

CABA

SUMMER 2026

BRIEFS

Willy Chirino &
Ambassador Michael Hammer
2026 CABA GALA



¡Que se Vayan!



2026 CABA GALA PHOTOS



Q&A WITH JASON REDING QUIÑONES, U.S. ATTORNEY
FOR THE SOUTHERN DISTRICT OF FLORIDA



CUBA: ¿HACIA DÓNDE VAMOS? BY NESTOR CARBONELL CORTINA

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PRESIDENT'S MESSAGE


Welcome to another edition of **CABA Briefs**. ¡Que se vayan! Thank you all for making the gala a success. In this edition you will find many pictures of a historic night, including the cover. I believe that picture captures the moment in which we are currently living: one of hope for a free and democratic Cuba. Hopefully the next edition can be titled, ¡Se fueron!

 Across Cuba, conditions continue to deteriorate at an alarming pace. With the loss of Venezuelan support and with the regime and GAESA more preoccupied with maintaining control of power and the assets they have pilfered from the island, the people have experienced a deepening economic and humanitarian crisis. Life on the island is marked by prolonged blackouts, severe shortages of food and medicine, and the erosion of basic public services. There are sustained protests across the island as Cubans become bolder in voicing their frustration with a hateful regime.

 **CABA** continues to speak clearly and forcefully on issues of human rights in Cuba. As members of a profession dedicated to the defense of rights and due process, we have both the ability and the obligation to elevate awareness, to support accountability, and to ensure that these issues remain part of the public discourse. As we do what we can to bring that about in Cuba, it is imperative that we preserve those things at home, as we have through our pro bono arm and events such as our judicial luncheon which is also featured in this edition of **CABA Briefs**.

 Not only do we continue to bring attention to human rights violations in Cuba, but we are also focused on Cuba's future. The question is not simply how to respond to present conditions, but how to prepare for what comes next. To that end, **CABA** has focused on strengthening its engagement with the exile and dissident community. Now is the time for collaboration towards our shared goal of a free Cuba. **CABA** has already taken important steps in this regard, including discussions surrounding legal frameworks for democratic transition.

 **CABA** has always been defined by its ability to rise to the moment. From confronting discrimination in our own local courts decades ago to becoming a leading voice in the legal community, our history reflects both resilience and purpose.

 We are currently presented with an unprecedented moment. The regime is at its weakest since at least the special period. Our government has demonstrated that it is willing to take a hardline with enemies of the United States, and sitting right next to the President is one of our native sons, Secretary of State and Acting National Security Advisor, Marco Rubio. Secretary Rubio knows that our community will only celebrate real change, change that would comply with the Helms Burton Act. We must do all that we can in this moment to ensure that real change happens.



“
Our shared mission is clear: uphold justice, defend human rights, and work toward a free and democratic Cuba.”

JORDI C. MARTÍNEZ-CID
President, CABA

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SUMMER 2026

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. Reproduction in part of any text, photograph, or illustration without written permission of the publisher is strictly prohibited. To submit an article for consideration or purchase an ad, please contact us at briefs@cabaonline.com

EDITOR-IN-CHIEF'S MESSAGE

Dear CABA Members:

I am honored to share with you the latest edition of *Briefs*—an expression of the Cuban American Bar Association's enduring commitment to excellence, engagement, and thought leadership across our legal community. Time and time again, *Briefs* proudly features timely articles on pressing legal issues, hot topics in the courts, and emerging trends in our profession.

We write at a moment of profound significance for our community. On May 20, 2026—an anniversary marking the 1902 birth of the Cuban Republic—Cuban exiles, officials, and victims' families gathered at Miami's Freedom Tower to honor the four Brothers to the Rescue members killed in the 1996 shutdown, as the United States unsealed a superseding indictment charging Raúl Castro and five co-defendants with conspiracy, destruction of aircraft, and murder. For the Cuban American community, the timing of these charges nearly thirty years later carries profound symbolic weight, linking the founding of the Republic to a long-awaited pursuit of justice and renewed hope for a free Cuba. These are unprecedented times, and CABA remains a thought leader actively involved in the ongoing discussions surrounding the legal frameworks for a democratic transition—a role our members have embraced through programming such as our **Transitioning Cuba to Democracy** program.

In addition to a range of timely and thought-provoking articles, this edition also features photo highlights and recaps of the milestone events that have defined our year thus far. Chief

among them was our **2026 Gala**, a historic night that included the swearing in of our new President, Jordi Martinez-Cid, and Board of Directors, a memorable performance by Willy Chirino, and the presentation of CABA's inaugural Humanitarian Award to Michael A. Hammer, Chief of Mission of the U.S. Embassy in Havana, Cuba. This issue also celebrates **The Power Circle – Women in Leadership** luncheon, our **2026 Judicial Luncheon**, and coverage of the many educational programs and continuing legal education (CLE) events held over the past several months. These events, along with a wide array of networking opportunities, reflect our commitment to fostering community, promoting legal excellence, and providing meaningful engagement for our members throughout the year.

This publication would not be possible without the tireless efforts and support of our Board of Directors and the exceptional leadership of our President. Their vision continues to guide CABA in creating platforms that uplift and inform our members while championing the values that have always defined this organization: service, justice, and advocacy. I am especially grateful to the members of the CABA Briefs Committee and our tireless Director of Operations for their dedication, critical eye, and commitment to excellence throughout the entire process of assembling this edition. I also want to thank our contributors, whose thought-provoking work fills these pages.

We hope the articles included here not only inform but also inspire meaningful dialogue and action. To the members of CABA, thank you for continuing to engage with our work and support



And as we reflect on all that binds us together—our heritage, our profession, and our shared devotion to justice—we hold fast to one enduring hope: that we will soon witness the dawn of a free and democratic Cuba.

this publication. Whether you are a seasoned attorney or a newly admitted member of the bar, we hope this issue offers something of value—a fresh perspective, a practical takeaway, or simply the reassurance that you belong to a vibrant and growing community of Cuban American legal professionals committed to making a difference.

And as we reflect on all that binds us together—our heritage, our profession, and our shared devotion to justice—we hold fast to one enduring hope: that we will soon witness the dawn of a free and democratic Cuba. May the day come, and come swiftly, when the island of our roots stands liberated at last, when fear gives way to freedom and silence to song, and when every Cuban—on the island and in exile—can finally live beneath the bright and unbroken light of liberty. ¡Ya viene llegando!

With appreciation,

Amanda M. Naldjief Abreu
Editor-in-Chief

BUCHANAN: TRUSTED COUNSEL. INNOVATIVE SOLUTIONS.



Jennifer Olmedo-Rodriguez is the Managing Shareholder of Buchanan, Ingersoll & Rooney's Miami office and serves on the firm's Board of Directors. She focuses her practice on complex commercial litigation, class action defense litigation and civil appellate litigation while utilizing the firm's full-service national platform to counsel her clients.

From transformative legal solutions to game-changing government relations advocacy, Buchanan, Ingersoll & Rooney, PC has one sole focus: moving our clients and their businesses forward. Our national full-service platform of more than 470 lawyers and government relations professionals delivers the experience, knowledge and solutions to mitigate risk and maximize opportunity. Buchanan delivers – today, tomorrow and beyond.

Miami is the economic driver and cultural center of South Florida. Seemingly every media outlet reports daily on the influx of business, capital, technology (and the corresponding opportunities) pouring into Miami-Dade, Broward and Palm Beach. The attorneys in Buchanan's South Florida offices are well-positioned to serve the region's vital industries – finance, healthcare, real estate, and hospitality – while leaning into our deep national bench of professionals to guide the growing technology, biotech and life sciences industries to strengthen their presence in the region.

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At Buchanan, relationships are at the core of our business. Our connections support our clients' long-term success and the success of South Florida's business community.

We are dedicated to the communities we work in and proud of what we've built in the Miami office. Our office truly reflects the city's exciting and vibrant culture. We are dynamic, entrepreneurial, and high-energy. We are focused on delivering greater value to our clients and continuing to grow and strengthen our presence in Florida – specifically showcasing our strength in litigation, finance, corporate, immigration, life sciences and real estate law.

Our attorneys and government relations professionals have real-world experience in nearly every industry and sector, from serving as in-house counsel at Fortune 500 companies to prominent elected officials and leaders within national governing agencies. Through our deep relationships with regulators, lawmakers, decision-makers and trendsetters, we bring clients coveted connections and tangible, actionable insights. We help you to anticipate what's coming, what to do about it now and how to pivot for the future.

At Buchanan, we are excited about the future of South Florida – we are just getting started and so are our clients!

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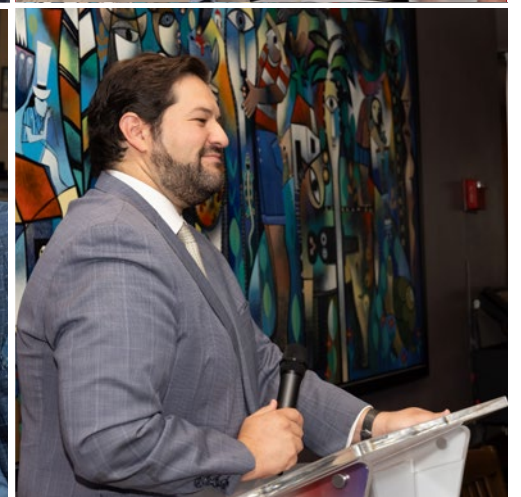
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**TRANSITIONING
CUBA TO
DEMOCRACY**



Q&A WITH JASON REDING QUIÑONES, U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA

I. CABA INVOLVEMENT

1. You are the son of a Cuban political refugee and now serve as the United States Attorney for the Southern District of Florida. Looking back, how did the Cuban-American community—and organizations like CABA—shape your professional journey?

The Cuban-American community shaped who I am long before I became a lawyer. My mother came to this country as a Cuban refugee. Like many families in South Florida, ours believed deeply in faith, family, education, and service to country.

CABA was an extension of that community. CABA provides an environment where young lawyers can grow. It connects law students, young lawyers, and mentors. It creates opportunities to serve our community, develop professionally, and build lifelong friendships with colleagues who share a commitment to public service.

2. What has CABA meant to you throughout your career, both personally and professionally?

CABA has connected generations of lawyers who care deeply about the law, public service, and the Cuban-American experience. Personally, it has provided friendships and mentorship. Professionally, it has created opportunities to learn from lawyers and judges whose careers I admire.

3. Miami's legal community is uniquely intertwined with the Cuban exile experience. How has that history influenced your approach to public service and leadership?

Growing up in Miami, you hear stories from your parents and family members of Cuba's repression, sacrifice, and starting over with nothing. Those experiences leave an impression. The lesson I took from that history is that institutions matter. The rule of law matters. An independent judiciary matters. Equal justice under law matters. Those principles are easy to take for granted until you hear from people who lost them.

4. Were there any mentors within the CABA community who particularly shaped your path?

I have been fortunate to have many mentors throughout my career. Rather than naming only a few and unintentionally leaving others out, I would say that CABA has always been a community where experienced lawyers have dedicated time to the next generation. I benefited from that generosity, and I try to pay it forward at all times.

5. As a Cuban-American serving in one of the most prominent federal law enforcement positions in the country, do you feel a sense of responsibility to mentor and inspire younger lawyers with a similar background?

Absolutely. I feel an obligation to hire and train the next generation of lawyers in public service. I hope young lawyers see that public service, particularly as a prosecutor, is one of the most rewarding careers a lawyer can pursue.

6. What advice would you give to young Cuban-American attorneys or first-generation lawyers aspiring to careers in federal service?

Focus on competence. Become an excellent lawyer. Learn how to write. Learn how to try cases. For every case you're assigned, become a master of the facts and the law of the case. Seek difficult assignments. Find mentors. Be humble enough to learn and confident enough to take opportunities when they arise. Most importantly, remember that public service is a privilege. Approach it with gratitude and a sense of mission.

II. LEADERSHIP AS U.S. ATTORNEY

9. The Southern District of Florida handles some of the nation's most complex and high-profile cases. What makes this office unique? There is no office quite like the Southern District of Florida.

Whatever the kind of federal work that interests you, we have it here. Today, we lead the nation in white collar prosecutions, narcotics prosecutions, and the pursuit of historic accountability cases. That is because we sit at the crossroads of international commerce, immigration, national security, cybercrime, narcotics trafficking, public corruption, and complex financial fraud. The cases developed in this Office are challenging, consequential, and often international in scope. At the same time, we have extraordinary prosecutors, professional staff, and law enforcement partners. That combination makes this one of the premier United States Attorney's Offices in the country.

10. Since becoming United States Attorney, what have been your top priorities for the office?

My priorities have been simple: Protect Americans. Restore Impartial Justice. Defend the Rule of Law. Operationally, that means focusing on violent crime, border and immigration enforcement, national security threats, transnational criminal organizations, fraud schemes targeting the public, and protecting vulnerable victims. Just as important, it means ensuring that justice is administered fairly, professionally, and impartially.

11. How would you describe your leadership philosophy as U.S. Attorney?

I learned this during my time as an Army infantry officer: Mission first. People always. I expect high standards because the work we do matters. But I also believe leaders exist to develop people, remove obstacles, and create a culture where excellence can thrive. Good leaders have to genuinely care about people and want them to succeed. The best organizations combine accountability with trust.

12. What challenges do you believe will define the future of federal law enforcement in South Florida over the next several years?

The threats are becoming more global, more technological, and more interconnected. Cybercrime, cryptocurrency-enabled criminal activity, foreign intelligence threats, transnational criminal organizations, and sophisticated fraud schemes will continue to challenge law enforcement. This is why confronting state-sponsored criminal activity remains so important. When hostile governments enable criminal enterprises, they can amplify threats far beyond what traditional criminal organizations can achieve alone. We must be equally innovative while remaining grounded in the Constitution and the rule of law.

13. Looking ahead, what vision do you have for the future of the United States Attorney's Office for the Southern District of Florida?

I want the Southern District of Florida to be the nation's most effective United States Attorney's Office.



“My priorities have been simple: Protect Americans. Restore Impartial Justice. Defend the Rule of Law”.

JASON REDING QUIÑONES
United States Attorney for the Southern District Florida

III. THE INDICTMENT

18. The announcement of the indictment of Raúl Castro was a historic moment for Miami's Cuban exile community. What did that moment mean to you personally and professionally?

This case is the culmination of incredible work by our Miami FBI, our SDFL prosecutors, and the families who never stopped seeking answers. Personally, it was a reminder that four Americans were killed and that their families have carried that loss for nearly thirty years. One of the most important messages from this indictment is that we do not forget our citizens and we do not stop pursuing accountability simply because time has passed.

19. For nearly thirty years, many in the Cuban exile community viewed the Brothers to the Rescue shutdown as not only a tragedy, but as an unresolved historical injustice. In your view, what changed institutionally or legally that finally made this indictment possible now?

The charges speak for themselves, and I cannot discuss nonpublic investigative matters. What I can say is that difficult investigations require persistence. Sometimes they take years. Sometimes they take decades. Justice requires people who are willing to continue pursuing the truth no matter how much time has passed.

20. Brothers to the Rescue occupied a unique place in Miami history—it was humanitarian, political, and deeply tied to the exile experience. How important was it for the Department of Justice to recognize the human story behind the case, rather than treating it as simply another historical prosecution?

Every homicide case involves human beings, not simply the legal facts of the case.

21. For many Cuban-Americans, the Brothers to the Rescue shutdown became part of a collective memory within the exile community. Did you approach this case strictly as a prosecutor, or were you also conscious of its emotional and historical significance to the community you come from?

That means producing exceptional legal work, developing future leaders, building strong partnerships, and earning the trust of the communities we serve. Success is measured by outcomes, integrity, and public confidence.

14. What has been the most rewarding aspect of serving as U.S. Attorney?

The people. Every day I have the opportunity to work alongside prosecutors, agents, analysts, support staff, and law enforcement officers who have dedicated their careers to serving others. Leading an organization filled with people like that is both humbling and rewarding.

My responsibility was to approach the matter as a prosecutor.

22. The indictment has obvious legal implications, but it also carries enormous emotional significance in Miami. How do you balance the prosecutor's obligation to remain apolitical with the reality that certain cases become historically defining moments for entire communities?

The answer is straightforward: we focus on the facts, the evidence, and the law.

23. What would you say directly to the families of the men who lost their lives in the Brothers to the Rescue shutdown?

I would tell them that their loved ones have not been forgotten. They matter, and what happened to them matters. For nearly thirty years, they have lived with a loss that can never truly be repaired. No indictment can bring back Carlos Costa, Armando Alejandro Jr., Mario de la Peña, or Pablo Morales. But the United States has a responsibility to pursue justice for its citizens. That responsibility does not expire with time.

24. When future generations of Cuban-Americans look back at this moment, what do you hope they understand—not just about the indictment itself, but about the role institutions and the rule of law can play in preserving historical truth and pursuing accountability?

I hope they understand that the rule of law requires persistence.

There is a tendency to think that if justice is delayed long enough, it disappears. That is not the case. We must always have the will to relentlessly pursue justice.

This case demonstrates that institutions can continue pursuing accountability even decades after a crime occurred. It demonstrates that the lives of victims matter, that facts matter, and that the passage of time does not erase the obligation to seek justice. Most of all, I hope future generations remember

the four Americans who were killed and understand that their country never stopped seeking accountability for their deaths.

25. One of the questions many people are asking is: why now? Nearly thirty years have passed since the Brothers to the Rescue shutdown. What would you say to those who wonder why this moment for accountability arrived decades later?

What I would say is that prosecutors have an obligation to bring charges when the facts and the law support doing so. The timing of any prosecution depends on many factors, including the evidence available to investigators and prosecutors. Our focus is not on the calendar. Our focus is on whether the facts and the law support moving forward.

26. For many Cuban-Americans, this indictment feels larger than a criminal case—it feels historical. Do you believe this moment has the potential to reshape how future generations understand the Cuban regime and its actions?

My role is to ensure that allegations of criminal conduct are presented through lawful judicial processes where facts can be tested and evaluated.

27. The Cuban people have lived through decades of political repression, economic hardship, and unfulfilled hopes for change. Do you believe this indictment could have broader implications for the political landscape in Cuba?

That is ultimately a question for the Cuban people themselves.

28. Do you believe this indictment represents closure for the Cuban exile community, or do you see it more as one step in a longer historical process toward accountability and democratic change?

What I can say is that this indictment represents an important step forward.

29. Many Cubans on the island today are part of a younger generation that did not directly experience the early years of the Revolution, but they continue to live with its consequences. How do you think younger Cubans may interpret this indictment?

That is a question best answered by younger Cubans themselves.

I hope people of all generations understand that the rule of law is the foundation of a free society.

30. The July 11, 2021 protests demonstrated that there remains a deep desire for change among many Cubans on the island. Do you believe moments of international accountability like this can influence or embolden movements for civic expression and political reform?

As a prosecutor, I try not to speculate about political movements or outcomes. What I can say is that accountability and the rule of law are foundational principles in democratic societies.

31. If one day Cuba becomes a fully democratic society governed by the rule of law, what role do you think moments like this indictment will play in that historical journey?

Regardless of country or circumstance, accountability, transparency, and respect for the rule of law help strengthen public confidence in institutions. Those principles endure far beyond any individual case.

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**20 DE MAYO
INDICTMENT
OF RAUL CASTRO**



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MAY 20: FROM THE BIRTH OF THE CUBAN REPUBLIC TO THE PURSUIT OF JUSTICE

BY CHAVELI CLAVER GUZMAN

May 20th has long stood as one of the most symbolic and emotional dates in Cuban history. For many Cubans, particularly those in exile, it represents far more than a historical anniversary. It marks the birth of the Cuban Republic in 1902, when Cuba formally gained independence and raised its flag as a sovereign nation after centuries of colonial rule and years of military occupation. On that date, Tomás Estrada Palma was inaugurated as the Republic's first president, and Cuba entered a new chapter defined by self-governance, constitutional democracy, and national identity.

For generations of Cuban Americans, especially in Miami, "El 20 de Mayo" has come to embody the ideals of liberty, democracy, patriotism, and the hope of a free Cuba. Although the Castro dictatorship stopped officially celebrating the date after 1959, many in the exile community continued commemorating it as a reminder of the Cuba they lost and the democratic values they hope one day to restore.

This year, however, the date carried an even deeper significance. On May 20, 2026, members of the Cuban exile community, elected officials, federal authorities, and the families of the victims gathered at the Freedom Tower for a reception honoring the four men murdered in the 1996 shutdown of the Brothers to the Rescue aircraft. The

ceremony took place at one of the most important symbols of the Cuban exile experience in the United States, the Freedom Tower, which served as a processing center for thousands of Cubans fleeing communist repression during the 1960s and remains a monument to freedom and exile in Miami.

During the event, the United States announced the unsealing of a superseding indictment charging Raúl Castro and five co-defendants for their alleged roles in the February

24, 1996 shutdown that killed Carlos Costa, Armando Alejandro Jr., Mario de la Peña, and Pablo Morales. The charges include conspiracy to kill U.S. nationals, destruction of aircraft, and four counts of murder.

The four men were aboard unarmed civilian aircraft operated by Brothers to the Rescue, a Miami-based humanitarian organization founded to locate and rescue Cuban rafters attempting to flee the island through the Florida Straits. On February 24, 1996, Cuban military jets operating under the orders of the Castro regime shot down two civilian aircraft over international waters in an act widely condemned by the international community. International investigators later determined that the planes were outside Cuban airspace when they were destroyed. The incident shocked the Cuban exile community and significantly escalated tensions between the United States and Cuba. It also contributed to the passage of the Helms-Burton Act later that year.

For decades, many in the Cuban exile community viewed the attack not only as the murder of four innocent men, but



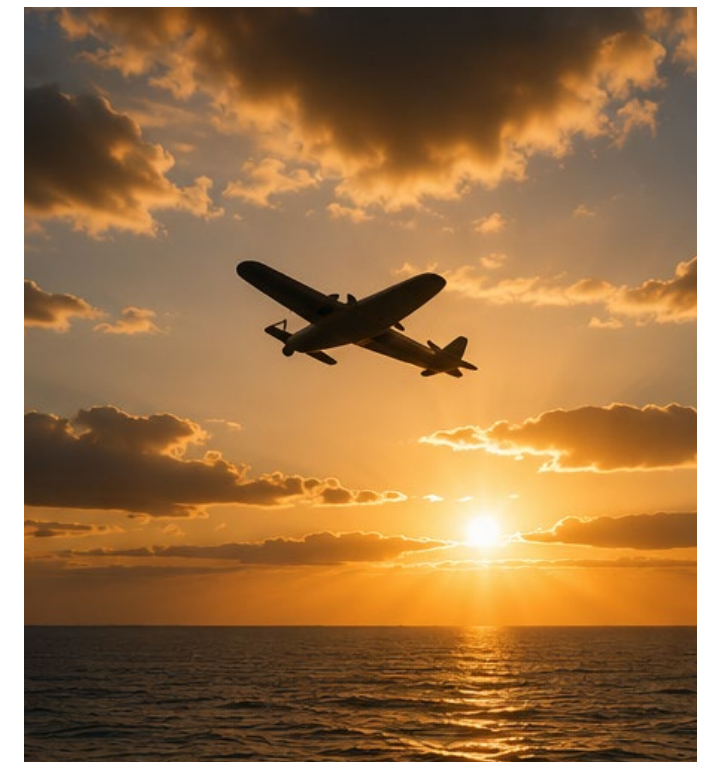
also as a symbol of the Castro regime's willingness to silence dissent and intimidate those advocating for freedom. The fact that criminal charges were finally announced nearly thirty years later, and specifically on May 20th, carried extraordinary symbolic weight.

To many Cuban Americans, the timing of the indictment means more than a legal development. It reflects recognition, historical memory, and long-awaited accountability. It connects two defining moments in Cuban history: the birth of the Cuban Republic in 1902 and the pursuit of justice for victims of crimes committed under the Castro dictatorship.

The significance of the indictment extends far beyond the courtroom. Nearly three decades after the murders of the Brothers to the Rescue pilots, the indictment serves as both an act of justice and a message of hope to Cubans both in exile and on the island. It is a sign that change is coming and freedom for Cuba is closer than ever after decades of repression, fear, and political violence. Cubans across generations feel that "ya viene llegando," meaning the day Cuba once again lives in liberty and democracy is finally within reach. The chains were left behind once. They will be left behind again.

“Cubans across generations feel that “ya viene llegando,” meaning the day Cuba once again lives in liberty and democracy is finally within reach.

THE CHAINS WERE LEFT
BEHIND ONCE.
THEY WILL BE LEFT
BEHIND AGAIN.





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CUBA: ¿HACIA DÓNDE VAMOS?

BY NESTOR CARBONELL CORTINA

Cuba está al borde del colapso. Los apagones, la miseria y el sufrimiento forman parte de la vida cotidiana. Sin embargo, acontecimientos recientes ofrecen esperanzas de libertad para la isla cautiva, pero insumisa.

El presidente Trump impulsó el proceso de liberación en diciembre de 2025 al invocar la Doctrina Monroe, reafirmando esencialmente la preeminencia de Estados Unidos en el Hemisferio Occidental. Luego, en enero, declaró un estado de emergencia nacional para imponer, mediante aranceles punitivos, un bloqueo petrolero contra Cuba por su "alianza con potencias hostiles y actores malignos" y por "albergar fuerzas militares y de inteligencia en la isla".

Asimismo, confió a su altamente calificado y respetado secretario de Estado, Marco Rubio, la misión de desarrollar e implementar un plan integral para la liberación de Cuba.

Los comentarios recientes de Trump sobre Cuba nos indican cómo está viendo la situación. Dijo él que Cuba es un Estado fallido, a punto de caer. Señaló que se están llevando a cabo negociaciones con funcionarios cubanos de alto nivel - principalmente familiares o representantes de Raúl Castro - y añadió que ellos parecen estar dispuestos a llegar a un acuerdo que permita a Estados Unidos ejercer gran influencia sobre la transición en Cuba. El tiempo dirá si los hechos concuerdan con esas palabras. Y, en lo que parecen ser concesiones preliminares, el régimen anunció la liberación de 2,010 prisioneros cubanos (no está claro si incluyen a los 1,200 presos políticos) y aprobó reformas económicas que permiten a los exiliados cubanos invertir y poseer negocios en la isla.

Si bien Cuba, bajo el régimen comunista de los Castro, ha sido un fracaso en casi todo sentido, hay que reconocer que ha logrado subyugar a la nación durante más de 67 años, y embaucar a muchos presidentes de Estados Unidos. En cuanto a quien realmente representa al régimen en la actual negociación, se trata de uno de los hermanos responsables de la tiranía, del terrorismo y de múltiples crímenes de lesa humanidad. Quizás no haya otra alternativa que Raúl en las actuales circunstancias, pero para alcanzar los objetivos deseados, Washington deberá negociar con firmeza e impedir la permanencia en el poder del déspota, de su familia y de sus secuaces. Destacados exiliados cubanos, muchos de los cuales abandonaron la isla sin recursos y luego prosperaron en Estados Unidos, están dispuestos a invertir en Cuba y contribuir a su reconstrucción. Pero recordando las duras enseñanzas del pasado, sólo arriesgarán su capital ganado con esfuerzo si la libertad vuelve a imperar en la isla bajo un estado de derecho. El secretario Rubio parece compartir esa condición.

“ No se puede arreglar la economía si no se cambia el sistema de gobierno. ”

— MARCO RUBIO, SECRETARIO DE ESTADO DE EE. UU.

“No se puede arreglar la economía”, dijo, “si no se cambia el sistema de gobierno”.

La historia demuestra que los hermanos Castro se han valido de reformas económicas revocables para obtener concesiones de Estados Unidos y prolongar su tiranía, mientras se enriquecen ellos, sus familias y sus sicarios. Tras el colapso de la Unión Soviética y la pérdida de su principal fuente de ingresos y subsidios en 1991, Fidel Castro dolarizó la economía e introdujo algunas reformas de mercado. Permitted a empresas agrícolas estatales crear cooperativas, les otorgó licencias a negocios por cuenta propia e invitó a grandes corporaciones internacionales a invertir en Cuba. Pero la aparente apertura económica fue breve. Renuente a permitir que el capitalismo socavara su régimen, Fidel Castro pronto restableció rígidos controles estatales. Luego, en 2015, el presidente Obama decidió llegar a un entendimiento con Cuba ofreciéndole incentivos y financiamiento al régimen bajo Raúl, considerado más pragmático que Fidel.

Obama restableció relaciones diplomáticas, eliminó a Cuba de la lista de estados patrocinadores del terrorismo, intercambió prisioneros políticos y flexibilizó las restricciones a las inversiones estadounidenses y empresas mixtas en Cuba. Se esperaba que estas concesiones impulsaran la expansión del sector privado y, eventualmente, liberalizaran el régimen. Esta ilusión fue rápidamente trinchada por Raúl Castro. Ante el Séptimo Congreso Comunista, afirmó: “No somos ingenuos”, y añadió que “fuerzas externas poderosas” esperaban “crear agentes de cambio para ponerle fin a la revolución”.

Esperemos que quienes tratan hoy de negociar la libertad de Cuba no dependan de supuestas reformas fácilmente reversibles para abrir la economía y aliviar la penuria del pueblo cubano. Si bien la crisis humanitaria en Cuba es una gravísima tragedia que hay que resolver cuanto antes, no es la única razón urgente para erradicar

la tiranía totalitaria. Existe también la necesidad imperiosa de contrarrestar la amenaza real del régimen a la seguridad de Estados Unidos y de las Américas, en connivencia con China, Rusia, Irán y organizaciones narcoterroristas. Dicha alianza no es un simple consorcio competitivo, sino un eje de fuerzas agresivas y malignas a sólo 90 millas de nuestra costa.

Según informó en diciembre de 2024 el Centro de Estudios Estratégicos e Internacionales (CSIS), China opera actualmente cuatro bases de espionaje electrónico en Cuba capaces de recopilar inteligencia de señales (SIGINT) sobre la costa sureste de Estados Unidos, una zona repleta de bases militares, centros de mando de combate, instalaciones de lanzamiento espacial y áreas de pruebas militares. También pueden monitorear movimientos navales en el Atlántico y el Golfo de México. La mayor de estas bases, en Bejucal, cerca de La Habana, cuenta con tecnología para interceptar y potencialmente interferir comunicaciones satelitales estadounidenses, transmisiones militares y datos de lanzamientos espaciales.

Además, la Policía Armada de China (PAP), que ayudó a sofocar las protestas de Hong Kong en 2019, entrenó a la Brigada Nacional Especial de Cuba, o “Boinas Negras”, para reprimir el levantamiento cívico del 11 de julio de 2021 en toda la isla. Estas fuerzas ahora intentan liquidar las crecientes protestas en Cuba, que Estados Unidos deberían apoyar con inteligencia, recursos y acceso a Starlink.

Cuba también figura entre las prioridades geoestratégicas de Vladimir Putin, junto con Nicaragua y Venezuela. Según informes confiables, las Fuerzas de Defensa Aeroespacial de Rusia operan en estos países estaciones terrestres de doble uso del sistema GLONASS (Sistema Global de Navegación por Satélite), utilizadas para recopilar inteligencia y monitorear operaciones militares estadounidenses. La estación en Cuba está ubicada en el Instituto de Astronomía Aplicada en La Habana.

Mientras tanto, el régimen cubano continúa compartiendo con China y Rusia información clasificada de inteligencia y militar de Washington, como la que obtuvo durante muchos años gracias a dos de los espías más perjudiciales de Estados Unidos: Ana Belén Montes y el embajador Víctor Manuel Rocha, Cuba también apoya la guerra de Rusia en Ucrania, facilitando el reclutamiento de unos 15,000 cubanos para luchar allí a favor de Moscú.

Todos estos factores demandan una estrategia bien integrada para llevar a cabo la liberación de Cuba con el respaldo del Congreso, el apoyo del sistema interamericano (OEA) y la participación democrática cubana. El liderazgo estadounidense, que algunos llaman América Primero, es esencial, pero no debe ser América A Solas, porque es muy probable que se requieran acciones colectivas - diplomáticas, económicas y militares - bajo el Tratado de Río de Janeiro para alcanzar nuestro objetivo en Cuba.

Los próximos pasos que dé Estados Unidos serán cruciales. A continuación, se presentan algunas ideas sobre las tres fases clave de la estrategia y sus respectivos fundamentos legales.

FASE I – COMPROMETERNOS CON LA LIBERTAD DE CUBA Y CON LA SEGURIDAD DE ESTADOS UNIDOS Y LAS AMÉRICAS.

Dado que las negociaciones actuales, por sí solas, quizás no logren la liberación de Cuba y la retirada de las potencias enemigas de la isla, la administración de Trump debería aplicar la Resolución Conjunta del Congreso (Ley 87-733), firmada por el presidente Kennedy el 3 de octubre de 1962, justo antes de la Crisis de los Misiles. Esta establece, en parte: Estados Unidos está decidido a:

- impedir por cualquier medio necesario que el régimen marxista-leninista en Cuba extienda sus actividades agresivas o subversivas a cualquier parte del hemisferio;
- prevenir en Cuba la creación o el uso de cualquier capacidad militar apoyada externamente que ponga

en peligro la seguridad de Estados Unidos; y
c) trabajar con la OEA y con cubanos amantes de la libertad para apoyar las aspiraciones del pueblo cubano de autodeterminación.

de reclamaciones estadounidenses por propiedades confiscadas y el compromiso con elecciones libres, entre otras.

FASE III - ESTABLECER LAS INSTITUCIONES CUBANAS NECESARIAS PARA LA PAZ, LA LIBERTAD Y LA SEGURIDAD.

La transición hacia una Cuba libre y democrática debe comenzar con un gobierno provisional de unidad nacional, excluyendo a la familia Castro y a funcionarios con antecedentes criminales, que se rija por una nueva Constitución con todas las garantías necesarias. Los cubanos no tendrían que improvisar, ya que pueden, y deben, restablecer las partes aplicables de su legítima Constitución de 1940, que fue el eje de la lucha contra Batista y Castro. Bajo esa Constitución, el gobierno

provisional dismantlaría el aparato totalitario, iniciaría la privatización y el resurgimiento de la economía con capital y tecnología extranjeros, promovería la regeneración moral del país y sentaría las bases de una nueva era con elecciones libres y un estado de derecho.

Si avanzamos con prudencia, determinación inquebrantable y justicia, podremos liberar a Cuba y restaurar la paz y la seguridad en este hemisferio. No perdamos esta gran oportunidad. ¡Fe y Adelante!

FASE II - NO SUSPENDER O LEVANTAR EL EMBARGO ESTADOUNIDENSE HASTA QUE SE CUMPLAN LAS CONDICIONES PRESCRITAS EN LA LEY.

Según la Ley LIBERTAD de 1996 (Ley Helms-Burton), Estados Unidos no puede suspender o levantar el embargo a menos que el gobierno cubano cumpla ciertas condiciones, entre ellas la liberación de todos los presos políticos, el respeto de los derechos humanos, la legalización de la actividad política, la disolución del aparato represivo de seguridad del Estado, la resolución



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FIU AND CABA: A PARTNERSHIP ROOTED IN PRACTICE READINESS AND LEADERSHIP


For generations, the Cuban American Bar Association (CABA) has been a pillar of Miami's legal community, championing mentorship, advancing access to justice, and creating pathways for students and young attorneys. At FIU College of Law, that mission is deeply shared.


 FIU Law is proud to be a year-round sponsor and supporter of CABA, including the organization's signature annual Gala. This partnership reflects a shared belief that a strong legal community is built through mentorship, service, and sustained investment in future leaders—not only during milestone events, but throughout the year.

 That commitment is reflected in the leadership of FIU Law alumni who continue to help guide CABA's work, including Diana Arteaga (J.D. '09), Marcel De La Cruz (J.D. '22), and Joshua Padrón (J.D. '19), all of whom were elected to serve on CABA's 2026 Board of Directors. Their service underscores the longstanding connection between FIU Law and CABA's mission to strengthen the legal profession and the broader South Florida community.

 Over the past decade, FIU College of Law has risen to prominence, ranking among the top law schools in Florida and emerging as a national leader in bar passage rates, consistently surpassing Florida's statewide averages for

accredited law schools. Partnerships with organizations like CABA provide FIU Law students with real-world experience, professional exposure, and access to the legal community long before graduation.

 Through FIU Law's close relationship with CABA, via student chapters, scholarships, volunteer opportunities, and leadership development, students are introduced early to the values and networks that define South Florida's legal community.

 That exposure matters. FIU's ongoing support of CABA helps ensure that students and young attorneys gain meaningful access to mentorship, professional development, pro bono service, and opportunities to engage directly with judges, firms, and civic leaders. From volunteering at CABA events to applying for scholarships and participating in mentorship programs, FIU students are encouraged to see themselves as part of the legal profession long before graduation.



FIU TO CABA: Creating a Pipeline of Opportunity and Community Leadership

For many alumni, FIU's partnership with CABA helped turn aspiration into opportunity.

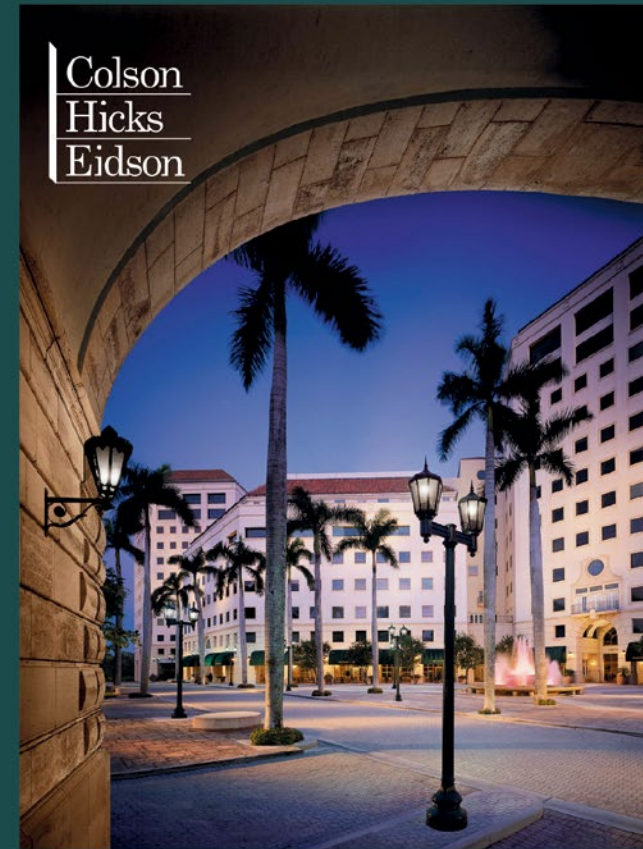
Marcel De La Cruz, an attorney at Vedder Price, FIU double alum, and newly elected CABA Board member, credits both institutions with shaping his sense of belonging within the legal profession.

"CABA gave me a sense of belonging in the legal profession," De La Cruz shared. "It's a place where the American Dream feels tangible, where you see people like you succeeding and giving back."

That same sense of access resonates with Joshua Padrón, a Miami-based trial attorney, FIU Law alum, and first-generation attorney.

"FIU is Miami's public law school, the law school of the people," Padrón said. "FIU showing up and supporting CABA sends a powerful message: we're here, we're invested in the community, and we're producing lawyers who want to serve it."

FIU is proud of its alumni leaders and proud to support CABA's work to expand access to mentorship, scholarships, pro bono service, and meaningful engagement across the legal community.



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WHEN ALGORITHMS BECOME PRODUCTS: RETHINKING LIABILITY IN THE AGE OF SOCIAL MEDIA

BY ALBERTO COSIO & DANIELA PRIZONT-CADO

The most consequential unresolved question emerging from the recent wave of social media liability cases is deceptively simple: what duty of care, if any, governs algorithmic systems? Increasingly, courts are being asked to decide whether platform algorithms are merely neutral tools responding to user demand or engineered products whose design choices carry foreseeable psychological harm.

New research comparing social media use to tobacco litigation is neither accidental nor superficial. In the 1990s, tobacco cases turned a corner once courts and juries accepted that cigarettes were not simply a matter of consumer choice but were deliberately engineered to promote addiction. At that point, the legal inquiry shifted away from personal responsibility and instead toward product design, corporate knowledge, and foreseeable harm. Social media litigation may be following a similar trajectory.

Plaintiffs are reframing algorithmic systems not as passive conduits of content, but as psychologically engineered mechanisms designed to exploit dopamine-driven feedback loops and maximize user dependence.

Tobacco companies ultimately faced liability not because smoking was dangerous in the abstract, but

because they knew their products were addictive, marketed them aggressively to minors, and concealed or denied the science for decades. A resulting settlement agreement in 1998 forced sweeping changes: billions in payments to states and significant restrictions on marketing practices, fundamentally reshaping the industry.

Today's social media cases are testing whether analogous principles apply to digital products. By characterizing features such as infinite scroll, personalized recommendation algorithms, and engagement loops as affirmative design choices, plaintiffs are pushing courts to assess whether those features are reasonably safe or instead constitute negligent or defective design. The legal question is no longer whether users choose to engage, but whether platforms have a responsibility to avoid designs that predictably cause harm, particularly to minors and psychologically vulnerable users.

In late March of 2026, a Los Angeles jury found both Meta and Google liable for designing addictive platforms for young users, awarding \$3 million in compensatory damages and another \$3 million in punitive damages—opening the door to a much broader legal challenge for tech giants. If these claims continue to survive motions to dismiss and

result in jury verdicts, their impact will extend well beyond damages awards. Social media companies could be forced to reassess core engagement mechanics that have long been treated as untouchable, especially where internal research or external evidence suggests a disproportionate risk to youth mental health.

At the same time, these cases raise difficult line-drawing problems. Where does lawful optimization end and negligent design begin? Which features represent permissible efforts to improve user experience, and which cross into the territory of foreseeable psychological harm? Courts have not yet answered these questions definitively—but verdicts begin to supply practical answers.

The challenge is compounded by the structure of the U.S. legal system. For decades, Section 230 of the Communications Decency Act and First Amendment defenses provided platforms with a relatively uniform national shield, allowing companies to operate under consistent legal assumptions across jurisdictions. Product liability law, however, is largely state-driven. As claims are increasingly framed in negligence and design defect—rather than speech—platforms may find themselves subject to a patchwork of state standards.



That fragmentation carries real operational consequences. Companies may be forced either to engineer jurisdiction-specific versions of their products to comply with differing state liability regimes, or to adopt a single, more conservative national design standard calibrated to the most restrictive jurisdictions. Either approach would require substantial engineering, compliance, and business-model adjustments.

Furthermore, the significance of these cases lies less in any single verdict than in their cumulative effect. As courts grapple with algorithmic design through the lens of traditional tort principles, a new baseline may begin to emerge: a legally enforceable duty of care for algorithmic systems. Much like tobacco litigation before it in the late 1990s, social media liability law may ultimately redefine modern times, not just accountability after harm occurs, but how products are designed in the first place.



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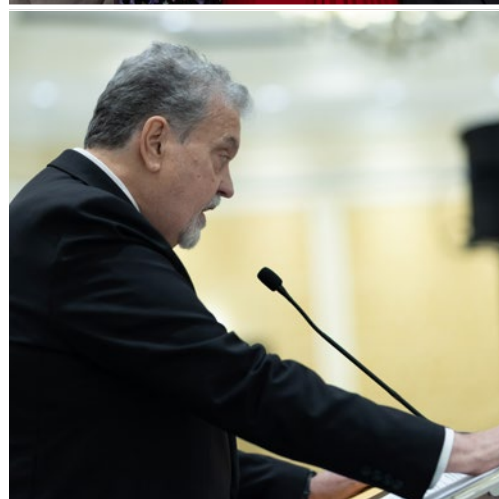
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THE SURGE IN PRIVACY CLASS ACTION LITIGATION CONTINUES

BY SAMMY EPELBAUM & CHRISTIAN KOHLSAAT

Privacy law class action litigation has entered a new phase of heightened activity, with a surge in cases driven by technological advances, legislative changes, and evolving judicial interpretations.

Thousands of privacy-related cases were filed in 2024 alone, marking a dramatic increase from 2023.

This upward trend continued into 2025 and 2026, with claims spanning nearly every jurisdiction in the country. Organizations now face increasing risks as these legal challenges grow more complex and widespread, reflecting a broader shift in how privacy violations are litigated and enforced.

The statutory landscape for privacy class actions has expanded significantly, with at least 20 states actively enforcing comprehensive privacy laws as of early 2026. Several states, including Delaware (the Delaware Personal Data Privacy Act, Del. Code Ann. tit. 6, § 12D-101, et seq. ("DPDPA")), Iowa (the Iowa Consumer Data Protection Act, Iowa Code Ann. § 715D.1, et seq., ("ICDPA")), and New Jersey (the New Jersey Data Protection Act, N.J. Stat. Ann. § 56:8-166.4 ("NJDPA")), had new laws come into effect in 2025, adding to the existing patchwork of regulations.

Recent Florida decisions illustrate the potential liability associated with this new landscape. For example, in *In re Fortra File Transfer Software Data Security Breach Litigation*, No.

1:24-md-03090-RAR (S.D. Fla. Sept. 17, 2025), U.S. District Judge Rodolfo Ruiz granted approval of a non-revisionary, all-cash, \$20 million class action settlement arising from a 2023 foreign-linked ransomware attack that exposed the personal health information of millions of individuals. The breach affected approximately 130 organizations, including major health insurers.

Today, laws like California's Invasion of Privacy Act, Cal. Penal Code § 631(a) ("CIPA"), and Florida's Security of Communications Act, Fla. Stat. § 934.03 ("FSCA"), are now heavily litigated. Courts are increasingly scrutinizing not only data breaches, but also modern digital tracking tools - such as cookies, pixels, and session replay scripts - under wiretapping and similar statutes.

Just recently, in *Bolanos v. VShred, LLC*, Case No. CACE-25-001211 (Fla. 17th Cir. Ct. Jan. 28, 2025), the Circuit Court for the Seventeenth Judicial Circuit in Broward County, Florida recently approved a \$4 million class action settlement resolving allegations that the defendant disclosed users' personally identifiable information to third parties (including Meta, TikTok, and Datadog) without consent, in violation of the Video Privacy Protection Act, 18 U.S.C. § 2710 (the "VPPA") and the FSCA.



These cases often hinge on whether companies adequately informed users and obtained proper consent before data collection. Privacy policies are under attack for misrepresenting practices, and courts are demanding clear, affirmative opt-in mechanisms. The ongoing focus on sensitive data, such as biometric and health information, further underscores the evolving legal standards, with recent rulings and laws increasing the stakes for companies that handle personal and health data.



Finally, a new frontier in privacy litigation involves the use of generative AI and chatbots in customer interactions. The class-action Plaintiffs' bar is increasingly alleging that AI tools used in call centers and on websites eavesdrop on conversations or unlawfully intercept communications, raising questions about whether these AI-driven tools violate electronic communications laws. As courts begin to evaluate these claims, the legal theories used in tracking cases are now being extended to AI and real-time data collection, signaling that the surge in privacy class action litigation has yet to reach a plateau.



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FLORIDA REAL PROPERTY AND BUSINESS LITIGATION REPORT

BY MANUEL FARACH

HAVANA DOCKS CORP. V. ROYAL CARIBBEAN CRUISES, LTD.,

Case No. 24-983 (2026).

A defendant is liable Under Title III of the Cuban Liberty and Democratic Solidarity Act for trafficking in “property which was confiscated by the Cuban Government” when it uses the physical property to which a United States national owns a claim, and the plaintiff need not prove that the defendant’s conduct would have interfered with a property interest that would still exist in a counterfactual world without confiscation.

BERK V. CHOY, Case No. 24-440 (2026).

Rule 8 of the Federal Rules of Civil Procedure displaces Delaware’s medical-malpractice affidavit-of-merit requirement in federal diversity actions, so failure to file a state-law required affidavit cannot justify dismissal of a complaint that otherwise states a plausible claim for relief.

LEARNINGRESOURCES, INC. V. TRUMP,

Case No. 24-1287 (U.S. 2026).

The International Emergency Economic Powers Act does not delegate Congress’s Article I power to impose tariffs nor authorization to “regulate . . . importation” to the President and cannot support peacetime “drug trafficking” responses and “reciprocal” tariffs of unlimited amount and duration.

VILLARREAL V. TEXAS,

No. 24-557 (U.S. 2026).

A qualified order that prohibits a testifying defendant and counsel from discussing the defendant’s ongoing testimony for its own sake during a mid-testimony overnight recess, while allowing consultation on other trial-related matters, does not infringe the defendant’s Sixth Amendment right to counsel.

OLIVIER V. CITY OF BRANDON,

Case No. 24-993 (2026).

A plaintiff previously convicted under a municipal ordinance may bring a 42 U.S.C. § 1983 action seeking purely prospective declaratory and injunctive relief challenging the ordinance’s constitutionality without running afoul of Heck v. Humphrey because such relief does not necessarily imply the invalidity of the prior conviction.

COX COMMUNICATIONS, INC. V. SONY MUSIC ENTERTAINMENT,

Case No. 24-171 (2026).

An internet service provider is not contributorily liable for its subscribers’ copyright infringement merely because it had knowledge that some subscribers were using its service to infringe as contributory copyright liability requires proof that the provider either affirmatively induced the infringement or provided a service tailored for infringement.

ENBRIDGE ENERGY, LP V. NESSEL,

Case No. 24-783 (2026).

The 30-day removal deadline in 28 U.S.C. § 1446(b)(1) is not subject to equitable tolling because the text, structure, and context of the removal statute demonstrate that Congress did not intend such tolling to apply.

TEJON V. ZEUS NETWORKS, LLC,

Case No. 24-11114 (11th Cir. 2026).

A “browsewrap” arbitration clause on a consumer subscription webpage binds a user under Florida law only if the hyperlinked terms are displayed with design features sufficiently conspicuous to place a reasonably prudent internet user on inquiry notice of the terms, including consent to arbitration for resolution of disputes.

GREAT BOWERY INC. V. CONSEQUENCE SOUND LLC,

Case No. 24-12482 (11th Cir. 2026).

A copyright infringement plaintiff must prove that it is a legal or beneficial owner of an exclusive right under 17 U.S.C. § 106, and a non-party defendant may contest whether any such exclusive right was actually transferred despite the absence of a dispute between transferor and transferee.

DECLAN FLIGHT, INC. V. TEXTRON EAVIATION, INC.,

Case No. 24-10913 (11th Cir. 2026).

Federal common law, including whether dismissal for forum non conveniens is appropriate, governs after it is determined that a forum-selection clause is valid and enforceable.

ANDERSON V. CITY OF ATLANTA,

Case No. 24-13509 (11th Cir. 2026).

The distinction between on-premises and off-premises “general advertising” signs in subsection 7 of Atlanta’s 1982 sign code constitutes a content-neutral regulation of speech subject to intermediate scrutiny, not a content-based restriction triggering strict scrutiny under the First Amendment.

JOYCE V. FOREST RIVER, INC.,

Case No. 24-12819 (11th Cir. 2026).

The presumptions in Florida Statute section 681.104(3) (Florida’s Lemon Law) of “reasonable number of attempts” to repair are permissive evidentiary presumptions and not mandatory prerequisites to a consumer’s entitlement to relief so a consumer may prove a reasonable number of repair attempts without satisfying the statutory presumptions.

IN RE THE RENCO GROUP INC. & THE DOE RUN RESOURCES CORP.,

Case No. 24-13266, No. 24-13266 (11th Cir. 2026).

A law firm asserting attorney-client privilege or work-product protection in a 28 U.S.C. § 1782 (assistance to foreign and international tribunals and to litigants before such tribunals) proceeding must substantiate the claim on a document-by-document basis with an adequate privilege log and supporting evidence, and deficient, categorical assertions for mixed sets of documents forfeit protection even after production because meaningful relief remains available.

SEC V. SPARTAN SECURITIES GROUP, LTD.,

Case No. 22-13129 (11th Cir. 2026).

Expert witness with forty years of securities regulation experience, including service as NASDAQ chief regulatory officer and oversight of hundreds of NASD microcap fraud investigations involving transfer agents, possesses sufficient qualifications and reliability under Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), to testify regarding transfer agent practices and their role in facilitating securities fraud, notwithstanding absence of peer-reviewed publications or formal academic credentials specific to transfer agent operations.

BEAZER V. RICHMOND COUNTY CONSTRUCTORS, LLC,

Case No. 24-11734 (11th Cir. 2026).

Equitable tolling of Title VII’s ninety-day filing period applies when a pro se plaintiff diligently attempts to secure counsel, and being unable to do so, then timely mails his pro se complaint by guaranteed overnight delivery but misses the statutory filing deadline due to a confluence of prior counsel’s delay and hurricane-related disruption delivery delays.

THE LANE CONSTRUCTION CORP. V. SKANSKA USA CIVIL SOUTHEAST, INC.,

Case No. 24-12638 (11th Cir. 2026).

A joint-venture partner that refuses to fund contractually required capital calls materially breaches the joint-venture agreement notwithstanding alleged fiduciary-duty breaches by the managing partner, and the non-breaching partners are contractually entitled to indemnity and prejudgment interest for having paid more than their proportionate shares.

AE OPCO III, LLC V. AAR CORP. (IN RE AE OPCO III, LLC), Case No. 25-11348 (11th Cir. 2026).

Section 502(e)(1)(B) of the Bankruptcy Code requires disallowance of a creditor’s contingent reimbursement claim when the creditor is co-liable with the debtor to a third party but does not bar a fixed indemnity claim for already-incurred defense costs.

IN RE: AMENDMENTS TO RULES REGULATING THE FLORIDA BAR – SUBSTANCE USE TERMINOLOGY, Case No. SC2025-1172 (Fla. 2026).

The Florida Supreme Court approves Florida Bar rule amendments effective June 15, 2026 which update terminology to “substance use disorder” instead of “chemical dependency” and “mental health conditions” instead of “psychological problems,” expand bylaw 2-3.2(d)(11) to authorize a program for “enhanced opportunities and participation in the profession,” and clarify in bylaw 2-9.11 that funding for substance use and mental health assistance programs must comply with Standing Board Policy restrictions applicable to mandatory and voluntary Bar groups.

IN RE AMENDMENTS TO FLORIDA RULES OF APPELLATE PROCEDURE, Case No. SC2025-1458 (Fla. 2026).

The Florida Supreme Court adopts proposed rule amendments to Florida Rules of Appellate Procedure 9.020, 9.045, 9.200, and 9.420 effective July 1, 2026 to conform to recent changes to the Florida Rules of General Practice and Judicial Administration.

IN RE AMENDMENTS TO FLORIDA RULE OF APPELLATE PROCEDURE 9.710, No. SC2025-1415 (Fla. 2026).

Florida Rule of Appellate Procedure 9.710(b) is amended to remove the categorial bar excluding petitions filed under Florida Rule 9.100(c)(2) from appellate mediation.

IN RE AMENDMENTS TO FLORIDA RULES OF APPELLATE PROCEDURE, Case No. SC2025-1458 (Fla. 2026).

Amendments to Florida Rules of Appellate Procedure 9.020, 9.045, 9.200, and 9.420 conform the appellate rules to recent changes in the Florida Rules of General Practice and Judicial Administration, including removal of outdated e-filing docket references, updated paper-filing requirements, and revised provisions governing filing and service.

IN RE AMENDMENTS TO RULES REGULATING THE FLORIDA BAR – PROFESSIONALISM EXPECTATIONS, Case No. SC2025-1347 (Fla. 2026).

Amendments to The Florida Bar’s Professionalism Expectations revise several expectations on billing, client communication, discovery practice, deposition conduct, criticism of participants in the justice system, and supervision of support personnel to provide clearer and more precise behavioral standards for lawyers.

IN RE AMENDMENTS TO RULES REGULATING THE FLORIDA BAR CHAPTER 3, Case No. SC2025-1180 (Fla. 2025).

Chapter 3 of the Rules Regulating The Florida Bar is amended to clarify interim suspension and probation terminology, reorganize and refine available disciplinary sanctions including permanent disbarment and disciplinary revocation without readmission, expand waiver and voting provisions in grievance and discipline procedures, and authorize oral waivers of time limits on the record.

IN RE AMENDMENTS TO FLORIDA RULES OF CIVIL PROCEDURE 1.350 AND 1.370, Case No. SC2024-0779 (Fla. 2026).

Amendments to Florida Rules of Civil Procedure 1.350 and 1.370 effective April 1, 2026 require requests for production and requests for admission and responses thereto to be served on all parties in the case.

IN RE AMENDMENTS TO FLORIDA RULES OF CIVIL PROCEDURE 1.070, 1.430, AND FORM 1.902, Case No. SC2025-0582 (Fla. 2026).

Amendments to Florida Rules of Civil Procedure 1.070 and 1.430 effective April 1, 2026 expand waiver of service methods to include registered mail as defined by Florida Statutes section 1.01 and require demands for jury trial to be filed rather than merely served.

IN RE AMENDMENTS TO FLORIDA RULE OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION 2.515, Case No. SC2026-0673 (Fla. 2026).

The Florida Supreme Court amends Florida Rule of General Practice and Judicial Administration 2.515(d)(2) to require each signer to represent that the legal authorities identified in a filing exist and are accurately cited, and expressly authorizes sanctions—including reprimand, contempt, striking of the document, dismissal, costs, and attorneys’ fees—for any filing inconsistent with that representation.

KWARTIN V. MIAMI BEACH TOWNHOMES CONDOMINIUM ASSOCIATION, INC., Case No. 3D25-0288 (Fla. 3d DCA 2026).

A condominium lien foreclosure judgment is prematurely entered when it liquidates the amount due and orders a sale while legally interrelated affirmative defenses and counterclaims, including tender of payments and fraud which are supported by affidavit, remain unresolved.

SAN JUAN V. FAM PRODUCTIONS, LLC, Case No. 3D25-0633 (Fla. 3d DCA 2026).

Successive promissory notes that expressly provide each new loan “replaced, cancelled and superseded” the prior note limit the lender’s claim to the final note against the named borrower.

12170 CWELT-2007 LLC V. GREEN TREE SERVICING, LLC, Case No. 4D2024-1907 (Fla. 4th DCA 2026).

A LLC’s motion for reconsideration filed after the 30-day period set forth in Florida Rule of General Practice and Judicial Administration 2.330 is untimely, and therefore legally insufficient, and renders any error in holding a non-evidentiary hearing without corporate counsel harmless as a trial court may deny a legally insufficient motion on the written submissions alone.

ONTARIO WOUND MANAGEMENT, LLC V. LEGACY MEDICAL CONSULTANTS, L.P., Case No. 3D26-0280 (Fla. 3d DCA 2026).

A party may seek discovery of confidential bank records when the requested financial information is reasonably calculated to lead to admissible evidence and directly relates to tracing funds placed at issue by the pleadings and defenses.

MINEO V. DO, Case No. 4D24-3192 (Fla. 4th DCA 2026).

A homeowners’ association member suing another member under Florida Statute

section 720.305 must comply with the derivative-action prerequisites in section 617.07401 when the alleged injury is common to all association members rather than personal and distinct.

MCDOWELL V. MOORE, Case No. 4D23-2783 (Fla. 4th DCA 2026).

A commission provision that leaves essential terms such as rate, calculation method, scope of covered sales, and duration for future agreement constitutes an unenforceable agreement to agree and cannot support a breach of contract claim.

FULLER V. HCA FLORIDA JFK NORTH HOSPITAL, Case No. 4D25-1976 (Fla. 4th DCA 2026).

Appellants, including pro se parties, who fail to present coherent arguments, material facts, and supporting authority in their initial brief abandon those issues and compel affirmance.

PANTOJA V. BANK OF NEW YORK MELLON, Case No. 4D24-2894 (Fla. 4th DCA 2026).

Failure to file admitted trial exhibits with the clerk, standing alone and uncoupled from a substantive or procedural challenge, does not provide an independent ground for appellate relief because it constitutes at most a correctable clerical omission.

SHIPJOY, LLC V. SVES, LLC, Case No. 3D25-0808 (Fla. 3d DCA 2026).

Florida Statutes section 60.07 awards damages for dissolution of an injunction but “presupposes the existence of a bond” so damages for a wrongfully entered temporary injunction are not recoverable if the injunction was without bond and the exceptions to requiring a bond do not exist.

SANCHEZ V. PEOPLE’S TRUST INS. CO., Case No. 3D25-0336 (Fla. 3d DCA 2026).

Florida Rule of Civil Procedure 1.820(h) requires strict compliance in order to reject a non-binding arbitration decision, i.e., a party must file both a notice of rejection of the arbitration decision and a request for trial in the same document within twenty days of service of the arbitrator’s written decision.

ALL PAVING & SEALCOATING LLC V. DALY, Case No. 4D2025-0521 (Fla. 4th DCA 2026).

A trial court must determine whether requested materials constitute trade secrets when a party asserts trade the secret privilege to resist discovery, must require the party seeking production to demonstrate reasonable necessity, and must set forth its findings in the order before compelling disclosure.

DOLPHIN POINTE HEALTH CARE, LLC V. MORAVIA, Case No. 5D2024-1771 (Fla. 5th DCA 2026).

An arbitration agreement in a nursing home admission contract is unenforceable where the party challenging the agreement establishes by a preponderance of the evidence that the signatory lacked the mental capacity to comprehend the nature and effect of the agreement at the time of signing.

JAMES V. HERNANDEZ, Case No. 1D2025-0015 (Fla. 1st DCA 2026).

A general contractor is not vicariously liable for the negligence of a specialty subcontractor who operates as an independent contractor where the contractor controls only outcomes, scheduling, and specifications rather than the subcontractor’s methods of performing the work.

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L.E.A.D. SESSION 2



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LEGAL ROUNDUP

BY WILLIAM D. MUELLER & ELLIOT B. KULA, KULA & ASSOCIATES, P.A.



THE NEW COURT ON THE BLOCK: WHY THE SIXTH DCA IS WORTH WATCHING

For the first time since the Fifth District was spun up in 1979, Florida has a new appellate court. With CS/HB 7027, signed by Governor DeSantis on June 2, 2022, the Sixth District Court of Appeal opened its doors on January 1, 2023, taking over the Second District's old Lakeland headquarters (the Second decamped for St. Petersburg). Carved out of the Second and Fifth Districts, the Sixth now covers the Ninth, Tenth, and Twentieth Judicial Circuits, and it was originally staffed largely by judges drawn from the two parent districts. The result is a court with a familiar bench but an unfamiliar mandate: writing on a blank slate.

And that blank slate is precisely why practitioners across the state should keep a close eye on the new DCA on the block. Under *Pardo v. State*, 596 So. 2d 665 (Fla.

1992), trial courts must follow district court precedent, but "as between District Courts of Appeal, a sister district's opinion is merely persuasive." Translation: except where the Florida Supreme Court has already spoken, the Sixth DCA is free to decide legal questions from scratch — and even to manufacture inter-district conflict where none existed before. A court with that much room to forge its own path tends to do exactly that, which makes its early opinions a useful bellwether for issues that may eventually be resolved by the Florida Supreme Court.

The decisions below illustrate a court that, in its first stretch on the bench, has not hesitated to challenge settled assumptions. Don't take our word for it, here it is directly from the court: "As a new court without a large body of prior precedent, the Sixth District has a unique ability to correct long-existing errors in the law and return the law of our state to first principles."



YOUR FEE EXPERT IS EXCUSED *Ruffenach v. Deutsche Bank Nat'l Tr. Co. as Tr. for Ameriquest Mortgage Sec. Inc., Asset-Backed Pass-Through Certificates Series 2005-R8,*

No. 6D2023-1482, 2026 WL 785140 (Fla. 6th DCA Mar. 20, 2026)

If one decision captures the Sixth District's appetite for revisiting settled law, it may be *Ruffenach*, which heralds a "sea change in civil litigation in Florida." *Id.* at *1. For more than sixty years, every district court in Florida had held that a trial court cannot award attorney's fees without first holding an evidentiary hearing and receiving testimony from an independent expert on the reasonableness of those fees. The Sixth District looked at that unbroken line of authority and, in Judge Mize's words, concluded: "With the deepest respect to our sister courts, we believe they were wrong in imposing [those] requirements." *Id.* at *1.

The Sixth DCA traced the expert witness rule to a single 1964 opinion, *Lyle v. Lyle*, 167 So. 2d 256 (Fla. 2d DCA 1964), which, as the Sixth District pointed out, cited no authority at all, resting instead on the bare "principle that the value of personal services is proven by expert witnesses." *Id.* at *2. Every later case simply cited *Lyle*, and a requirement with no statutory or supreme-court foundation hardened into universal Florida law. Not so fast, said the Sixth District.

Because no statute, rule, or binding Florida Supreme Court holding requires expert testimony, and because "it is not uncommon for a trial judge to conduct multiple fee hearings practically every week," the Sixth DCA opined there is no need to summon a "fees expert" to tell the judge what the judge already knows. *Id.* at *3. The same logic should also dispatch the requirement to even hold a hearing: where the only dispute is the reasonableness of the rates charged and hours expended, there is nothing for live testimony to resolve, and so it should be handled without a hearing (as in federal court).

The Sixth DCA certified direct conflict with thirty-seven decisions of its sister courts, inviting Florida Supreme Court review. Its closing was unsparing: "Sixty-two years ago, the Second District invented a requirement" for expert fee testimony, the court wrote, and "these judicially invented requirements have caused the misspent expenditure of hundreds of thousands if not millions of hours of time by attorneys and judges across our state since their wrongful inception." *Id.* at *10.



SURPRISE, SURPRISE, A NEW BINGER IS HERE? *Crecelius v. Rizzitano*, 430 So. 3d 268 (Fla. 6th DCA Feb. 27, 2026)

Ask any trial lawyer about late-disclosed witnesses and you'll hear one name: Binger. For more than four decades, *Binger v. King Pest Control*, 401 So. 2d 1310 (Fla. 1981), has stood for the rule that a trial court may not exclude an untimely witness without first finding that the surprise would prejudice the other side. In *Crecelius*, the Sixth District, sitting en banc, announced that Binger may have taken on a life of its own. "Since Binger was decided," the Sixth DCA wrote, "our fellow district courts have misapplied the opinion in a manner that has severely hampered the ability of trial judges to effectively manage civil lawsuits.... This opinion explains where our sister courts went wrong on Binger." *Id.* at 270.

The case arose from a fatal crash between a motorcycle and a left-turning car. The defendant motorist blew his expert-disclosure deadline—badly. He served the experts' names two months late and didn't produce their opinions until weeks before the June trial, chalking the delay up to "internal office mismanagement" by counsel. *Id.* at 276. The trial court struck both defense experts. With its primary expert witnesses gone, the defense could only watch the jury find it 100% at fault and award the estate \$8.25 million.

On appeal, the defendant played the Binger card: arguing that the prejudice from his late disclosure was minor and curable, so striking his experts was an abuse of discretion. The Sixth District was unmoved because, in its view, Binger never required a prejudice finding before excluding a tardy witness in the first place. The court concluded that Binger's prejudice analysis was "pure dictum." *Id.* at 275. And the proclivity of many appellate courts to find otherwise was "an expansion of Binger beyond its holding" and one that "frustrates these important goals by effectively neutering pretrial orders." *Id.* at 274. Deciding the question from first principles, the court held that when a party misses a case-management deadline, "the trial court [is] permitted to strictly enforce the case management order and exclude the experts, without considering whether [the opposing party] would have been prejudiced" by their admission. *Id.* at 280.

The Sixth District certified direct conflict with sixteen of its sister courts' decisions and then wasted no time putting *Crecelius* to work. Three weeks later, in *Wal-Mart Stores East, L.P. v. Wynn*, Case No. 6D2023-1940 (Fla. 6th DCA Mar. 20, 2026), it affirmed the exclusion of an expert's untimely causation opinion on the same reasoning, certifying conflict with two more Third District decisions. There now appears to be steady conflict on one of litigation's most frequently invoked rules—exactly the kind of question the Sixth District seems eager to tee up, and exactly the kind the Florida Supreme Court may soon have to resolve given the court's January 2025 amendments to Rule 1.200, which now command that case-management "[d]eadlines... must be strictly enforced unless changed by court order."



RAISE IT OR WAIVE IT. PERIOD. HARD STOP.
Melrose Ventures, LLC v. Uptempo Marketing Corp., 418 So. 3d 217 (Fla. 6th DCA 2025)

Every lawyer knows the sinking feeling of thinking up the winning argument after the fact. Melrose answers what happens when you save it for a motion for rehearing: nothing good. After the trial court dismissed the plaintiffs’ suit so they could proceed in Ontario under a forum-selection clause, the plaintiffs moved for rehearing and argued—for the first time—that one of them wasn’t even a party to the Canadian contract and had a separate clause pointing to Florida. The trial court summarily denied rehearing. On appeal, the plaintiffs hoped their later-hatched argument would carry the day.

It didn’t. The Sixth District held that “the trial court was not required to consider an argument that [the plaintiffs] asserted for the first time in a motion for rehearing.” *Id.* at 219. Because preservation demands that a “party must make a timely, contemporaneous objection at the time of the alleged error,” an argument first floated on rehearing isn’t contemporaneous with anything. *Id.* at 221. The Sixth DCA “reject[ed] th[e] premise” that raising an argument for the first time on rehearing preserves it, joining the Second, Third, and Fourth Districts, which had “already found that, as a general rule, new and different arguments untimely raised for the first time in motions for rehearing which were denied are unpreserved.” *Id.* at 220. In getting there, the Sixth District certified direct conflict with the Fifth District, which had issued a pair of decisions holding that a party can preserve a new argument by raising it on rehearing.

The Sixth District wasted no time enforcing its new rule. A few months later, in *Hannah v. Malkani*, 427 So. 3d 684 (Fla. 6th DCA 2026), it held that a respondent to a summary judgment motion could not raise collateral estoppel and res judicata arguments after entry of the judgment for the same reason. The wrinkle in *Hannah* worth noting: the Sixth DCA had originally affirmed by citation opinion, but when the appellant asked for a written opinion on the ground that it “would provide a legitimate basis for Supreme Court review,” the court agreed, vacated its prior opinion, and wrote one. A small but telling glimpse of a court that, rather than shielding its developing body of law from review, seems happy to keep the pipeline to the Supreme Court flowing.

(A closing note that drives the point home: the Sixth District takes preservation so seriously it has written the issue into its briefing rules. By administrative order, an appellant’s initial brief must include a “Statement of Preservation” pinpointing, for each issue, where in the record the issue was raised and ruled on. See Fla. 6th DCA Admin. Order No. 24-01 (2024). We’d wager the Sixth DCA won’t be the last district to demand it).



SOBERING UP THE TIPSY COACHMAN
Caballero-Quinones v. Wilder, No. 6D2023-4106, 2026 WL 1041863 (Fla. 6th DCA Apr. 17, 2026)

One final certification of conflict, but this one may only matter to the appellate nerds out there. In *Caballero-Quinones*, a mail carrier sat stopped at a red light when a Polk County sheriff’s deputy, running a red light on an emergency call, collided with another truck and sent it crashing into the mail carrier’s vehicle. The Sheriff’s own organizational representative was set to testify that “every department of the Sheriff’s office that evaluated the collision determined that the collision was preventable and that it was Deputy Harvey’s fault.” Despite damning testimony from the Sheriff’s own office, the trial court excluded that testimony as evidence of an inappropriate subsequent remedial measure. The jury didn’t hear any of it and later returned a verdict that the deputy was not negligent.

Here’s where it gets interesting. The Sixth District was asked to affirm the exclusion of that evidence under the “tipsy coachman” doctrine (the trial court was right but for the wrong reasons) because even if not evidence of a subsequent remedial measure, the testimony was excludable under section 90.403’s balancing of prejudice against probative value. Not so, held the Sixth District, because that weighing is committed to the trial court’s discretion and “an appellate court cannot conduct such an analysis in the first instance in order to affirm a trial court under the tipsy coachman doctrine.” *Id.* at *1. To hold otherwise, the Sixth DCA explained, would let an appellate court exercise discretion the trial court never did and essentially render every possible discretionary decision unreviewable on appeal.

True to form, the Sixth District certified direct conflict with two First District decisions. While *Caballero-Quinones* doesn’t invite a “sea change” in civil litigation, and it may be a slightly different species from the court’s bolder other first-principles certifications, the throughline holds: another clean conflict for the Florida Supreme Court to resolve.

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