



FEDERAL BAR ASSOCIATION SOUTH FLORIDA CHAPTER

An Interview with the Honorable Corali Lopez-Castro

U.S. Bankruptcy Judge for the Southern District of Florida

By Katie Mitchell

Q: You practiced law for a little more than 30 years before joining the bench. Can you tell us what your decision-making process was for joining the judiciary at that time?

A: I think there were a couple of reasons why I thought it was the right time. There had not been an opening in the Miami division for 16 years. Specifically, my former partner, Laurel Isicoff had been appointed at that time. So, when A. Jay Cristol decided to retire and it was announced, I really had to think about whether this was something that I was going to pursue and whether it was the right time. Professionally, I felt I had done most of the



things that I wanted to do: first-chair big cases, manage the firm, mentor young lawyers, and really attract the clients that I wanted to represent. So, it seemed like—okay, maybe this is the right time. Personally, my youngest was about to go to college, and that made me think that maybe this was the right time as well. I think opportunity comes at a time when you do not really know that it is coming, and you have to be flexible enough to look at that opportunity and decide: is this mine? Or am I going to let this pass?

Q: One of the goals you said you accomplished was having managed the firm, Kozyak Tropin & Throckmorton – and you did that three times! Did you encounter anything unexpected your first time in that role? What do you wish younger lawyers knew about management?

(Continued...)

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A: They asked me several times to manage the firm and I felt, because of my case load and where my children were in their educational journeys, perhaps it was not the right time. But I do think every partner should experience managing a firm because it really teaches you the business of law. When I said yes the first time, I thought it was my responsibility as a business owner. I remember the first meeting being somewhat contentious and thinking, "Wow, I did not handle this well." And then it got easier. I realized that I had to do a lot more before we walked into that meeting; I wanted to build consensus before we actually went into that meeting to discuss a topic. I think if people have enough time to think about things, they are much less reactive, and we can have more productive conversation. So, the first time, I definitely learned a lot. With respect to your second question, I do think everyone should do this because you need to know, for example, how does billing relate to collections, and relate to keeping the lights on? You have to see how all of this fits together.

The second time was a lot more fun because I already had some experience with it and I thought I had developed my voice as a managing partner and learned how to use that voice productively. Before I was lucky enough to be appointed to this job, I realized that my whisper was a shout and I had to be careful how I expressed my feelings because, as managing partner, those feelings were very strong and had an effect on people. I decided that I would be much more careful with my words. The third time around, the firm was in transition. Some of our founders had retired and other lawyers that had been with the firm had decided to pursue other interests, so it was definitely a period of transition. But I thought I was actually the right person for the managing partner role because I was a bridge: I had grown up with the founders and had also been young enough to relate to some of the younger partners.

Q: You mentioned that your family has been one of the factors you considered when pursuing this job and also when agreeing to be managing partner. I know your husband is also a lawyer and you have three wonderful daughters together. What advice do you have for other lawyers striving to balance their family lives with taking

on new professional challenges?

A: Make smart choices. Start with picking the right partner because the right partner will support you and will help you. I think right now, marriages are much more aware of dividing the responsibilities and both parties contributing to all that it takes to have a home, a happy home. Even if you do not have children, you have a lot of responsibilities and you need to pick the right partner. With respect to professional work/life balance, I think I was pretty good at being fiercely protective of my private time. I really needed to be with my girls and raise them; I needed to be with my friends; I needed to be with my husband. Those are the things that made me happy, so I was very protective of that time. I also realized that, sometimes, you cannot do everything. I started thinking about commitments a little differently: if someone asked me to do something—speak at a conference, take on a case, whatever it was—I thought to myself, "How does this affect my family and will this make me happy?" There is nothing worse than saying yes to something and when it comes up, you feel like, "Ugh, why did I say yes to this?" So I became much better at that. I was not always very good about that, but I became much better at it.

Q: As far as being protective of your time, was that harder as a young associate or when you were established as a partner? When in your career did you find yourself able to set those boundaries effectively?

A: One of my goals when I was in practice, I would say more than 12 or 13 years, was that I decided that I wanted my own clients. My own clients were important because I thought I could control my schedule a little better. I was always pretty confident that if I told the client, "I cannot have the meeting on Wednesday at 3:00. It would be better for me to do it on Thursday at 9:00," that the client would be okay with it. I did not have to give a detailed explanation as to why I was asking for that change, and I also was experienced enough to know that not having the meeting on Wednesday and having it on Thursday instead was not the end of the world because of where the case was. Sometimes we are afraid to ask and I think that is something that I would offer as a piece of advice—just being more

upfront that you need a change can be great. People are very understanding; they have their own families. But sometimes, as women, we are reluctant to show vulnerability. "This does not work for me. Do you mind changing it?" Just asking becomes difficult. I see that sometimes with my daughters and I say, "Just ask. The worst that can happen is they say no." But sometimes we are hesitant to make that request. Everyone should be thinking about "How can I make my life easier?" It doesn't have to be that difficult.

Q: You have been on the bench for a little more than a year now. What adjustments have you had to make from practice to being on this side of the bench?

A: One thing related to that change is that I will read something, and I want to send an email to someone, and I cannot. Before I was lucky enough to begin this job, I always read the advance sheets before I did anything in the morning. I would read, and say "Oh, this would be great for a case," and not to have that aspect of my profession available now is hard for two reasons. One, I love strategizing about cases. And two, I am a very social person. Not being able to talk about the law with other people has been a big change. I have that idea, "Oh, I should email a person about this," and then I think, "No, that is not appropriate; you cannot do that." But this job is much less isolating than I thought it was going to be. By way of example, I just attended the FBA lunch [featuring the three new district court judges] and that was delightful. I love seeing people. I love going to events. The recent investiture [of U.S. Magistrate Judge Marty Fulgueira Elfenbein] was lovely. I still see people. If you are going to be social, there are ways for a judge to be social in an appropriate manner.

I was very surprised how much judicial education is available for judges, and it is amazing. It is the best programming I have ever seen. The Federal Judicial Center does amazing work and I have really been very surprised how generous people are with their assistance, especially when you have questions about certain cases. My colleagues have been available for any question I have had. I feel like I am kind of part of a law firm, but it is a little different. Today I was talking to two

other judges, and we were wishing that in our building, it was not just one judge on a floor and that there could be more than one judge on each floor because that would be really fun.

Q: You share a long friendship and history with Judge Isicoff. Has that relationship morphed now that you are back to working in the same capacity together?

A: Definitely. We had this unfortunate wall before. I had cases in front of her, so that made our relationship different. Now, if I have not seen her in a while, I will just get in the elevator and go surprise her and see how she is doing. That has actually been really fun to have her available again. She is an incredible legal mind and, really, she was the brains of the operation for the bankruptcy department [at Kozyak Tropin & Throckmorton] as it related to drafting documents. Sometimes she would look at some of our documents and she would tell us, "This is not going to work." So now, it is great to have her accessible when I am thinking about a difficult legal issue that I have not had before, and she has been very generous. Chapter 13 is something I had no experience with, and it is actually much more complicated than I appreciated—and Judge Isicoff has been great because she has really dug into a lot of the issues involved in Chapter 13.

Q: Speaking of special relationships: when you became a judge, Senior District Judge Huck swore you in informally and Eleventh Circuit Judge Lagoa swore you in formally. Can you tell us about their roles in your life?

A: Judge Huck and I have always had a special relationship. When he worked at Kozyak Tropin, we always got along. I do not know what it was. It is something that we maybe saw in each other, we had a lot of respect for each other, and our friendship has endured. I really love that about Judge Huck. Judge Huck is a person that, when he is in your corner, you cannot lose. He is such a helpful and sincere person. It has been great. By way of example, when I was lucky enough to start this new job, I had an evidentiary hearing coming up and my law clerks were trying to figure out how to turn on the computer and how to understand the process and the technology here, which can be daunting. The first thing Judge Huck did was say,

"Do you want to use one of my law clerks to help you prepare for that evidentiary hearing?" I thought that was such a kind thing and before he could get the words out of his mouth, I said yes, and I got this amazing bench memo. That was a very kind thing for him to do. But for some reason, we always had a connection when we were working together. He also appreciated, I think, especially when my girls were young, trying to navigate that work-life tug of war. He appreciated that, and I think he was always very supportive of the working women at Kozyak Tropin.

And Judge Lagoa—so, I met [her husband] Paul Huck, Jr., or PJ, when he worked at Kenny Nachwalter. I had a very good friend who has unfortunately passed away, Amanda McGovern, who worked with PJ and the three of us would go to lunch and have so much fun. I still remember those lunches. So I met Barbara through PJ and of course we got along really, really well. As far as our relationship: the other day I went to hear Supreme Court Justice Ketanji Jackson speak, and she talked about advice she would give—she said you should network when you are in law school. I think you should always network, but as [University of Miami Law School] Dean Abril said, "Network, but really establish friendships." It is the friendships that you start in the beginning of your career. Some of my closest friends are those who all started working together. Having that bonding experience when you get a project and you think you did not do it as well as you could have, or when you have your first trial, sharing all those bonding experiences when you are all going through it together—that is a bond

like super glue. You cannot break that bond. When PJ and Barbara and I were starting our careers, we had a lot to talk about because we were all going through the same things. Instead of networking, because networking seems very transactional, I say establish friendships. Friendships will carry you through this legal career because law is stressful, but you have to take care of yourself. You have to help your colleagues. If a former partner of mine hurt, I was hurting too. I felt their pain. It was a friendship and I wanted to help that person.

Q: It is obvious that you love this job. Is there anything that you miss about practicing as an attorney?

A: I miss the people, and I miss working on an argument before I was going to court and trying to come up with a theme. I have been trying to encourage lawyers appearing before me to have introductions or to include introductions in their pleadings because it is so important to grab your audience. That first paragraph should tell the judge, "You should grant this motion because of these three reasons," or "You should deny the motion or deny the requested relief because of these three reasons," so when the judge is reading the rest of the pleading, she has those reasons already in her head. People do not always use introductions, and I think they are very important. I miss, whenever I was about to argue a big motion, working on that theme and thinking about how I could grab the attention of the judge so the judge would be listening to me right away, and that would at least give me a fair chance to convince them that my position was correct. I miss that kind of overthinking of my argument.



Navigating Class Action Settlements: Key Lessons from Recent 11th Circuit Decisions

By Chaveli Claver Guzman and Mariana Salazar

Reaching a class action settlement is no easy task, and recent decisions from the Eleventh Circuit highlight just how tricky it can be. Over the last year, several Eleventh Circuit rulings have reinforced standards for class action settlements, from the prerequisites for injunctive relief to the nitty-gritty of CAFA restrictions. Here is what is essential for class action lawyers to know.

This past year, one of the most significant decisions in the class-action space was *Smith v. Miorelli*, 93 F.4th 1206 (11th Cir. 2024). Mainly based on the decision in *Williams v. Reckitt Benckiser LLC*, 65 F.4th 1243 (11th Cir. 2023), this case revolved around allegations that Costa Del Mar, Inc., a sunglasses manufacturer, deceptively advertised “free or low-cost” lifetime repairs but then charged customers significant fees. The district court approved a settlement that included \$5 million in monetary compensation and injunctive relief, requiring the company to change its allegedly misleading advertising. However, the Eleventh Circuit vacated the settlement, holding that the plaintiffs lacked standing to seek injunctive relief because they had not alleged a “real and immediate threat” of future harm in their complaint. The Court reasoned that a “real and immediate threat” of future injury is a crucial component of standing for injunctive relief under Article III. Because the plaintiffs failed to demonstrate that they were likely to suffer such harm in the future, and instead primarily sought redress for past wrongs, they could not satisfy the standing requirement for injunctive relief. The Court emphasized that speculative or hypothetical risks of future harm are insufficient to establish standing. The Court further noted that without proper standing—a jurisdictional prerequisite—the district court lacked jurisdiction to approve any part of the settlement so long as it included injunctive relief. As a result, the Court vacated the entire settlement agreement.

This ruling underscores the importance of establishing standing at every stage of litigation, particularly when injunctive relief is sought. The Court emphasized that standing is not just a requirement at the outset but must be maintained throughout the litigation, even though settlement approval. The *Smith* decision also has implications for how courts assess settlements under the Class Action Fairness Act (“CAFA”). CAFA imposes heightened scrutiny on class action settlements, particularly those involving non-cash compensation or injunctive relief. In *Smith*, the Court’s focus on standing closely aligns with CAFA’s emphasis on ensuring that settlements are fair, reasonable, and adequate. Moreover, the decision in *Smith* is consistent with the Eleventh Circuit’s approach in other cases.

Following *Smith*, the Eleventh Circuit further sharpened its scrutiny of class action settlements this year in *Drazen v. Pinto*, 106 F.4th 1302 (11th Cir. 2024). This case not only clarified the classification of non-cash compensation under CAFA but also highlighted the rigorous procedural standards that must be met when structuring settlements involving vouchers or other similar forms of “coupon relief.” In *Drazen*, the plaintiffs alleged violations of the Telephone Consumer Protection Act (“TCPA”) due to unsolicited calls and text messages made using an automatic telephone dialing system. The settlement offered class members a choice between cash payments or vouchers redeemable for the defendant’s products. However, the Eleventh Circuit vacated the settlement, classifying the vouchers as “coupons” under CAFA, which necessitates more stringent scrutiny.

The Court found multiple errors in the settlement approval process, including the misclassification of the “coupon” portion of the settlement and the improper calculation of attorneys’ fees. The ruling emphasized that the “vouchers” at issue were “coupons” for CAFA purposes and that any settlement involving such

vouchers must be carefully examined under CAFA's provisions to ensure fairness and transparency. And, under CAFA, any attorneys' fees arising from a settlement including vouchers must be calculated under CAFA's "coupon settlement" requirements, which had not occurred in *Drazen*. This decision serves as a critical reminder for practitioners to be vigilant in distinguishing between cash and coupon relief, as this distinction significantly impacts the approval process and fee award available under CAFA.

These two cases, *Smith* and *Drazen*, affected the outcome of another case last year, *In re Johnson & Johnson Aerosol Sunscreen Mktg., Sales Practices & Products Liab. Litig.*, 23-11319, 2024 WL 3065907 (11th Cir. June 20, 2024). This case involved allegations that Johnson & Johnson's sunscreen products contained benzene, a harmful carcinogen. The district court approved a settlement that included a recall and refund program, vouchers, and injunctive relief requiring the company to implement new testing protocols. However, this settlement suffered infirmities under both *Smith* and *Drazen*. An objector appealed the settlement, arguing that the plaintiffs lacked standing to seek the injunctive relief provided in the agreement. He contended that the relief granted went beyond the injuries alleged by the plaintiffs and that the settlement's structure violated CAFA's provisions regarding coupon settlements. The parties conceded these issues in a supplemental filing before oral argument and the Eleventh Circuit agreed, vacating the settlement and remanding the case for further proceedings. The court directed the lower court to reassess the standing issue, particularly in light of its prior ruling in *Williams*, 65 F.4th 1243, which requires a clear demonstration of future harm to justify injunctive relief. This case, like *Smith*, demonstrates the court's commitment to ensuring that all elements of a settlement, particularly injunctive relief, are supported by adequate standing. And, as we learned from *Drazen*, the parties will need to tailor their agreement on attorneys' fees to ensure compliance with CAFA's strictures for fees relating to coupon relief.

The recent Eleventh Circuit rulings in *Smith*, *Drazen*, and *In re Johnson & Johnson Aerosol Sunscreen* collectively underscore the significant challenges that practitioners face in establishing standing in class action settlements, particularly when injunctive relief is at stake. The law's insistence that plaintiffs demonstrate a real and immediate threat of future harm to maintain standing for injunctive relief creates a formidable barrier, especially in cases involving deceptive practices where proving ongoing or future harm is inherently difficult. And, as for coupon settlements and resulting attorneys' fees, parties must exercise caution in ensuring that their proposed agreements comply with CAFA's fairness-oriented guidelines. As the Eleventh Circuit continues to uphold these rigorous standards, practitioners must adapt to ensure that all elements of a class action settlement satisfy the letter of the law.

*Please visit our Chapter's website for links to past and future events
and information about our ongoing initiatives.*

Check it out at: <https://www.fba-sdfla.org/>.

Remarks from the District's Chief Judge

From Chief Judge Cecilia M. Altonaga

We're pleased to share the latest updates from the Southern District of Florida since our last Bulletin.

Emergency Preparedness and Response: The summer of 2024 brought its share of typical weather challenges, but we were fortunate to avoid significant damage from recent storms. With hurricane season in full swing, our newly implemented Staff Emergency Notification System (ENS) has proven invaluable. This dual web and mobile app-based platform synchronizes staff emergency contact information with our internal InfoWeb system and supports multiple communication formats, including voice, text, and email. The ENS has already demonstrated its effectiveness twice: first, during the mid-June storms that caused severe flooding across Florida and led to the closure of several Court locations; and second, during the CrowdStrike incident, where the ENS provided the fastest and most effective way to keep staff informed.

July CrowdStrike Incident and IT Recovery Efforts: Like millions of organizations worldwide, the Southern District of Florida was significantly impacted by the July CrowdStrike incident. Our IT support line was inundated with calls as staff across the District sought assistance. Seven IT staff members were mobilized, working tirelessly for 12 hours to fully recover from the incident. The attack affected 60 servers and 400 workstations, underscoring the severity of the situation and the importance of robust cybersecurity measures.

Judges' Names Project Completion: We recently completed the Judges' Names project in the Wilkie D. Ferguson Jr. Courthouse lobby. Visitors can view the names and dates of service of our District Judges — both past and present — near the entrance in the lobby, ensuring that the legacy of our jurists is preserved for all to see.

Judicial Appointments and Vacancies: Our Court has one District Judge vacancy. The ongoing cycle of judicial appointments continues to impact our District, as we rank 6th in the number of District Judges and 4th in the number of Magistrate Judges nationwide. We've recently seen two District Judge vacancies filled by our own Magistrate Judges — Judges Jacqueline Becerra and Melissa Damian — further highlighting the dynamic nature of our Court's composition. Because of those elevations, there were two Magistrate Judge vacancies; one of these was filled by Enjoliqué Lett and the other by Ellen D'Angelo. We also recently celebrated the investiture ceremony of Magistrate Judge Marty Fulgueira Elfenbein, who assumed her duties last year.

The process of filling Magistrate Judge vacancies is anything but automatic. The approval to fill these vacancies must first be granted by the Eleventh Circuit and the Administrative Office of the U.S. Courts. This approval is contingent on the Court's ability to demonstrate several key factors: the sufficiency of work available to justify the position, the Court's strong commitment to the effective utilization of Magistrate Judges, and a clear understanding of the impact on the Court if approval is not received. Once approval is granted, the next step involves the Chief Judge of the Southern District of Florida, who appoints a panel to begin the interview process. This rigorous process ensures that the most qualified candidates are selected to serve as Magistrate Judges, reinforcing the integrity and efficiency of our judicial system.

Retirement of Cathy Wade Babyak: We also want to take a moment to honor Cathy Wade Babyak, who retired on May 31, 2024, after 30 years of dedicated service to our District. Cathy was an invaluable resource, working with four Clerks and six Chief Judges throughout her career. She has been affectionately referred to as "the Heart and Soul of the SDFLA," and her absence is deeply felt by all who had the pleasure of working with her.

As always, we remain committed to serving the Southern District of Florida with dedication and efficiency. Thank you for your continued support and engagement with our Court's work.



We look forward to getting to know you!

Outgoing President's Message

From Stephanie Turk, Immediate Past President



It has been an incredible year! As I look back at what we have accomplished together over the last year, I am filled with gratitude and pride, and an unshakeable hope and enthusiasm for the future of our Chapter.

We set out to accomplish many goals—and we achieved every single one. *First and overall*, we created more value in membership this year by boosting programming in all areas. We hope that you have been able to attend our events and found them interesting, fun, and worthwhile.

Second, we held more civics programs during the 2023-2024 school year than we ever had in the past. We held a total of eight programs, impacting more than 200 local high school students.

Third, we coordinated five service projects, including donating more than 100 children's books to Amber's Room

at this year's Awards & Installation Dinner. We gave back to our community in a way we never have before, and we carried out our mission to DO GOOD.

Fourth, we collaborated more with other bar organizations to help grow our membership and build connections across diverse groups. We became a better organization by partnering with others.

Lastly, and for the first time, we awarded the Judge Marcia G. Cooke Public Interest Scholarship to a deserving student attending the University of Miami School of Law, Rashawn Cobourne. It was heartwarming to be able to honor Judge Cooke's memory in this way.

All of these results and more were recognized by FBA National at this year's Annual Meeting and Convention in Kansas City. Our Chapter was recognized with an award in almost every area in which awards are given: Chapter of the Year (out of more than 90 chapters across the country); Presidential Excellence; Outstanding Newsletter; Judiciary Division (led by the incomparable Judge Bloom); two individual Chapter Leader awards (Oliver Ruiz and Stephanie Turk).

This year's successes could not have happened without people like you: our members; our federal judges; our community; our local law students; our event sponsors; our Board of Directors; and our volunteers. I am enormously grateful to all of you for your efforts, commitment, and support. Leading this Chapter has been the highlight of my professional career. This Chapter will forever hold a special place in my heart.

And as we transition, I have no doubt our Chapter will continue to thrive. Our future is bright with Courtney Cunningham and the rest of the executive board leading our organization. I am sure the best is yet to come.

President's Message

From Courtney Cunningham, President

Dear Members of the South Florida Chapter of the Federal Bar Association,

It is an honor and privilege to introduce myself as the president of our chapter. As we embark on this new chapter together, I want to express my deep commitment to building upon the strong foundation we have established over the years, and I look forward to continuing the impactful work that our organization has accomplished.

First, I would like to extend my heartfelt gratitude to Stephanie Turk for her outstanding leadership and service during her term as president. Under her guidance, our chapter has not only grown but thrived, with numerous successful programs and initiatives that have strengthened the professional community within South Florida. I know I speak for all of us when I say that her hard work and dedication have left an indelible mark on our chapter, and we are deeply grateful.

As we move forward, I would like to place a special emphasis on civility in the practice of law. In a profession where the stakes are often high, it is essential that we maintain a culture of respect, professionalism, and collaboration. Civility is not merely a professional courtesy but a fundamental part of our ethical responsibilities as attorneys. By fostering an environment where we can advocate zealously for our clients while maintaining mutual respect, we elevate not only our practice but also the administration of justice.

Our chapter has a long history of success, and I am committed to ensuring that we continue to thrive. From our CLE programs to community outreach, our chapter's mission remains steadfast: to support the professional development of our members and to serve as a resource for the federal legal community. Together, we will continue to build on these successes by expanding our programming, increasing our engagement with the judiciary, and strengthening our ties within the broader legal community.

I am excited about what lies ahead and look forward to working with all of you to continue the important work of our chapter. Thank you for your continued support, and I encourage you to reach out to me with any ideas or feedback as we navigate this year together.

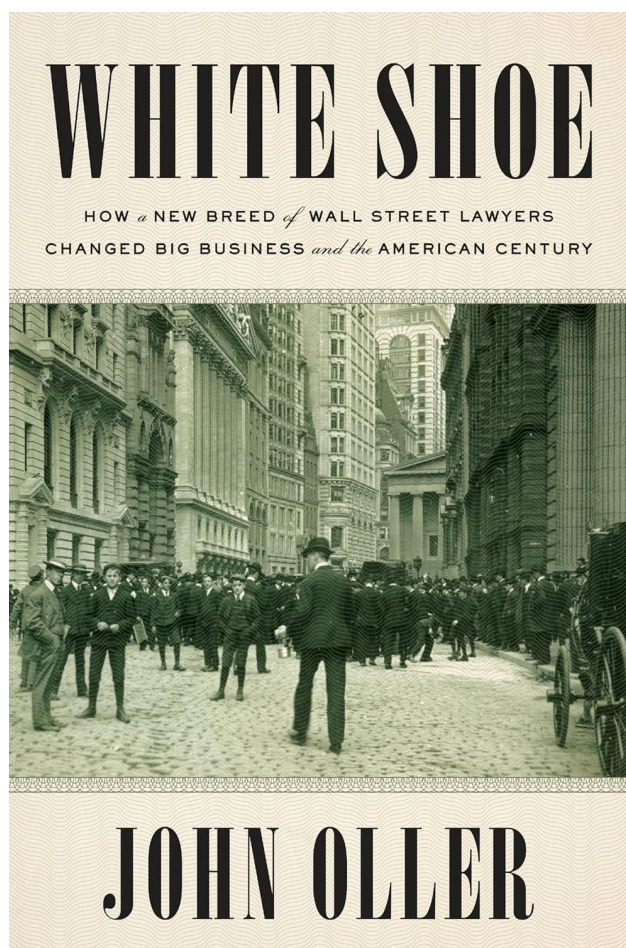


White Shoe: How A New Breed Of Wall Street Lawyers Changed Big Business And The American Century

A book review by John E. Thornton, Jr.

It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself in a worthy cause; who, at the best, knows, in the end, the triumph of high achievement, and who, at the worst, if he fails, at least he fails while daring greatly, so that his place shall never be with those cold and timid souls who knew neither victory nor defeat.

President Theodore Roosevelt boldly proclaimed these solemn words at the Sorbonne in Paris the year after his presidency ended. Ever the “Trust Buster,” it was the Roosevelt Administration—and the jurisprudential and legislative uncertainty of its time—that birthed the breed of lawyer emblematic of Wall Street’s white shoe law firms.



Adept in both law and business, this cadre of white shoe lawyers included: Cravath, Swaine & Moore LLP’s named partner, Paul Drennan Cravath, a titan of his time who innovated the practice of law and instituted the Cravath System, which is still largely used by law firms today; Francis Lynde Stetson, who was then known as the financier J.P. Morgan’s “attorney general”; Sullivan & Cromwell LLP’s named partner, William Nelson Cromwell, who through his representation of two French-owned companies, was instrumental in the creation and construction of the Panama Canal; Elihu Root, a pro-business lawyer whose career involved both a successful private practice and involvement in the highest levels of the Republican governance in Washington, D.C.; Samuel Untermyer, “the rare Jewish Wall Street attorney” who first represented corporations and then became “the anti-white shoe corporate lawyer”; and Charles Evans Hughes who, through his legal and investigative work, exposed New York corruption, spurred progressive legislation, which catapulted him into the upper echelons of Republican politics, and ultimately led him to serve as the Governor of New York, United States Secretary of State, and the eleventh Chief Justice of the United States Supreme Court.

Author John Oller, himself a former Wall Street lawyer before writing the most captivating treatise about turn-of-the-twentieth-century white shoe law firms and their clients, provides a clear look into both the professional and personal lives of the lawyers who glided through their halls. True to his legal roots, Oller also includes over 100 pages of citations to support this fluid, factual telling of the time. Much of the book can be distilled down into two distinct areas: (1) law and business; and (2) foreign policy.

Law & Business

Oller's White Shoe lawyers represented—or fought against—the great American companies from the Gilded Age through the Progressive Era. Their efforts allowed companies like Standard Oil, J.P. Morgan & Co., Edison General Electric Company (later, General Electric), the Northern Securities Company, International Harvester, AT&T, and US Steel to flourish and their shareholders to reap enormous profits, occasionally to the ire of the public. This was not unnoticed. Indeed, it was during this time that the federal government, spurred by the Roosevelt Administration's populist sentiment and zeal to reign in these titans of industry, began to aggressively file suits to bust up these companies. Tenacious entrepreneurs and never ones to back down from a fight, the clients of these White Shoe lawyers initially took a "'public be damned' attitude toward more enlightened corporate behavior during a period of progressive, turbulent change." However, it was these same lawyers that "quietly steered their robber baron clients" away from such intransigence so that their clients could survive and prosper.

Foreign Policy

Oller's White Shoe lawyers also played a substantive, though more unseen role, in foreign policy during their time—particularly during World War I. "By ancestry, friendships, travel experience, and worldview, the leading Anglo-Saxon lawyers of Wall Street unreservedly favored the Allied cause from the beginning of the war." Key among them was Sullivan & Cromwell's John Foster Dulles, who "was still an associate . . . when he joined Woodrow Wilson and the American delegation to the Paris Peace Conference to conclude [World War I]." Specializing in representing companies in international law and policy, it is unsurprising that Dulles later served as the fifty-second Secretary of State in the Eisenhower Administration. His indelible approach to foreign policy not only affected America for generations, but it also earned him the accolade of namesake of Dulles International Airport in Washington, D.C.

It may prove difficult for any lawyer licensed in Florida, after reading Oller's White Shoe, to turn a blind eye to the opportunity Florida currently presents for both law and business. Florida, and particularly South Florida, is well-positioned to benefit from the relocation or expansion of large companies like Microsoft, Citadel, Amazon, Icahn Capital, Apple, and Blackrock into our markets as well as small and mid-size business, all which fuel Florida's economy. Like the White Shoe lawyers of a century ago, we must continue to serve our clients in a way that both maximizes their interests and guides them through future uncertainty.

Oller titled his prologue "New High Priests for a New Century." Such words may now be more prescient than ever.

John E. Thornton, Jr. is a member of the Florida Bar with 10 years of corporate litigation experience.

Newsletter Editor

Zach Lipshultz

Have a suggestion for
future newsletter content?

Email the committee at
Federalbar.southflorida@gmail.com
Attn: Newsletter Committee

PAST EVENTS

Judicial Reception, February 6, 2025. This event is one of the highlights of our annual calendar. Several hundred local lawyers gathered to chat, mingle, and get to know the esteemed members of our bench. We appreciate the district court judges and magistrate judges who came out to support our FBA Chapter and our community.



First Five – Historic Black Precinct and Courthouse Museum Tour, February 14, 2025. In celebration of Black History Month, the FBA South Florida Chapter toured the Historic Black Precinct and Courthouse and learned about the first five Black police officers in Miami, who were only permitted to patrol in Black neighborhoods and were only authorized to enforce municipal codes. Judge Thomas Lawson presided in the courtroom on the second floor and, when he could not preside, Miami's Jewish judges stepped in to provide justice for Black residents.

Emotional Intelligence and Attorney Well-Being, March 5, 2025. At this very important CLE seminar, Erika Royal explored how emotional intelligence can help legal professionals manage stress, enhance interpersonal relationships, and achieve sustainable success. Ms. Royal offered strategies for self-awareness, empathy, emotional regulation, and leadership—all essential to helping attorneys navigate the challenges of our profession with resilience and balance.

Receiverships 2.0, March 18, 2025. Our Chapter was pleased to co-sponsor this educational networking event, featuring Judge Melissa Damian, Judge Rudy Ruiz, Eric Bustillo, the Director of the Miami Regional Office of the SEC, and local practitioners Jeffery C. Schneider and Jonathan E. Perlman. This esteemed panel shared their insight on receivership actions, from pre-suit considerations through discharge.

Ransom Everglades School Visit, March 18, 2025. We were so excited to host 173 Ransom Everglades students for a fun learning experience at our federal courthouse! The students had the opportunity to observe courtroom proceedings, engage in a panel discussion with a former federal public defender and a former federal prosecutor, and participate in a mock argument regarding pre-trial detention in an immigration case. We are grateful to all of the volunteers who made this event possible, and we offer special thanks to Judge Moore, Judge Ruiz, Judge Damian, Judge Louis, and Judge Elfenbein for opening up their courtroom doors and sharing their time with some of the youngest members of our community.

Capitol Hill Day, March 27, 2025. Representatives of our Chapter attended Capitol Hill Day in Washington D.C., where they attended meetings with the Florida Congressional Delegation to address policy priorities affecting the FBA and the Southern District of Florida. Our members prioritized meetings with congresspeople on the Appropriations and Judiciary Committees to discuss our concerns relating to federal judgeships and caseloads, funding for federal courts, and judicial security.

FBA Membership Social, April 3, 2025. We came together at Americal Social to share a drink and some laughs and introduce non-members to our FBA South Florida community. Thank you to Stumphauzer Kolaya Nadler & Sloman, PLLC, for their generous sponsorship of this event.

Making the Most of Your Summer, April 15, 2025. Our Chapter co-sponsored an event with the Florida International University Student Division Chapter, featuring a panels of practicing lawyers offering their best advice for 1L- and 2L-students looking to maximize their summer work experiences. Thank you to the moderators and panelists, and congratulations to the FIU Student Chapter for putting on their last program of the 2024-2025 year.



Civil Discourse and Difficult Decisions. Our Civics and Outreach Committee continues to host a wonderful series of CD3 events, with the support and participation of our dedicated judiciary. We have recently hosted International Studies Preparatory Academy, Miami Carol City High School, Christopher Columbus High School, and the Miami-Dade Urban Debate League. Many thanks to our volunteer attorney-leaders and, especially, to Judge Reid, Judge Torres, and Judge Bloom for their participation.

UPCOMING EVENTS

Jewish Heritage Month Panel, May 22, 2025. Please join us for a Zoom presentation featuring Judge Bloom and Judge Altman, who will discuss their recent judicial educational mission to Israel and their experience learning about Israel's ongoing debates over judicial reform.

Federal Judicial Law Clerk Recruiting Reception, May 22, 2025. The Federal Law Clerk Committees of the South Florida, Broward, and Palm Beach Chapters of the Federal Bar Association invite you to the Seventh Annual Federal Judicial Clerk Recruiting Reception. This event provides a great opportunity for public and private legal organizations and public interest organizations located in the Southern District of Florida to connect with job-seeking federal law clerks.

Supreme Court Trends and Their Impact, May 22, 2025. Our Chapter is excited to partner with CABA in co-sponsoring this fireside chat at Miami-Dade College. Judge Rudy Ruiz and Supreme Court litigator Roman Martinez will discuss recent trends before the Supreme Court and what we may expect to see next.

Summer Boardroom Lunch Series, June 24, 2025; July 30, 2025; and August 27, 2025. Our Summer Boardroom Lunch series offers local practitioners the opportunity to join legends from our bench and bar for small group lunches. This year, we are pleased to have three incredible sets of guests lined up: Magistrate Judges Enjolique Lett and Ellen D'Angelo on June 24 at White & Case; David O. Markus on July 30 (location to be announced); and Judge David Leibowitz on August 27 at Foley & Lardner. Stay tuned for registration information—these programs fill up fast and are always sold out!

Annual Awards & Installation Gala, September 27, 2025. Save the date for our biggest event of the year! On September 27, 2025, we will gather at the Mayfair to celebrate the successes of our year, welcome our new President and Board Members, and announce the recipient of this year's Judge Marcia G. Cooke Memorial Scholarship.