



FEDERAL BAR ASSOCIATION SOUTH FLORIDA CHAPTER

An Interview with the Honorable Robin Rosenbaum

Circuit Judge, U.S. Court of Appeals for the Eleventh Circuit

By Christopher J. Wahl

Q. Why did you decide to become a lawyer?

A. I did not know what I wanted to do when I went to college, and I happened to take a small seminar on the U.S. Supreme Court, where all we did was read through Supreme Court opinions and then discuss and debate them. I was a junior when I took that class, and I had taken pretty much every other possible type of class, from meat science and management, to oil painting, to genetics. I had enjoyed those other classes, but I felt something completely different when I was in the Supreme Court seminar. I recognized that I really loved the law because it was a completely different feeling than what I had when I was studying other things, which I also enjoyed, but it just wasn't the same. And I knew at that time, and I think it was because I was reading these Supreme Court opinions, and we were debating them all the time, that at the same time that I knew I wanted to be a lawyer, I knew that I hoped one day that I might be able to become a judge.

Q. Did you know any lawyers while you were growing up?

A. Not really. My grandfather had been a lawyer, but he sort of ran the family business, and he passed away when I was about five, and he was the only lawyer in the family.

Q. After law school, you worked in the Department of Justice in Washington, D.C. What was that experience like?

A. That was great. It was like four years of graduate school in how to be a lawyer. The people were really smart, really interesting, and really just a lot of fun. I really learned how to write like a lawyer when I was there. *(Continued...)*

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I also had the opportunity to argue motions in district courts all around the country. And that was a lot of fun. Basically what we did was that we defended the constitutionality of federal laws and the policies and procedures of the agencies that administer them. So it was really exciting, and a fun place to learn how, as a practical matter, to be a lawyer.

Q. Eventually you made your way to South Florida and worked at the U.S. Attorney's Office. How did that experience compare to your experience at Main Justice?

A. That was also a great experience. I learned how to try a case when I was at the U.S. Attorney's Office. I had tried a few cases before, but I had never tried them frequently enough to become comfortable doing it. It was a lot of fun to learn how to try cases, and it was very satisfying to investigate these large financial crimes, where elderly or otherwise vulnerable people were victims, and to feel like I was making a positive contribution to prevent that type of thing from happening again. I just really enjoyed the experience, and I worked with great people there as well. I've been very fortunate to have worked with great people everywhere I've gone.



Q. You later became a federal magistrate judge. Why did you decide to try to become a magistrate judge?

A. I had always wanted to try to be a judge. The reason was that the law is very important to me. I love the law, and I think our system of justice and our rule of law is really key to having a democracy. It's extremely important. If you feel that passionately about something, or at least, if I do, I want to be a part of trying to shore that up and make sure that it continues to function to its best ability. I just wanted to be a part of doing that, and so that's why I decided to try to become a magistrate judge.

Q. What was your experience like in that position?

A. It was a good experience. It was my first experience as a judge, so I learned a tremendous amount from it. There are a lot of things as a magistrate judge that you get to do. You get to be the first interaction that people have with our criminal justice system. If somebody is arrested, the first appearance is before a magistrate judge. The magistrate judge decides whether counsel should be appointed. The magistrate judge decides what kind of bond should apply. I felt that that was a really great opportunity to allow the public to see how our justice system works. I felt really privileged to be able to be a part of it.

Q. You went on to become a district court judge. How did that experience compare to your experience as a magistrate?

A. It's very similar. There are obviously a couple of differences. One difference is that you're not doing magistrate court anymore, but the district judges and the magistrate judges work on exactly the same cases, and on exactly the same types of motions. Of course, the difference is that, if you're the magistrate judge, if it's dispositive, you're writing a report and recommendation rather than an order, whereas, as a district judge, you're writing it as an order. At least in my case, although I know that it's not the case with all magistrate judges, but at least for me, I had significantly more trials as a district judge than I did as a magistrate judge. So that was a great opportunity as well. And of course, as a district judge, you're able to try criminal cases, so that was

a new experience for me. And I enjoyed the ability to interact with the lawyers and the parties, and it was nice to feel like I was on the front lines for our judicial system.

Q. Now you're a U.S. Court of Appeals judge. How does this current experience compare to your prior judgeships?

A. Well, I feel really lucky to have had all of them. And I've learned different things from each of them. And I've enjoyed all of them. But I think this one is the best match for what I love the most about being a lawyer, and that is the research and writing part. And I miss things about being on the district court. I miss seeing people on a regular basis, although I'm lucky because I get to spend a lot of time with my law clerks—I don't know how lucky they feel about that. It's a different kind of position in that I'm focusing my time mostly on research and writing, and that is my favorite part of the job. I love it—I think it's a great job, and I feel very, very fortunate to have the opportunity to do it.

Q. As an appellate judge, you spend a lot of time reading and writing. What makes for effective legal writing?

A. I think the most effective legal writing is legal writing that is able to clearly and simply explain the position and be persuasive in doing so.

Q. How about oral advocacy? In the appellate court, oral argument is sometimes granted for cases. What is the utility of oral argument? And what do you think is most effective in oral argument?

A. The best oral advocates are the ones who are extremely well-prepared and are fluent in their case. They know everything there is to know about the case. They know the record inside-out, and they know all of the case law. And they are able to have a conversation with the judges about their case. The best oral advocates are the ones who embrace the challenging questions and explain why the judge's concern isn't really a defining concern or doesn't really matter to the end result, rather than the attorneys who just try to survive through the oral argument and try to avoid the more challenging

questions. The best oral advocates are the ones who understand that the hard questions may be the last opportunity that they have to convince the court that their position is the correct one.

Q. How do you view your role as a judge within the context of society as a whole, as opposed to just within the legal profession?

A. As I've said, I think the rule of law is critical to the continued viability of our democracy. Without the rule of law, no democracy can survive. I know technically we're a republic, but I think you get what I'm saying. In order for the rule of law to be respected, people need to have an understanding of what it is that the judges are doing. Judicial orders need to be transparent, and they need to be sincere and genuine. And so I think it's important to write simply for those members of the public who are lay people who are interested in what we're doing and how we arrive at our decisions, so that they can understand what we're doing. I understand that most people probably don't run out to read the latest opinion that comes out of the court, but for those who are interested in it, I think it's really important that they're able to understand what it is we're doing and why we're doing it and that it is all grounded in the rule of law.

Q. What, in your view, is the role of concurring opinions or dissenting opinions?

A. Sometimes you can't come to a compromise where everybody is going to feel like they can sign off on something. And when that's the case, sometimes you just feel like you have to dissent or you have to concur, because even though you agree with the outcome, we're not quite on board with how we got there. I think the importance of it is that the law is continually developing, and what is a dissent one day might become the majority opinion in the future. Or at least, if it doesn't, it might help with the development of the law, and it also hopefully forces the majority opinion to address any holes that the dissent or the concurrence might be able to point out in the majority opinion. So, for example, if I'm writing the majority opinion, and somebody else is dissenting, it's helpful to me to see where they think the weaknesses are in the majority

opinion. And I will reconsider my views on it, and if I continue to decide that my position is correct, I will then shore up my opinion to try to respond to the points that the dissent or the concurrence would bring out. Hopefully the overall result is a better opinion all the way around and decisions that are better thought-out.

Q. You're known for being very dedicated to your job and to your family. How do you maintain that balance?

A. Well, I'm very fortunate. My husband is extremely supportive. And now that both of my kids are off at college, I have even more time that I can devote to work. But your kids go through life once, they're only kids once, and you want to be there for all of the important things, and so you try to do that, but you don't want work to suffer, especially when you have the privilege of working as a judge, and there's a lot depending on it. So you work extra hours and you are a little more flexible in how you get the time in. You're working the same amount, but you're just doing it in a more creative way.

Q. What advice would you give to newer lawyers?

A. Your reputation is really important, and it starts when you're in law school. It's important to think hard about decisions that you make and the way that you want to advocate for something and the

things that you want to do in your professional career. It's important to do those things because it's important to be professional and a good person. But it's also important, if that's not enough for someone, to do those things because your reputation follows you for the remainder of your career.

Q. What advice would you give to more experienced attorneys?

A. I love the law, and I hope that people who are practicing law love the law. If you're in an area that you don't enjoy quite as much, and it's easy for me to say, I guess, but it might be a little more challenging to do in practice, to the extent that you might have the ability to try a new area, I would encourage people to do that. And I would encourage people to try new things, to try new skills, if you haven't tried a case before and the opportunity arises, to be a second chair or something of that nature, then go ahead and try that, because you might really enjoy it. So when opportunities present themselves, take advantage of them.

Q. And what advice would you give to new judges?

A. We are very lucky to have the position. Always remember every day how fortunate we are to have the position, how much trust is placed in us, and how important it is to be true to the rule of law every day.

The South Florida Chapter of the FBA recently re-designed its website. There you will find links to past and future events, as well as helpful resources for federal practitioners. Check it out at: <https://www.fba-sdfla.org/>.

Welcome Remarks from the District's New Chief Judge

From Chief Judge Cecilia Altonaga

Historically, the Southern District of Florida has ranked among the top ten federal district courts in the country in several categories. Using pre-pandemic 2019 figures, our District ranked number five in the total number of civil cases filed. Our District was in first or second place in disposition time for civil cases. We ranked in seventh place in the number of criminal cases filed. We also occupied first place in the number of jury trials conducted; we ranked in first or second place in the number of multi-day trials.

Due to the COVID-19 pandemic, and consistent with the conservative approach adopted by state and federal courts throughout the country, our District ceased jury trials and grand jury proceedings for much of 2020. In 2020, we held 38 jury trials from January through March, the last one concluding on March 24, 2020 in Fort Lauderdale before Judge James Cohn. While our District and Magistrate Judges remained busy resolving disputes and issuing rulings advancing those cases, we were unable to give parties, in both civil and criminal cases, trials by jury.

On July 6, 2021, after 18 years of service as a District Judge, I became the District's sixteenth Chief Judge. The position, with its added responsibilities, is an honor and privilege. I have every hope and expectation that as the District's first female and Cuban American chief judge, I can continue to advance and support the District's reputation for excellence, productivity, and timeliness in delivering justice for all.

While the virus is still raging in our District and around the world, we can no longer continue to shutter our doors and postpone jury trials indefinitely. Masking and social distancing are here to stay for some time.

In recognition of our new reality, and after months of diligent work and preparation by our Judges and Court staff, including the use of outside consultants, we have made our courthouses more secure. We have installed air purifiers with ultraviolet lights and glass and plexiglass dividers in public spaces, including courtrooms; and we have purchased clear and regular masks, microphone covers, and temperature scanners. Large amounts of hand sanitizer are also readily available. Signs are up with clear instructions for social distancing. Court employees and contractors remain masked. We have worked with the General Services Administration to enhance our air filtration and cleaning systems.

We have taken a measured approach to resuming jury trials and grand jury proceedings, all the while sharing best practices and lessons learned from our experiences and those of other federal district courts throughout the country. Thanks to Judges Ursula Ungaro and Patricia Seitz, from May to July 2021, we held three "pilot" civil jury trials in Miami.

Since then, we have been steadily resuming the summoning of jurors and holding jury trials in both



criminal and civil cases. While the masking, partitions, social distancing, and other measures are not synonymous with “business as usual,” we are hopeful we can make this work and keep litigants and the public safe. Following the three pilot civil jury trials, in 2021 we have held 24 jury trials: three civil and two criminal in Miami; seven civil and four criminal in Fort Lauderdale; three civil in West Palm Beach; four civil in Fort Pierce; and one civil in Key West. We have also empaneled six grand juries in Miami.

Much has been written and said about the vanishing civil jury trial. Much has been commented on the number of criminal cases that resolve by plea rather than trial. Notwithstanding the decline in jury trials in both civil and criminal cases, the right to trial by jury, and ensuring that right is not ephemeral, are key components of our District’s mission and what the Judges of this Court have worked so hard to safeguard and restore after the hiatus of 2020. It is my commitment to continue collaborating with those who have made our return to a measure of normalcy possible during this early period of my term as Chief Judge.

Update on Jury Trials in the District

From Clerk of Court Angela E. Noble

Beginning in late May, the Court conducted a series of “pilot” trials to test the safety procedures and protocols established by the Court to mitigate exposure to COVID-19. Jurors answered special COVID-19 questionnaires, were provided masks, gloves, hand sanitizer and other protective items upon arrival, and trials were held in specially constructed COVID-19 courtrooms and juror deliberation rooms. These spaces were designed by our Court’s architect with guidance obtained by an infectious disease expert and an environmental engineering consultant. After each pilot trial, the presiding judge reported to the full Court. With input from the judges, staff, attorneys, and jurors in attendance, adjustments were made to further improve existing safety measures and the overall trial experience. Regular jury trials commenced on July 19, 2021. To minimize the number of jurors reporting to our courthouses, only two jury selections may take place daily at each courthouse location; one jury is selected in the morning and one in the afternoon. Temperature screening at courthouse entrances, social distancing and masks are still required. We continue to follow CDC Guidelines as the health and safety of our staff, the Bar, and the public are of utmost importance.

*If you are not already a member, join the FBA’s South Florida Chapter today!
Members have access to a wide array of events involving the judiciary,
notable speakers, and lawyers in our community.
Please visit our website for more information, <http://fba-sdfla.org/membership>.*

President's Message

From Yaniv Adar, President



Later this month, the South Florida Chapter of the Federal Bar Association will proudly host the national Federal Bar Association's 2021 Annual Meeting & Convention right here in sunny Miami from September 23 through September 25. The cornerstone of the Federal Bar Association is its Annual Meeting & Convention, and we cannot be more excited to showcase our unique, vibrant, and diverse legal community. Whether you join in-person or virtually (the Convention has both options), attendees will have the choice of enjoying CLE panels featuring Judges Altman, Bloom, Gayles, Jordan, Louis, Ruiz, and Singhal, among other jurists from around the country. Throughout the week we will also be showcasing the Federal Bar Association's Civics Initiative, kicking off with a Civics Day event on September 22. On Thursday, September 23rd, the Southern District of Florida will be hosting an event that features a presentation by historian Dr. Paul George about the history of the Court. On Friday, September 24th, the FBA South Florida Chapter will be hosting an evening reception at Pérez Art Museum Miami.

More information about the Convention, including how to register, can be found here: <https://www.fedbar.org/event/fbacon21/>.

Although the Convention has been our Chapter's primary focus this year, we are already planning exciting events for the Fall. On October 21, 2021, we plan on returning to in-person lunches with a State of the District and Installation Luncheon featuring Chief Judge Cecilia M. Altonaga. In November, we look forward to welcoming back Amy Howe for her annual luncheon to discuss recent developments at the Supreme Court of the United States. While it has been an honor to serve as President of this amazing organization, I look forward to the continued growth and evolution of our Chapter under the leadership of our incoming president, Stephanie A. Casey. If you have any questions, comments, or recommendations regarding our organization, feel free to e-mail me directly at yaniv@markmigdal.com. We cannot wait to see you in a few weeks!

The Newsletter Committee wishes to acknowledge Chapter President Yaniv Adar for his remarkable efforts leading our organization through another pandemic year, and for bringing the Chapter to its milestone event, the FBA Annual Meeting & Convention!

Southern District of Florida Focuses on Fairness and Diversity

From Enjoliqué A. Lett

In alignment with the Federal Judiciary and Administrative Offices of the Courts' goal to ensure that the judiciary branch reflects the communities it serves and provides equal justice and opportunity for all, the Southern District of Florida, under the leadership and with the support of Fmr. Chief Judge K. Michael Moore and Chief Judge Cecilia Altonaga created the Fairness and Diversity Committee in February of this year. The stated purpose of the Fairness and Diversity Committee is "to be a resource for the Court in addressing issues relating to race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age or disability or any other issues impacting fairness and diversity in the District."

The Fairness and Diversity Committee has a number of responsibilities to the Court and the public. On the Court-facing side, the Committee will consider, among other subjects, diversity in court staffing, court monitors, special masters and receivers, as well as in the CJA Panel and lead and liaison counsel in MDL proceedings, all areas where diversity is often lacking. The Committee is also charged with studying the constitution of jury panels in the District and considering any other questions related to the operation of the Court consistent with promoting fairness and diversity. On the outward, community-facing side, the Committee will review outreach efforts and protocols to assist the Court in making diverse audiences aware of employment opportunities within the Court and of the great work the Court is doing.

In accordance with this latter responsibility, on July 21, 2021, the Committee supported, and its Chair and members provided, introductory remarks at the Implicit Bias & The Justice System webinar featuring William C. Snowden, founder of The Juror Project. The webinar was hosted by the South Florida, Broward, and Palm Beach chapters of the Federal Bar Association, and the Bankruptcy Bar Association, and discussed the mind sciences of implicit bias and racial anxiety and their significant influence on actors and outcomes in the criminal justice system.

The Fairness and Diversity Committee—a diverse group of jurists themselves—includes Judge William P. Dimitrouleas, Judge Darrin P. Gayles, Judge Robin L. Rosenberg, Judge Rodney Smith, Chief Bankruptcy Judge Laurel M. Isicoff, Bankruptcy Judge Erik P. Kimball, Magistrate Judge Jacqueline Becerra, Magistrate Judge William Matthewman, Magistrate Judge Shaniek Maynard, and is chaired by Judge Kathleen M. Williams. Grateful recognition is also extended to the Committee's former members, Judge Rodolfo A. Ruiz II and Judge Raag Singhal.

The South Florida Chapter of the Federal Bar Association appreciates the efforts of the Court's Fairness and Diversity Committee to raise awareness of these important issues both within the court system and the larger community. The Chapter welcomes future opportunities to work together to promote these ideals to our members and lawyers throughout South Florida.

PAST EVENTS

Become a Mentor

to a law student!

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Erica Zaron

Have a suggestion for
future newsletter content?

Email the committee at
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Attn: Newsletter
Committee

Civil Discourse and Difficult Decisions. On March 19, 2021, our Chapter, along with the U.S. District Court for the Southern District of Florida, Miami Division, held the Civil Discourse and Difficult Decisions program, with U.S. District Judge Beth Bloom presiding. CD3 is a civics education program for high school and college students that focuses on civility and decision-making skills. Approximately 20 enthusiastic students from Southwest Senior High School participated in the program via Zoom. The next CD3 program is scheduled for October 15, 2021. Contact Stephanie Turk at sturk@stearnsweaver.com or Yisel Valdes at yisel.valdes@gmail.com if you would like to volunteer your time!

Law Day. On April 27, 2021, the U.S. District Court for the Southern District of Florida, Miami Division, and leaders from the South Florida, Broward, and Palm Beach Counties Chapters of the Federal Bar Association celebrated Law Day. The presentation of the program via Zoom allowed the volunteer attorneys and United States District Court Judge Beth Bloom to reach nearly 1,000 students across three South Florida counties. The discussion centered on the ABA theme, "Advancing the Rule of Law Now."

Meet Judge Raag Singhal. On April 29, 2021, many members had the pleasure of meeting Judge Raag Singhal through an engaging interview conducted by Judge Roy Altman. While one highlight may have been the description of Judge Singhal's extraordinary comic book collection, all were inspired by Judge Singhal's congeniality and life story. Judge Singhal paid tribute to his parents and spouse, who have guided and supported his journey through life as a prosecutor and then criminal defense lawyer, before his transition to service as a state court judge and, presently, on the federal bench.

Dirty Gold: The Rise and Fall of an International Smuggling Ring. On May 20, 2021, the Chapter welcomed authors Jay Weaver and Nicholas Nehamas to discuss their critically acclaimed book, *Dirty Gold: The Rise and Fall of an International Smuggling Ring*. The authors were interviewed by a panel that included the federal prosecutor who investigated and prosecuted the case – Colson Hicks Eidson partner Frank Maderal. Evelyn Sheehan, a partner at Kobre & Kim and a former federal prosecutor as well, moderated the panel.

Meet Our Clerk of Court! On June 8, 2021, Judge Marcia G. Cooke presented a conversation with Court Administrator - Clerk of Court Angela E. Noble. The event provided useful background about the role of the Clerk's office and offered helpful tips for those who routinely practice in the Southern District.

Boardroom Lunch Series: U.S. Attorney Tony Gonzalez. On July 12, 2021, the Chapter kicked off its 2021 Summer Boardroom Luncheon series with featured speaker Juan Antonio "Tony" Gonzalez, the Acting United States Attorney for the Southern District of Florida. The discussion was varied and wide-ranging. U.S. Attorney Gonzalez talked about his career path and the USAO's work on many fronts, including money laundering and

Paycheck Protection Program (PPP) fraud in South Florida, a “sunny place for shady people.” He also addressed some of the challenges his office faced during the pandemic. Our Chapter thanks U.S. Attorney Gonzalez for an interesting and informative discussion with our members.

Tri-County FBA Event: Implicit Bias & the Justice System. On July 21, 2021, the South Florida, Broward, and Palm Beach chapters of the Federal Bar Association and the Bankruptcy Bar Association hosted a zoom Diversity event, Implicit Bias & The Justice System. The program featured William C. Snowden, the founder of The Juror Project, who discussed the mind sciences of implicit bias and racial anxiety and their influence on actors and outcomes in the criminal justice system. United States District Court Judges Kathleen Williams, Robin Rosenberg, and Rodolfo Ruiz, who serve on the Southern District of Florida’s Fairness & Diversity Committee, provided introductory remarks.

Boardroom Lunch Series: Bruce Moyer. On August 11, 2021, the South Florida Chapter held its final summer boardroom luncheon, featuring Bruce Moyer, Counsel for Government Relations to the Federal Bar Association in Washington, D.C. for the past 25 years. Bruce reviewed current legislative proposals to expand the size of the federal judiciary and explained how the FBA develops initiatives for congressional consideration and provided an overview of the blue slip process used in district court nominations. We wish Bruce well as he leaves his long, distinguished affiliation with the FBA.

UPCOMING EVENTS

Civics Day in Miami. On September 22, 2021, as part of our Annual Meeting and Convention, FBA members will share civil discourse skills and discuss constitutional issues with students in Miami-Dade County public high schools. Judges and attorneys will participate in “Civil Discourse and the Constitution,” an extension of the “Civil Discourse and Difficult Decisions” program founded right here in the Southern District by United States District Judges Beth Bloom and Robin Rosenberg.

FBA Annual Meeting and Convention in Miami. Running from September 23 through 25, the Chapter is excited to be hosting the Federal Bar Association’s Annual Meeting and Convention for the first time ever! With opportunities to participate either virtually or in person, members have a unique opportunity to showcase our beautiful city and Chapter to the national membership and play an active role in shaping the organization.

FBA South Florida Chapter Reception. On September 24 , 2021, as part of the Annual Meeting and Convention, the Chapter invites all Convention attendees to a reception to be held at the Pérez Art Museum Miami. Tickets may be purchased online. We look forward to seeing you there!

State of the District Luncheon with Chief Judge Altonaga and FBA Installation of Officers. On October 21, 2021, Chief Judge Altonaga will give her “State of the District” remarks at an in-person luncheon. At the same luncheon, we will install our incoming FBA officers. Join us to hear from the District’s first female and Cuban American chief judge and to wish our new officers well!

Supreme Court Expert Amy Howe. In November, we will host reporter and former editor of SCOTUSblog, Amy Howe, for our annual update on happenings at the United States Supreme Court. This is always a premier event for our chapter. You don’t want to miss it!

FBA Reception at the Pérez Art Museum Miami (PAMM)

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See you there!



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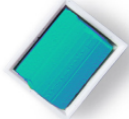
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