

# CABA

## BRIEFS

Winter 2022







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We salute CABA's continued success and mission to improve the legal profession through greater diversity, equity and inclusion.

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WINTER 2022

CABA Briefs is published by the Cuban American Bar Association, Inc. ("CABA").

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

to and adequate representation of all minorities before the courts; facilitate the administration of justice; build close relationships among our members; provide mentoring and scholarship to law students nationally; and support the indigent community through the funding and administration of an effective pro bono legal assistance project and other community programs.

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To submit an article or ad to CABA Briefs, please contact Emily Balter at [ebalter@brzoninglaw.com](mailto:ebalter@brzoninglaw.com).

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**CABA Board of Directors, Director  
of Operations, and Caba Pro Bono  
Executive Direct** being recognized  
on the field at the 5th Annual Night  
with the Marlins.

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## President's MESSAGE



Dear CABA Members:

As my year as president draws to a close, I am deeply grateful for the opportunity to lead our exceptional organization and to walk in the shoes of those wonderful leaders who made CABA what it is today. As the global pandemic began to recede and life slowly went back to normal, I had the great fortune of bringing CABA back to life. In 2022, *Volvimos a Vivir!*

We began the year with a very successful CABA Gala, which set the stage for a high-energy year. We hosted two mentoring events pairing practitioners with young lawyers to encourage career guidance and advice. We held an event focused on mental health, reminding our members of the importance of work-life balance and providing them with tools to relieve stress and accomplish a greater sense of happiness. We also recognized Justice John Couriel, Dr. Andy Gomez, Dean Georgina

Angones, and Wilfredo Ferrer for their contributions to CABA and our legal community. Finally, we ended the first half of the year with a record-breaking Marlins Night benefiting the CABA Pro Bono Project.

The CABA on Cuba Committee stayed busy working on an updated petition that was filed with the Inter-American Commission on Human Rights, bringing to light the human rights abuses that have occurred in Cuba since the island came alive with protests demanding the most basic freedoms. Committee members worked countless hours on this effort; CABA remains committed to shedding a light on these abuses and ensuring that the plight of our brothers and sisters on the island is not forgotten.

This summer, the CABA Judicial Luncheon returned in its original format. We provided an opportunity for all candidates to address our membership in anticipation of the August election. Then, we said goodbye to summer by providing an opportunity for our members to get away at the CABA Getaway held at the Ocean Reef Club. Attendees networked and enjoyed compelling CLE panels while spending quality time with their families. We then brought *AIT: Uncorked* back at a new, exciting venue. The event was a resounding success, providing much-needed support for CABA Pro Bono.

In the fall, CABA celebrated Hispanic Heritage Month by joining voluntarily bar associations across the State of Florida in recognizing Jurists of Excellence. This year, we chose to honor Judge Carlos Gamez for his exceptional service. CABA held various membership events. This included one in Tampa, for the first time ever, in collaboration with the Tampa Hispanic Bar Association. At the event, we honored Judge Michael C. Bagge-Hernandez, one of CABA's biggest fans. Finally, we held our first CABA Heat Night, where members enjoyed the game while connecting with colleagues.

This year has been a busy and successful year for CABA and its members. Reflecting on my year as president, I am humbled to have been chosen and trusted to lead CABA. It has been one of the biggest honors of my career. I also conclude my year with an eternally grateful heart for the advice and support of those who lead before me, for the support and patience of my friends and family, and for a committed board that has made all our accomplishments possible. May CABA's mission continue for many generations to come.

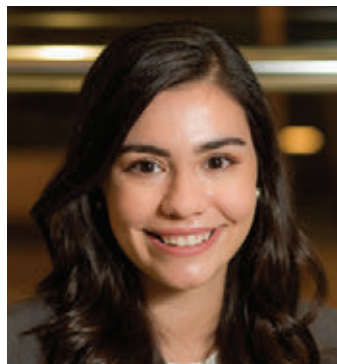
With deep appreciation,

A handwritten signature in black ink, appearing to read 'W/SYS'.

Miriam Soler Ramos  
CABA 2022 President



## Editor-In-Chief's MESSAGE



Dear CABA Members:

It is a privilege to bring you the 2022 Winter Edition of CABA Briefs. The goal of this edition is to highlight all of the Cuban American Bar Association's programming and achievements for the latter part of 2022. Due to the strong stewardship of CABA President, Miriam Soler Ramos, I hope the members share in my sentiment that this was an exciting, non-stop year. From Marlins Night to Getaway, from AIT: Uncorked to a networker in Tampa, and with monthly CLEs, there have been numerous opportunities for us to connect and support CABA Pro Bono and CABA Foundation.

In this issue of CABA Briefs you will find the trusted Legal Round Up prepared by the valued appellate attorneys at Kula & Associates, P.A. Consistent with CABA's mission, we are bringing to our readers a summary of CABA on Cuba's updated petition to the Inter-American Commission on Human Rights on behalf of nearly 80 Cuban Regime victims. It is the work of the CABA on Cuba Committee that keeps us rooted in using

our legal skills to stop injustices in Cuba. Please also find a fascinating, in-depth interview with Florida Supreme Court Justice Renatha Francis.

Looking back on this year, we wanted to highlight the amazing work of St. Thomas University College of Law volunteers, Kevin Gomez, Thalia Cedeno, and Danielle Guerrero. CABA events would not be possible without them. The Winter edition is packed with so much more, and we are excited to put together this highlight reel of a fantastic year for the members that make the tradition of CABA Briefs possible.

Special gratitude is owed to the consistent support and hard work of the Briefs Committee and the Board of Directors, as well as the Briefs Chairs, Diana Arteaga and Daniel Buigas. Please enjoy and happy new year!

Sincerely,

A handwritten signature in black ink that reads "Emily K. Balter". The signature is written in a cursive, flowing style.

Emily K. Balter

*Editor-in-Chief*



# CABA on Cuba

By: Daniel Buigas



In November 2022, the Inter-American Commission on Human Rights (“IACHR”) formally served the Cuban regime with CABA’s written update (the “Update”) regarding CABA’s recommendations for IACHR to consider in its Annual Reports on the Republic of Cuba, relating to the petition submitted by CABA, in which CABA was the named Petitioner for Report No. 67/06, Case No. 12.476, *Oscar Elias Biscet et. al.* (the “Report”). The Cuban regime has thus far failed to respond to any such filings in the pending matter commenced by CABA in March 2003, when it filed a petition with IACHR on behalf of nearly 80 victims of the infamous Black Spring (the “Petition”). As a way of background, in March 2003, the Cuban Regime unleashed a massive crackdown against a succession of human rights activists and independent journalists in an event known worldwide as the “Black Spring”, which led to the unjust and widely condemned convictions and incarcerations of many Cuban citizens.

As a result of the Petition, IACHR released its Report on or about October 21, 2006, which found

that the Cuban Regime (referred to as the “Cuban State” in the Petition and Report) had violated numerous articles of the 1948 American Declaration of the Rights and Duties of Man (the “American Declaration”), some of which were Articles I (right to life, liberty, and personal security), II (right to equality before law), IV (right to freedom of investigation, opinion, expression, and dissemination), among others. The IACHR recommended in its Report for the Cuban Regime to immediately and unconditionally release all of the individuals detained in the Black Spring and overturn their convictions; adopt laws, procedures, and practices that conform to international human rights norms; redress the victims and their next of kin for the pecuniary and non-pecuniary damages suffered as a result of the violations, and adopt measures necessary to prevent a recurrence of similar acts. While the Cuban Regime throughout the years has released many of the individuals that it had unjustly incarcerated in the Black Spring, the Cuban Regime has refused to adopt any of IACHR’s recommendations.

Following the issuance of IACHR’s Report, CABA has submitted various updates to IACHR for consideration in its Annual Reports on the Republic of Cuba. On or about August 26, 2022, CABA received a request from IACHR for an update to the Report, which CABA submitted on October 15, 2022. The Update provided information on the current status of 28 of the individuals listed in the Petition and requested that IACHR continue to follow up with the Cuban Regime for purposes of monitoring and enforcing its recommendations in its Report, which the Cuban Regime continues to refuse to follow.

The CABA on Cuba Committee, which is chaired by Candice Balmori, Esq., Diana Arteaga, Esq. and I, coordinated the research, drafting, and submission of the Update, with Aldo M. Leiva, Esq., Eduardo Palmer, Esq., Alexa Tirse, Esq., and Amalia Castro, Esq. volunteering to conduct hours of research and writing to complete the Update by the required deadline. The Update may be accessed online on CABA’s website: <https://cabaonline.com/>.



**Daniel Buigas**, Esq. is a Director for CABA and a commercial litigator at Lamelas Law, PA, where he advises his clients on complex business and commercial matters.

# Interview—Florida Supreme Court Justice Renatha Francis

By: Diana Arteaga



**X What attracted you to the practice of law and eventually to serve in the judiciary?**

*For as long as I could remember, I wanted to be a lawyer. When I took a contracts course while preparing to go to university, that really cemented my desire to become a lawyer. I loved the course. And when I got into law school, I was sure I had made the right decision as a career choice. In terms of serving in the judiciary, I think that really became a goal of mine during my six-and-a-half-year tenure at the First District Court of Appeal. I really got to see judging up close and personal and how cases got decided. I enjoyed the experience of diving into cases to find the right textually-sound answer, and not an answer(s) that advocated for any particular position. I enjoyed that objectivity and neutrality. So, I decided to pursue that.*

Increasing diversity in the judiciary and legal community is an integral part of CABA's mission. Diversity on the bench enhances public confidence in the courts and enriches the perspectives of fellow members of the court when imparting justice. It is my pleasure to share an exclusive interview with Justice Renatha Francis who is the first Jamaican-American to serve on the Florida Supreme Court.

**X You are the first Jamaican-American justice to be appointed to the Florida Supreme Court. How will your diverse background and experience influence your perspective?**

*My experience and background as someone raised in another country has definitely shaped my outlook. First, I think it's made me very appreciative of our system of governance and laws. Part of the beauty of the American Justice System is the idea of separation of powers—which protects the freedoms and rule of law we sometimes take for granted. It's such an elegant and simple idea that “the people” decide their destiny though their chosen elected officials—rather than a handful of judges aided only by law clerks often barely out of high school! While our adherence to the idea of separation of powers is far from perfect, the pursuit of it is worthwhile if the norm of human history is any example. And second, my experiences and background make me extremely humble about my own “importance.” This role I'm in requires decision making on some of the most important issues in our state, and beyond. But it's also a platform to speak to the single working mom struggling to make ends meet, the young*

*woman who is the breadwinner for her entire family, the young person who is starting a new life in a foreign place without any safety nets, and more. Where you start out in this life isn't your destiny.*

**X Who were your mentors as a young lawyer and judge, and why?**

*I had to be intentional about seeking out mentors because I didn't have the background of having a lawyer in the family or anything like that. So, I formed relationships—surrogate family members—that have lasted to this day. This includes both lawyers and sitting judges. In many ways, I continue to be mentored and learn daily from my colleagues on the bench.*

**X Are there any judges or legal scholars that have been an inspiration to you?**

*There are many. But I'm particularly influenced by legal scholars and judges who view our role as judges as a limited one.*



**X Do you believe there is a need to increase public education about the role and importance of the judiciary? If so, how could the Court work with the education system and legal community in Florida to do so?**

*Absolutely. One of the significant issues facing the judiciary today is the crisis of confidence in the judicial system stemming from a lack of public knowledge about the role of the judicial branch. Education and outreach are a passion of mine, and I hope to leave a mark on the Court by increasing public trust and confidence in the judiciary. Although confidence in institutions like the judicial branch have waned, I think it's really an opportunity to explain the structure of our government, the role of the courts in that structure, and why all of it matters.*

*And I don't think education and outreach initiatives should solely or primarily target justice partners such as lawyers. They have a very important role to play, of course. But to effectively build trust, we have to speak directly with communities and demystify the judicial branch's role within the three branches of government. As a Justice, we have this responsibility to explain ourselves thoroughly in a way that I think non-lawyers can understand. We should not be talking into an echo chamber. I believe there is often a misunderstanding of the judicial branch's power. Our role as judges is to respect the divide between making laws and applying it. If we are acting consistently with our constitutional framework, we don't do the former; we do the latter. And in the process of applying the law, we leave the policy implications to the people (through their representatives) to discern if they wish to make change to the law.*

**X Do you have any memorable experiences serving in court in Miami? Any memorable experiences serving in circuit court in Palm Beach?**

*Gosh. So many! If you're talking about experiences when I was*

*on the bench in Miami, it was probably when I had the federal magistrate judge appear before me in bond hearing. It was on a domestic violence charge, I believe, and he pled with me to essentially not believe what was being alleged against him because, as he said, he was a judge like me, he went to church, paid his taxes, and would never do these things. Nevertheless, I ordered his guns confiscated as a condition of his release after I found there was probable cause. But, apparently he failed to surrender all of the weapons, and ultimately ended up holding his family hostage and taking his own life after hours-long standoff with the police.*

*In terms of memorable experiences while serving on the bench in Palm Beach, I really enjoyed the adoption cases—and presided over ones involving very young children, and young adults. They're memorable because everyone is excited to be in Court, families are being legally recognized, and it's a happy time in these people's lives and I get to be part of it in some small way. Those experiences are priceless.*

**X What is your favorite meal and place to eat when in Miami?**

*My favorite meal is anything delicious! I'm all about different flavors, and styles. Some of my favorite spots in Miami include Torro-Torro, in Downtown Miami; Phuc Yea, on Biscayne Blvd; Mignonette, in Edgewater; and Jamrock Cuisine—a Jamaican-Chinese spot in Kendall!*

**X Is there a member of CABA that has been an ally or friend to you along your career path?**

*Many. At the risk of leaving someone out, I won't name names. But each of them contributed their time, contacts, efforts, and good name in helping me along this path. I'm eternally grateful for that.*

Renatha Francis is the 92<sup>nd</sup> justice of the Florida Supreme Court, and the first Jamaican-American in the history of the Court to serve in this role.

Previously, she served as circuit court judge in the Fifteenth Judicial Circuit in Palm Beach County, where she successfully retained her seat for a six-year term in 2022. And she also served as a circuit and county court judge, respectively, in Miami-Dade County. She was only the second black female in the history of Miami-Dade County to be appointed to the circuit court, her appointment coming some twenty-five years after the first.

During her tenure as a trial court judge in both Miami-Dade and Palm Beach Counties combined, Justice Francis presided over large dockets, conducted numerous bench trials, and resolved hundreds of cases in family, county civil, probate, and first appearance criminal law. She is the first justice to have worked at all levels of Florida's judiciary.

As a lawyer, she served as an appellate attorney at the First District Court of Appeal, in Tallahassee for almost seven years, where she reviewed hundreds of cases and extraordinary writs, varying in complexity and novelty. She also served as Of Counsel at Shutts & Bowen, LLP in Miami as a member of the Class Action and Mass Litigation Practice Group, representing large corporate clients.

Prior to her legal career, Justice Francis was a small business owner in Jamaica, which she did while attending college full time and raising a younger sibling. Justice Francis is married and has two young sons.

Author's note: During the drafting of this article, Justice Francis' husband, Mr. Phillip Fender, passed away. On behalf of the Board of Directors of the Cuban American Bar Association, we would like to express our deepest condolences to Justice Francis, their two young children and the Francis-Fender family.

# Volunteer Spotlights

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Kevin Gomez

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I'm Kevin Gomez, a 3L at St. Thomas University College of Law. I joined CABA's Student Chapter at STU College of Law in 2021 and now serve on its executive board as Treasurer. I am also a proud member of St. Thomas's Trial Team and Intercultural Human Rights Law Review. My legal interests include criminal law and intellectual property. I am both a first-generation college graduate and a Cuban American who was born and raised in Miami.

As an aspiring attorney, I always knew that I wanted to be involved in the Cuban American legal community. I truly enjoy volunteering for CABA. I have the opportunity to help my peers, attend networking events, and find legal mentors. My first volunteering event was the 2022 CABA Gala, a wonderful experience from beginning to end. I have also been fortunate enough to volunteer for the Judicial Luncheon, the Getaway, and most recently AIT Uncorked.

Thalia Cedenro

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My name is Thalia Cedenro, a 2L at St. Thomas University College of Law. I am currently interested in Intellectual Property litigation. I began my journey with CABA my 1L year and currently hold the Social Events Chair position at my school. I fled Cuba at the age of 5, along with my mother, seeking freedom. This is why I knew I had to join CABA, an organization whose principles I support. So far, I have been part of the Judicial Luncheon, CABA Getaway, and the elections that took place in 2021. I look forward to attending many more events and hope to be a part of this organization throughout my career.



Danielle Guerrero

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My name is Danielle Guerrero, a 3L at St. Thomas University College of Law. I am a first-generation law student and want to be a trial attorney after law school. I first joined CABA three years ago because I was looking for a sense of familiarity within the legal field. What I found was friendship, respect, and guidance. As President of CASBA at St. Thomas, my goal is to harness the energy and appreciation from our student members to encourage our volunteers to stick around long after graduation. I have attended many events like the CABA Regala, the Marlins night, the CABA Gala, AIT Uncorked, the Judicial Luncheon, the CABA Getaway, and so many others. I could not have asked for a better experience and hope others after me can say the same.







# CABA's Continuing Legal Education Programming



CABA Sponsor, J.S. Held, discussed how Building Codes, Code Upgrades, and Law & Ordinance regulations are designed to protect the public, and how these regulations develop and change alongside technology and new conditions.



Miami-Dade Circuit Court Judges, Thomas Rebull and Gina Beovides, along with attorney Luis Salazar, explored how Florida's new summary judgment standard translated into practice by analyzing the substantive, procedural, and strategic impact of the change.



CABA Past President and Bankruptcy & Litigation Superstar, Corali Lopez-Castro, provided an overview of the various types of bankruptcy estates, the initial steps after a litigant files for bankruptcy protection (including very important ethical considerations), and the remedies available to the non-debtor parties in order to move the litigation forward.





PRESENTS


## NUTS AND BOLTS OF IMMIGRATION LAW AS APPLIED TO CUBAN IMMIGRANTS



**Lesley Mendoza**  
Executive Director  
**CABA PRO BONO**  
LEGAL SERVICES  
CHANGING LIVES THROUGH LEGAL ADVOCACY  
**Featured Panelist**


**TUESDAY | JULY 12, 2022 | 12 PM**  
**ZOOM: REGISTER AT [CABAONLINE.COM/EVENT](https://cabaonline.com/event)**  
**MEMBERS: FREE | NON-MEMBERS: \$15**  
**CLE CREDIT PENDING**

The Executive Director of CABA's Pro Bono Project, Attorney Lesley Mendoza, presented an overview of how recent immigration law changes apply specifically to Cuban immigrants, including the eligibility criteria for the Cuban Adjustment Act, and discussed when Cuban immigrants must seek relief via Asylum rather than other forms of relief.



PRESENTS


## FLORIDA'S STOP WOKE ACT IN THE WORKPLACE



**Fabian Ruiz**  
Gray Robinson  
**Featured Panelist**


**WEDNESDAY | AUGUST 10, 2022 | 12 PM**  
**ZOOM: REGISTER AT [CABAONLINE.COM/EVENT](https://cabaonline.com/event)**  
**MEMBERS: FREE | NON-MEMBERS: \$15**  
**CLE CREDIT PENDING**

CABA Member, Fabian Ruiz, discussed Florida's Stop the Wrongs to Our Kids and Employees ("WOKE") Act, which went into effect on July 1st of 2022, Mr. Ruiz broke down the Act's language, who is covered under the Act, what effects the Act has on employees, and what best practices businesses can employ in order to not run afoul of the Act.



PRESENTS

## MAXIMIZING YOUR DAMAGES CASE



**Pedro P. Echarte, III, Esq.**  
Partner  
The Haggard Law Firm  
**Featured Panelist**

**WEDNESDAY | OCTOBER 12, 2022 | 12 PM**  
**ZOOM: REGISTER AT [CABAONLINE.COM/EVENT](https://cabaonline.com/event)**  
**MEMBERS: FREE | NON-MEMBERS: \$15**  
**CLE CREDIT PENDING**

CABA Member, Attorney Pedro P. Echarte, III, presented on the latest trends and cutting-edge strategies involved in maximizing damages in personal injury and wrongful death cases. Mr. Echarte identified the wealth of information that can be collected and shared to increase the value of a case, and gave advice on how to develop and defend damages throughout the life cycle of a case from intake, to discovery, to mediation, and eventually trial.

# LEGAL ROUND UP

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

## *Nobody Plays for a Tie, But it Can Happen*

### *Royal Palm Properties v. Pink Palm Properties, Case No. 21-10872 (11th Cir. July 7, 2022)*

Clearly eager for football season to return, in *Royal Palm Properties v. Pink Palm Properties*, the Eleventh Circuit Court of Appeals decided whether “civil lawsuits are more like regular or postseason National Football League (NFL) games. That is, can they end in a tie or must a winner always be named?” The Eleventh Circuit determined that courts, “unlike the NFL, are not in the business of declaring winners; they are in the business of settling legal disputes.” Which means, sometimes, there can be no winner or loser. The issue, of course, is prevailing party attorney fees.

Royal Palm Properties, LLC (“Royal Palm”) sued Pink Palm Properties, LLC (“Pink Palm”) for trademark infringement and Pink Palm countersued. Somehow, both parties ultimately failed to persuade the jury. Nevertheless, Pink Palm asserted that it was the prevailing party because it successfully defended against Royal Palm’s initial infringement claim. The District Court was not swayed. Since there was a split judgment and both parties lost on their claims, the trial court ruled that there was “no clear winner” and, therefore, no prevailing party. Without a prevailing party, there could be no attorney’s fee award.

The Eleventh Circuit agreed; the District Court could declare a tie. The court read the Supreme Court’s definition of “prevailing party” as containing two elements:

First, the party must be awarded some relief on the merits of its claim by the court.... Second, the party must be able to point to a resolution of the dispute which materially altered the legal relationship between the parties.

Given that both parties lost on the claims they respectively asserted, while successfully defending the claims brought against them, the Eleventh Circuit ruled that the split-judgment “is not the stuff of which legal victories are made.” In other words, neither party succeeded in bringing the final ball into the “endzone” (hey, it is football season after all), meriting the award of prevailing party attorney’s fees. The litigation ended in a tie.

## *The Judge’s Oral Ruling is the Prevailing Ruling*

### *Johansson v. Johansson, Case No. 4D21-3343 (Fla. 4th DCA September 21, 2022)*

Picture yourself at the conclusion of a hearing; the trial judge announces the ruling (perhaps awarding your client a substantial sum of money). The on-the-record ruling could not be clearer: Your client is entitled to thousands of dollars to be distributed from a trust account forthwith. A battle hard-fought, and won. But, weeks later, the trial court enters its written order and your apparent victory is nowhere to be found—your client receives nothing.



# LEGAL ROUND UP

## *How is that possible? And, more importantly, can it be fixed?*

In *Johansson v. Johansson*, the Fourth District Court of Appeals reviewed those exact circumstances. The trial court's written order "reflected a different outcome" than what the trial judge orally pronounced at the dispositive hearing. The parties appealed and the Fourth District held that "[w]hen a trial court's written order is inconsistent with its earlier oral pronouncement, the oral pronouncement generally controls and the written order must be reversed" on appeal. Under these circumstances, the trial court is required to "amend the written order to conform to its prior oral pronouncement" regardless of the trial court's reasoning in its written order.

As a practice pointer, when in doubt, always make sure to have a court reporter on hand for eventualities like these!

## *Reckoning with the New Summary Judgment Standard*

Well known by now, the Florida Supreme Court has amended Florida Rule of Civil Procedure 1.510 to conform with the federal summary judgment standard. The amendment governs the adjudication of any summary judgment motion decided on or after May 1, 2021. As anticipated, it's taken about a year for cases to percolate through the appellate channels, so that we can see how it's played out.

### *Lloyd S. Meisels, P.A. v. Dobrofsky, Case No. 4D21-2397 (Fla. 4th DCA June 8, 2022)*

**File a Response.** Under amended Rule 1.510, subdivision (c)(5) sets forth the timing requirements for the parties' supporting factual positions and requires the nonmovant to serve a response to a motion for summary judgment at least twenty days prior to the hearing.

Rule 1.510(c)(5) plainly states that "the nonmovant must serve a response." In *Lloyd S. Meisels, P.A.*, the Fourth District Court of Appeals held that "[t]here is no wiggle room in the word 'must.'" That word makes the filing of the response mandatory. By not filing a response, a nonmovant allows the trial court to consider the facts set forth in the motion for summary judgment as "undisputed for purposes of the motion." Such an oversight can spell a quick end to litigation.

### *Jones v. Ervolino, Case No. 3D21-2037 (Fla. 3d DCA May 18, 2022)*

**Make Sure the Order has Sufficient Findings.** Under subdivision (a) of amended Rule 1.510, a trial court is obligated to "state on the record the reasons for granting or denying the motion." "Where federal rule 56(a) says that the court should state on the record its reasons for granting or denying a summary judgment motion, new rule 1.510(a) says that the court shall do so." In *Jones*, the Third District Court of Appeals held that, unlike under the old rule, a mere pronouncement from the trial court that it has granted or denied such a motion fails to comply with the new requirement as it does not contain the reasons for granting or denying the motion. Though the Third District recognized that "[b]usy trial judges need not write lengthy opinions,



## *CABA BRIEFS*

### *Royal Palm Properties v. Pink Palm Properties, Case No. 21-10872 (11th Cir. July 7, 2022)*

### *Johansson v. Johansson, Case No. 4D21- 3343 (Fla. 4th DCA September 21, 2022)*

### *Lloyd S. Meisels, P.A. v. Dobrofsky, Case No. 4D21-2397 (Fla. 4th DCA June 8, 2022)*

### *Jones v. Ervolino, Case No. 3D21-2037 (Fla. 3d DCA May 18, 2022)*

[they] must take reasonable steps to ensure the parties and appellate courts are informed as to the reasons for granting or denying the motion on which their rulings rest under our new standard.” It is also worth pointing out that another amendment, this time to Rule 1.530(a), effective August 25, 2022, now also requires that “[t]o preserve for appeal a challenge to the sufficiency of a trial court’s findings in the final judgment, a party must raise that issue in a motion for rehearing.”

*Rich v. Narog,*  
Case No. 3D21-1631 (Fla. 3d DCA Sept. 21, 2022)

**The “Slightest Doubt” Standard is Gone.** Perhaps the most substantive change to Rule 1.510 is its elimination of the “slightest doubt” standard which served as a hallmark of the prior summary judgment rule. In *Rich*, the Third District Court of Appeals firmly did away with any last vestiges of that standard. The Third District held that under the new federal summary judgment standard, where the nonmoving party bears the burden of proof on a dispositive issue at trial, the moving party need only demonstrate “that there is an absence of evidence to support the nonmoving party’s case.” At that point, the nonmovant must do more than simply demonstrate that a slight doubt exists as to that issue -- rather, the nonmovant must present evidence that is more than “merely colorable, or ... not significantly probative,” in order to defeat summary judgment. *Rich* is an example of the new standard in action.



Appellate attorney **Elliot B. Kula** of Kula & Associates, P.A., works collaboratively with great trial lawyers to provide appellate services and trial strategy consultation. Visit the Firm’s website at [www.KulaLegal.com](http://www.KulaLegal.com).



Appellate attorney **W. Aaron Daniel** of Kula & Associates, P.A., works collaboratively with great trial lawyers to provide appellate services and trial strategy consultation. Visit the Firm’s website at [www.KulaLegal.com](http://www.KulaLegal.com).



Appellate attorney **William D. Mueller** of Kula & Associates, P.A., works collaboratively with great trial lawyers to provide appellate services and trial strategy consultation. Visit the Firm’s website at [www.KulaLegal.com](http://www.KulaLegal.com).





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**MARCH 24, 2022  
6:30 PM - 8:30 PM**

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REGISTER

**REGISTER TODAY!**

\*An Exclusive CABA Member/Student Member Event

CABA's Mentoring Program Spring Fling was held on March 24, 2022. First National Bank of South Miami generously sponsored and hosted the event in their offices. The event gave law students and young attorneys an opportunity to mix and mingle with our more seasoned members. All members interested in being a mentee or mentor were encouraged to fill out our online information sheet, and each matched pair received an introductory email in early May.







**CABA** Member Happy Hour  
Cuban American Bar Association

**THURSDAY | APRIL 7, 2022 | 5:30 PM**

**CITY CIGAR LOUNGE**  
MIAMI-FLA 2019

**41 NW 2ND ST, MIAMI, FL 33128**

Sponsored by:

**RICHARD KUPER P.A.**  
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**PLASENCIA CIGARS**

**MEMBERS: FREE | NON-MEMBERS: \$15**

Register at: [CABAonline.com/Event](https://CABAonline.com/Event)

On April 7, 2022, CABA's Membership Committee held its Member Happy Hour Event at the City Cigar Lounge in Downtown Miami. It was CABA's first happy hour event in Downtown Miami since the 2020 COVID-19 pandemic. We thank the Law Offices of Richard Kuper, P.A., and Plasencia Cigars for sponsoring this well-attended and well-received event. We also send a special thank you to Miami-Dade Circuit Court Judge Jose M. Rodriguez for assisting the Membership Committee in planning this event.





# CABA 2022 Presidential Awards Reception

Wednesday, May 11, 2022 | 6:30PM

*Bachour*  
2020 Salzedo St  
Coral Gables, FL 33134

HONORING OUR 2022 AWARD RECIPIENTS



FLORIDA SUPREME COURT  
JUSTICE JOHN COURIEL  
HONORABLE MARIO P.  
GODERICH "PAVER"  
AWARD



DR. ANDY S. GOMEZ  
PRESIDENTIAL  
AWARD



ASSISTANT DEAN  
GEORGINA ANGONES  
AMIGO  
AWARD



WILFREDO A. FERRER, ESQ.  
OSVALDO N. SOTO  
LEGACY AWARD

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Register at [CABAonline.com/Events](http://CABAonline.com/Events)

This year, CABA presented several Presidential Awards recognizing exceptional leaders in our community and profession. At a very well-attended cocktail reception at Bachour, CABA presented Florida Supreme Court Justice John Couriel with the Honorable Mario P. Goderich "Paver" Award, Dr. Andy S. Gomez with the Presidential Award, University of Miami Dean Georgina Angones with the Amigo Award, and Attorney Wilfredo A. Ferrer with the Osvaldo N. Soto Legacy Award.








CABA was thrilled to bring back Night with the Marlins on May 21, 2022 for Cuban Heritage Night. Over 500 members, friends, and family attended to enjoy the game. This was a fun night that contributed \$26,000 to the CABA Pro Bono Legal Services and its mission. The successful event would not have been possible without the months of hard work and dedication by the Marlins Night Planning Committee and the generosity of sponsorship. The “Grand Slam” sponsors included Miami Tropical Wholesaler, Inc., Miami Chips, and Spiritus Law. “CABA Fans” sponsors included Bercow Radell Fernandez Larkin + Tapanes PLLC and Cogent Legal Services, and the “Diamond” sponsors included Gunster, Pozo-Diaz & Pozo, P.A., Akerman, Moises & Gross, Kozyak Tropin & Throckmorton, Northwestern Mutual, and Hunton Andrews Kurth LLP. “In-Kind” sponsors included Interamerican Bank, Shook, Hardy & Bacon, Dr. Carlos Coro Oral Surgery, Coro Orthodontics, Holland & Knight, Cruz Legal Firm, LLP, Augusto Perera P.A., Law Offices Mendez & Mendez, P.A., Bloomfield Ros LLPC, and NaturOil USA. The after party was hosted by Esquire Deposition Solutions, LLC.











 **CABA**  
Cuban American Bar Association




PRESENTS  
**CREATING A MEANINGFUL LIFE**

**WEDNESDAY, MAY 25, 2022 6:30PM**

Leon Cosgrove  
255 Alhambra Circle, 8th Floor Coral Gables, FL 33134

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 **FEATURING:**  
**CAROLINE DE POSADA-RODRIGUEZ**  
Attorney & former CABA Member, wife, mother of three boys, and an entrepreneur, Caroline will share a warm and honest perspective on building a meaningful and healthy life.  
**\*Book Included with Registration\***

**MEMBERS: \$15 | NON-MEMBERS: \$20**  
**ZOOM: REGISTER AT [CABAONLINE.COM/EVENT](https://cabaonline.com/event)**









## Annual Scholarship Awards Reception

July 27, 2022 | 6 PM

*Join us to celebrate the 2022 CABA Foundation Scholarship Awards Recipients*









2525 PONCE DE LEON BLD., COURTYARD  
CORAL GABLES, FL 33134

Register at: [CABAonline.com/Event](https://CABAonline.com/Event)











**CABA**  
Cuban American Bar Association

**Broward County Bar Association**

**Palm Beach County Bar Association**

*Present*

**SOUTH FLORIDA VBA**

***brightline***  
**Happy Hour**

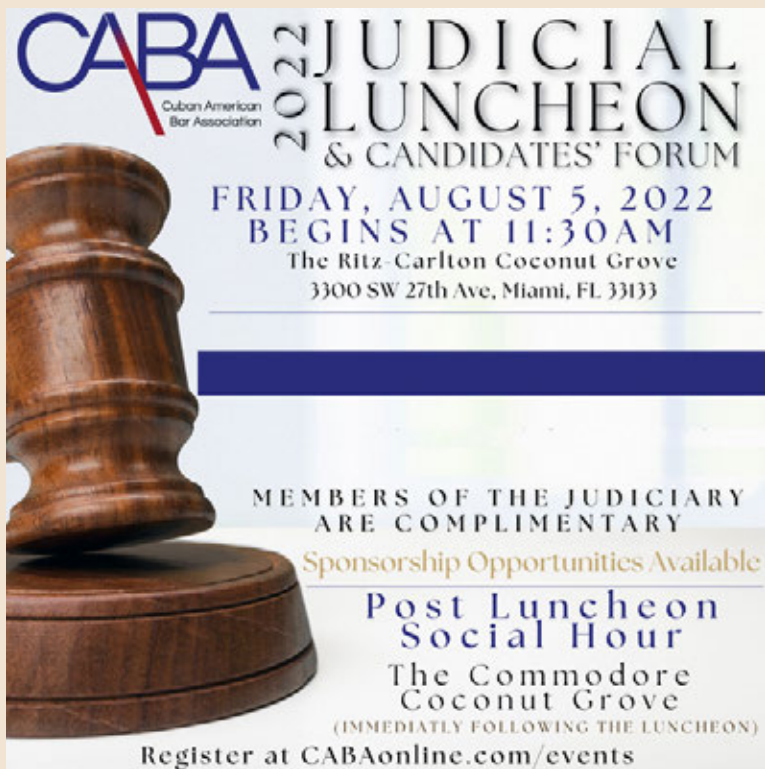
**August 4, 2022**  
**MIAMI CENTRAL STATION**  
**600 NW 1ST AVE,**  
**MIAMI, FL 33136**

*Join us for an evening cocktail and light snacks at the Miami Central Station with your fellow South Florida VBA members.*

The tri-county event returned this year with lots of excitement in a joint effort with our friends at the Broward County Bar Association and Palm Beach County Bar Association. Colleagues from Broward and Palm Beach took the Brightline train to the Miami station where our members welcomed them to connect and exchange ideas.







**CABA** 2022 JUDICIAL LUNCHEON & CANDIDATES' FORUM  
Cuban American Bar Association

FRIDAY, AUGUST 5, 2022  
 BEGINS AT 11:30AM  
 The Ritz-Carlton Coconut Grove  
 3300 SW 27th Ave, Miami, FL 33133

MEMBERS OF THE JUDICIARY ARE COMPLIMENTARY

Sponsorship Opportunities Available

Post Luncheon Social Hour  
 The Commodore Coconut Grove  
 (IMMEDIATELY FOLLOWING THE LUNCHEON)

Register at [CABAonline.com/events](http://CABAonline.com/events)



On August 5, 2022, CABA held its annual Judicial Luncheon at the Ritz Carlton in Coconut Grove. At the sold-out event, our members and attendees heard directly from the candidates vying for seven circuit and county courts seats. CABA President, Miriam Soler Ramos kicked off the event, and CABA Past President and Miami-Dade County State Attorney Katherine Fernandez Rundle gave a welcoming opening. Each of the attending candidates answered questions posed by moderators CABA President Elect-Designate, Javier Ley-Soto and CABA Board of Director, Diana Arteaga. Candidates thereafter had the opportunity to make final “closing arguments.” Our members, which included judges from Miami-Dade, Broward, and Hillsborough counties as well as the Federal bench, together with members of the state and municipal elected officials, took time after the luncheon to network at the Commodore at the Ritz.

This year’s luncheon was possible through the support of our sponsors:

*Justice Sponsor:* Kozyak Tropin & Throckmorton

*Supreme Sponsor:* Mark Migdal & Hayden; León Cosgrove; and Weiss Serota Helfman Cole & Bierman

*Appellate Sponsor:* Day Pitney; Lagos & Priovolos; and Pena Garcia & Diz

*Networking Sponsor:* Stewart Tilghman Fox Bianchi & Cain







# CABA

Cuban American  
Bar Association

# Getaway

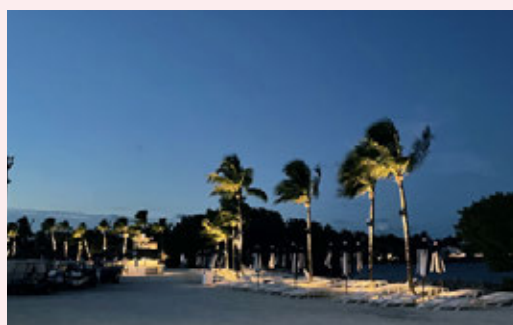
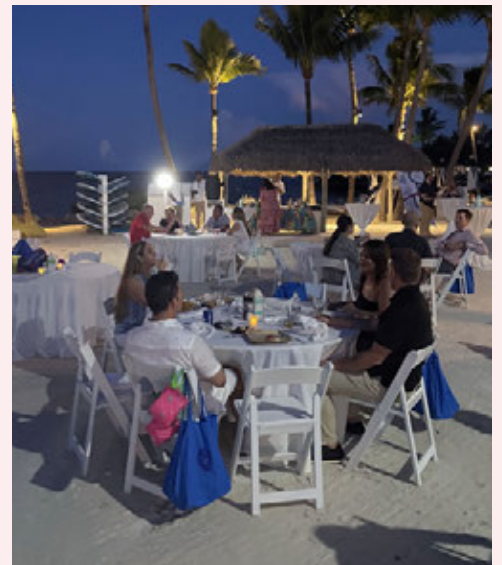


This year's CABA Getaway brought together many participants who enjoyed compelling CLE panel discussions, networking events, and fun activities for members and families alike.

## *Welcome Reception*









## Continuing Legal Education

**CABA**  
Cuban American Bar Association

PRESENTS

### REAL ESTATE FRAUD AND RECENT FRAUD TRENDS

Tales from an In-House Counsel, a Litigator, and a Banker



**Daniel Osborne**  
Vice President/  
Underwriting Counsel  
FNF Florida Agency  
Panelist



**Jennifer Olmedo-Rodriguez**  
Managing Shareholder  
Buchanan Ingersoll Rooney  
Panelist



**Idalberto De Armas**  
Senior Vice President  
Private Banking  
First Horizon  
Panelist



**Augusto Perera, Esq.**  
Augusto Perera P.A.  
CABA Director  
Moderator

**SATURDAY | SEPTEMBER 3, 2022 | 11 AM**  
CABA GETAWAY | OCEAN REEF CLUB | SAILFISH ROOM

CLE CREDIT APPLIED FOR

Special Thank You to our Sponsor


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**CABA**  
Cuban American Bar Association


PRESENTS

### UNDERSTANDING & ADDRESSING OCCUPATIONAL FRAUD


The Erosion of Public Trust



**Adam Lang**  
CPA/CFF, CFE, CVA  
JS HELD  
Panelist



**Bill Marquardt**  
CPA, MBA, Ed.D  
JS HELD  
Panelist



**Nory Acosta-Lopez**  
Nory Acosta-Lopez, P.A.  
CABA Director  
Moderator

**SATURDAY | SEPTEMBER 3, 2022 | 9 AM**  
CABA GETAWAY | OCEAN REEF CLUB | SAILFISH ROOM

CLE CREDIT APPLIED FOR

Special Thank You to our Sponsors

**JS HELD**  
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CABA made taking time away from the pool well worth it by presenting two stellar CLEs at this year's annual Getaway Retreat at Ocean Reef. CABA Sponsor, J.S. Held, educated attendees as to various forms of fraud and the impact fraud can have on different organizations.. Attendees were then treated to insightful (and often amusing) real-world scenarios of real estate fraud presented by an in-house counsel, a litigator, and a banker.

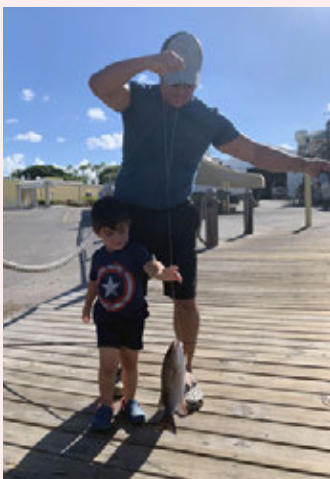








## Kids Fishing Tournament





## *Farewell Reception*







CABA hosted its 18th annual AIT: Uncorked on Saturday, September 24, 2022 at The Wynwood Marketplace. The event was attended by over 150 guests and featured flavorful bites from Miami's great restaurants, an open bar sponsored by Bacardi, cigars, and a wine raffle. Proceeds from the grand tasting support CABA's sister organization, CABA Pro Bono Legal Services (CABA Pro Bono) and its mission to change the lives of children, individuals and families in need through legal services to those who cannot afford it—regardless of race, creed, color, gender, sexual orientation or national origin.

This year's lineup of restaurants and local tastemakers included Bachour, Beat Culture, Mamey Miami, Bayshore Club, Azucar, Ernie's Acai, Rincon Argentino, Caldwell Cigars, La Traila, Ruths Chris, Sarahlu Confections, and Pizco y Nazca. Generous sponsorships from Holland & Knight, Akerman, Weiss Serota Helfman Cole & Bierman, Mercedes-Benz of Cutler Bay, and Esquire Deposition Solutions among others helped to raise over \$48,000 to underwrite a large portion of the costs of the event and further critical programs led by CABA Pro Bono's staff attorneys, including human trafficking and domestic violence victim representation, legal advocacy for at-risk veterans, and legal support for abandoned and neglected youth in our community.

























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Our firm has a decades-long tradition of advocating for the Cuban American community in Florida, and we applaud CABA for its mission to foster diversity and equality in the legal profession.

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**Join us in recognizing Judge Carlos Gamez**  
 Thursday, September 15, 2022 5:30-7:30 pm  
 Holland & Knight  
 701 Brickell Avenue, Suite 3300  
 Miami, FL 33131

**Third Annual THE FLORIDA JURIST: RECOGNIZING HISPANIC EXCELLENCE**  
 Thursday, September 15, 2022 | 5:30 p.m. - 7:30 p.m. | Zoom

Attending In-Person  
 Register at:  
[CABAonline.com/events](https://CABAonline.com/events)

Attending Via Zoom  
 Register at:  
<https://bit.ly/FloridaJurist2022>

**THE FLORIDA JURIST: RECOGNIZING HISPANIC EXCELLENCE**

**THE HONORABLE JUDGE MARGARET**  
 9th Judicial Circuit of Florida

**THE HONORABLE JUDGE J. TORRES**  
 10th Judicial Circuit of Florida

**THE HONORABLE JUDGE GARCIA**  
 11th Judicial Circuit of Florida

**THE HONORABLE JUDGE TOLSON**  
 12th Judicial Circuit of Florida

**THE HONORABLE JUDGE H. VANCE**  
 13th Judicial Circuit of Florida

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**CABA**

CABA had the honor to once again partner with voluntary bar associations throughout the state to recognize Hispanic jurists in celebration of Hispanic Heritage Month. This year, we recognized Judge Carlos Gamez for his exemplary service and learned a little about his Cuban roots and his path to the bench.















Hosted by IberiaBank, the Annual Past Presidents Dinner was held at Caffe Abbracci Restaurant in Coral Gables on October 26, 2022. President-Elect, Giselle Gutierrez welcomed the Past Presidents and CABA's Board of Directors at the annual, end-of-the-year event.











**CABA** Cuban American Bar Association

**TAMPA HISPANIC BAR ASSOCIATION**

## TAMPA MEMBERSHIP HAPPY HOUR

Join us for a night out, as we honor Judge Michael C. Bagge-Hernandez for his contributions to the 13th Circuit, the THBA, and CABA.

Thursday, October 20, 2022  
6:00 p.m. - 8:00 p.m.  
Ulele Restaraunt  
1810 N Highland Ave, Tampa, FL 33602

Members & Non-Members: Free  
Register at [CABAonline.com/events](http://CABAonline.com/events)

Hurricane Ian Relief Funds:

Sponsored By: **SYPRETT MESHAD** ATTORNEYS AT LAW

**AMERICAN Red Cross** **FLORIDA JUSTICE ASSOCIATION** **SM GQ**

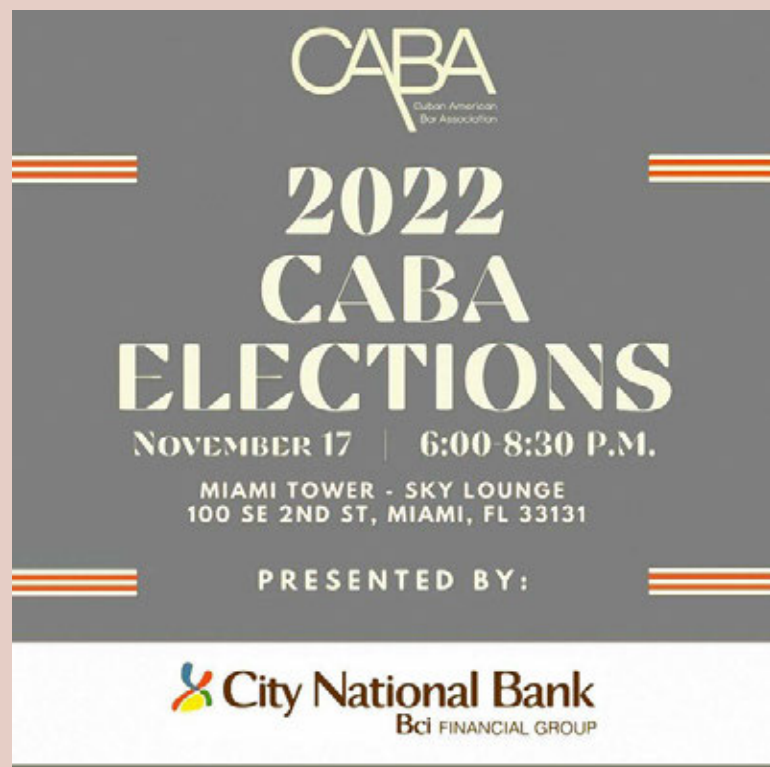
On October 20, 2022, CABA and the Tampa Hispanic Bar Association (THBA) hosted the Tampa Happy Hour Event at Ulele (owned by 4th Generation Cuban Americans) in Tampa's Riverwalk. It was CABA's first-ever Tampa event. CABA and THBA honored Judge Michael C. Bagge-Hernandez for his contributions to the Thirteenth Judicial Circuit, CABA, and THBA. President-Elect Giselle Gutierrez, Board Member Daniel Buigas, and CABA Past-President Roland Sanchez-Medina, Jr. attended on behalf of CABA. The event was well received and well attended by Tampa's legal community. Among the many attendees were Thirteenth Judicial Circuit Chief Judge Ronald Ficarrota, Florida Bar President-Elect Scott Westheimer, and Virgil Hawkins Florida Chapter President Valeria Obi. We would like to thank THBA President Natalia Reyna-Pimiento and THBA President-Elect Amy Ruiz for helping us plan the event. We would also like to thank Syprett Meshad, P.A., Roland Sanchez-Medina, Jr., Amy Ruiz Law, P.A., and Hamilton Miller & Birthisel for sponsoring the event.











The 2022 CABA Elections were hosted by CABA and City National Bank in their Downtown, Miami office in the Miami Tower. Together with State Attorney Katherine Fernandez Rundle's Office, CABA hosted a successful toy drive, benefiting crime victims and their families. The following candidates were elected to the Board of Directors: **President-Elect**, Javier A. Ley-Soto; **Board of Directors**, Amanda Demanda, Augusto Perera, Candice Balmori, Gustavo J. Ceballos, Haydee S. Sera, Jordi C. Martinez-Cid, and Patrick S. Montoya.

























# *Congratulations*



The Board of Directors of the Cuban American Bar Association congratulates our Past President Mr. Roland Sanchez-Medina Jr. on becoming the President-Elect Designate of the Florida Bar.



# ORGULLO

DE MI TIERRA BELLA

## 49<sup>TH</sup> CABA GALA

Saturday, February 4, 2023

JW Marriott Marquis Miami

255 Biscayne Blvd Way

7:00 PM – 2:00 AM

Black Tie Avant Garde





# ORGULLO

DE MI TIERRA BELLA

## 49<sup>TH</sup> CABA GALA

**Saturday, February 4, 2023**

**JW MARRIOTT MARQUIS MIAMI**

**255 BISCAYNE BLVD WAY, MIAMI, FL 33131**

**7:00 PM – 2:00 AM**

**Black Tie Avant Garde**



*Gala Details*



