

# A MISSION



Members of the Louis D. Brandeis Law Society and Temple American Inn of Court gather in front of a Havana cathedral.

# IN TO CUBA

By Lauren A. Wilkinson

The Louis D. Brandeis Law Society and Temple American Inn of Court departed from Miami International Airport on Feb. 28 for a five-day trip to Havana, Cuba. Led by Pennsylvania Superior Court Judge Anne E. Lazarus, Philadelphia Court of Common Pleas President Judge Pamela Prior Dembe, and Court of Common Pleas Judge Sandra Mazer Moss, we devoted the trip to gaining an understanding of the judicial system in Cuba, meeting with Cuban judges and lawyers, and exploring and learning about the island country that took center stage during the Cold War. Judge Lazarus said it was “fascinating not only to visit Cuba, but also to learn from local lawyers and judges and meet some of their prominent citizens. We could not have been more warmly welcomed. The food, rum, cigars, art and people were all wonderful and not necessarily in that order.”

On March 1, members of the Adath Israel El Patronato Synagogue graciously hosted our group and we participated in their Shabbat service and Kiddush. The Philadelphia lawyers and judges were granted temporary humanitarian-based visas providing assistance to Cuba’s Jewish population by donating clothes and school supplies consistent with the Temple Inn’s educational mission. Our group followed two Cuban tour guides,

who not only acted as our resident experts, but also affectionate storytellers. Stories including friends’ attempted escapes from the island seemed daunting as ocean waves continuously crashed onto the roadways, washing over the fifties-era cars driving by.

The first day, we visited the Place of the Revolution, and drove through old Havana, noticing vast areas of what were formerly

PHOTOGRAPHED BY Lauren A. Wilkinson

handsome buildings now abandoned and open to the elements, with missing windows, and once ornate stonework lying in disrepair. This living museum romanced us as we visited houses turned restaurants, and dined on local cuisine and listened to live bands.

Buildings and homes previously occupied by well-to-do Cubans who fled the country in the wake of Batista's presidency from 1940-1944 (and later dictatorship from 1952-1959) or thereafter rise of Fidel Castro's communist regime. Former Philadelphia Bar Association Chancellor Abraham "Abe" Reich noted the "fascinating dichotomy between poverty of the Cuban people and their art, music and food, and the zest with which the Cuban people applied themselves in these arenas, belied any notion of poverty." Time stood still as we became part of this "communist museum," largely unchanged since the 1980s, isolated from Americanized culture and television, and capitalism. The streets display a Cuban ambiance reminiscent of the film "Havana Nights," with classic Chevys, Fords and Oldsmobiles circling the airport as if in an antique car parade.

A member of our group, David Korenstein, and his brother, came to the U.S. with student visas in May 1961 during the rise of the Casto regime and their parents followed them through David's efforts and the HIAS program two years later. Korenstein remains deeply connected to his Cuban upbringing, listening to Cuban music and cooking traditional Cuban cuisine from his Pennsylvania home. "I had such a great childhood, its something I can't forget, I don't want to forget...It's in you...when you're a child, things stay with you." The trip enabled him, alongside daughter Noleen, to revisit his childhood home, elementary school and grandparents' gravesites.

The Cuban judges and lawyers we met were very polite and very happy to share information about the Cuban judicial system. A Cuban judge stated, "We should keep this exchange because there are more things that unite us than separate us." They described their civil law system comprised of judges appointed by the legislature for life terms and defendants who work in legal "collectives." Legal collectives raise money through nominal fees to clients and jurisprudence, they noted, is uninfluenced by political agendas of the state. "When we met with the Cuban judges and lawyers, some of us forgot that we don't have same First Amendment rights in Cuba that we have in U.S. and the atmosphere got a little tense," said Chancellor Kathleen D. Wilkinson. "Judge Dembe and Judge Moss suggested I change the subject and talk about the Philadelphia Bar Association. The mood lightened considerably."

A member of our group expressed his appreciation for our hosts and noted, as lawyers, "we are superb problem solvers, our sense of justice is what delivers solutions to great problems." "We can build in these few days together, a bond of friendship and of problem-solving." Judge Moss observed, "I was especially interested in how egalitarian the justice system

is in Cuba. While they do not have jury trials, their 'judges' sit in panels of three or five depending on the severity of the case. It's just another way of giving justice to the people."

Former Chancellor Alan Feldman remarked that the "Cuban legal courts in operation was an eye-opening contrast between the mature rule of law as developed in the United States, and a rudimentary justice system that did not seem to be moored to any established legal principles. When we were told that panels of three 'judges,' only one of whom was law-trained, would instantly decide disputes after hearing from the parties by promptly voting for a 'winner,' I was reminded more of American Idol than any judicial proceeding I've ever seen."

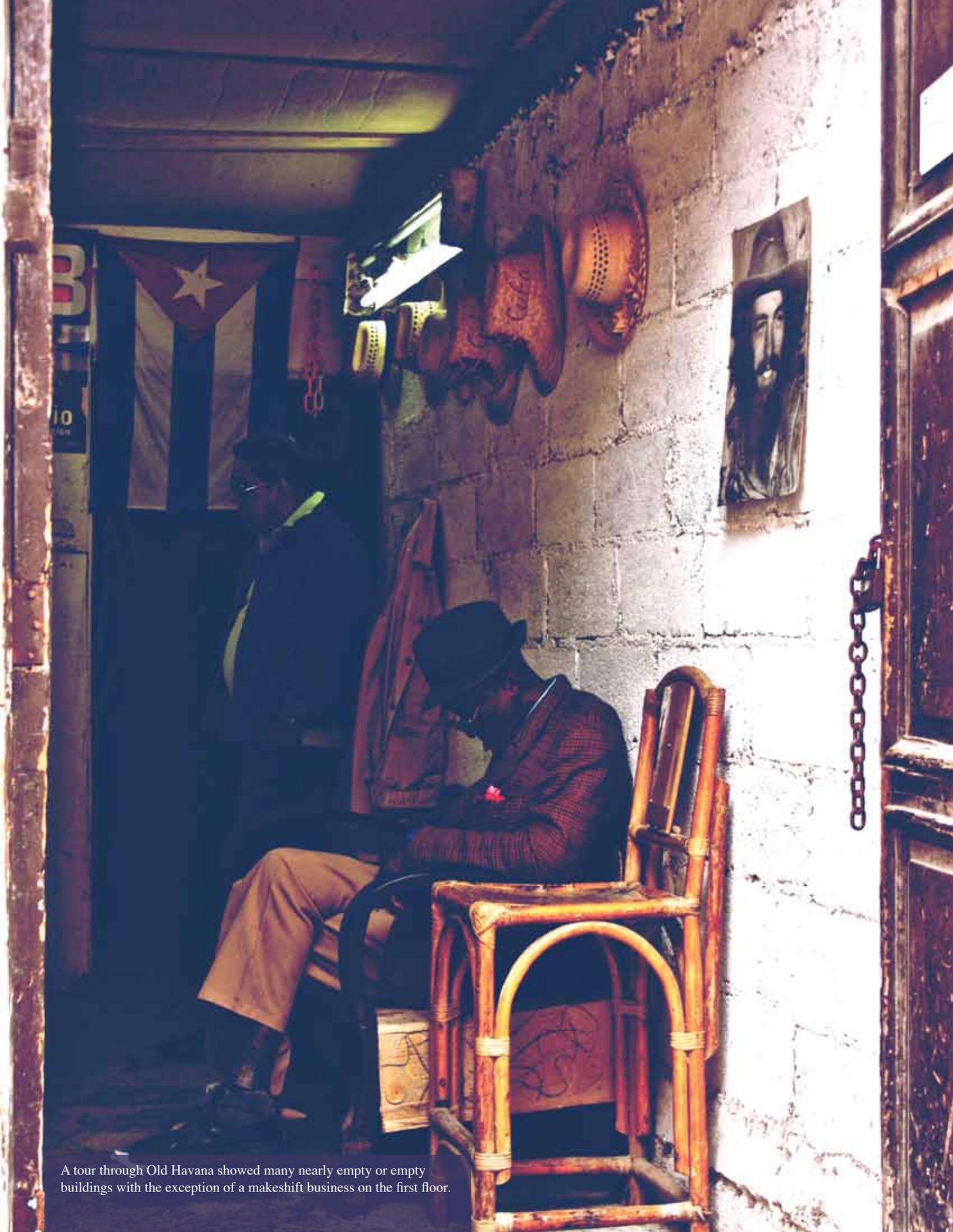
Much like a civil system that one finds in France or Nigeria, the Cuban judicial system operates with one or two professional judges (specially trained at a certified institution) and the others are lay-judges selected by their companies or their communities. Our group open-mindedly observed the presentations of the court systems by Unión Nacional de Juristas de Cuba (UNJC), whose representatives provided insight into the system's 313 recent constitutional changes and future Cuban-American relations. Judge Dembe was "fascinated by the way the Cubans are preparing for

a return to normal relations with the U.S. and the great increase in capitalism that will come with it. They are carefully watching the areas where free enterprise is permitted in order to change their legal system as needed to cope with this. They are very concerned not to repeat the disastrous unregulated capitalism that occurred in Russia." Notably, these 313 constitutional alterations include certain aspects of free enterprise, agricultural and migratory reforms. As one Havana lawyer in attendance stated, "the legal system in which a lawyer works doesn't matter, we still

have the same vocation for justice," highlighting similarities between Cuban and U.S legal systems. Drawing similarities to attorney-client privilege, the Havana lawyer said "despite living in a socialist state, Cuban attorneys do not have to give any information to anyone." Thus, client confidentiality seems intact despite other major differences to our systems, such as the lack of private practice, regulated hourly rate, and the educational system of judges and lawyers. The lack of structure and the apparent absence of a written record make for a system where results are not predictable and errors that are common in judgments cannot easily be corrected via appeal.

The intersection between legal education and humanitarian assistance created a very interesting visit. The group met one attorney who represented an American who had been detained by the Cuban government for building support within Cuba's Jewish population and allegedly aiding the United States as an informant. In 2009, Alan Gross was convicted and sentenced based on these charges and awaits some retribution for acts that should be protected under international principles of human rights. The Philadelphia group included people who identify with Gross as fellow Jews who eagerly discussed

"We should keep this exchange because there are more things that unite us than separate us."



A tour through Old Havana showed many nearly empty or empty buildings with the exception of a makeshift business on the first floor.



Former Philadelphia Bar Association Chancellors Alan M. Feldman (left) and Abraham C. Reich were among the members of the delegation.

potential avenues for Gross with his attorney, hoping for his return to the U.S. and due process. We also heard an emotional appeal from a mother of one of the “Cuban 5,” the five Cubans imprisoned in the U.S.

Some of these meetings revealed not only a striking difference in justice for an American in a foreign country, but also a need to express our views cautiously on a caustic legal issue that the U.S. Supreme Court has itself generated much rhetoric and debate, and the importance to exercise discretion in stating our views, since we did not enjoy our normal First Amendment rights.

In addition, Cuban artist Sandra Ramos Lorenzo displayed her symbolic self-depictions, in particular as Alice from “Alice in Wonderland.” Her artistic expression takes flight

through her subtle expression of political messages. She portrays her personal struggles by mirroring the ‘coming of ages’ dilemma through a portrait of a government-in-transition. She symbolically ascribes herself to the children’s novel using Alice’s thematic disorientation as parallel to her own experiences. Artist Kevin Lopez Nieves repurposed the gunshot-damaged signs stripped from Cuba in an effort to remove capitalistic influence. These signs advertising American enterprises including Texaco, Kodak and Shell Oil had bullet holes in them from the rise of the Castro regime. Harnessing an artistic outlet produces powerful artistic interpretations for these artists while giving onlookers a deeper connection of the key role that politics has played in the lives of Cuba’s citizens.



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We followed in Ernest Hemingway's footsteps, visiting his home where he wrote "For Whom the Bell Tolls" and his beloved bar, La Floridita, where a life-size sculpture of the writer now stands at the bar waiting for his self-titled favorite, The Hemingway. The writer loved Hotel Nacional de Cuba, which has beautiful views of the ocean, outdoor lounge, all well maintained with rich history. The hotel evokes an early 1920s old-Hollywood ambiance, easily envisioning the socialites that enjoyed these same views, cigars, aged rums, in good company, years ago. Postcards from the 1950s are displayed in glass shelves of the hotel's history room, along with posters of stars from the U.S. who performed at the hotel. The beautiful aura of the place is not far distanced from political reminders; bunkers on the property add speculation on whether nuclear warheads may have been on the grounds at one point.

The view of Havana from our room showed a city of visual and theoretical contrasts, between the beauty of the ocean and myriad architectural edifices,



Chancellor Kathleen D. Wilkinson with Judge Anne E. Lazarus, one of the leaders of the trip to Cuba.

against the background of classic American cars, the incredible panorama of historic truths – recurrent Cold War reminders of a past time very much still present. The weather was overcast most of the time we were there, adding to the somber nature of some aspects of the trip. Temple Inn of Court members Jill and Pete Jenkins noted the incredible juxtaposition of "the still fragile and in places destroyed infrastructure of the country" and the impressively inspiring desire "to strive to better and want more out of their lives, in a society that is so structured by a government, for the people of Cuba."

On our last night, we dined in Old Havana on the Plaza de San Francisco

at the Café del Oriente, enjoying our last tastes, smells and memories of the country through conversation, farewell speeches and appreciation of our tour guides, followed by a lively Cuban band. While we were looking forward to returning to the U.S. and the freedom and variety it has to offer, we also knew that we would miss our new friends and were left to wonder whether we will have another chance to visit the time capsule that is Havana. ■

*Lauren A. Wilkinson is a student at Franklin & Marshall College. She interned at Clear Channel Communications and Cozen O'Connor.*

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