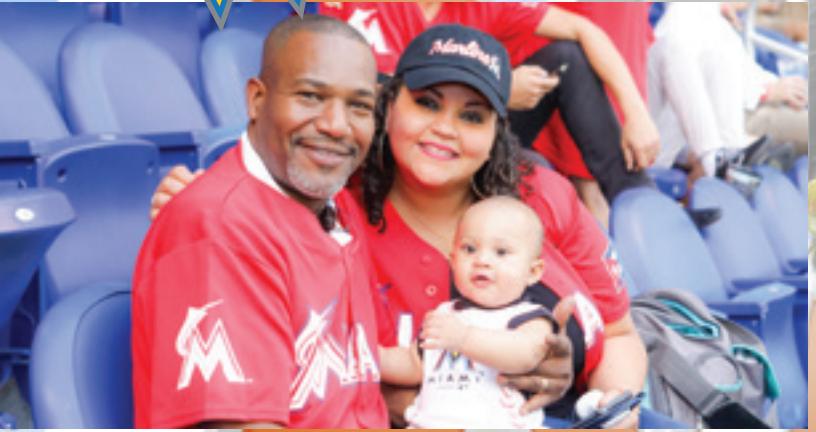
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CABA Night with the Marlins





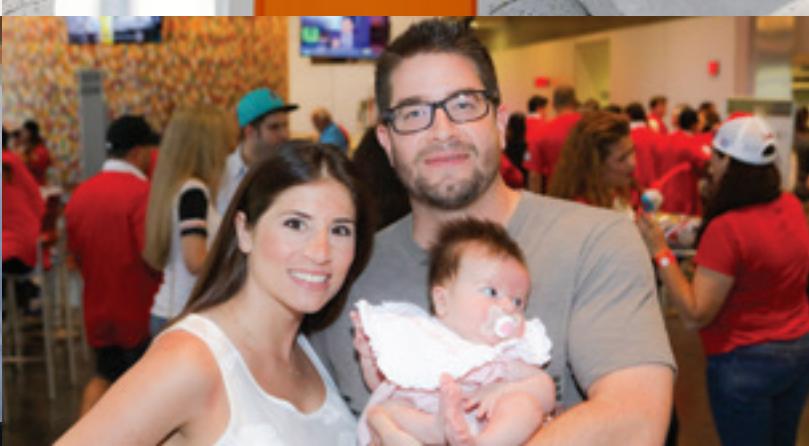
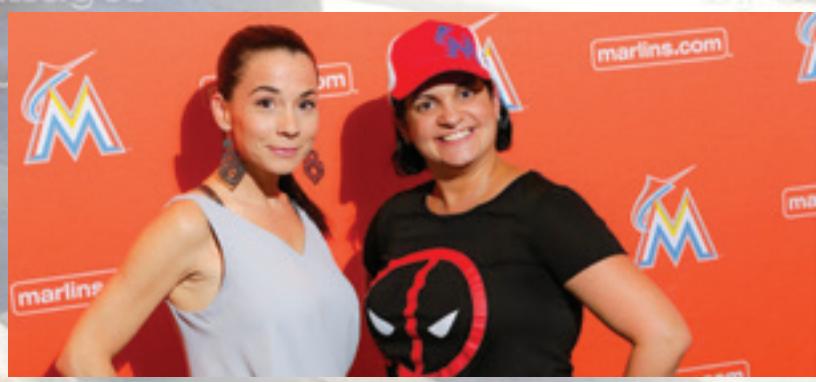
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CABA Night with the Marlins







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ESPINOSA**
For **CIRCUIT JUDGE**
11th Judicial Circuit of Florida | Group 8

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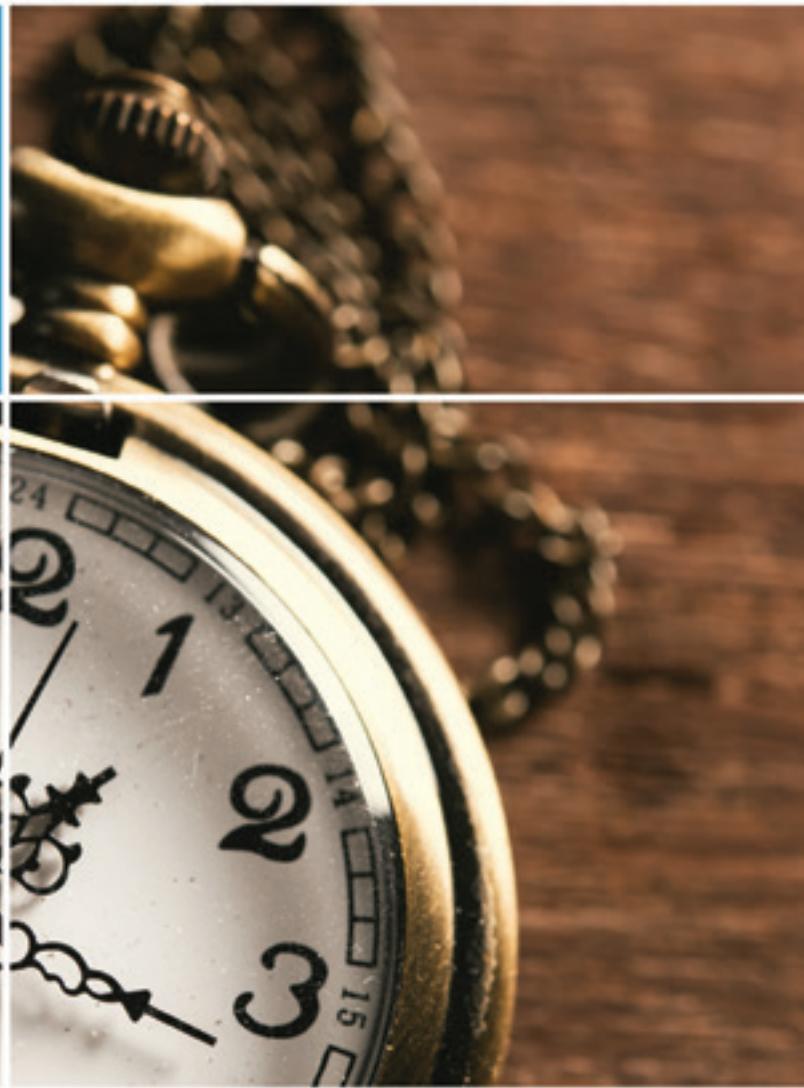


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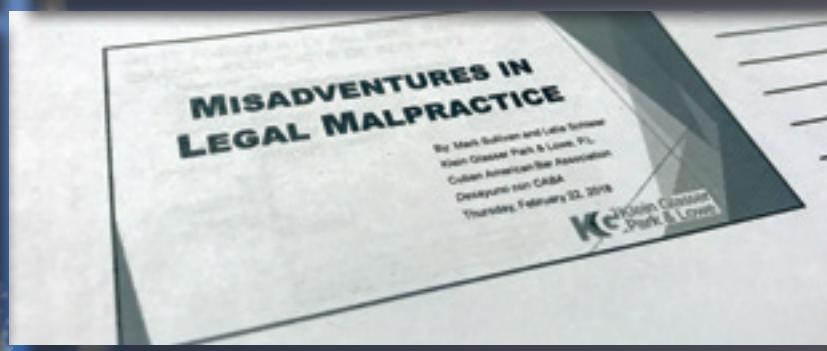
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“El Sol”

UNA POESÍA AL ESTILO (MÁS O MENOS) DEL PUNTO GUAJIRO CUBANO

Por/By Gisela M. Munoz, Esq.

Sale a relucir el sol
Y da brillo al rocío,
Mientras cantan los sinsontes
La canción de mi bohío.

Un azul se ve en el cielo,
Desde aquí hasta el horizonte,
Y en este lindo monte
El ruiseñor toma su vuelo.

Ese disco tan brillante,
Con las nubes, atraviesa
Ese cielo; una belleza.
Y de día a la noche,
Todo pasa en un instante.

Y por fin se va escondiendo
Ese sol en las tinieblas,
Se transforma ese cielo
En un negro terciopelo,
Se despiertan las estrellas,
Y la luna resplandece,
Reflejando luz del sol,
Que nunca desaparece.

81

Gisela M. Munoz is a Shareholder at Stearns Weaver Miller, practicing in the area of commercial real estate transactions. She was nominated and selected as a fellow of both the American College of Real Estate Lawyers and the American College of Mortgage Attorneys. In 2017, Gisela was named one of the Daily Business Review's "10 Top Women in Law" and received the Dade County Bar Association's "Legal Luminaries Award, Real Estate Development Transactions" and "Louise Rebecca Pinnell Woman of Distinction Award, Private Practice."

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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.



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GROUP 8 – VOTE AUGUST 28th



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Judge David C. Miller is known for his hard work ethic, integrity, intellect, stability, independence, and patience. He arrives at the courthouse around 6am and will hold hearings as early as 7am if needed. He has even given up his holidays and vacation days to hear cases. Judge Miller wants to continue serving the community where he was born and raised.

He married his Coral Gables High School sweetheart, Marilyn in 1973. They will have been married for 45 years on this **ELECTION DAY, AUGUST 28th**. Together they raised their sons, Jason and Aaron. Jason, who is married to Victoria Otero, is an AV rated equity partner with the Morgan & Morgan Law firm and a member of ABOTA, in Jacksonville, Florida. Aaron, who is married to Jessica Calderon, is a seasoned History teacher at Coral Gables High School who also coaches Football and Wrestling teams. Together, they have five beautiful children; Scott, Isabella, Sophia, Lucas and Jordan. Photos of these beautiful grandchildren are proudly displayed on the Judge's website.

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- **Yery** began her career in public service as an Assistant Public Defender serving the citizens of Miami Dade County for 10 years and as a Traffic Court Magistrate for several years.
- **Yery** has been practicing law in Florida for 29 years.
- **Yery** has been recognized as an AV-rated preeminent attorney and her firm as one of the best law firms in the country by Best Lawyers - U.S. News and World Report. This year the firm was included in Chambers USA, one of the oldest and most prestigious legal guides.

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Summer/Fall 2018

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