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Dax, we are so proud of the tireless work you put in to organize the 2021 CABA Regala! We know it was a labor of love and your dedication paid off! 2021 is your year and we are blessed to experience it with you.

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Personal Injury | Wrongful Death | Medical Malpractice Product Liability | Commercial Litigation | and more

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Featured on the cover is CABA's Regala.



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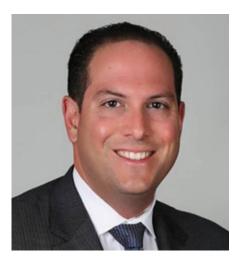
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## President's MESSAGE





Dear CABA Membership,

The world is different today than anyone expected it would be. We have spent over one year being physically distant from each other. The way we do everything has changed. In some instances those changes are small, and in others they are massive.

I have wanted to be CABA President and to walk in the footsteps of my predecessors going back to law school when some of those past presidents selflessly served as my mentors - they know who they are. While this year isn't the hand I anticipated being dealt, I appreciate the challenge. In hard times some organizations batten down the hatches, bring down the sails and wait out the storm. Others spread their wings, innovate and lead the way. CABA, in the same fashion as those who founded it, is the latter.

It has been and will continue to be an honor to lead this great organization. This ship is fast, and it is resilient. A CABA President's job is to adjust the

course occasionally and to beat the drum to keep the board of directors rowing. That drum is beating very loudly this year. This CABA Briefs REGALA Edition is a celebration of CABA's movement toward normalcy. I hope you enjoy it.

Very Truly Yours,

A. Dax Bello CABA 2021 *President* 

# BRIEFS SPRING 2021

## Editor-In-Chief's MESSAGE



Hope you enjoy!

Emby koy Balter Emily K. Balter Editor-in-Chief

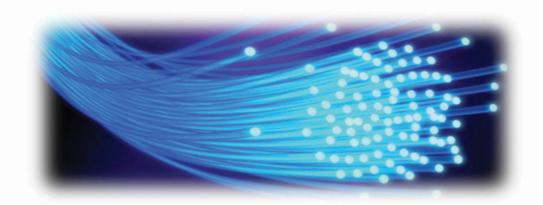
Warm regards,

Dear CABA Members:

We are excited to start 2021 on an encouraging note with the Spring Edition of CABA Briefs. This issue highlights the immensely successful 2021 CABA REGALA and recaps the numerous events since the start of the year. Our hope for this jam-packed edition is to showcase CABA's efforts to bring us out of the pandemic, while having fun, learning about our heritage, highlighting members' achievements, and preparing for developments in the legal field. This edition also pays a special respect to the honorable life of Osvaldo Soto.

I am grateful to Dax Bello and the Board of Directors for giving me the opportunity to serve as this year's Editor-in-Chief. I would like to thank the CABA Briefs Committee as well as the Chairs, Diana Arteaga and Daniel Buigas, for their guidance through the publishing process. A special thanks also to our editors, Sammy Epelbaum, Jonathan Vita, and Kristen L. Palacio, for their time and efforts to bring everything together. The tradition of CABA Briefs would not be possible without the support shown by our members and community.

## CONGRATULATIONS



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## ROUND UP

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



We Can't Direct the Wind But we Can Adjust Jurisdiction

The circuit court appellate division is no longer the destination for most appeals of final orders and judgments, extraordinary writs, and nonfinal orders. Beginning January 1, 2021, the circuit court's general authority to hear appeals from county court final orders and judgments (§ 26.012, Fla. Stat.) was repealed, as was its specific authority (§ 924.08, Fla. Stat.) to hear appeals from county court final judgments in misdemeanor cases. Going forward, due to this legislation, all of these appellate matters are directed to the district courts of appeal, as provided by the Florida Rules of Appellate Procedure.

And so, those of you who were counsel of record in affected circuit court appellate division matters on January 1<sup>st</sup>, by now should be finding yourselves sitting in a district court of appeal. The transition was of course handled with efficiency and seamless attention to your case. But still, as you'd imagine, there have been a handful of *interesting* circumstances and surprising results.

Take a look.

Mallory v. Brinckerhoff, Case No. 4D21–405 (Fla. 4th DCA March 3, 2021)

Jurisdiction rarely is a matter of luck, but it was in this case. Back in July, the plaintiffs in *Mallory* appealed an order by the county court compelling the parties into arbitration. A swift jurisdictional challenge was advanced, and would have prevailed because Rule of Appellate Procedure 9.130, which provides for nonfinal appellate review of an order determining entitlement to arbitration, did not apply to county court orders.

As luck would have it, the circuit court appellate division didn't get around to ruling on the jurisdictional challenge by the time January 1, 2021 rolled around. And the case (with the jurisdictional challenge pending) accordingly was transferred to the Fourth District Court of Appeal. It was a game-changer; a doomed appeal was given a shot.

The Fourth District Court of Appeal, while acknowledging that the appeal was unauthorized when initially filed, held that the jurisdictional change provided a lifeline to the appeal and jurisdiction vested post-filing of the notice of appeal.

**Practice Pointer:** Nonfinal appeals from county court orders are now governed by Rule 9.130 and may be appealed if they fall within one of the categories enumerated in the rule.

## ROUND UP



Hicks v. Keebler, Case No. 2D20–1585 (Fla. 2d DCA February 12, 2021)

Sometimes the best show in town is the only show in town. In *Hicks*, the plaintiff appealed a county court order granting summary judgment based on the applicable statute of limitations. The circuit court appellate division affirmed the summary judgment, and the plaintiff sought what often has been characterized (by its opponents) as the *rarified* second-tier certiorari review in the Second District Court of Appeal.

The Second District revisited the affirmance on second tier certiorari review and determined that the circuit court failed to apply the correct law in its affirmance. And the interim shift in the jurisdictional winds took an interesting direction. Prior to the jurisdictional shift, the Second District would have remanded the case back to the circuit court appellate division for a do-over on the merits. But now, the circuit court lacked jurisdiction over the appeal it once had decided, and so the Second District on second-tier certiorari review remanded the case ... back to itself. And from there, the Second District proceeded to decide the case on the merits.

Marshall Bronstein, D.C. a/a/o Claire Libasci v. Allstate Ins. Co., Case No. 4D21–4 (Fla. 4<sup>th</sup> DCA March 31, 2021)

"Not so fast," said the Fourth District Court of Appeal in this personal injury

rNot so fast, said the Fourth District Court of Appeal in this personal injury protection appeal. The plaintiff appealed to the circuit court appellate division after the county court denied a motion to amend the complaint and entered summary judgment against the plaintiff. The circuit court appellate division reversed the county court's order, and the case was on deck to be remanded back for a continuation of the litigation.

But, after the appellate division's reversal was issued, and with rehearing dangling, the jurisdictional winds came a-changing. The matter was transferred to the Fourth District Court of Appeal where the rehearing motion caught a breeze. The Fourth District on rehearing withdrew the circuit court appellate division's opinion and issued an adverse opinion in its stead. The plaintiff, momentarily the prevailing party (and no doubt contemplating a return to the county court), was blown out, and unexpectedly faced an end to the litigation.

\*Confused about where your appeals are headed? Check out this very helpful primer put together by the Office of the State Courts Administrator: <a href="https://www.flcourts.org/Know-Your-Court/">https://www.flcourts.org/Know-Your-Court/</a>



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#### 2021 CABA REGALA

By A. Dax Bello

It was about April 1st 2020 when I realized that the University of Miami Watsco Center guy wasn't going to return my calls anytime soon about CABA's 2021 Installation Gala. He went dark in mid-March, but I kept trying him anyway because I was hopeful the pandemic would resolve sometime during the summer of 2020. CABA's Installation Gala is the organization's biggest fundraiser of the year and planning it is one of CABA's President-Elect's main responsibilities. CABA's giving arms, the Cuban American Bar Foundation and CABA Pro Bono Legal Services, rely on the proceeds

from the gala to fulfill CABA's philanthropical missions. The gala also happens to be, in my humble opinion, Miami legal's preeminent social event of the year.

I'm a guy that likes a good party, and I enjoy throwing good parties—especially ones thrown for great causes. In 2019, my wife Janine and I co-chaired the Greater Miami and Florida Keys Chapter of the American Red Cross' 37th Annual Ball. It was a very successful event. I am also a very proud member of the Kiwanis Club of Little Havana. Every March, except in 2020, thirty of my best friends in the world, including three CABA Past Presidents: Jorge

Piedra, Eugenio "Gene" Hernandez and Junior Garrido, and I, organize and execute Carnaval Miami, known for the Calle Ocho and Carnaval on the Mile street festivals which host nearly a million participants every year. Bottomline—I know how to throw a party and I couldn't wait to throw this one, but by summer 2020 the grandiose celebration I had been planning in my head for nearly 10 years - since I was elected to CABA's board - had become a pipe dream. The problem was, without it, the organization would have to choose between funding our charitable initiatives which are ever-so-important during a global pandemic and providing the



















programming our members expect of the organization. Call it pride or call it a self-esteem issue, it doesn't matter to me, I didn't want to be the one CABA President that couldn't do both.

So, for the entirety of Summer 2020 I racked my brain. I explored several outdoor venues, but none of them could guarantee during the summer of 2020 that an event large enough to justify the expense of putting it on would be possible in Q1 of 2021 and, even if they could I asked myself "if I build it, will they come? If I wasn't intimately involved in this organization, would I sponsor? Would I even go?" The answer was

"probably not," because there was no way to ensure appropriate social distancing would be observed.

As the ultimate fiduciary of this organization, how could I rationalize spending its treasure on something that I wasn't sure I could convince *myself* to go to? I had succumbed to the fact that, absent some unique and creative way to get people to want to do something, my fundraising efforts were going to involve quite a bit of begging, and I was okay with that. I was ready to do whatever it took to keep the mission alive.

Luckily, despite the lock down, there were some activities that lent

themselves well to the pandemic's distancing requirements. Boating was one of the few activities we could do safely without recklessly exposing ourselves to COVID, so Janine and I bought a boat. One beautiful August Sunday afternoon we were out on it off of Elliot Key. It was a completely flat day without a cloud in the sky. I was drinking a beer with Bob Marley's Babylon System playing in the background. The visibility was unbelievable. You could see all the way to downtown Miami and practically count each individual building from more than 23 miles away. There were dozens of other boats out there with us. Each one having its own little party

in its own little COVID-free bubble. People were swimming and having a grand time. A thought entered my mind, "how cool would it be if all these boats could listen to the same music so we can all party together, but stay separated?" That's when it happened. Just like in the movies when the director crash zooms in on a character... BOOM! I saw a boat party. On the water. Not a large gathering—rather, a collection of small, safe, COVID-free gatherings. Everyone listening to the same music. People could see folks they hadn't seen in over a year from a distance. What I saw was an organized version of the Columbus Day Regatta at Elliot Key that I grew

up going to every year. Anyone who has ever been knows exactly what I'm talking about—Miami's version of Mardi Gras on the water. "But how do you tame that monster?" That's when the complexities of the logistics necessary to pull off of an event of that magnitude set in: "Where do you do it? How do monetize it? How do you control who shows up? What about those that want to participate but that don't have boats-the judges?" How do you sync the music? Where do people get their drinks?"And then as quickly as the idea had struck me, I wrote it off as crazy and impossible. I finished my beer, raised the anchor and went home.

It wasn't more than 48 hours later that I received a text message from my dear friend, CABA Vice-President Giselle Gutierrez. She and I had brainstormed on a number of occasions about what to do for the gala. What she sent me was a photo that she took from the balcony of her apartment of a boat with a giant LED screen on it, followed by another photo of a bunch of boats watching that same screen somewhere else on Biscayne Bay. I picked up the phone. It was incredible. We both had similar visions within days of each other. We talked it out for over an hour that day and worked out solutions for getting around every brick wall I had hit a couple days

















before. Hearing from someone else that the idea wasn't absolutely crazy was helpful to keep me digging for logistical answers. Some of the solutions were absurd but they were solutions, nonetheless. We knew with time and brainstorming, the idea would continue to evolve into something viable. And so, the idea of CABA's REGALA, a play on the words Regatta and Gala, was born and we never turned back.

I put together a save the date video as a teaser and sent it out to the membership sometime in October. The intrigue it sparked solidified in me that we were onto something. The event became my obsession.

This was the furthest thing from a plug-and-play party I've ever been involved in and I'd be damned before I'd let it turn into a Fyre Festival. I'd wake up in the middle of the night thinking about it so I'd get out of bed many times a week to brainstorm; work through logistics; and explore different scenarios to make the event work. To make it special. "Can we incorporate live music or should we rent out a Sirius Radio channel? Maybe we live stream a podcast to every boat." I tapped my Kiwanis brothers to help with the music part because they know a thing or two about that. "Can we rent out a Stiltsville house?" If that guy Charles from the

Stiltsville Trust never hears from me again it will be too soon for him. It turns out you can't project music from the Stiltsville houses UNDER ANY CIRCUMSTANCE and, trust me when I tell you, I presented every possible circumstance that I thought would get us around that rule. "Does it make sense to do this at Elliot Key or somewhere closer to the mainland?" "What if we give everyone coolers filled with all the drinks they need for the day? Do we give cheesy coolers or awesome ones that sponsors will keep forever? Can we brand them? Don't forget about ice. How about food? What do the sponsor packages look like? Do we provide



























yacht charters? Can sponsors bring their own boats if they have them— BYO-Boat? What do we charge for that?"

There were so many things to work through. Nearly every Saturday morning starting in December I would wake up early and wait for the sun to come up just so I can jump on the boat to look at different possible venues from the water. I'd run depth readings at different places to determine how big a yacht we can get into different venues.

As we came off of the holidays, I finally landed on the basin at Miami Marine Stadium as the official venue. The next concern was a

holiday travel related COVID spike. Luckily the vaccine distribution had begun in November 2020 so I became more confident about the date I selected for the event which was March 20, 2021 - the first day of Spring. I set a mark for myself: as soon as someone in my close circle who is not a front-line worker got their first vaccine, that would be the day I hit the gas on this event. The way I saw it, if someone I know gets the vaccine, then that means that it had become readily available to the public at large and that was a really good sign about how things were going, COVID-wise. Until then I planned, and I waited. I got some informal sponsorship

commitments, but I didn't have the heart to invoice anyone yet. I spent as little money on the event as necessary to hold my vendors and the venue. Then on January 15, 2021 someone in my circle got the vaccine, and we were ALL SYSTEMS GO. We went from 0-100 MPH that day. We spent money to create the logo and the invitation, and added them to the sponsor package we had already created. Karla, our Director of Operations, and I were off and running selling the event to potential sponsors. As sponsors would commit, we'd spend a little more on the event. First, we paid the permit fee of \$4,500 for the venue. In the permit application

























I estimated an ambitious 35-40 boats. Before the event was over, we had 64 boats registered. My miscalculation in the boat estimate nearly costed us the event and caused me to go into A-Fib at one point, but I thankfully resolved that issue. Then, we locked in the cops and the paramedics, then the

coolers, then the stage, then the talent, then the food (maybe in that order, but maybe not). In the days leading up to the event we picked up truckloads of alcohol and mixers and we prepared coolers for each of the boats. Then, we worked on delivering those coolers for what felt like an eternity. I am still sore

from carrying them as I write this, two weeks after the event.

On the day before the REGALA it was hot and muggy, and it rained. "Of course," I thought to myself, but I did not get discouraged and that was true throughout out the process. I prepared for the worst of every scenario, but hoped for the best. That strategy kept us a couple steps ahead of every problem. Every-single-fire that could have flared up in the planning of the event, flared up, but as quickly as they did, my team and I were there ready to douse that fire with water and we would move onto the next fire.

































The night before the REGALA I was exhausted but refused to go to sleep. If something important came up that required my immediate attention I would lose hours of precious problem solving time if I was sleeping. So, I went to the marine stadium at about 2AM after my crew and I adjourned from prepping and I sat in my car alone listening to music, waiting for the other shoe to drop. But it never did. Instead, it was the temperature that dropped from the high 80s that day

to something like 59 degrees that night. I watched the sunrise over the trees on Virginia Key from the stage we put up on the afternoon before. It was beautiful. A perfect moment. It was a sign. God had put us to the test, and thankfully we passed it.

The REGALA was a smashing success. The weather was phenomenal. The music was great. The socializing worked out exactly as I had envisioned it. It was the best party any of us had been to in over a year, and much longer than that for some.

I learned a lot of new lessons in this process and was reminded of some

old ones. Something I also noticed about this experience was that it was similar to the experience of the Cuban exile community. We went from being comfortable, even taking some things for granted. Never in our wildest dreams did we expect something to happen that would change everything. We had faith and took steps and risks toward bettering our condition. We were faced with a lot of adversity, but we adapted and overcame it. We held























ourselves accountable more than anyone else did, and we learned that we are creative and versatile. The REGALA went through many of these same phases. The Cuban-American success story is one that defines this great nation. The REGALA success story is one that defines CABA.

Fortunately, our net proceeds were on par with what we have raised in recent years. From the bottom of my heart, THANK YOU to everyone who lent their time to help put on the REGALA. THANK YOU to all of our sponsors who had faith in what was very much a long shot. THANK YOU to my wife and law partners for their patience while I entrenched myself in this event. CABA's mission won't skip a beat this year, thanks to all of you. We couldn't have done it without you.



























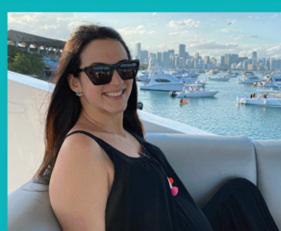




















































































































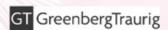
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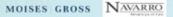




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## CABA Members Bring The "Physical Loss" Debate to SCOTUS, While Thousands of COVID-19 Claims Eagerly Await Its Resolution

By Brian C. Costa

THE MIAMI-BASED law firm of Alvarez, Feltman, Da Silva & Costa, PLLC, led by counsel of record Leo H. Da Silva, has become the first to seek U.S. Supreme Court review of a decision that could affect tens of thousands of insurance and COVID-19 claims across the nation.

Each morning, the staff at Berries In The Grove ("Berries"), which is owned by Mama Jo's, Inc., would clock in to the same unfortunate conditions. Settled on every surface was a visible crust of dust and debris from a construction project at an adjacent site on S.W. 27th Avenue. Berries' nightly cleaning crew, which cost tens of thousands of dollars to operate, did its best to keep the dust and debris from getting out of hand. Still, business was significantly hampered. Even the awnings and speaker systems began to malfunction.

Clean-up became the primary task of every employee; they did their best to serve Berries' customers between each obligatory wipe-down. The construction, which persisted from December 2013 through June 2015, significantly diminished the traffic at the typically crowded restaurant and bar. Facing the daunting combination of increased expenses and reduced business income, as well as over \$600,000 in physical damage to its property, Berries had no choice but to submit a claim to its insurer.

Without ever setting foot in the restaurant, the insurance company

denied Berries' claim. The resulting litigation saw the insurance company take a phalanx approach, asserting over a dozen affirmative defenses against coverage. Eventually, Chief Judge K. Michael Moore of the U.S. District Court for the Southern District of Florida held that the dust and debris that made contact with Berries' building did not constitute "physical damage" that would trigger coverage. In short, Chief Judge Moore found that the dust could be cleaned, and therefore it was not "physical damage."

The Eleventh Circuit Court of Appeals adopted Chief Judge Moore's findings and rulings in its entirety. In doing so, the Eleventh Circuit chose its side in a split among the circuits on the seemingly straightforward question: What counts as a "physical loss"?

Berries' Miami-based attorneys and CABA members, Alvarez, Feltman, Da Silva & Costa, PLLC, agreed to champion Berries' cause and filed a Petition for Writ of Certiorari to the U.S. Supreme Court. The Petition asks the court to accept jurisdiction so that it can finally define a "physical loss". With nearly every circuit having weighed in on the dispute, and with every single home and business casualty policy using the same language throughout the country, Berries asserts that the question is ripe for determination by our highest court.

Looming in the background of this debate is the veritable avalanche of COVID-19 cases that have recently poured into our courthouses throughout the country. Citing Chief Judge Moore's ruling, over fifty courts have already denied property-related COVID-19 claims for lack of "physical damage". Like Chief Judge Moore, these courts have found that the plaintiffs have not suffered a physical loss to property since the virus could be cleaned or disinfected.

The U.S. Supreme Court's ruling on Berries' seemingly benign and straight forward issue may therefore determine the outcome of every COVID-19 property-related insurance claim for years to come. Business owners everywhere eagerly await its resolution.



**Brian C. Costa, Esq.** Partner at Alvarez Feltman Da Silva & Costa, P.L. BCosta@afdc.legal. www.afdlegal.com

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# Ariana Fajardo Orshan: Dedicated to Our South Florida Community

By: Maria D. Garcia



Ariana Fajardo Orshan is an inspiration in our South Florida community, and Ariana's actions reflect the person that she is—mother, first generation Cuban American, lawyer, friend, public servant, and leader. After serving as a judge in the Circuit Court of the Eleventh Judicial Circuit of Florida from 2012 to 2018, she was the first woman to be nominated by the President of the United States and confirmed by the United States Senate as the U.S. Attorney for the Southern District of Florida. Ariana's professional journey is one of hard work, commitment to the law, and a spirit of service.

From 2018 -2021, Ariana, in her role as the U.S. Attorney, led approximately 250 attorneys and four offices in a significant district that is continuously busy with federal legal matters. This was an extremely rewarding yet challenging position, and Ariana served our community in this capacity with thoughtful leadership, integrity, compassion, and a thorough consideration for the law. For Ariana,

the most rewarding aspect of being U.S. Attorney was the ability to serve her Country, the United States, that took in her family as they fled Cuba looking for freedom and a new life. Of her service, Ariana said, "I had the privilege of so many rewarding experiences. I had the opportunity to work for the Justice Department and alongside 93 talented U.S Attorneys in the Country. I also worked directly with over 250 AUSAs and an equal number of support staff throughout the Southern District of Florida, all of whom are exceptional at their jobs. The amazing prosecutors in the office taught me so much about the work we do in the criminal, civil, asset forfeiture and appellate divisions. Their dedication to justice is admirable. I also had

the opportunity to work with many federal and local partners on common missions. It was an honor to work with our federal law enforcement partners, both big and small, to protect our community and the United States on a daily basis."

Ariana will surely have a lasting impact on the Southern District of Florida, and some of her greatest accomplishments include:

- 1. After the 2020 summer of civil unrest, reinstituted the Diversity and Inclusion Committee in the office seeking to ensure that a mechanism was established to create diversity in hiring and promotions.
- 2. Established two new sections in the Criminal Division, the Collateral Litigation Section









- and Money Laundering Section. These were the first of this type in the country.
- 3. Hired 93 new Assistant U.S. Attorneys and over 40 support personnel of diverse backgrounds, and she is proud of these new additions to the office and their work. Her mission included attempting to ensure that our community was well-represented throughout the office.
- 4. Worked diligently to keep everyone safe and healthy during the pandemic and was able to help more than 50% of the personnel vaccinated before the end of her tenure as U.S. Attorney.
- 5. Created the Senior Counsel positions for experienced attorneys in the office to work with the Division and Section Chiefs and to mentor younger Assistant U.S. Attorneys in the various sections.

Of her experience as an attorney in government, Ariana said, "Government service is a privilege that everyone should endeavor to do in their career. It is a chance to give back to this country that we all love. The commitment does not necessarily have to result in a long-term career in the government sector; but for our government to function at its highest level it requires dedicated individuals to give their talents to make our country the best it can be." We thank Ariana for her service.

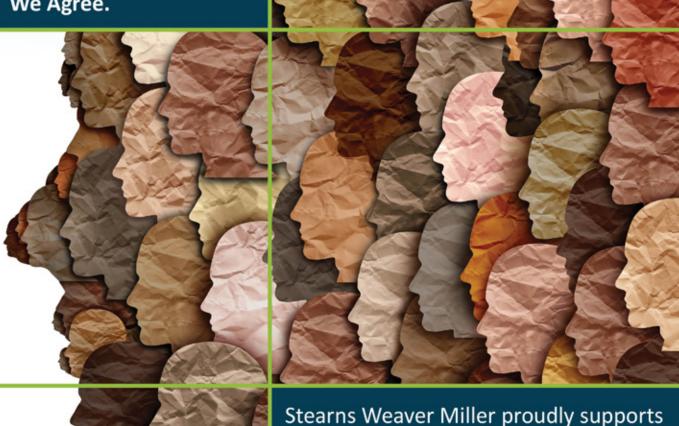


Maria D. Garcia Esq.
Partner at Kozyak Tropin &
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# St. Thomas University College of Law Spotlight

by Sanje Lara and Jennifer D. Rubio

a St. Thomas University College of Law (STU Law) student organization, the Cuban American Student Bar Association ("CASBA") is devoted to providing students with a forum to interact with fellow students, faculty, and staff members that feel an affinity to serve the community and improve the legal profession through greater diversity and equality of opportunity Florida. throughout **CASBA** promotes volunteer activities and pro bono representation in South Florida for student members as well as providing networking opportunities.

In response to the COVID-19 pandemic and its unprecedented challenges, the STU Law CASBA chapter has shown resilience, transformation, and adaptation. CASBA moved its current operations

to an online platform, expanding our reach and following the advice of our public health officials. CASBA hosted "Lunch & Learn" panels via zoom, aimed to educate and connect our law students with a variety of attorneys and judges affiliated with CABA. Additionally, in honor of National Hispanic Heritage Month, CASBA partnered with the Hispanic American Law Student Association (HALSA) and the Office for Career Development to host a virtual webinar with distinguished guest panelists the Honorable Magistrate Judge Jacqueline Becerra and the Honorable Judge Rodolfo Ruiz.

Additionally, CASBA President Sanje Lara and Vice-President Jennifer D. Rubio worked one-on-one with CABA, and particularly with STU Law alumnus and CABA President Dax Bello, one of the founders of CASBA, to organize a team of volunteers for the CABA REGALA. As a STU Law organization, CASBA will continue to flourish, be involved with CABA, and enable its student members to cultivate Cuban American culture.



Sanje Lara is a third year law student at St. Thomas University, College of Law. In 2018, she earned her B.S. from Florida State University in International Affairs and Political Science. Ms. Lara will become a first generation lawyer with a certification in Intellectual property upon graduation in May 2021.



**Jennifer D. Rubio** is a third year law student at St. Thomas University, College of Law with an interest in Tort law. In 2016, she graduated from Florida International University with a B.A. in Political Science and a certificate in National Security. Ms. Rubio will be the first in her family to become a lawyer upon her graduation in May 2021.



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Baker Donelson is proud to congratulate our colleague **ALDO M. LEIVA** for being named the 2020 Cuban American Bar Association Human Rights Member of the Year!

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## In Memory of Osvaldo N. Soto

#### By:Yara L. Klukas

Since his passing, many articles have been written about our beloved Osvaldo N. Soto. He's been called a legal pioneer, a leader amongst leaders. To the greater community, Osvaldo was known as a fighter, an advocate for equality and human rights, a man who was passionate about the law and helping others. Within CABA, Osvaldo was all of that and so much more. Osvaldo was one of the founding members of CABA and served as its fourth president. To know Osvaldo was to love and respect him.

Osvaldo was born in Havana, Cuba in 1929. One of five children, he graduated from La Universidad de la Havana as an attorney when he was twenty-one years old. Although he worked for both his family business and practiced law, his passion was first and foremost the law. From early on, Osvaldo was drawn to public service. In fact, one of his first legal positions was serving as a public defender. The Soto family remained in Cuba until the Castro regime confiscated everything. Like

so many families who suffered the same fate, the regime confiscated Osvaldo's family businesses, his beloved law practice, and their personal and real property in 1960. Facing an unthinkable situation, the Soto family made the difficult decision to flee to the United States to seek freedom and refuge. Along with his wife, Bertila Areces Soto and sons Osvaldo, Eduardo, and Rigoberto, they moved to Miami, Florida with nothing, to commence their new lives.

Despite leaving Cuba, his quest to see a free and democratic Cuba, however, never wavered. In what we know today as the Bay of Pigs invasion, Osvaldo bravely joined fellow Cuban laborers, businessmen, students, attorneys, and laypeople in their effort to liberate Cuba from Castro's tyrannical rule. In April 1961, he joined *La Brigada Especial*, located in New Orleans, Louisiana. During his training, he was asked to write a Code of Occupation, intended to be a body of laws for the area the Brigade would occupy in Cuba

after the invasion. Shortly thereafter, with minimal training, Osvaldo and other members of the Brigada left New Orleans to join others already headed to Cuba's shores. Although the plan was to disembark near Guantanamo City, the Cuban government received intelligence regarding their preparations, and it was unsafe for them to do so. The plan shifted to Playa Giron.

After arriving at Playa Giron, however, they could see smoldering ships in the distance. After days of desperately waiting for further instructions and for additional support, it never arrived. Osvaldo and his colleagues were removed from their vessel and returned to Miami, heartbroken, sunburned, battered, and many pounds thinner. His love and passion for Cuba never wavered. In 1994, he returned to Cuba, this time to Guantanamo with CABA Past President Eugenio Hernandez to interview Cuban refugees being detained as part of the CABA v. Christopher case. Osvaldo and Gene made sure to bring back



what Osvaldo lovingly referred to as "tierra de nuestra patria."

After his involvement in the Bay of Pigs invasion, Osvaldo and family moved first to Riverton, Wyoming and then Virginia where he taught at Longwood College. It was there that they welcomed their daughter, Chief Judge Bertila Soto, also a beloved CABA member. Ultimately, the Sotos moved to Iowa, where Osvaldo worked as a professor. It was during this time that he also published several books including Repaso de gramatica, España E Hispanoamerica, and Temas de Arciniegas.

For over forty-years, Osvaldo was ever present at CABA events. He was among the first to arrive and the last to leave. Even when the event was a 5K run! When CABA's Board of Directors organized a 5K Run to benefit the Pro Bono Project, Osvaldo, who was well into his eighties at that point participated and completed the run. One of my most treasured CABA memories was greeting him at the finish line and having the honor of placing his finisher's medal around his neck. Osvaldo was also very vocal about the need for a new civil courthouse and campaigned for it until his health kept him unable to do so. His daughter, Chief Judge Bertila Soto finished that project. On December 17, 2019, the Miami-Dade Commission unanimously voted

in favor of funding the new civil courthouse.

Throughout the years, Osvaldo also served as a mentor to CABA's past presidents and countless young lawyers alike. In drafting this article, I asked CABA's Past Presidents to share their favorite Osvaldo stories and I received many. One theme was consistent: Osvaldo championed so many of CABA's women Past Presidents and encouraged them to pursue leadership positions. Vivian de las Cuevas-Diaz shared that after a year of serving on CABA's Board of Directors, she lost her bid to be re-elected. At that year's Christmas dinner, Osvaldo and Judge Margarita Esquiroz, also a former CABA Board member, encouraged her to run again. Correction, they sandwiched her and would not take no for answer. Soto said to Vivian, "niña un dia tu vas a corer CABA, como tu vas a dejar el board." And he was right. Vivian was subsequently re-elected the following year and as we all know, in 2012, she served as CABA's Past President Corali President. Lopez-Castro shared a similar story. When she announced her desire to run for CABA President, Osvaldo was one of the first to encourage her. As Cori shared, Osvaldo had no agenda. He was the biggest supporter of women and his legacy can be seen by the increasing number of women to serve as CABA Presidents in recent years.

In addition to his work for CABA, Osvaldo worked alongside the President Emeritus of Miami Dade College, Eduardo Padron to establish Spanish-American League Against Discrimination (SALAD) in 1974. Osvaldo would go on to serve as the Chairman of SALAD for many years and it was through SALAD that I first met Osvaldo. SALAD was one of the first organizations in our community that fought to improve the lives of all immigrants. In the early 1980's, Osvaldo was a pivotal figure in the fight against the anti-Hispanic backlashes that today are unimaginable in this community. Through SALAD, Osvaldo and many others also fought to repeal the County's controversial English-only ordinance. In 1993, his efforts finally came to fruition and the ordinance was repealed. Like CABA, SALAD is still in existence, carrying out Osvaldo's mission.

Osvaldo's enduring legacy lives on with his wife Bertila Areces Soto, his sister Esther Leyes, his children, Osvaldo Soto, Rigaberto Soto, Eduardo Soto, The Honorable Bertila Soto, their spouses, and grandchildren, John Paul Soto, Christopher Soto, Bily Fernandez, Anthony Soto, Alexandra Soto, Nicholas Soto, Thomas Soto, Natalia Soto, Jose Luis Soto, and his greatgrandchildren. Osvaldo will be missed dearly by all.





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# Bueno, Bonito Y Barato: The New Small Business Reorganization Act

By Aleida Martinez-Molina

Small businesses have a new lifeline. The Small Business Reorganization Act of 2019 ("SBRA") streamlines the process and cost for businesses seeking to reorganize under chapter 11 of the U.S. Bankruptcy Code. SBRA's goal is to increase a debtor's likelihood of successful reorganization while retaining control of the business. In March 2020 and again in 2021, the CARES Act increased the debt threshold limit to \$7.5 million through March 27, 2022.

A small business is one with total non-contingent, liquidated debt less than \$7.5 million. An individual whose debts arise at least 50% "from the commercial or business activities of the debtor" may also qualify as a "small business" and allowed to proceed with the less burdensome "Subchapter V" process. However, not every business or individual meeting the debt threshold qualifies to proceed as a Subchapter V case. The Bankruptcy Code excludes certain debtors from the election, including those whose primary business is owning single asset real estate, any corporate debtor subject to the reporting requirements of the Securities Exchange Act of

1934 ("SEA") and any debtor that is affiliated with an "issuer" as defined by the SEA, among others.

By electing to proceed under Subchapter V treatment, debtors commit to filing a chapter 11 plan of reorganization within 90 days of their petition date. Facilitating the quicker result is the Subchapter V Trustee assigned at the beginning of each case. This private professional differs from other "trustees" in any given bankruptcy case. The Subchapter V Trustee's main task is to assist the debtor in formulating a consensual plan of reorganization. With the Subchapter

V Trustee's support and free from many of the conventional chapter 11 requirements, including preparing a disclosure statement, paying quarterly fees to the U.S. Trustee or dealing with a creditors' committee, Subchapter V debtors are "unburdened" and enabled to focus on their business and plan. For example, unlike conventional reorganizations where debtors must be current with their postbankruptcy rent and pay in full at the time a plan is confirmed, Subchapter V debtors may force

landlords to accept post-bankruptcy filing rent payments over a five-year plan period.

Insolvency professionals and organizations, including the National Association of Bankruptcy Trustees and the American Bankruptcy Institute, continue to lobby to make reorganizations more accessible and affordable to "main street," or locally, "Calle Ocho" and "Miracle Mile." Stay tuned. Additional amendments to the U.S. Bankruptcy Code and local Bankruptcy Court rules are expected.



Aleida Martinez-Molina Subchapter V Trustee Southern District of Florida amartinez@wsh-law.com (305) 854-0800



# Your Insurance Attorney—Providing Hope for the Insured

#### by Anthony Lopez



Whether it's for our home, health, or vehicles, many of us have some form of insurance. Insurance that's meant to cover us if an issue or accident occurs. People

pay high premiums year after year, and when they finally have a need that requires attention from their insurance company, most companies will look for any excuse to deny or undervalue their claim unjustly.

How do they do it? Insurance companies use a couple of tactics. If they know there's a valid claim, they may make a quick low offer in hopes that people take the money and run. If they know it will take you some real work to prove a claim, they may deny it and hope that people walk away. And, frankly, many will walk away. That's what the insurance companies bank on.

As policies become more complicated and insurance companies look for more ways to play games with people's coverage, we will always do our part to step up for our clients and prove to them that their fight is our fight too. We analyze and review policies, we perform thorough inspections with experienced public adjusters, and we're honest and upfront about expectations.

Whether it involves property damage, personal injury, or a health claim, our passion is for serving those who are being taken advantage of by their insurance company. We will continue to provide hope by taking the time to protect our clients' rights to recover the compensation they may be owed.

# Who owns the cable and internet wiring in multi-family buildings?

With competitors vying for the telecommunication customer, the question of who has legal rights to the "inside wire" in multi-family buildings is debated between building owners, unit owners and telecommunications providers. It wasn't long ago, if a telecommonopoly provided the service or installed it, they owned it. As competition grew, ownership of the wire was in question.

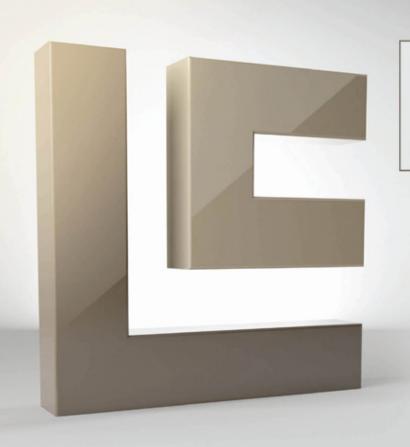
The Federal Communications Commission (FCC) in Rule 47 C.F.R § 76.804 stepped in and defined the ownership of wire in the interior of the home, belonged to

the unit owner regardless of what language the provider included in their contracts. The question then became who owns the wire from the telecommunications closet (usually in hallways), to the unit. The FCC ruled that a competitor may have access to that wire 12 inches from where it is first accessible. This removed many of the challenges competitors faced when attempting to deliver service to an existing building. Cable and telephone company representatives, protecting their monopolies bullied the building's HOA with threats of lawsuits for unlawful taking of property often resulting in building

owners and HOA's giving in rather than battling some of the largest companies on the planet with armies of in-house lawyers.

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## BUILDING A NATIONAL PRESENCE ONE STATE AT A TIME

#### by Lambros Y. Lambrou

Lambros Y. Lambrou is the founder of The Lambrou Law Firm P.C. with offices in New York, New Jersey, Connecticut, Florida and Pennsylvania. The Firm started with Mr. Lambrou and an assistant sharing an office and has rapidly expanded. Now, with hundreds of clients past and present, the Lambrou Law Firm team has grown into a compassionate team of professionals that guide clients through their most difficult times. The Lambrou Law Firm, under the tutelage of Lambros Y. Lambrou, Esq., has earned the high honor of Best Law Firms of America in 2018. This honor is a testament to Mr. Lambrou's and his team's dedication to clients and the law. Attorney referrals are welcomed, and ethically appropriate referral fees are routinely paid.

The Lambrou Firm represents real people in matters of substantial

personal injury, medical malpractice, wrongful death cases and matters of Civil Rights for the handicap. As a zealous advocate for those who have suffered injuries from the negligence of others Mr. Lambrou has secured millions of dollars for his clients, including a \$7.75 million recovery for two clients injured in a car accident and a \$5.8 million recovery for an infant that suffered birth trauma. His efforts, hardworking and exceptional results have helped to propel the Lambrou Law Firm to a Top Notch Law Firm.

In addition, to the results listed above, Mr. Lambrou and his firm have recovered millions of dollars in medical malpractice wrongful death cases, auto accident wrongful death cases, auto accident cases, construction accident cases, infant medical malpractice cases, Erb's Palsy cases, and other types of injury cases.



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In January 2016 and 2019, Day Pitney merged with Chapin, Ballerano & Cheslack and Richman Greer, respectively, establishing a strong presence in Florida with its core capabilities: litigation, trusts and estates, and business law. The mergers added over 20 attorneys and expanded its geographic footprint, with new offices in Boca Raton, Delray Beach, Miami and West Palm Beach. The firm has continued to bolster its capabilities in Florida, particularly in "bet-the-company" litigation, private client services, family law and real estate.

Tasha Dickinson, who handles sophisticated estate planning and estate/trust administration, joined as a partner in West Palm Beach in January 2020. And this January, Sandra Ferrera, a seasoned real estate attorney, joined as a partner in Coral Gables to grow the firm's high-end

residential and commercial real estate practice.

"Tasha and Sandy exhibit the perfect mix of in-depth experience, client service and established networks in the business and legal communities, while sharing our goal of a diverse workplace," said Florida Managing Partner Manuel A. Garcia-Linares.

Day Pitney recently announced a merger with Rhode Island-based Howland Evangelista Kohlenberg, a dedicated trusts and estates boutique for high-net-worth individuals and families. Nine attorneys, including partners Renée A. R. Evangelista and A. Max Kohlenberg, will join the firm in July.



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## Frances Guasch De La Guardia

on her success as the 2020 president of the Cuban American Bar Association.

Holland & Knight commends your innovative and inspiring leadership that saw CABA transform to a more virtual platform and prosper as it adapted to the pandemic. We are proud to add your name to our list of five partners who have served as CABA president.

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Annie Gamez 2016



Vivian de las Cuevas-Diaz **2012** 



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## Developments in the Cuban Adjustment Act

#### by Viviana Mendiola, Esq.

The Cuban Adjustment Act of 1966 allows Cuban natives or citizens living in the U.S. who meet certain eligibility requirements to apply to become lawful permanent residents, colloquially known as getting a green card. Some requirements include, being physically present in the U.S. for at least one year at the time the application is filed, as well as being inspected and admitted or paroled after Jan. 1, 1959. Parole is a process by which an alien may be permitted to enter the U.S. temporarily pending his or her application for admission.

In 1995, the Clinton Administration's interpreted the Cuban Adjustment Act to provide for a "wet-foot/dry-foot" policy. Pursuant to this policy, Cuban migrants traveling to the U.S. who were intercepted at sea ("wet foot") were returned to Cuba or resettled in a third country. Those who made it to U.S. soil ("dry foot") were able to request parole and apply for lawful permanent resident status under the Cuban Adjustment Act

Under the Obama Administration, wet-foot/dry-foot was rescinded. Following the restoration of diplomatic relations with Cuba in 2015, the Department of Homeland Security eliminated an exemption that previously prevented the use of expedited removal proceedings for Cuban nationals apprehended at ports of entry or near the border.

Wet-foot/dry-foot was not brought back under the Trump Administration. During the Trump era, the Migrant Protection Protocols (MPP), also known as the "Remain in Mexico" program, were introduced by the Department of Homeland Security under Section 235(b)(2)(C) of the Immigration and Nationally Act (INA).

The MPP policy allowed U.S. border officers to return Cuban nationals and other non-Mexican asylum seekers who arrived in the U.S. by land from Mexico (illegally or without proper documentation) to Mexico for the duration of their immigration proceedings as a matter of prosecutorial discretion as their claims were adjudicated in the U.S. MPP has since been rescinded by President Biden.

During the COVID-19 pandemic, a Cuban national with a deportation order could be detained for months because removal flights were unavailable. Under Zadvydas v. Davis, (1) the INA's post-removalprovision detention period contains an implicit reasonableness limitation; (2) federal habeas statute grants federal courts authority to decide whether given post-removalperiod detention is statutorily authorized; and (3) the presumptive limit to reasonable duration of postremoval-period detention is six months. Therefore, respondents' attorneys were filing habeas corpus petitions to challenge such detention.

Then came *Gayle v. Meade*, a COVID-19 class action lawsuit for declaratory, injunctive and habeas relief, brought on behalf of detainees in civil immigration detention. In *Gayle*, the Declaration of Immigration and Customs Enforcement's Assistant Field Office Director Ladwig was filed; such document revealed that imminent removal to Cuba was not possible due to the pandemic, as there was

no agreement with Cuba to resume removal flights.

Still, according to the Cuban Adjustment Act, a Cuban national with a deportation order who was released on his or her recognizance pursuant to INA § 236(a)(2)(B)—as opposed to being paroled under INA § 212(d)(5)—was being considered ineligible for relief because he or she was not inspected and admitted or paroled into the U.S., as required by the Cuban Adjustment Act.

However, in an interlocutory decision dated January 4, 2021, Miami Immigration Judge Timothy Cole ruled that release recognizance is a Section 212(d)(5) parole as a matter of law, regardless of the Department of Homeland Security's intent or the paperwork that was issued to document the release. This was a consolidated case in which three of five cases involved Cubans who were released on their own recognizance without evidence of parole and without credible fear proceeding having occurred. One of the cases involved an unaccompanied minor released to a sponsor by the Office of Refugee Resettlement. In sum, all of the respondents were found to have been paroled under Section 212(d)(5) as a matter of law, and all were found to be eligible for adjustment of status either under the Cuban Adjustment Act or under INA § 245(a), commonly known as the LIFE Act.

Judge Cole predicated his findings on *Jennings v. Rodriguez*, stating that the "most persuasive reason to find that these respondents have



been paroled is the simple, direct message sent by the Supreme Court in *Jennings*: parole under INA § 212(d)(5)(A) is the exclusive legal means for the release of inadmissible applicants for admission who are detained by the Department under INA § 235(b)." Given the "importance and complexity of this recurring issue," Judge Cole certified the cases to the Board of Immigration Appeals for review. To date, the Board of Immigration Appeals has not made a ruling.

Similarly, on February 23, 2021, Miami Immigration Judge Abraham Burgess entered a Written Decision and Order which stated that in view of *Jennings*, "release on recognizance is a Section 212(d) (5) parole, despite the Department of Homeland Security's intent or the paperwork that was issued to document the release: Simply put the paperwork issued to these

respondents does not control. The law controls...Respondents have been paroled for the purposes of their eligibility for adjustment of status under the Cuban Adjustment Act."

In consideration of these two Miami Immigration Court cases, eligibility for Cuban Adjustment Act relief has been expanded. As stated in the American Academy of Arts and Science, Making Justice Accessible Project, "[a] silver lining of the pandemic is the resilience and ingenuity shown by service providers...Although many more lawyers are needed to serve America's poor and low-income people, this is not just a call for more access to lawyers. It is a call for individuals and families to receive the benefits they are owed and to be able to assert the rights to which they are entitled. It is a call for access to fair procedures and

equal opportunity for all to receive impartial judgment. And it is a call to fulfill the promise of a nation dedicated to the rule of law, for the young and the old, the rural and the urban, the well-established and the newly arrived, the fortunate and the indigent."

At CABA Pro Bono Legal Services, we are always seeking volunteer attorneys from the private sector to help us reach more individuals in need, regardless of race, creed, color, gender, sexual orientation or national origin. We offer our volunteers individual support, sample pleadings, access to free CLEs, professional liability coverage, notary services, and guidance from expert resource attorneys. Consider sharing your talent to serve our community and help close the gap to justice and bridge access to civil rights. Feel free to email me at vivianam@cabaprobono.com to learn more.



Viviana Mendiola, Esq. joined CABA Pro Bono Legal Services in June 2019 as Pro Bono Director. She is responsible for recruiting, mentoring, and training volunteer attorneys. In her role she also uses technology to develop innovative pro bono programs and initiatives and tracks the outcomes of pro bono cases.



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# Congratulates

## CABA AND PRESIDENT DAX BELLO ON AN EXTREMELY SUCCESSFUL REGALA

Thank you to the following individuals for their early support and endorsement of my campaign for President-Elect of The Florida Bar in 2022:

Frank Angones

Diana Arteaga

A. Dax Bello

Daniel Buigas

Manuel L. Crespo

Sandra Ferrera

Maria D. Garcia

Giselle Gutierrez

Javier Ley-Soto

Hector J. Lombana

Corali Lopez-Castro

Javier A. Lopez

Ricardo Martinez-Cid

Augusto Perera

Jorge L. Piedra

Roland Sanchez-Medina

Miriam Soler Ramos

# OUR FIRM IS PROUD TO SUPPORT THE CUBAN AMERICAN BAR ASSOCIATION

We salute CABA's continued success and mission to improve the legal profession through greater diversity and inclusion. Congratulations to President A. Dax Bello and the rest of the 2021 CABA Board, including our very own:



Haydee Sera CABA Secretary



Candice Balmori CABA Board Member





Avila Rodriguez Hernandez Mena & Garro LLP

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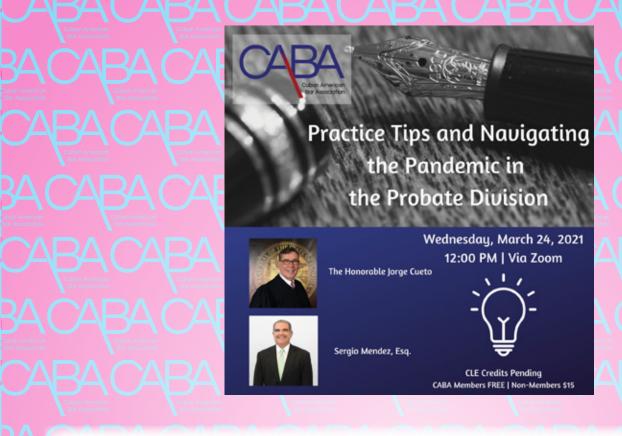
OUR SINCERE THANKS TO THE
CUBAN AMERICAN BAR ASSOCIATION
FOR YOUR IMPACT ON OUR
COMMUNITY AND OUR MISSION OF
"ACHIEVING RESULTS, TOGETHER."
WE COULDN'T DO IT WITHOUT YOU.



## A Discussion of the New Summary Judgment Standard Rule with The Honorable Thomas Rebull and Attorney Luis Salazar

On December 31, 2020, the Florida Supreme Court chose to adopt the summary judgment standard followed by the Federal courts and the supermajority of states, to take effect on May 1, 2021. The New Summary Judgment Standard webinar provided attendees with a brief history of the present rule and its jurisprudence, reviewed the rule change, and analyzed the substantive, procedural, and strategic impact of this change.





The Honorable Jorge Cueto and Attorney/CABA Past President Sergio Mendez discuss Practice Tips and Navigating the Pandemic in the Probate Division.

This webinar provided CABA members with a comprehensive "How-To" of Case Scheduling and Keeping the Court Apprised of Case Updates under COVID-19, and discussed Local Probate Court Procedure, Legal Ethics and emerging probate and Trust and Estates trends under COVID-19.

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## **SPEAKERS**



Chief Judge-Elect Nushin G. Sayfie



Chief Judge Bertila Soto



Administrative Judge Jennifer D. Bailey

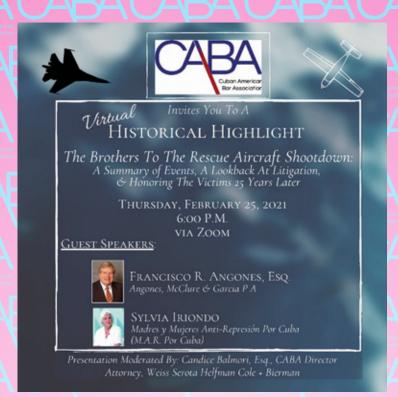
Monday, February 22, 2021 5:00 pm | Via Zoom CLE Credits Pending

### CABA Readies its Members for the Start of Jury Trials with The Honorable Judges Soto, Bailey and Sayfie.

Chief Judge Bertila Soto, Chief-Judge Elect Nushin Sayfie, and Administrative Judge Jennifer Bailey walked CABA members through the updated processes and procedures enacted in order to resume Jury Trials on March 1, 2021.



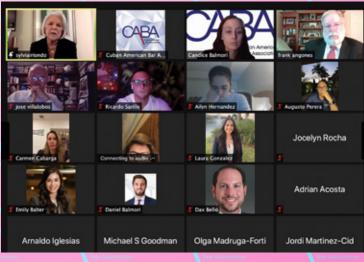


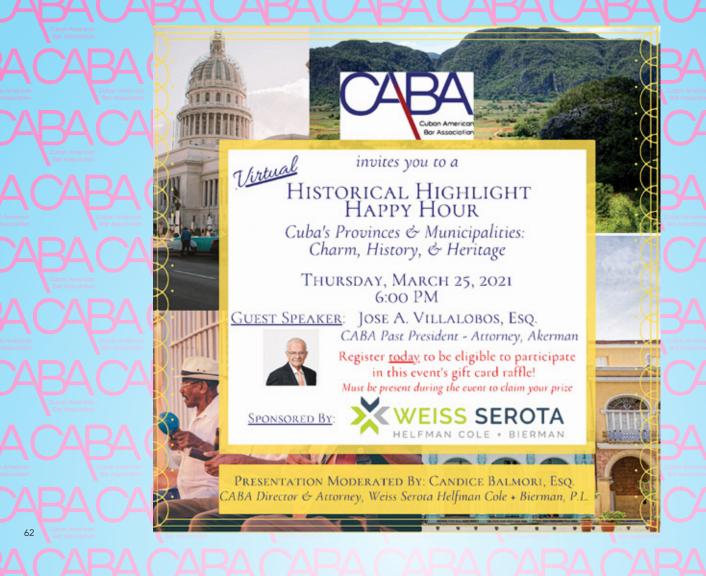


"The Brothers to the Rescue Aircraft Shootdown: A Summary of Events, A Lookback at Litigation, & Honoring the Victims 25 Years Later" (February 25, 2020)

On Thursday, February 25, 2020, CABA held a Virtual Historical Highlight for its members, colleagues and prospective members that was organized by the CABA on Cuba Committee. The title of this event was "The Brothers to the Rescue Aircraft Shootdown: A Summary of Events, A Lookback at Litigation, & Honoring the Victims 25 Years Later." In commemoration of the 25th anniversary of the shootdown by the Cuban military of the Brothers to the Rescue aircraft while on humanitarian mission over international waters, attendees learned of the events leading up to that day, the reprehensible actions taken under the leadership of the Castro Regime, and (most importantly) about each of the victims, who had dedicated that day and their lives to helping improve the lives of the Cuban people. Guest speaker Sylvia Iriondo, President of Madres y Mujeres Ant-Represion Por Cuba (M.A.R. Por Cuba), was present that day in the only small aircraft to escape the shootdown and shared her observations about the lasting effect of the events that transpired and about each of the lives lost that day. Guest speaker Francisco R. Angones, Esq. former CABA President and attorney at Angones, McClure & Garcia, P.A., walked participants through the litigation that followed tin U.S. courts as a result. Family members of some of the victims also joined the event and shared their thoughts, memories, and hopes with those in attendance. By way of this event, CABA not only explored the unspeakable events of a tragic day in Cuban-American history, but it honored the lives of Carlos Costa, Armando Alejandre, Jr., Mario de la Peña, and Pablo Morales, humanitarians whose legacy will forever be remembered. CABA President Dax Bello, Esq., Partner at Stewart Tilghman Fox Bianchi & Cain, P.A., gave opening remarks on behalf of the organization. This event was moderated by CABA Board Member and CABA on Cuba Committee Chair Candice Balmori, Esq., an attorney with Weiss Serota Helfman Cole + Bierman's municipal practice.





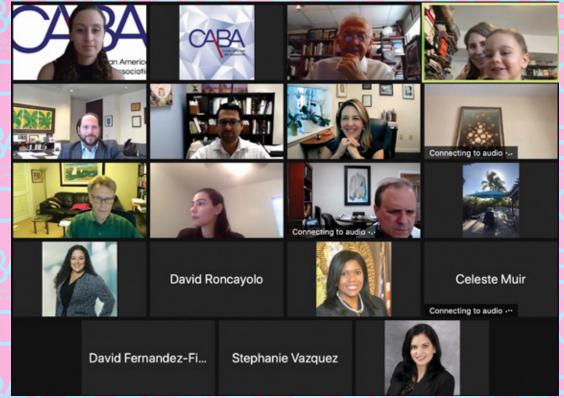


### "Cuba's Provinces & Municipalities: Charm, History & Heritage" (March 25, 2020)

On Thursday, March 25, 2020, CABA held a Joint Virtual Networking Mixer and Historical Highlight Happy Hour for its members, colleagues and prospective members that was organized by the Membership and CABA on Cuba Committees. Attendees, including judges, attorneys and law students, were treated to an opportunity to network in smaller virtual breakout rooms, sharing information about themselves, and getting to know one another a little better. This networking opportunity was followed by a virtual historical highlight titled, "*Cuba's Provinces & Municipalities: Charm, History & Heritage.*" The historical highlight was given by attorney Jose A. Villalobos, Esq., a former CABA President and attorney with Akerman in Miami, who shared historical, geographical and cultural facts, anecdotes and information about locations and personalities from each of Cuba's provinces. Attendees were also able to share their own knowledge and memories with one another of the places revisited in conversation that evening at the end of the event. Several lucky event participants won raffled prizes consisting of gift cards to cherished local restaurants.

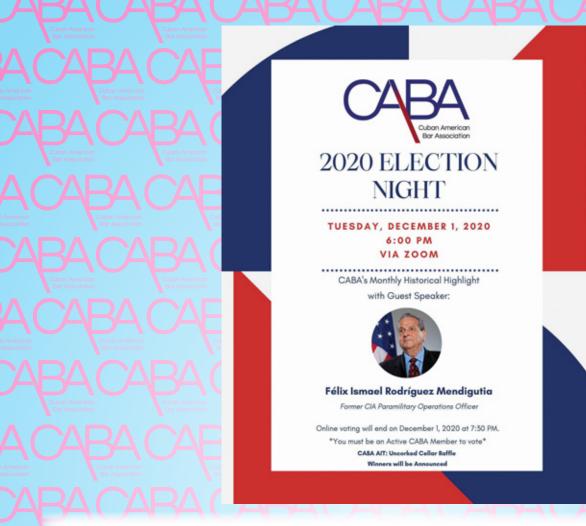
CABA President Dax Bello, Esq., Partner at Stewart Tilghman Fox Bianchi & Cain, P.A., gave opening remarks on behalf of the organization, and CABA President-Elect Miriam S. Ramos, Esq., attorney for the City of Coral Gables, led the membership networking component. This event was generously sponsored by the law firm Weiss Serota Helfman Cole + Bierman, and the historical highlight was moderated by CABA Board Member and CABA on Cuba Committee Chair Candice Balmori, Esq., an attorney with Weiss Serota Helfman Cole + Bierman's municipal practice.







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#### 64 2020 Elections

On December 1st, 2020, CABA held its first ever virtual elections and heard from guest speaker Felix Rodriguez, veteran of the famed Brigada 2506 and former CIA paramilitary operations officer, as he recounted his Cuban exile experience in the 1960's, the Bay of Pigs invasion and his interrogation of Che Guevarra moments before Guevarra's execution.

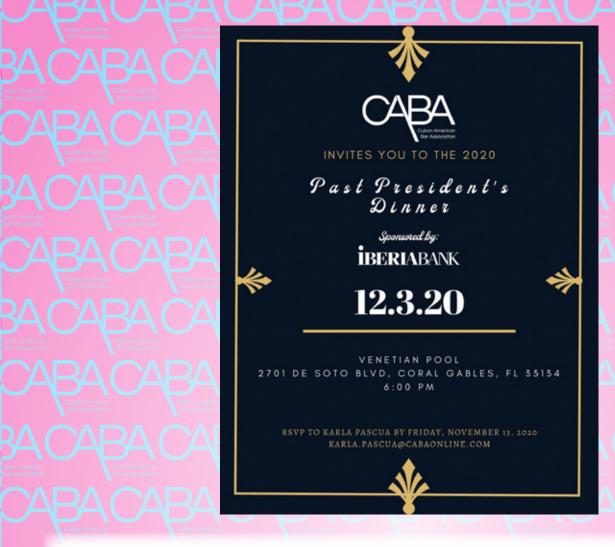








Cuban American
Bor Association



#### 2020 Past President's Dinner

The CABA board and its past presidents convened to discuss the organization's plans for 2021 at the historic Venetian Pool for their yearly Past President's Dinner on December 3rd, 2020, presented by Iberia Bank.

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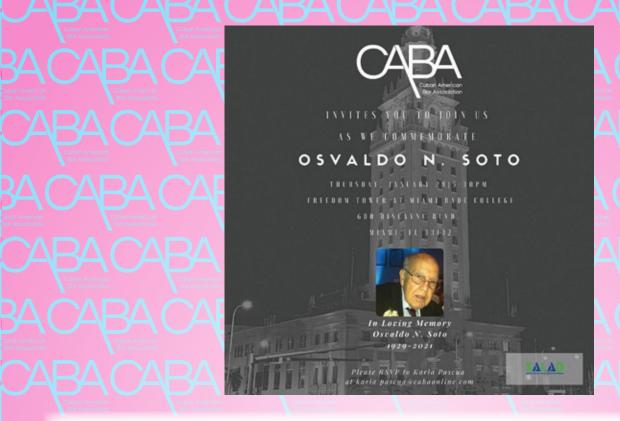


## **2021 Board Retreat**

On January 30, 2021, CABA's board spent the day brainstorming and implementing its plan for 2021.







### **Memorial for Past President Osvaldo Soto**

This year the CABA family mourned the loss of a patriarch, Past President Osvaldo Soto. On January 28th, 2021, CABA held an event at Miami's historic freedom Tower commemorating his life and contributions to the Cuban exiles and South Florida at large. Guest speakers included attorneys Victor Diaz and Jose "Pepe" Villalobos, Miami Dade Commission Chairman Jose "Pepe" Diaz, and the Soto Family, represented by Osvaldo's daughter Miami Dade Chief Judge, Bertila Soto.

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# 2021 Board of Consider to Associate Directors Swearing A Clin Ceremony Reference to Associate Consideration of Consideratio

On February 26, 2021, CABA's 2021 Board and its 47th President, A. Dax Bello, were sworn-in on the steps of El Cielito Lindo, Miami-Dade County's civil courthouse. Former CABA board member Circuit Judge Gina Beovides swore in the board and Dax was sworn in by his father, Tony Bello.





# Bravo & best wishes

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#### **Orlando Roche**

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## Proud To Support CABA And The Amazing Work It Does For The Community.

## Congratulations to Dax Bello & The 2021 CABA Board of Directors.





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