

CUBAN AMERICAN BAR ASSOCIATION
CABA BRIEFS
SPRING 2006 ISSUE



Cuban American Bar Association
CABA Briefs

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INSIDE



FEATURES

Federal Court Practice 101 - Photos	Page 5
Legal Services of Greater Miami, Inc. Celebrates 40 Years	Page 6
The Honorable Catalina Avalos - First 90 Days on the Bench	Page 7
- CABA Lobbies in Tallahassee	Page 9
Passing on Leadership - Annual Mentorship Program Reception	Page 10
The Honorable Carlos Alvarez, Mayor of Miami-Dade County	Page 13
Demystifying the JNC Process in Broward County	Page 14
In Memoriam - The Honorable Henry Leyte Vidal	Page 16

IN EVERY ISSUE

President's Message	Page 3
Editor's Note	Page 4
Practice Pointers	Page 08
Judicial Profile - The Honorable Leandra G. Johnson	Page 12
Que Pasa CABA?	Page 17

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President's Message



In the August, 2001 edition of CABA Briefs, CABA published its longstanding position statement on judicial elections. Given that the election season is fully underway, I re-read it in preparation of this edition's message, and I thought portions of it were worthy of repeating. These important statements are highlighted below for your thoughtful consideration.

The Cuban American Bar Association opposes any effort to eliminate the right of Miami-Dade County residents to elect State Court judges. We believe that the requirement that judges stand for election provides an important check on the power of the judiciary and provides an important mechanism for maintaining public confidence in the impartial administration of justice.

CABA strongly support efforts to improve further the current judicial election system of judicial elections by implementing fair campaign practices procedures. Whatever imperfections may exist in the current system should be addressed through careful reform, not by abolishing the public's right to vote and participate in the election of judges...Likewise, we need to do a better job of educating the public regarding the qualifications of candidates for judicial office.

One of the greatest strengths of the current system is that it is a hybrid system. Currently, new judges can be selected either by general election or by appointment by the governor when there are intervening vacancies. The current system, therefore, offers the best of both systems, allowing ... the judicial nominating commissions to exercise an important role in screening new appointments for state judicial office, while preserving judicial elections as a vehicle for ensuring the responsiveness of incumbent judges and providing an important alternative path to judicial office for political newcomers.

All of these statements reflect CABA's position regarding our system of electing and selecting trial court judges. In twenty years, the position will likely remain the same.

CABA has always been committed to a fair, qualified, diverse and impartial judiciary. To that end CABA believes that it shares the responsibility to enhance the judiciary's independence and public confidence in the integrity of our judicial system.

Once again, CABA does not endorse judicial candidates. To the extent that any candidate announces that he or she has the endorsement of CABA, that is incorrect.

During this election year, I encourage you to meet and research the judicial candidates. Furthermore, I encourage you to attend CABA's judicial luncheon on August 18th where we will further educate the public regarding the qualifications of candidates for judicial office.

I trust the public's ability to exercise sound judgment in electing state court judges. CABA will do its part. Will you?

Corali Lopez-Castro,
President of CABA

Editor's Note

Editor's Message Francisco Ramos, Jr.

With our busy schedules, it is easy to get caught up with our careers and lose sight of our families, our friends and our community. Take the time and get involved. Come to our next event and the one after that and reconnect with old friends and make some new ones. Don't let your job keep you away and don't let it turn you into the man in the following story, which originally appeared in The Professional newsletter.

The Man and the Tower

There once was a man whose job was to build a tower. Every day he worked on the tower.

One day his son came by. "Father," the son asked, "Can you take me fishing?"

"I'm sorry," the father said, "I cannot. I am building this tower."

So the son left and the father kept building.

One day, a neighbor of the man, a widow, came by. "Sir," the widow said, "I am a widow and I have lost my house. I see you are building this magnificent tower. Can you build me a small house so that I can have a place to live?"

"I'm sorry," the man said, "I cannot. I am building this tower."

So the widow left and the man kept building.

As the years passed, the tower grew higher. Many people came by. They would say, "What a magnificent tower. Surely this man is one of the best builders this world has ever seen." And the man kept building.

One day the man's wife came by. "Husband," the wife asked, "Can we go for a walk?"

"I'm sorry," the husband said. "I cannot. I am building this tower."

So the wife left and the husband kept building.

As the decades passed, the tower grew higher. It was so high that it tickled heaven's belly. More and more people came by. They would say, "Surely this is the most magnificent tower ever built. This man is the

best builder this world has ever seen." Kings traveled many miles to see the tower. From all four corners of the earth, they came and beheld the tower and praised the man for it.

One day, another neighbor, a farmer, came by. The farmer had to yell to get the man's attention because the tower was so high. "Sir," the farmer asked, "I see your magnificent tower, and I see that you are the best and strongest builder this world has ever seen. Kings come to admire your tower and praise your name. But please sir, take pity on me. My crops are failing, and I need help in tending my fields. If my crops die, I will have nothing to eat. Can you help me?"

"I'm sorry," the man said. "I cannot. I am building this tower." So the farmer left.

In the twilight of his life, the man finished the tower and climbed down. At the base of the tower he saw all the awards and accolades left by those who had come to see the most magnificent tower ever built.

The man was tired and went home to rest. On the way home, he went to visit his neighbor, the widow. But without a home to live in, she had left. Not finding her, he went to see his other neighbor, the farmer. Since his crops failed, he moved away and never returned.

Alone, the man went home to see his son and his wife. He went to his son's room, but he was not there. He had gone fishing, grown up to be a fisherman and had never returned home. He walked upstairs to his bedroom, expecting to find his wife there. She had gone on her walk and had never returned. Tired, he lied down in his bed.

"At least I have the tower," the man said to himself. "People will see the tower and remember me." He closed his eyes and died.

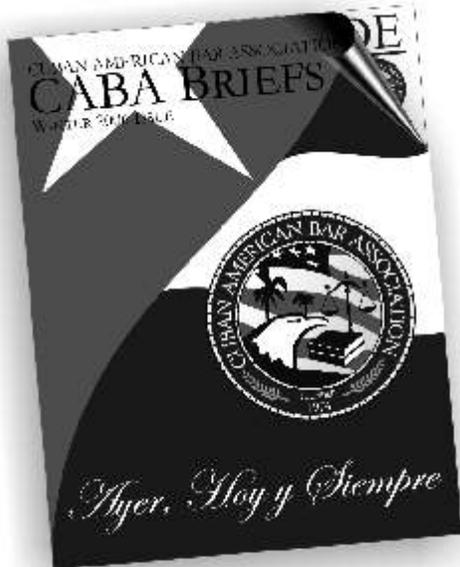
With time, the tower started to crumble. Eventually, it fell. Its stones were shattered and the wind blew the pieces near and far. With time, there was no tower at all. As time passed, people forgot about the tower and how magnificent it had been. And as people forgot about the tower, they forgot about the man. Because the man had never helped a widow, or a friend, or spent time with his wife or his son. The only thing the man had done with his life was build the tower. With the tower gone, there was no reason to remember the man anymore.

Federal Court Practice 101:
Everything You wanted to know but were afraid to ask



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**LEGAL SERVICES OF GREATER MIAMI, INC. CELEBRATES
40 YEARS OF DEDICATION TO EQUAL JUSTICE**

Miami, Fla. May 12, 2006 - On June 9th, 2006, Legal Services of Greater Miami, Inc. (LSGMI) will celebrate 40 years of dedication to Equal Justice at its 40th Anniversary Celebration Luncheon. The luncheon program will honor LSGMI's first Executive Director, **Howard W. Dixon**, acclaimed as a pioneer of Equal Justice Under Law and noted for his outstanding contributions and dedication to the delivery and enhancement of free legal services to the poor. The celebration will also include a reunion for LSGMI staff and board alumni, many of whom are now in prominent positions including Congress and the judiciary.

"I'm thrilled about the 40th anniversary," said Bob Josefsberg (Podhurst Orseck), Chair of the 40th Anniversary Celebration Committee and one of Dade County's premier trial lawyers. "At Legal Services we were all in the trenches together and developed close relationships. It will be great to see old friends."

As the largest provider of broad based civil legal services for the poor in Miami-Dade and Monroe counties, LSGMI helps thousands of individual members of our community annually. Early LSGMI legal victories had an impact on the shaping of the legal rights of the poor, and LSGMI continues today to provide innovative, effective services which impact the community as a whole and promote Equal Justice Under Law.

"LSGMI gave a lot of people hope who never had hope," said **H.T. Smith**, an LSGMI alumnus and accomplished attorney and law professor. "It gave a lot of people a voice who never had a voice. It gave a lot of people a feeling of empowerment; things like that really changed people's lives."

In 2005, LSGMI served over 18,000 clients, recovering over \$1.85 million in disability, unemployment, government benefits, child support and other benefits. More than half of LSGMI client households are headed by women, while 42% of the household members are children. Fifty percent are the working poor.

LSGMI's main office is located at 3000 Biscayne Boulevard, Suite 500 (305-576-0080). LSGMI has two regional offices which are located in South Dade at 10720 Caribbean Blvd, Suite 400 (305-232-9680), and in Key West at 600 White Street (305-292-3566).

First 90 days on the bench...

By the Honorable Catalina Avalos*



*Judge Avalos was appointed by Governor Jeb Bush to serve as a County Court Judge for the 17th Judicial Circuit in November of 2005. She is the first Colombian born judge in the United States. She graduated from Broward Community College, Honors Institute, and received a scholarship to attend Florida International University where she completed her undergraduate studies. She received her Juris Doctor in 1996 from Nova Southeastern University.

Since 1997, Judge Avalos worked as an Assistant State Attorney in Broward County where prosecuted 10-20-Life cases and second degree murders. She previously served as the Deputy Chief of the Misdemeanor Trial Unit responsible for training and supervising new attorneys, and handled complex and high profile cases. She also prosecuted Sexual Batteries and 1st Degree Felonies in the Juvenile Division. She began her legal career working as an associate in the Law Offices of Pyska, Kessler, Massey, Catri & Holton doing worker's compensation cases.

So what is it like for a newly appointed judge? At first, getting the call from the Governor, ordering the robes and finding one's way can be a bit overwhelming yet incredibly exciting. As if it was not enough to be embarking on a new experience, I was assigned to a civil/criminal division and I had not handled a civil case in over 9 years. So needless to say, my first 90 days were spent, and are still spent, reading case law, listening carefully to arguments made by lawyers, reviewing files and pleadings prior to the hearings and making decisions.

One of the things that I have come to realize in the last couple of months since I was appointed is that taking the bench is a wonderful experience accompanied by an immense amount of responsibility. Every day people come in front me and await a decision. To some it is probably the only time they will interact with the judicial system. It therefore falls upon me to make sure that when they leave they know that they were treated fairly, with respect, and that my ruling was based solely on the law. Another matter that is alarming is the lack of understanding that the general public has about how the legal system works. Every day people fail to appear for matters that will not only affect their liberty, but that can also result in them being evicted from their home, having a judgment entered against them on a collection matter, or losing their home to a foreclosure. Often, it is not until they receive a judgment entered against them that they realize the severity of the matter.

Perhaps the reasons for my wanting to become a judge helps to shape my experience on the bench. I have had the opportunity to appear before many judges and see how they make a difference in the lives of others. I want the people that come into my courtroom to have a venue where their case and voice can be heard. Whether they come in as the Plaintiff or the Defendant, I want them to leave the courtroom feeling and knowing that they were treated with respect, regardless of what language they speak, their race or the matter that brings them before me. I want them to leave knowing that their matters were heard and carefully considered and that a decision was made for or against them based on the law and the merits of their case.

Gracias CABA for asking me to share my "first 90 days on the bench!" I am grateful to Governor Bush and Raquel Rodriguez, his General Counsel, for giving me the opportunity to serve, and I leave you with my goal, which is exercise my judicial duties with humility and the utmost regard for the laws and principles of our great nation.

PRACTICE POINTERS:

CLOSING ARGUMENT

By Ervin A. Gonzalez*

The closing argument is one of the most important parts of a trial, as the entire trial leads up to the summation. The argument is especially significant if the outcome of the trial is too close to predict. At that point, all that matters is the attorney's last attempt to persuade the jury to find in favor of his or her client.

During the summation, all of the evidentiary pieces should be brought together and the case should be presented in a strong, fluid, and persuasive manner. All points that help prove the elements establishing the theory of the case must be fully explained. The closing should be performed in a simple, yet precise way.

The podium should not be used. Instead, walk around freely. The use of a podium blocks communication and sends a message to the jury that there is something between you and them. Closing argument should be presented without notes or with as few notes as possible. If notes must be used, then use flash cards or very well organized papers so that you are not fumbling through documents when closing the case. Stand no closer than six feet from the jury. If you get too close, you will be encroaching on the jury's comfort zone and may cause them discomfort.

Begin the closing argument with a basic greeting. Almost all trial attorneys will thank the jury for their patience and attention before formally beginning the summation. This should not be done in a patronizing way, but sincerely and honestly. You should also explain what the summation is all about. A road map should be given to the jury explaining what is going to be done and how it will be accomplished.

Use simple and plain English. Leave legalese at the office. Avoid using excessively flowery language or complex legal terms. If complex scientific, medical or legal terms must be used, make sure that those words and terms are completely explained and defined well before they are used in context during the closing argument.

Next, discuss the difference between a civil and criminal trial. The jury should understand that a civil trial is not conducted like a criminal trial and that at the end of the civil case, no one will go to jail or lose any privileges. The jury should understand that monetary damages are being sought.

After that, discuss the standard of proof. Compare and contrast the standard of proof in civil cases from that of criminal cases. Examples of how the standard of proof works in civil cases should be provided. For instance, the trial attorney should explain that the greater weight of the evidence is like the scale of justice. That is, if the scale tilts to one side just a little bit, that is enough to be considered the greater weight of the evidence. Other examples may be used, such as the difference between 51% and 49%. These examples will help the jury understand the standard of proof and how to decide the case.

Follow that discussion with a complete and interesting explanation about the basis of the lawsuit. A short summary of the theory of the case and the establishing evidentiary facts should be presented to the jury at that point. Deliver this portion of the closing as if telling a story.

After the general picture has been fully illustrated, break down the case by elements in the order that they will be presented to the jury in the instructions. For example, in a negligence case, the attorney should explain what the elements of liability are and how the elements were met or not met in the case. Show how the evidence supports the theory of the case.

The testimony of the witnesses and the documented evidence supporting the claim should be discussed at that point as well. It is important not to rehash all the evidence presented during trial. If the entire case is presented during closing, this will become too boring and the jury will be put to sleep. Instead, point out the highlights of the testimony and the key pieces of the evidence in the trial.

Never misstate the evidence or your position in the case. Jurors do not forget these things, and collectively remember everything that happens in the trial. Jurors can and will forgive a lawyer if he is kind and honest, but if they think the lawyer is lying to them or misstating the evidence or the law, the jury will never forgive that lawyer and the client may suffer as a result.

Make sure that demonstrative evidence is used when explaining the key points in your case. The jury will need to see and hear the important parts of your argument. The use of demonstrative evidence greatly increases the effectiveness of the closing argument. It will allow the jury to fully understand the case.

It is important to anticipate the arguments that may be made by the other side. Prepare to rebut those arguments before they are made. Nevertheless, avoid attacking the other side's attorney directly. Jurors do not appreciate this type of argument and it often backfires. Under all circumstances, do not engage in a personality battle with the opposing party or counsel.

After completely discussing the elements of the case and your client's right to prevail in the lawsuit, move on to discuss damages. For the plaintiff, this is an extremely important part of the closing argument and cannot be rushed or discussed in a haphazard or unorganized way. At least 35% of the time allotted for closing argument should be devoted to a thorough discussion of the damages. After the damages presentation, the jury should be fully convinced that your client has sustained significant harm and should be compensated. If properly presented, a significant verdict may result.

Conversely, if representing the defense, the argument should focus more on the liability aspect of the case. The defense should discuss damages in a pure logical and mathematical way. The defense should remind the jurors not to reward the plaintiff, but solely to compensate the Plaintiff and only if liability exists.

Some defense lawyers believe that no particular amount should be discussed during closing argument when defending damages. This has proven to be effective for many defense attorneys, but it is also a very dangerous practice. If the jury plans to award the plaintiff a compensatory award, and the defense does not discuss specific amounts, the jury may feel obligated to award the amounts suggested by the plaintiff's attorney. Instead, a defense attorney may want to argue that no damages should be awarded, but that if damages are awarded, the amounts should be based on realistic figures. A sincere and conservative discussion of damages should then follow.

After damages are discussed, you should conclude the closing argument with a strong ending. The heart of the case should be proclaimed, followed by a request that the jury find in favor of your client. Thank the jury for their attention, then sit down at counsel table and appear confident that justice will be served.

Always remember to deliver the summation convincingly, clearly, and in an organized manner. Great closing arguments are rarely spontaneous. They require proper preparation, organization, practice, and inspiration. If delivered properly the closing may make all the difference in the result of the trial. Thus, you should devote sufficient time and effort to properly prepare the closing argument.

***Ervin A. Gonzalez** is board certified as a specialist in civil trial law (personal injury and wrongful death cases) and business litigation law by The Florida Bar and The National Board of Trial Advocacy. He is a partner at the firm of Colson Hicks Eidson, in Coral Gables, Florida. Gonzalez is a Governor of The Florida Bar and has served on its executive committee and long range planning committee. Mr. Gonzalez is an appointed member of the National Board of Trustees of the National Institute of Trial Advocacy (NITA) and an elected member of the American Board of Trial Advocates (ABOTA). He is Past President of the Dade County Bar Association, Past President of the Dade County Trial Lawyers Association, and a former Director of the Academy of Florida Trial Lawyers. Gonzalez also served as a member and Subcommittee Chairman for the Florida Bar's Committee on the Rules of Civil Procedure. He is a graduate of the University of Miami School of Law - Juris Doctorate, 1985, cum laude.

CABA Lobbies in Tallahassee

On March 14, 2006, CABA traveled to Tallahassee to lobby for its legislative agenda. During this trip, CABA Board Members were honored to attend the unveiling of Justice Raoul Cantero, III's portrait in the Florida Supreme Court. The unveiling was especially memorable as artist Luis Soler shared his account of escaping Cuba in 1994. In fact, Luis was the last Cuban to enter the US before the "wet foot-dry foot" policy went into effect. In celebration of Luis and his triumphs we are pleased to grace this edition's cover page with another painting by Luis Soler titled "Nadie lo Entiende" - 1995. For information on this and other paintings by Mr. Soler please contact him directly via e-mail at solerias@bellsouth.net



see centerfold

see centerfold

The Honorable Leandra G. Johnson

By: Francisco Ramos, Jr.



Leandra G. Johnson, born in Holguin, Cuba, in 1954, was recently appointed as a circuit court judge in the Third Judicial Circuit. Having arrived in the United States in 1965 with her parents and two sisters, her legal career has taken her from the state attorney's office, to private practice, to the bench, where she travels back and forth among several counties, where she presides over all types of cases.

The road to the bench started at the University of Florida, where Judge Johnson went to college and then to law school. "Lily," as she is affectionately called by her friends, graduated with her J.D. in 1981. After graduating, she went to work as an assistant state attorney in Gainesville while commuting from her home in Lake City. She was only one of a handful of women prosecutors in the Eight Judicial Circuit. After her first year, she was asked to head the Baker County State Attorney's Office. She was the only prosecutor for the entire county.

In 1983, the State Attorney of the Third Judicial Circuit offered her a job and she was able to return to work in Lake City, the place where her family had settled and called home. At the time, there was only one other female prosecutor in the entire circuit. She would be a prosecutor for another 15 years and would become the Division Chief of the Lake City State Attorney's Office, the largest office in all of the Third Judicial Circuit.

She wanted to be the best prosecutor there was and spent her share of late nights and weekends preparing her cases. Her efforts did not go unnoticed. In 1997, the Florida Prosecuting Attorney's Association recognized her as "Florida Prosecutor of the Year" by awarding her the Gene Berry Memorial Award. Having accomplished all she had set out to do, she left the state attorney's office in 1998 to spend more time with her husband and two sons.

She took a few months off and then went into private practice with a long established law firm in Lake City where she practiced in the areas of general civil litigation, family law and criminal defense.

During these years, she shared her talents and skills with high school students, assisting them in mock trial programs. For several years, Johnson was the attorney coach for the Columbia County High School Mock Trial Team. For her efforts, in 1999, the Florida Law Related Education Association, Inc. presented her with the "Attorney of the Year Award."

She remained in private practice until Governor Bush made a historic appointment by tapping her as the first female and first Hispanic judge for the Third Judicial Circuit. Governor Bush called her on December 20, 2005, and she took office on January 6th. Two days later, she went off to Florida Judicial College where she was welcomed by judges from across the state. She learned a great deal there and made a number of friends as she honed her judicial skills. On January 20th, over 300 persons attended her investiture, at which her parents, Dr. Jose and Flor Goyenechea, assisted in placing on her the judicial robe presented to her by the Third Circuit Bar Association. She is pictured above with her husband and two sons.

Being a circuit judge in the Third Judicial Circuit involves a lot of work and a lot of miles on your car. The Third Judicial Circuit is comprised of seven counties. It covers Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee and Taylor Counties and extends from the Gulf Coast to the Georgia border. Judge Johnson finds herself driving from one county to the next, presiding over different dockets in different cities.

She handles civil, family, criminal and juvenile delinquency cases in Columbia County. She also handles the criminal docket in Dixie County, and in July she will be handling all the criminal cases in Madison County, in addition to her duties in Columbia County. Depending on the day, you may find her presiding over criminal matters or civil ones or family ones, or any combination of them. Her new job is keeping her on the road, administering justice one county at a time.

Francisco Ramos, Jr. is a CABA Member and Editor-in-Chief of the CABA Briefs. Mr. Ramos is a certified mediator and partner at the law firm of Clarke Silverglate Campbell where he practices commercial, employment and personal injury litigation.

Judicial Profile

The Honorable Carlos Alvarez, Mayor of Miami-Dade County

By: Francisco Ramos, Jr.



Mayor Carlos Alvarez, a native of Cuba, arrived in the United States with his family at the age of eight. He went to college at Florida International University, where he earned a bachelors degree in business administration and went on to graduate from the FBI National Academy.

Mr. Alvarez's public service career began in 1976, when he joined the Miami-Dade Police Department. He was promoted through all the civil service ranks and on March 31, 1997, he was appointed Director of the Miami-Dade Police Department. For seven years, he managed a department of more than 50,000 employees and a budget of close to half a billion dollars.

As police director, Mr. Alvarez saw a lack of efficiency, priority and accountability in local government and felt he could be part of the solution. "After so many years in public service, I believed I could do things better, that I could make others' lives better."

On November 16, 2004, after a distinguished 28-year public service career, Carlos Alvarez became the second Executive Mayor in Miami-Dade County's history.

Since becoming Mayor, he has played a pivotal role in fighting off efforts to move the Urban Development Boundary ("UBD"). For the most part, the boundary line runs along the southern and western edges of Miami-Dade County. Development outside that line is extremely restricted. Mayor Alvarez considers "holding the line" one of his most significant accomplishments. The Mayor notes that "once the line is moved, it's moved. You can't go back. We stopped that from happening."

Mayor Alvarez believes a lot of the problems the county faces today traffic, lack of resources, lack of services is a product of poor planning 20, 30 and 40 years ago. By holding the boundary line, he believes he has prevented more of this same poor planning which would have affected the county today, and for decades to come.

"Changes to the boundary line affect more than just West Kendall or Homestead. They affect all of us, because we don't have the infrastructure to deal with the issue. If you moved the line, you would increase the traffic problems throughout the county.

With all the construction going on, the county is just trying to catch up to provide the necessary infrastructure for the people who already live here."

In addition to holding the boundary line, he has fought for a "strong-mayor" form of government, seeking additional powers to better implement his goals. As a "strong mayor" he could hire and fire the county manager and department directors, have a greater role in awarding county contracts and have greater control over the county budget. Mayor Alvarez believes a strong mayor would make county government more efficient and accountable and less susceptible to the effect of lobbyists.

Becoming a "strong-mayor" would empower Mayor Alvarez to do what the county manager does run the county on a day to day basis. "I'm a very hands-on person," the Mayor says. "The change would allow me to be hands-on and allow me to get involved in the day to day operations of county government." At times the Mayor feels his hands are tied, and that he cannot do the things the residents of Miami-Dade County believe he can do. "Most residents think that I already have the powers and authorities I am asking for. They think that if the police are not responding to calls in their neighborhood that I can call the police department and ask for a better response. The fact is that I have to go through the county manager, who goes through the assistant manager, who goes through the department head. It's all very inefficient. This job is not meant for someone who is hands-on."

The Mayor took his fight for a "strong mayor" form of government to the Third District Court of Appeal. Time will tell whether the Mayor gets the authority he seeks to implement the changes he wants.

Being Mayor has its challenges, and Mayor Alvarez believes that his heritage makes him better equipped to tackle them. "It really helps in Miami-Dade County to be able to speak Spanish, to understand the issues of your constituents because you lived through them yourself. I was a refugee when I came to this country in 1960. I struggled then. What I went through allows me to empathize with those who are going through it now. I didn't read it in a book. I lived it. The issues they face, I lived those issues. I can relate."

And his parting advice for the members of CABA? Get informed and get involved. "Local government is going to have more of an impact on your life than state or federal government." He points to the UBD as an example of how the community got involved and how their involvement had an impact. He recommends that all members of CABA, irrespective of their political persuasion, get involved, get informed and vote.

DEMYSTIFYING THE JNC PROCESS IN BROWARD COUNTY

On May 19th, CABA, along with the Broward County Women's Lawyers Association, Broward County Hispanic Bar Association, Caribbean Bar Association, Haitian Lawyers Association, T.J. Reddick Bar Association, and the Asian Pacific Lawyer's Association hosted a seminar on the JNC process in Broward.



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OGLETREE DEAKINS IS PLEASED TO ANNOUNCE THAT Angel Castillo, Jr.

Has joined the Firm as a Shareholder in our Miami office, which has moved to the address listed below.

Mr. Castillo will continue to practice in the areas of Labor and Employment, litigation, and international arbitrations. He joins a growing team of outstanding attorneys resident in our Miami office.

David M. DeMaio
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Christopher P. Hammon
Naileh S. Knight

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In Memoriam

With great sadness, I write this piece. When I had lunch with Judge Leyte-Vidal on March 2, 2006, it was for the purpose of writing his judicial profile for this issue of CABA Briefs. Three weeks later, I received the sad news of his passing. - Luis E. Suarez

On March 26, 2006, we lost a wonderful Circuit Court Judge, Henry Leyte-Vidal, after a two year battle with cancer. He was an inspiration to lawyers of all ages. He was humble, positive, kind, warm, and good natured. Put simply, he embodied what is good and noble about our profession.

Born in Havana in 1956, he came to the United States at age three and spent his childhood in Southern California. As a child, he was inspired by his father, a lawyer, who despite becoming blind a few months after exile, still managed to work as a social worker.

After high school, Judge Leyte-Vidal came to Miami to attend the University of Miami. He received his bachelor's degree in 1977 and his law degree in 1980. While in law school, he worked as a bailiff for Circuit Judge Sam Silver. Later in life, Judge Leyte-Vidal occupied the same court where he worked as a bailiff. He was very proud of that. He even kept his bailiff badge on his desk.

In 1999, he was appointed to County Court by Governor Bush. Prior to that, he was a partner in the firm of Rossano, Torrent & Leyte-Vidal, P.A. from 1984 to 1999 and served as a special master for the City of Miami Beach from 1991-1997. In 2001, he was appointed to Circuit Court, and was then elected unopposed in 2004.

He spoke openly about his love for his three sons: Alex, Enrique and Danny. He also spoke openly about how proud he was of CABA's accomplishments.

The Honorable Henry Leyte-Vidal Scholarship

In association with the Leyte-Vidal family, St. Thomas University School of Law has established a permanent tribute honoring Judge Leyte-Vidal's significant contributions to the law school and the legal community at large. The Honorable Henry Leyte-Vidal Scholarship will be awarded to academically qualified second or third year students, who have excelled throughout their law school careers, and who have demonstrated financial need. Preference for this scholarship will be given to students who have a genuine interest in litigation and trial work, and who have demonstrated potential for making a substantial contribution to the legal profession.

You may contribute to the Honorable Henry Leyte-Vidal Scholarship Fund by mailing a check to: St. Thomas University School of Law, Office of University Advancement, 16401 NW 37th Avenue, Miami Gardens, FL 33054

Que Pasa CABA? [kay passa cah-ba]

Upcoming CABA Events: (Tentative Dates)



Judicial Luncheon - August 18, 2006
CABA/CACPA Happy Hour - September 28, 2006
Golf Tournament - September 29, 2006
Pro Bono Fundraiser - November 3, 2006



For detailed information on the above and other CABA events please visit www.cabaonline.com

Membership:

Membership in CABA is open to all lawyers in good standing with the Florida Bar and law students who have an interest in, and wish to contribute to, the purposes of the association. To join CABA, please fill out the membership form available at our website at www.cabaonline.com and return it along with your membership dues, as indicated.

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I want to take this opportunity to congratulate CABA and its leaders. Your mentoring and scholarship programs, your defense of rights in Cuba and your educational and sensitivity training seminars for the judiciary are of immense value to all of us. I treasure the friendships I have developed as an active member of CABA for many years. Those of you who know me personally know that I attribute much of my professional success to the mentoring that I received from my Cuban American family, the Lopez Cantera's.



As their Hija de la Crianza I learned to speak Spanish and received my M.A. in Latin American Studies. They inspired me and assisted me with law school and in my campaign for judge. Attorney Dr. Carlos Lopez Aguiar swore me in as judge in 1997. For these reasons I am very proud to say "Yo soy CABA"! Now I am asking for your support. I am in a contested election for County Court Judge in Group 40. During the almost 10 years I have served as a judge, I have taught judges CLE courses statewide and performed substantial community service through my mentoring program for at risk girls and with CABA. I brought 20 years of trial experience to the Bench. I hope that I have earned your support and ask you to please vote to retain me on September 5. Thank you.

Committee to Retain County Judge Bonnie Lano Rippingille, Group 40

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