

SFLG

SOUTH FLORIDA LEGAL GUIDE

YOUR GUIDE TO LAW, ACCOUNTING & FINANCE

A professional headshot of Attorney Paul Steven Singerman. He is a middle-aged man with short, light-colored hair, wearing a grey pinstriped suit jacket, a white dress shirt, and a purple and blue striped tie. He is looking directly at the camera with a neutral expression. The background is a blurred office setting with a window showing a view of a building.

**Attorney
Paul Steven
Singerman:
The Restructuring
and Bankruptcy
Mastermind**

Also:

**Attorney David Bercuson:
A Leader in Entertainment Law**

**What's Next for South Florida's
Relationship with Cuba?**

Have We Lost Our Critical Thinking Skills?

A few days ago, I posted the following “news” on my LinkedIn feed:

I heard from a reliable source that someone high up had a clandestine meeting with an unnamed individual from a certain country where it is alleged they discussed certain materials that might have been secret about a specific situation related to an undisclosed matter affecting someone.

At first I just wanted to poke fun at the constant volley of news stories that are flying around us on an almost daily basis. But the more I think about my post the more I worry.

For almost two years now, we have been barraged by news articles citing anonymous sources, made-up “fake” news and plenty of opinion columns

masquerading as facts. We saw this damaging trend rise dramatically during the 2016 Presidential campaign, and it shows no signs of letting up.

Today, too many Americans turn to newspapers, TV networks and websites whose articles confirm their personal set of beliefs, and quickly share those articles on social media. It doesn't matter that the individuals and groups creating these headlines may have their own cynical agendas, such as attracting more “eyeballs” to a website in order to generate greater advertising revenue.

The result clearly has been a polarization that is damaging the fabric of our pluralistic society. If something big happens

in Washington, the rest of the U.S. or around the world, people will construct their own “stories” to explain the events.

Objectivity is being lost and we are in a new reality where someone who shouts the loudest becomes the most believable source.

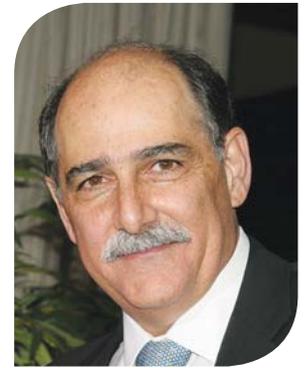
You probably have heard the saying; “If a lie is only printed often enough, it becomes a quasi-truth, and if such a truth is repeated often enough, it becomes an article of belief, a dogma, and then men will die for it.” British author Agnes Tremorne wrote that statement in her 1869 book, “The Crown of a Life” and propaganda masters like Vladimir Lenin and Joseph Goebbels have echoed her words.

In Michael Lewis's recent book “The Undoing Project: A Friendship That Changed Our Minds” he cites psychologist Daniel Kahneman's thought that *when people become attached to a theory they tend to fit the evidence to it rather than the theory to the evidence and then they cease to see what's right under their nose.* To counter this trend, we must remind our children, family members, colleagues and friends of using their critical thinking skills. Does this story contain unverifiable facts? Does the author have a hidden agenda? Does it pass the “common sense” test? Remember that the first rule of true journalism is that every story has at least two sides – and today there may be far more than that!

We must protect the freedom of the press to report the news in a fair and objective manner. Our founding fathers recognized that a free press provides a vital safeguard against corruption in government at every level. But, we must also hold members of the media – including the vast numbers of online “news” sites – accountable for their statements.

In my opinion these steps are the best way to reduce the flow of unverified, unsubstantiated and “fake” news stories. I hope to see that belief become reality in the not-too-distant future.

Jacob Safdeye
Publisher



JACOB SAFDEYE

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SOUTH FLORIDA LEGAL GUIDE - BM
Volume 1, Number 2, 2017

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[WEALTH MANAGEMENT]

Managing Wealth in Times of Uncertainty

BY ORLANDO ROCHE

The past several months have seen a number of surprising political events and economic fallout around the world. We are living in unprecedented times and while uncertainty has been the norm rather than the exception as we look back at the history of financial markets, the market has had a strong run since the recent election. Especially true in the past 10 years, the economy has seen a series of booms and busts across a variety of asset classes, however, global markets have found their footing after a series of

central bank policy were implemented to stabilize and restore confidence in the global financial system. Unexpected events impacting global markets will continue to occur and there will always be reasons not to invest, but a successful wealth management strategy requires a focus on a variety of factors that we are able to control.

Managing wealth in uncertain times requires a consistent repeatable process that takes into consideration a client's long term strategic needs

and balances that against short and intermediate term risk and opportunities that avail themselves in the natural course of a market economy.

At the core of our investment approach is the principal of capital preservation and a keen focus on managing market risk. Our process begins with gaining a thorough understanding of our client's objectives based upon their requirements for cash flow, liquidity, taxes, and estate planning. The next step involves an analysis and discussion of market

risk. Our approach looks at risk beyond the basic understanding of market fundamentals to include a broad study of structural risk, technical risk analysis as well as behavioral risk analysis to have as complete a picture as possible of the investment landscape before putting client capital to work. By matching the client's needs and objectives to an appropriate risk profile we can proceed to the design and implementation of a strategic investment plan.

The portfolio construction phase of our process takes into account the client's unique circumstances and risk appetite and matches it to our firm's investment outlook to ensure we are creating

a strategic asset allocation that achieves the dual mandate of preserving capital while meeting the client's objectives.

By focusing on capital preservation as the cornerstone of our approach we attempt to lower the volatility that markets have experienced in recent years and grow our clients' portfolios in a consistent and steady manner. By monitoring our progress and communicating with our clients on an ongoing basis, we can make adjustments along the way to ensure we are keeping up and meeting the client's needs. While we have seen an improvement in the global financial markets, we continue to believe that this process is essential to



provide excellent results to our clients despite living and managing wealth in uncertain times.

Orlando Roche is the regional president of Sabadell United Bank Miami-Dade County. He is responsible for overseeing private banking, wealth management and fiduciary services within the region. Roche can be reached at orlando.roche@sabadell-bank.com or 305-347-4175.

[INTERNATIONAL TAX COMPLIANCE]

International Noncompliance

BY STANLEY I. FOODMAN

Detecting, deterring, and responding to international noncompliance are key challenges facing tax authorities around the world. International tax non-compliance is a significant problem acknowledged by global tax authorities. Tax advisors and financial institutions play a major role with deterring, implementing and monitoring global tax compliance.

International tax compliance enforcement is a priority effort for the IRS. Tax avoidance schemes, cross-border transactions and complex "hard to understand" business structures have heightened

IRS tax compliance concerns. The prevention of tax schemes, money laundering, and the flow of narcotics and terrorist funding is a coordinated effort IRS-Criminal Investigation (IRS-CI) undertakes with other countries. IRS-CI has special agents that are forensic accountants trained to follow the money. IRS-CI has expanded its overseas presence by assigning attachés to key foreign embassies and consulates.

IRS-CI conducts criminal investigations regarding alleged violations of the Internal Revenue Code, the Bank Secrecy Act and

various money laundering statutes. The findings of these investigations are referred to the Department of Justice for prosecution consideration.

The Panama Papers uncovered the tip of an iceberg for misunderstood offshore structures that could actually be legal in multiple jurisdictions. That said, the U.S. and other jurisdictions have provided a number of public announcements and warnings regarding the non-compliant uses of what could otherwise be legitimate business structures. From the U.S. perspective, FATCA has enlisted banks around the world to report



on reportable U.S. taxpayer owned and controlled bank accounts. FATCA requires Non-US Financial Institutions around the world to disclose their U.S. account holders, or risk being blocked out of the U.S. financial system, and pay penalties. IRS has been emphatic in its warnings to offshore account holders to disclose their reportable controlled accounts before it is too late. Based on

its IRS provided information under Internal Revenue Code section 7345, the U.S. State Department is now required under certain circumstances to revoke or deny a passport to a U.S. taxpayer that has a IRS tax lien in excess of \$50 thousand. While it is not illegal to have offshore accounts or use offshore business structures, not reporting their existence and earnings is illegal under U.S. tax law.

In a globalized economy cross-border transactions become the norm. Tax authorities will be working together to ensure that taxpayers pay the right amount of tax to the right jurisdiction. In 2014 the Organization for Economic Co-operation and Development (OECD) developed the Common Reporting Standard (CRS). CRS is an

information gathering and reporting requirement for Financial Institutions to ensure compliance by tax jurisdiction — as opposed to FATCA that ensures compliance by US immigration status. CRS jurisdictions will automatically exchange tax information on an annual basis. Over 50 jurisdictions have adopted CRS and will automatically exchange information between tax authorities starting in September, 2017.

The game is almost over for those who are non-compliant regarding reportable income and reportable accounts. The moment to comply is now.

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PAUL STEVEN SINGERMAN

A RESTRUCTURING AND BANKRUPTCY MASTERMIND

A Miami attorney nationally known for his bankruptcy practice, Paul Steven Singerman regularly counsels clients in deep financial difficulty who are struggling with their emotions of loss and despair. As co-chair of Berger Singerman's Miami office, he also digs deeply into the facts of each case, including large fraud and "bet the company" litigation.

"We engaged Paul on a mission-critical and highly complex matter that culminated in a multi-year mediation with some of the top investment companies and banks in the world," said David Friedman, an investor and financial business owner based in Boca Raton and Austin, Texas. "Paul guided us through a difficult process and enabled us to reach a successful outcome and continues to oversee the most important corporate and tax matters for us, many of which involve international jurisdictions."

Singerman's business practice includes complex restructuring, insolvency and bankruptcy cases, including loan workouts and cross-border matters. Best known for his representation of debtors in restructuring cases and high-stakes litigation, he also represents creditors' committees, lenders, large

unsecured creditors, and asset purchasers in § 363 sales and trustees.

In the past decade, Singerman's major cases include serving as counsel to Judge Herbert Stettin as Chapter 11 Trustee for the law firm of Rothstein, Rosenfeldt & Adler, P.A. dealing with \$1.2 billion in Ponzi scheme claims. He also served as counsel to the Creditors' Committee in the Taylor, Bean & Whitaker case, one of the largest bankruptcy cases in Florida history, with in excess of \$11 billion in claims when the case was filed in 2009. He and Berger Singerman's Business Reorganization Team also served as debtor's counsel to Simply Fashion Stores, Ltd. and its affiliate Adinath Corp., HearUSA, Inc., Aloha Airlines, and Levitt and Sons.

LEARNING ABOUT BUSINESS

Born in Lima, Ohio, Singerman learned important lessons early in life from his parents, Morton and Esther Singerman. "My father had a small family business in Lima that he sold in 1972," Singerman recalled. "When his non-compete agreement expired two years later, he decided to purchase an electronic security franchise in South Florida. He asked me to go into

business with him, and I said yes."

Three weeks later, Singerman and his father assumed ownership of the Miami company, only to find that the seller has misrepresented the business. "Nearly every client had an unfavorable impression of the former management," he said. "So, I wound up handling my first workout at the age of 18."

Singerman rolled up his sleeves and worked hard for three years, helping his father turn the business around, before making a successful exit in 1982. In the meantime, Singerman earned a bachelor's degree and later obtained his law degree from the University of Florida. While in law school Singerman met his wife Marte, who practiced law in Miami for 15 years and now serves as co-founder and general counsel for The Social Cog, a Miami Beach nonprofit that supports adults with learning and developmental disabilities.

STARTING A LAW CAREER

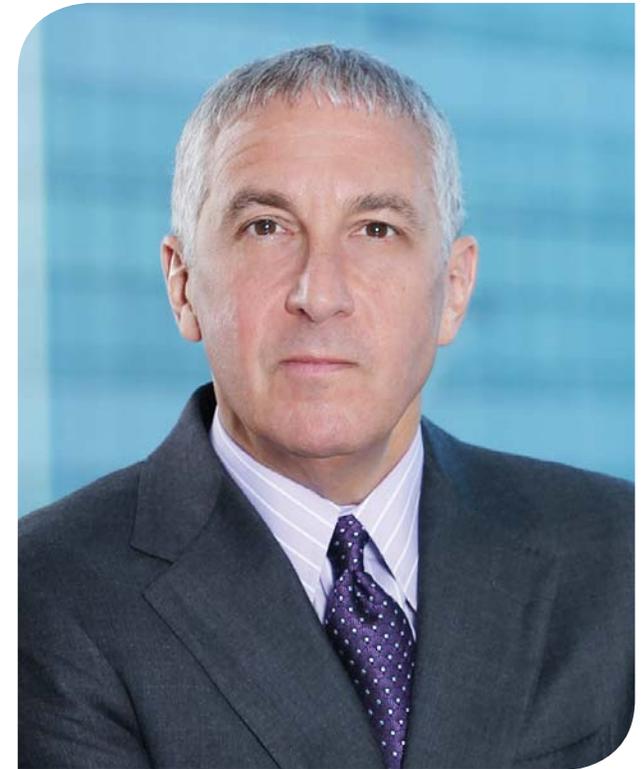
While in law school, Singerman took a semester off and worked in the Dade County Public Defender's office. "Our criminal justice system was horribly overtaxed at the time with numerous drug-related trials," he said. "I loved being in

the courtroom," he said. "It was a very different experience than clerking at a civil law firm."

After Singerman passed the bar, the public defender's office asked him to return to the criminal cases, but lacked the committed budget funding to make a firm offer. Instead, Singerman joined the Miami office of Stroock & Stroock & Lavan, where he leveraged his business background and trial experience to start building a bankruptcy practice.

"As a former small business owner, I understood what it meant to meet a payroll and read and understand balance sheets, income statements and financial reporting," Singerman said. "I felt that would give me an advantage in serving clients which turned out to be true. I still think it's very important for a litigator to understand the underlying business issues of our clients, as well as the historical performance of a company and its forward outlook."

While at Stroock, Singerman represented Citibank in a chapter 11 bankruptcy case with Mitchell Berger, co-founder of Berger & Davis, representing the debtor. "Together, we were able to find an effective and elegant solution to a very difficult case," Singerman



said. "So, I started to recruit Mitchell and his brother, James Berger, to join Stroock."

But, in 1996, Singerman's brother Richard died at a young age from lung cancer. "He had encouraged me to consider being part of an entrepreneurial law firm, and I took those words to heart." Rather than bring the Berger firm to Stroock, Singerman joined Berger & Davis, which became Berger Davis & Singerman, and opened the firm's Miami office in 1997.

Singerman steadily grew the office, while building a practice that included distressed businesses, mergers and acquisitions and commercial and bankruptcy litigation. He was also elected a Fellow of the American College of Bankruptcy and was invited to join The

American Inns of Court, Spellman-Hoeveler Chapter, and the American Law Institute.

In recent years, Singerman has seen less interest in using the bankruptcy laws to repair a company's operations and attract new capital. The new model is to file for bankruptcy and quickly liquidate the assets as retail chains like Sports Authority and Circuit City have done, he said.

"Today, there is relatively little bankruptcy work outside the oil and gas sector," he said. "Private investors can take advantage of low interest rates to take over failing businesses and infuse them with cheap capital. But restructuring under the bankruptcy code continues to be a strategic option that can be considered by companies in financial distress." •

DAVID BERCUSON

A LEADER IN ENTERTAINMENT LAW

For years, people could consume music at concerts, on the radio and TV, or purchase records or CDs. Today, the music industry has been turned upside down, and continues to evolve rapidly. Now, music is enjoyed through digital downloads from online stores like iTunes or Amazon, music and video streaming services, and satellite radio. As a result, the revenue streams for performers have fragmented, and artists need attorneys who know how to find sources of income and fight for their rights.

Miami attorney David Bercuson has based his legal practice in this challenging entertainment environment. “You have to keep pace with the industry, understand the legal issues in today’s marketplace, educate clients and be an effective advocate. Every day is filled with different issues,” says Bercuson.

As an entertainment lawyer, Bercuson’s office is filled with gold records and memorabilia from clients including Flo Rida, Gloria Estefan, Julio Iglesias, KC and the Sunshine Band, Luis Fonsi and Trina. That’s because stars in the music, TV and film industries value his legal skills and expertise.

“I won’t do anything without first discussing it

with David, says Farruko, the Puerto Rican superstar with numerous gold and platinum singles and albums and music videos with hundreds of millions of views on YouTube and other video services. “I would find a way to give David a new lung if he ever needed one and preserve him like Walt Disney [in a cryogenic chamber] so he is always available,” says Farruko.

A LEADER IN THE FIELD

Today, Bercuson is one of the most highly recognized attorneys practicing entertainment law in Florida. In addition to his music clients, his diverse clientele includes South Florida television personalities like Cristina Saralegui, Jim Berry, Elliott Rodriguez, Ambrosio Hernandez and Adamari Lopez. He has been named an AV Preeminent attorney by Martindale-Hubbell for ten years, the company’s highest peer rating standard. He also serves as the vice chairman of the Miami-Dade Film & Entertainment Advisory Board to the County Commission.

Known as a tenacious advocate for his clients, Bercuson is also experienced in domestic and foreign music licensing and obtaining recording or publishing deals for

artists. “I’m fortunate in that my clients typically come to me by referral,” he says. “I assist artists who have disputes with companies and I regularly negotiate to obtain the best possible new or renegotiated contracts for the next stage of their careers in order for them to achieve their goals.

Bercuson earned a bachelor’s degree at Tulane University and his law degree at the University of Florida. He and his wife Marla, who is executive director of business operations at the University of Miami’s Bascom Palmer Eye Institute, have two daughters and six grandchildren.

Bercuson began his legal career as a commercial litigator, but transitioned to entertainment law with the rise of the local entertainment industry. One of his first clients was Disco CBS, which today is Sony Music Entertainment US Latin. He handled their litigation and negotiated contracts for artists and producers. He also gained experience in licensing agreements, music publishing and he has worked with organizations and companies around the world. Soon, in addition to musical artists, Bercuson would represent Spanish and English language TV anchors, sportscasters, as



well as other personalities in all aspects of the entertainment industry, such as Dwayne “The Rock” Johnson. “I am not an agent or manager for my clients; I do their legal transactional work,” he says.

A VARIETY OF ENGAGEMENTS

A typical day for Bercuson might include negotiating a new recording, publishing or sponsorship deal for an artist, negotiating a contract for a TV news anchor, reviewing an endorsement contract for a top recording artist, or representing a young singer being courted by a record label.

Bercuson works with legacy acts like KC and the Sunshine Band, as

well as new stars. “Everyone sings along with KC when he performs. Those hit songs continue to bring in licensing revenue from TV shows, movies and advertisements all over the world. My job is to protect the artists’ rights and maximize their income.”

“The music industry is changing every day,” Bercuson says. “It is critical to keep pace with the market.” To help his clients collect royalties, Bercuson has become an expert in “neighboring rights” a source of income derived from public performances on the radio and “360 deals,” both of which concepts are relatively new but extremely important.

Bercuson has taught as an adjunct at the University of Miami School of Law for more than 25 years. He is also a frequent lecturer and speaker at various Florida and American Bar Association meetings and conferences as well as at music events and on college campuses including Harvard Law School. Reflecting on his field, Bercuson says patience and flexibility are essential attributes in entertainment law. “To be successful, you have to be an effective legal strategist and advocate for your clients,” he adds. “You also have to be prepared for anything, because you never know what’s next.” •

WHAT'S NEXT FOR SOUTH FLORIDA'S RELATIONSHIP WITH CUBA?

When President Obama announced his historic restoration of diplomatic relations with Cuba, many South Floridians were hoping it would lead to a free flow of commerce and people between the two countries. Two and a half years later, those initial expectations have been tempered by the political and economic realities, as well as the uncertainties of President Trump's policy toward Cuba.

"A lot of American businesses were hopeful that Obama's reestablishment of diplomatic relations with Cuba would open a new market and lead to new trade opportunities," said Pablo S. Quesada, partner, SMGQ Law in Coral Gables. "However, Cuba has failed to institute any real political or economic reform, and its economy has further stalled due to the collapse of Venezuela."

Today, the short-term outlook for stronger business, travel and immigration between South Florida and Cuba appears far less promising than it did in 2015, according to several leading South Florida attorneys. The key challenges continue to be the tight political and economic control by Raul Castro's government, the trade restrictions imposed by

the U.S. Helms-Burton embargo act of 1996, and the difficult living conditions in Cuba.

"Many American business leaders who have visited the Island to meet with Cuban leaders have come back empty-handed," said Quesada. "Many have learned there is yet no ability to invest capital in Cuba and there is no domestic market in Cuba for their products."

INVESTMENT TRENDS

Michael Diaz, Jr., global managing partner, Diaz Reus and Targ LLP in Miami, said he has seen greater interest in Cuban investment from European rather than U.S. sources in the past year. "Many U.S. investors have cooled their interest, based on the political and legal issues," he added.

Another issue facing South Florida businesses looking for a possible foothold in the market is that the Cuban government is focusing on attracting large-scale infrastructure investment, such as airport and seaport projects, rather than consumer goods and services, according to Cuban-born Karel Suarez, a Diaz Reus associate. "While many U.S. businesses would like to invest there, it is the Cuban government that

makes those decisions," he said.

While South Florida is home to major cruise lines and air travel hubs, most U.S. multinationals looking at major infrastructure investment in Cuba are based elsewhere. "The reality is that except for the major players like Google, there just aren't that many opportunities now," Quesada said.

COMMERCIAL OBSTACLES

Currently, it is very difficult for South Florida businesses to access U.S. dollars for goods and services in Cuba in a way that doesn't violate the embargo, said Diaz. "Even though the Obama administration made specific allowances in certain sectors, the embargo places a huge restriction on access to currency in a lawful manner. That limits the expansion of business opportunities."

If that currency situation changes, then South Florida businesses will need to look at the political, economic and legal risks of making investments in the Cuban market, Diaz said. "Cuba has been relying on Venezuela for financial assistance, so U.S. investors should pay attention to economic conditions in that country as well," he noted.



ROBERT THORNBURG



GUSTAVO MEMBIELA

LEGAL ISSUES

South Florida businesses exploring ventures in Cuba face several major legal issues, says Gustavo J. Membiela, partner, Hunton & Williams in Miami. "The most important step is to do your due diligence to be sure you are not running afoul of the current U.S. restrictions on doing business with Cuba," he said. "One way or another, the Cuban government is going to be involved in your transactions, even if you reach an agreement with a local entrepreneur."

In addition, U.S. companies need to be aware of actions by the U.S. Treasury Department's Office of Foreign Assets Control (OFAC), which enforces economic and trade sanctions against Cuba.

"Another set of legal challenges involve doing business with Cuban partners or customers,"

Membiela said. "If there is a dispute, will it be resolved in a Cuban courtroom or arbitration session, or can you take it outside Cuba to a different forum? We have seen several matters that are now being arbitrated in Europe. It all depends on the working of the deal and the nature of the dispute."

Robert Targ, founding partner, Diaz Reus and Targ, notes that if the U.S. embargo is lifted and Cuba "opens for business," a binational claims commission will likely be created to resolve the legal issues related to private property and businesses taken over by the government. "There will be a need for both sovereign and private representation on that claims commission," he said.

PROTECTING BRANDS

Many South Florida

attorneys are interested in intellectual property (IP) related issues, related to branding, patents, trademarks in Cuba, said Robert Thornburg, shareholder and registered patent attorney with Allen, Dyer, Doppelt, & Gilchrist, P.A. in Miami.

"This is a popular topic right now with lots of educational meetings and seminars dealing with the prospects of U.S. brands in Cuba," he said. "But you have to sell goods there first. Those companies run up against the U.S. embargo, as well as the dire existence of most of the Cuban people."

Thornburg added that the embargo has protected U.S. brands against counterfeit goods, a common problem in developing world. "Some countries are relatively safe havens for counterfeiting," he said. "Cuba

Currently, it is very difficult for South Florida businesses to access U.S. dollars for goods and services in Cuba in a way that doesn't violate the embargo.

is not one of them because of the prohibitions on imports. We export a limited number of goods to Cuba, but we don't bring in their products."

IMMIGRATION POLICY

Quesada notes that the January 12 change in U.S. immigration policy had no effect on Cubans who arrived in the United States before that date. Those immigrants continue to benefit from the Cuban Adjustment Act of 1996, which allows them to obtain permanent residency one year following their admission or parole into the United States.

However, due to the end of the "wet foot, dry foot" policy, Cuban migrants trying to reach the U.S. are now detained, whether or not they touch land in the U.S., and are returned to Cuba. "The result has been that we have seen a significant decrease in the number of Cuban migrants attempting to come the U.S.," Quesada said, adding that less than 100 migrants have been detained by the U.S. Coast Guard since the policy ended.

Eventually, that change in immigration policy

may encourage the growth of private enterprise in Cuba, added Suarez. "Now that people know they can't come to the U.S. and stay legally, they may be more inclined to create their own businesses in Cuba."

TRAVEL AND TOURISM

A recent report from the International Monetary Fund (IMF) found that Cuba attracted a record 4 million visitors in 2016, second highest in the Caribbean after the Dominican Republic. That included an increase in U.S. travelers who comply with current travel requirements, such as educational, religious or humanitarian missions.

"South Florida's travel industry had high expectations, and we saw a slew of airlines start new routes to Cuba to much fanfare," Quesada said. "However, the travel industry overestimated the number of American interested in traveling to Cuba, and those traveling are not likely to return."

Quesada said a trip to Havana or other parts of the island was a "bucket-list item" for many U.S. travelers. "But Cuba is

not a destination that calls for them to return year after year, as we see with some other Caribbean markets such as the Dominican Republic or the Bahamas," he said. "They find that the accommodations are not up to par with other Caribbean destinations. Once they leave the few premier hotels, they find that Cuba doesn't have the infrastructure or simple conveniences that tourists seek."

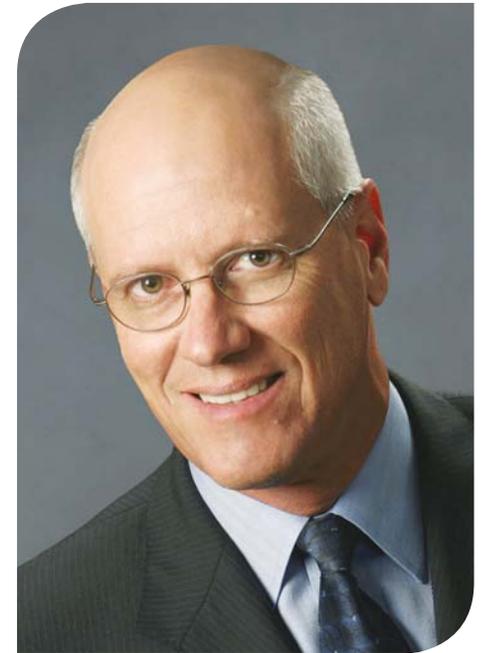
Since that first flurry of activity, several airlines have cut back on their flights, and Quesada does not expect to see any significant increase in the travel and hospitality sectors, until Cuba makes economic and political reforms that allow U.S. hospitality companies to make significant capital investments in the market.

LOOKING AHEAD

It's not just travel and tourism that would benefit from a seismic shift in Cuban government policies and the lifting of the U.S. embargo. Other South Florida firms and businesses are waiting for reform in order to capitalize on opportunities in the 11 million Cuban market.



MICHAEL DIAZ



ROBERT TARG



PABLO QUESADA



KAREL SUAREZ

"Right now, our cooperation with Cuba is very limited, so the biggest focus will need to be international trade agreements and treaties," said Thornburg. For example, a new IP treaty with the Cuban government might make it possible for scien-

tists and researchers on the island to bring their discoveries to the U.S.

"We have had family members of Cuban residents ask if they can file for patent protection on biomedical discoveries," Thornburg said. "However, under U.S. law an in-

vention must be assigned to the owner, which might be an individual, a company, a university or the state. In this case, it's the government of Cuba. Currently, there is no treaty or trade agreement that says Cuban individuals can file for patent applications." •

A Guide to Free or Low-Cost Legal Services

If you have a civil legal problem but cannot afford to hire a private lawyer, you may have access to the legal system through your local legal services/legal aid organization, which provides free or low-cost legal services to people with low incomes.

Providing access to legal representation to those in need has been a tradition in this country. Earlier programs operated by volunteer lawyers from local bar associations were called legal aid societies.

Later, a federal effort to provide funds for legal counsel to the needy began in the mid-1960s. The federal government established, within the Office of Economic Opportunity, an Office of

Legal Services to distribute federal money to local programs called Legal Services Organizations. These programs were transferred to the Legal Services Corporation (LSC), created by Congress in 1975.

Today in Florida, legal aid societies and legal services organizations in various counties are funded by federal, state and local governments. The Florida Bar Foundation, The Florida Bar, local bar associations and special grants. Florida is divided into seven regions, each having programs that receive LSC funding as well as programs that do not receive LSC funding, but are funded by other sources, and thus able to accept a broader



range of cases. Both programs work toward the common goal of equal justice and legal representation for all under the legal system.

WHAT SERVICES ARE AVAILABLE?

Lawyers in a legal services office provide the same legal services as any other attorney. They can advise and represent clients in most areas of civil law, although each program has priorities for the types of cases it will take. Because the

number of people demanding legal services exceeds the staff and money available to handle cases, legal services offices limit the types of cases taken.

Criminal cases are not handled, because the state provides public defenders to represent people accused of criminal actions who cannot afford private attorneys.

Also, the legal services offices generally do not deal with cases in which a person is seeking money as a

settlement. In such cases, a private attorney usually will represent a client without any initial charge, collecting a fee only if the client's case is won. Then the attorney's fee is a percentage of the client's settlement. This is called a contingency fee.

You should check with the office in your community if you have questions about the types of cases handled.

The following are a few examples of the types of cases usually handled:

- ▶ Civil issues
- ▶ Consumer
- ▶ Divorce
- ▶ Domestic violence
- ▶ Education
- ▶ Family law
- ▶ Foreclosure defense

- ▶ Health welfare
- ▶ Immigration issues
- ▶ Landlord/tenant
- ▶ Public benefits
- ▶ Senior benefits
- ▶ Social Security

WHO CAN APPLY?

Free legal services are meant for people of low income who cannot afford the services of an attorney. Many programs have different standards, and you will have to check with your community office to find out if you qualify. Some offices base their eligibility only on income, while others will consider ownership of property and size of family. It is important that you call your legal assistance provider to learn whether you qualify.

SOUTH FLORIDA LOCATIONS

REGIONAL

- FIU College of Law Educational Advocacy Clinic in Miami, 305-348-7541
- Americans for Immigrant Justice, Miami Office, 305-573-1106, www.aijustice.org
- Florida Justice Institute (cases concerning incarceration and conditions) in Miami, 305-358-2081, www.floridajusticeinstitute.org
- Legal Services of Greater Miami Inc. in Miami, 305-576-0080, www.lsgmi.org

BROWARD

- Coast to Coast Legal Aid of South Florida Inc. in Plantation, 954-736-2400, www.legalaid.org
- Legal Aid Service of Broward County Inc. in Plantation, 954-765-8950, www.browardlegalaid.org

MIAMI-DADE

- Guardianship Program for Dade County Inc. in Miami, 305-592-7642, www.guardianshipprogram.org
- Legal Aid Society of Dade County Bar Association in Miami, 305-579-5733 (also use this number for Florida City, Homestead and Miami Beach)
- Legal Services of Greater Miami Inc. in Miami, 305-232-9680, www.lsgmi.org
- Legal Services of Greater Miami Inc. in Florida City, 305-576-0080, www.lsgmi.org

MONROE

- Legal Services of Greater Miami Inc. in Key West, 305-292-3566, www.lsgmi.org

PALM BEACH

- Florida Rural Legal Services in Belle Glade, 561-993-0003, www.frls.org
- Florida Rural Legal Services in West Palm Beach, 561-820-8902, www.frls.org
- Legal Aid Society of Palm Beach County Inc. in West Palm Beach, 561-655-8944, www.legalaidpbc.org
- Legal Aid Society of Palm Beach County Inc. in Belle Glade, 561-993-3836, www.legalaidpbc.org
- Legal Aid Society of Palm Beach County Inc. in West Palm Beach, 561-833-5787, www.legalaidpbc.org

FROM THE FLORIDA BAR

"Legal Aid in Florida"
www.floridabar.org/consumerpamphlets