



FOWLER
RODRIGUEZ
VALDES-FAULI

New Orleans

Miami

Houston

Mobile

Bogota'

Fall 2009

New Orleans Office Party at Zephyrs Field - July 23, 2009



Norman Sullivan, Mary Turner, Betty Sullivan, Stephanie Skinner, LJ Schilling



Back row: Phil Brickman, Richard Shedlock, Michael A. Harowski, Mark Stich, Jody Fortunato. Front row: Shelley Miller, Christy Harowski, Cristi F. Chauvin and Kati Cox Weaver



Jim and Cindy Carroll



Jim McCulloch and his daughter, Lauren



Christy and Michael Harowski



Maria and Christian Sauce with their daughter, Anastasia

The Jorge Mas Canosa Freedom Foundation Golf Tournament - Miami, FL - March 21, 2009



Mark Rich, Norman Sullivan, George J. Fowler, III



Britton Chauvin and Julie Rabalis Chauvin



Julie Rabalis Chauvin, Britton Chauvin, Christian Chauvin, Jorge Mas, Norman Sullivan, Mark Rich, George J. Fowler, III



George J. Fowler, III, Cristina Fowler, Irma Mas, Jorge Mas Santos, Aleyda Mas Santos

Robert Johnston-Recipient of City Buisness Leadership in Law Award for 2009



Jody Fortunato, Mark Stich, Robert Johnston, Anthony D'Alto, Candace Nunez, Christy Cancienne

Around Town



George J. Fowler III and New Orleans District Attorney Leon Cannizzaro

EXPERTISE • ADVOCACY • REACH • SUCCESS

Victory in Hurricane Katrina Suits

United States Fifth Circuit Appeals Court Affirms Dismissal \$Billion Suit Against Engineers Arising from Levee Breach During Hurricane Katrina



Mat Gray



Stuart Ponder

New Orleans partner Mat Gray, assisted by associate, Stuart Ponder, represented Eustis Engineering Company, Inc., in defending 14 consolidated class action suits seeking billions in damages arising from the breach of the 17th Street Canal, which caused the substantial flooding of New Orleans.

In December 2006, the United States District Court for the Eastern District of Louisiana, Judge Duval, granted a summary judgment dismissing the suit against Eustis and other engineers based upon a Louisiana peremption statute allowing four years from acceptance of a project to file a suit.

Thereafter, the plaintiffs amended the 14 suits, filed new suits, and filed An Amended Master Consolidated Class Action Complaint to allege maritime jurisdiction based upon alleged negligent dredging of the 17th Street Canal, a navigable waterway, causing the failure of the levee. They cited the decision of the United States Supreme Court in *Grubart v. Great Lakes Dredge & Dock Co.*, 513 S.U. S.

527 (1995). Given maritime jurisdiction, plaintiffs argued that the well recognized admiralty doctrine of laches trumped the Louisiana peremption statute.

On behalf of Eustis Engineering, along with the other engineers, the firm filed a second Motion for Summary Judgment seeking dismissal under the doctrine of res judicata and the absence of a maritime tort. In September, 2008, Judge Duval held that the 17th Street Canal was not navigable, notwithstanding the dredging conducted from barges and the existence of a fishing fleet at one end of the canal. He underscored that the purpose of the canal was to provide drainage of the city, and navigation was impeded by a bridge between the levee breach site and Lake Pontchartrain. He granted a summary judgment based upon the absence of maritime jurisdiction, there being no negligent act on navigable water. An appeal was taken .

After briefing, and oral argument in December, 2008, the United States Fifth Circuit Court of Appeals affirmed the judgment in favor of Eustis and the engineers on April 30, 2009, finding no maritime jurisdiction. Eustis argued that while the canal was not navigable, even so, the suit did not meet the two tests for maritime jurisdiction. Plaintiffs argued that the canal was navigable and the breach of the levee caused a substantial impact on maritime activity.

The court noted that maritime jurisdiction requires both location of the negligent act on navigable water and that the general character of the activity giving rise to the incident bears a substantial relationship to traditional maritime activity. The court assumed, arguingo, that the location test was met, notwithstanding the lower court

(cont.)

Fowler weighs in on Outlook of U.S.-Cuba Relations and what it could mean for Louisiana

On May 29, 2009, the World Trade Center of New Orleans hosted a luncheon program to discuss Louisiana's role in future trade relations between the United States and Cuba.

George J. Fowler, III, Managing Partner, Fowler Rodriguez Valdes-Fauli and Vice President, Cuban American National Foundation, was a featured speaker on a panel alongside Christopher Sabatini, Senior Director for Policy and Chair of Cuba Working Group, Americas Society/Council of the Americas and Dr. Len Treviño, Gerald N. Gaston Chair in International Business, Loyola University College of Business Administration. The panel discussed possible opportunities that Cuba could offer to New Orleans and Louisiana in the future.

The discussion was prompted by the April 13, 2009 announcement by President Obama of a series of changes to U.S. policy toward Cuba. In particular, the Administration will ease limits on family travel and cash gifts from the U.S. to Cuba, as well as authorize greater telecommunications links between the U.S. and Cuba. These measures come 47 years after the U.S. trade embargo on Cuba began and follow the easing of restrictions on the sales of medicine and agricultural products in 2000.

Since 1962, the United States has imposed comprehensive economic sanctions against Cuba through numerous

(cont.)

From Disorder in the Court: Great Fractured Moments in Courtroom History by Charles M. Sevilla

ATTORNEY: Doctor, before you performed the autopsy, did you check for a pulse?
WITNESS: No.
ATTORNEY: Did you check for blood pressure?
WITNESS: No.
ATTORNEY: Did you check for breathing?
WITNESS: No.
ATTORNEY: So, then it is possible that the patient was alive when you began the autopsy?
WITNESS: No.
ATTORNEY: How can you be so sure, Doctor?
WITNESS: Because his brain was sitting on my desk in a jar.
ATTORNEY: I see, but could the patient have still been alive, nevertheless?
WITNESS: Yes, it is possible that he could have been alive and practicing law.

(cont. from cover, "Hurricane Katrina...")

ruling. After an analysis of the second requirement for maritime jurisdiction, it held that there was no substantial relationship to traditional maritime activity, in part, because the canal was for drainage purposes; the dredging could have been done from land; and the drainage and flood projects were of local concern and did not require the expertise of an admiralty court as to water based commerce. The judgment was affirmed.

(cont. from cover, "Cuba Relations...")

laws and regulations, including the Trading with the Enemy Act of 1917, the Cuban Democracy Act of 1992, and the Cuban Liberty and Democracy Solidarity Act of 1996, also known as the "Helms-Burton Act."

If the United States lifts the trade embargo with Cuba, Louisiana would be able to ship oil to the country and local companies might find opportunities to help modernize ports and other infrastructure there.

Eugene Schreiber, managing director of the World Trade Center, said

one third of all U.S. exports to Cuba go through Louisiana ports. He and several other speakers said the loosening of trade restrictions would create additional opportunities for this state, especially in the export of oil and Louisiana agricultural products.

According to Sabatini, Cuba currently produces only 41 percent of its oil needs and receives the rest from Venezuela. A trade partnership with Louisiana would help Cuba eliminate the strong influence that Venezuela maintains there, he said.

President Barack Obama has tried to normalize relations with Cuba by lifting restrictions on the travel of Cuban-Americans to the island and by indicating a willingness to negotiate with leaders Fidel and Raoul Castro. All the same, panelists said that lifting the trade embargo would not be easy.

"I think there's going to be a heated debate in Congress over the issue," said Fowler, a native of Cuba who left during the political turmoil of 1959. He is the vice president and general counsel of the Cuban American National Foundation and supports United States-

Cuba policy, which requires the Castro government to cease human rights violations before U.S. policy is changed.

"President Obama made overtures to the Cuban government and took some affirmative steps to improve relations with the island. Regrettably, the Castro government rejected the overtures as insufficient and took no steps to show a willingness to negotiate with President Obama," said Fowler.

In spite of the embargo, the United States is the largest exporter to Cuba. Louisiana's exports to the island are primarily agricultural.

"The trade possibilities for Louisiana ports would be unlimited," Schreiber added.

Panelists predicted that local tourism to Cuba would rise if relations continue to thaw. The island nation is only 90 miles off the coast of Florida.

Fowler said it would be difficult to make any changes as long as Fidel Castro is in power. He is, however, optimistic that things could change upon Castro's departure.

Spotlight



George J. Fowler, III and Antonio J. Rodriguez have been selected as 2010 Best Lawyers in America in the specialty of Maritime Law. This is the third consecutive year that both Fowler and Rodriguez have been chosen.



Juan E. Serralles was recently admitted as a member of Consulegis, a global network of highly profes-

sional independent law firms who support one another in their professional activities. The network comprises of over 1600 lawyers across 40 countries and more than 150 cities with its head office located in Zurich.



Elisa Lucchi, Esq., Miami Country Dade School Class of 1998, has volunteered to serve as the school's Planned Giving Advisor. Miami Country Day School (MCDS), is a prestigious private school in South Florida.



Frank Quesada has been appointed to the Coral Gables Community Foundation Board of Directors.



Cristi Fowler Chauvin has been appointed to the World Trade Center Government Affairs Committee for 2009.

This committee works with other organizations throughout the state and rec-

ommends policy and actions on federal and state issues to enhance Louisiana's international trade, port, and related economic development.



Ivonne Barroso was recently appointed to the Communities In Schools Board of Directors. In addition, Ms. Barroso has been certified by the Supreme Court of Florida as a Circuit mediator.



Philip Brickman and H. Jake Rodriguez have been named partners in the New Orleans office.



Maria Isabelle Hoelle has been named an equity partner in the Miami office.



Daniel Lichtl has been named an equity partner in the New Orleans office.

New Hire

Mark Lewis has joined the Houston office as a partner. Lewis has nearly 20 years experience as a civil litigator focusing on complex commercial disputes, insurance litigation, and personal injury claims, including toxic tort and product liability claims. He has particular expertise in the area of insurance litigation.



For years Mr. Lewis has represented insurance companies, agents and brokers in disputes regarding coverage, alleged bad faith refusal to pay claims, and agent misconduct. He also has extensive experience in construction matters. While working in-house for an international engineering and construction company, he served as the project attorney for the largest oil refinery expansion project in United States history. He has also represented major engineering firms in litigation over delays in the construction of oil refineries and chemical plants.

Mr. Lewis was born in Birmingham, Alabama on December 5, 1962. He graduated with honors from Spring Hill College in 1984. In 1987, he graduated with honors from the University of Alabama School of Law, where he served as Managing Editor of the Law Review. In 1996, he received a Master of Divinity degree from Trinity Evangelical Divinity School.

Mr. Lewis was admitted to the bar in Alabama in 1987. In 1990, he was admitted to the bar in Texas. He is currently licensed to practice in Texas and is admitted to the U.S. District Courts for the Southern, Northern, Eastern and Western Districts of Texas and to the U.S. Court of Appeals for the Fifth Circuit.

Remembering Jim Carroll



It is with deep sadness that we must tell you that we lost a good friend and law partner, Jim Carroll, on August 5, 2009 of a sudden heart attack. Jim was born in Bayonne, New Jersey and raised in Philadelphia. He graduated from Villanova in 1967, having been instrumental in taking its basketball team to the NIT Tournament. Jim was an officer in the United States Marine Corps and a proud combat veteran of Vietnam. Thereafter Jim attended Tulane Law School, was an editor of its Law Review and graduated with honors in 1974. He began practicing maritime law in New Orleans with many of us in 1974. During his career as a successful trial lawyer, Jim was active in the Maritime Law Association, serving on its Executive Committee, and was a former chairman of the ABA's TIP's section. Jim was smart, loyal, funny and steadfast in his beliefs. He will be greatly missed by us all.

Corporate Email Retention Strategies

In today's corporate environment, email has become a necessary tool of every business and its use is growing exponentially. In 2005, the average corporate employee reviewed 75 emails a day and estimates show that corporate email traffic has increased at a rate of 33% per year since then. Projections are that worldwide email traffic in 2006 was at the rate of 183 billion messages per day.



Mary Hoelle

retention policy suitable for public and private entities. Although the regulatory and technological environment of each organization varies greatly, there are common elements to a legally defensible email management policy to which every entity should adhere.

At the forefront, every entity must determine why they may need to either retain or dispose of email communications. Common considerations include legal and regulatory requirements, technological capabilities, need for preservation of client and/or employee communications and cost considerations. Other considerations may include the technological sophistication of an entity's employees and, if there are no regulatory requirements, whether retaining any emails will benefit the entity.

Other considerations may include the technological sophistication of an entity's employees and, if there are no regulatory requirements, whether retaining any emails will benefit the entity.



Frank Quesada

It is commonplace to find that entities with similar profiles have adopted vastly different, yet effective, email and data retention strategies. However, many companies have never addressed an email retention policy and therefore they either retain or discard all emails. Such an email strategy is a disservice to any entity, as email can be a tremendous benefit to an organization that properly handles the enormous amount of email data.

Litigation partner, Mary Hoelle, Esq., and associate, Frank Quesada, Esq., of the Miami Office have collaborated with clients and their respective information technology departments to help address legal issues, streamline costs and create an overall email retention strategy best suited for each particular client.

Miami International Marketing Update

Last December, the Firm became the Title Sponsor for the "Government Affairs Event Series" presented by World City. These events provide an intimate, yet professional atmosphere in which Government Affairs Directors from South Florida's multinational companies discuss challenges and opportunities in their region. We are proud to report that after three very successful events Chevron has joined FRVF as co-sponsor of the event series. For more information, visit www.worldcityweb.com.

Upcoming Events

The New Orleans Hispanic Heritage Foundation will host their 19th Annual Azucar Ball on November 21, 2009. This fundraiser will benefit the Foundation's scholarship fund, which has awarded over 240 scholarships to outstanding Hispanic students in the New Orleans area. For more information, contact Cristi Chauvin at cchauvin@frvf-law.com



Cindy Harris
New Orleans

Cindy Harris is the accounting manager in the New Orleans office and

has been with the firm for six years. Ms. Harris resides in Gretna, Louisiana with her husband of 32 years, Keith, and their Cavalier King Charles Spaniel, Abby.

Where did you grow up?

New Orleans and Gretna

What are some of your hobbies?

We have season tickets to the Broadway Across America Musical Series in New Orleans, and I also enjoy watching sports, especially the New Orleans Saints. In addition, I like to spend my free time shopping and exercising.

What is your dream job?

I have been working in law firm accounting since my graduation from college. This must be my dream job, as I can't imagine doing anything else.

What is your favorite memory at Fowler Rodriguez Valdes-Fauli?

Getting to meet and work with everyone in the Houston office after having to relocate there after Hurricane Katrina.

What is something most people don't know about you?

I came to the firm in June 2003, when Gelpi Sullivan Carroll joined Fowler Rodriguez Valdes-Fauli. I had been with GSC since 1981, handling their accounting work.



Dee Kohler Houston

Dee Kohler is a legal secretary in the Houston office and has been

with the firm for six years. Ms. Kohler resides in the suburb of Kingwood, Texas with her retired husband, Mike, and their two mini-dachshunds, "Cagney & Lacy."

Where did you grow up?

Houston (Spring Branch – another burb)

What are some of your hobbies?

Shopping, decorating, and "repurposing old things" - come to think of it, that's probably why I married my husband!

What is your dream job?

To work for an interior decorator

What is your favorite memory at Fowler Rodriguez Valdes-Fauli?

The "white elephant" Christmas luncheons. . . it's such a challenge to find just the correct "tacky" item! Luckily, we have such a talented group who seem to excel in that arena.

What is something most people don't know about you?

I was "Miss Dunkin Donut" for about a month (over 40 years ago)... "My store" sponsored a teen dance program on local television (similar to "American Bandstand") and I served refreshments-donuts, of course!! Also, I have been taking a marshal arts class for the last two years.

What are your plans for your future?

To try to stay on my diet!



Ivonne Barroso
Miami –
Attorney

Ivonne Barroso is an associate in the firm's Miami

office. She has been with the firm since 2008, and resides in Miami, Florida.

Where did you grow up?

Miami

What are some of your hobbies?

I enjoy traveling and going to music concerts.

What is your favorite memory at Fowler Rodriguez Valdes-Fauli?

The 2008 Holiday Party was memorable - receiving my secret Santa gift while I sat on Santa Claus' lap was quite funny. It made me feel like a kid again.

What is something most people don't know about you?

I was recently appointed to the Communities In Schools of Miami Board of Directors. The mission of Communities In Schools is to champion the connection of needed community resources with schools to help young people learn, stay in school and prepare for life. The organization works with some of Miami's most challenged students by bringing free resources directly to the schools and community sites. In the past year, Communities In Schools of Miami has partnered with 563 volunteers, 26 AmeriCorps members and 84 agencies to serve over 5,000 students. For more information or to volunteer, visit www.cismiami.org.

Recent cases: My current cases involve commercial litigation disputes and employment disputes.

Awards or publications?

I co-authored an article titled "Implement an Antitrust Compliance Program" published in The Miami Herald and Opportunity World Magazine.



Carnival Not Responsible for Runaway Barge

On June 3, 2009, A. T. “Skipper” Chenault and Shelley Miller won a significant summary judgment for Carnival Corporation in a barge breakaway/wave action case in federal court in New Orleans. The Combo Maritime, Inc. v. U.S. United Bulk Terminal, LLC, et al incident resulted from a 50+ barge breakaway during high water conditions on the Mississippi River. Several drifting barges struck and damaged the M/V ALKMAN which was anchored about 1.5 miles downriver from the barge moorings. ALKMAN interests brought an action for damages against the barge terminal, which in turn alleged that Carnival’s FANTASY or another vessel caused the breakaway by navigating too close to the barge fleet.

Acting for Carnival, Chenault and Miller completed essential discovery and quickly moved for summary judgment. They argued that the barge terminal was burdened with proving that it was without fault, and that its fleet was moored with appropriate and adequate equipment for the expected Mississippi River traffic and conditions. The terminal had to overcome that burden before trying to establish that a passing ship was at fault for the breakaway. The terminal presented no evidence supporting the adequacy of its mooring equipment beyond static conditions.

Judge Lance Africk found Carnival’s arguments persuasive, holding that the barge terminal failed to carry its burden of proving 1) that its mooring equipment was adequate for the conditions at the time and 2) that the external force that caused the breakaway was caused by another party’s negligence. Because the terminal did not meet their burden, it faced the risk of nonpersuasion, and the court granted summary judgment dismissing all claims against Carnival with prejudice.

Alter Ego Theory Fails to Persuade Court

In Ciramar Int’l Trading Ltd. adv. Panama Shipping Lines, Inc., Panama Shipping, the owner of the M/V Tideway, alleged that the Firm’s client, Ciramar Ltd., did negligent repairs to the ship causing it to sink with all its cargo, and attached \$2 million in a Miami bank account in the name of our client’s sister company, Ciramar S.A. Ciramar Ltd., had done repair work on the Tideway, at its shipyard in the Dominican Republic. Panama Shipping, a Panamanian company with its place of business in Miami paid for the repairs by depositing the funds in the Ciramar S.A. bank account. We moved



to dismiss the lawsuit and vacate the attachment asserting that because the attached account belonged to Ciramar S.A., instead of Ciramar Ltd., and all the repairs were done in the Dominican Republic, the court did not have personal jurisdiction over our client and that Florida was an inconvenient forum. Panama Shipping amended their complaint to assert that the Ciramar entities were the alter ego of each other and therefore the court not only had jurisdiction but that Florida was the proper forum to decide the case. In response we argued

that the attachment did not confer personal jurisdiction over our client because the alter ego theory had not been part of the initial claim, the one considered by the court when it granted the ex parte petition for the attachment. After holding a hearing in which G. Luis Dominguez, partner in the Miami office, argued for Ciramar Ltd., the Court dismissed the case ruling it had no personal jurisdiction over our client and in the alternative, the forum non convenience doctrine dictated that the Dominican Republic was the proper forum for the case.

\$4.7 Million Verdict Reinstated in Contract Dispute

On July 23, 2009, the Court of Appeals for the First District of Texas rendered a significant opinion in favor of MasTec, Inc. In a case tried by Norman C. Sullivan Jr., senior partner in Fowler Rodriguez Valdes-Fauli, a jury in Houston, Texas, awarded MasTec \$4,763,890 in December 2005, against El Paso South Texas in connection with a contract dispute over the construction of a pipeline by MasTec for El Paso. The contract was a “lump sum” contract to cover all of the work and had language which allocated the risk of cost overruns to MasTec. The contract also had language which required El Paso to use due diligence in identifying the number of pipelines which crossed the route of the pipeline being constructed. MasTec argued that El Paso did not fulfill this obligation, which resulted in numerous unidentified crossings and substantially increased costs to MasTec. El Paso contended that, given the contract language, MasTec was responsible for the risk of any costs attributable to unidentified crossings without regard to whether El Paso used due diligence to identify them. The jury determined that El Paso breached its contract with MasTec by not using due diligence in identifying the number of crossings. Nonetheless, subsequent to the trial, the trial judge issued a Judgment Notwithstanding the Verdict

concluding that the risk allocation clause was paramount and ruled MasTec would get nothing.

In a well reasoned 54-page Opinion, the Court of Appeals reversed the ruling by the trial judge. The Court concluded that El Paso did not meet its responsibility to use due diligence in identifying the crossings and that El Paso's risk allocation clause in the contract did not prevail. The Court instructed that the jury verdict of \$4,763,890 in favor of MasTec be reinstated and also that MasTec be awarded its attorney's fees.

Impatience Does Not Equal Negligence and Instead Leads to Summary Judgment

On April 29, 2009, Mark Stich and Jon Wise of the New Orleans office argued and won a Summary Judgment in state court in Plaquemines Parish, Louisiana, in the general maritime case, Leander Gaines v. Fab-Con, Inc. et al. The matter involved an alleged un-witnessed back injury to a rigger employed by a third party contractor while aboard our client's jack up vessel, when the plaintiff attempted to lift a length of pipe without assistance. Though there were no facts to suggest that the plaintiff was under the direct supervision of the captain of the jack up, or that any vessel equipment malfunctioned or was misused, the plaintiff attempted to argue that his injury was the result of an act of omission by the captain, who allegedly refused to render prompt assistance by not coming out of the wheel house to operate the vessel crane. The district court concluded that a worker undertaking to lift a pipe without any urgency or instructions to do so, and simply failing to wait for assistance which was on its way, did not set forth a cause of action for negligence under the general maritime law.

Perenco, Inc. receives Summary Judgment in Fatal Collision

The firm represented Perenco, Inc, insured by Certain Underwriters at Lloyd's, in a suit against major oil companies arising from the death of two men whose boat collided with a channel marker made of oil field pipe in the Wax Lake outlet south of Morgan City, LA. While Perenco had a platform nearby serviced by vessels, Mat Gray and Stuart Ponder of the New Orleans office were successful in obtaining a summary judgment in the Louisiana State Court for St. Mary Parish, as plaintiffs (widows and children) could not establish that our client maintained the channel or installed the pipes as channel markers.

FRVF Successfully Defends the M/V Athena – Part II

New Orleans partners Stephanie Skinner and Skipper Chenault successfully defended the M/V Athena and Sea Trade in an arrest and attachment proceeding filed in the United States District Court for the Eastern District of Louisiana. The claims against Sea Trade and the Athena arose from a land-based shareholder dispute which was being litigated in New York, Spain, and Greece and were brought by Stelios Coutsodontis. Coutsodontis demanded \$15 million dollars for release of the vessel, alleging that he owned certain shares in Sea Trade Maritime Corporation, the corporation that holds legal title to the M/V Athena, and that he was therefore entitled to share in the vessel's profits. Coutsodontis also alleged that his shareholder status equated to part ownership of the M/V Athena itself, and brought possessory and petitory and partition actions under Rule D of the Supplemental Rules for Admiralty and Maritime Claims.

In their briefing supporting a motion to vacate the arrest and attachment of the vessel, Skinner and Chenault argued that the federal court did not in fact have admiralty subject matter jurisdiction, and that as a result, Coutsodontis' attachment and arrest of the M/V Athena were wrongful as a matter of law. The Honorable Mary Ann Vial Lemmon agreed with the defendants, holding that Coutsodontis' claims did not support federal maritime jurisdiction and that the attachment and arrest of the M/V Athena were wrongful. Judge Lemmon ordered the immediate release of the M/V Athena. Coutsodontis appealed the decision.

On appeal to The United States Court of Appeals for the Fifth Circuit, Skinner and Chenault presented sound argument that the claims presented by Coutsodontis did not arise from a tort or contract action that supported admiralty jurisdiction. The supplemental admiralty rules do not create admiralty jurisdiction, rather the action being brought must arise from a maritime tort or maritime contract. If a contract dispute involving the ship is the basis for a Rule B attachment, there still must be a maritime contract to invoke admiralty jurisdiction. And Rule D may be used to have the court decide an issue based on actual ownership of the ship itself, but not indirect ownership through shares of stock in the corporation that owns the ship. Where ownership derives from shares in the owning corporation, issues stemming from such ownership likely will require an accounting among owners or shareholders and therefore admiralty jurisdiction would not be invoked.

On June 18, 2009, The United States Court of Appeals for the Fifth Circuit affirmed Judge Lemmon's decision, holding that admiralty jurisdiction is not automatic simply because a ship is involved.

Giving back to the community

Pro Bono work

By: Kim Conkey



I began volunteering at the Catholic Charities St. Frances Cabrini Center for Immigrant Legal Assistance in November, 2006. I primarily work with a Violence Against Women Act (VAWA) Coordinator by assisting clients with their petitions to U.S. Citizenship and Immigration Services.

The VAWA act provides that a spouse of an abusive American Citizen or Legal Permanent Resident (LPR) may stay in America and become a legal permanent resident. The I-360 (Self Petitioning Spouse) petition is filed with the United States Citizenship and Immigration Services (CIS). The self petitioning spouse attaches proof of a good faith marriage to an American citizen or an LPR; proof of the abuse; proof that they lived together here in the United States and proof of good moral character. Additionally, an I-485 (Application to Register Permanent Residence or Adjust Status) and an I-765 (Application for work permit) can be filed concurrently with this petition.

I volunteered to take on one of these cases in June, 2007. My client, Aracelly, came to this country from Mexico on a tourist visa. She met a man, fell in love and they began living together as "common law husband and wife". However, soon after becoming pregnant, her husband started to hit her. One night, Aracelly's husband dragged her into the woods and threatened to kill her. He always told her that she would get deported if she went to the police. She eventually mustered up the courage to get a restraining order issued against him. She then came to Catholic Charities for help.

The process is long and this case was not easy. We had to prove up the common law marriage. In addition to that, Aracelly was wrongfully arrested due to a case of mistaken identity. We had to investigate this incident and submit proof that this arrest was a case of mistaken identity. We filed Aracelly's documents in August of 2007. Her I-360 Petition was granted in September, 2008. We attended an interview before the CIS on December 4, 2008 and on or about December 17, 2008, CIS granted the I-485 application. When I called Aracelly to tell her that we received her green card, she began to cry tears of joy and thanked me for the early Christmas present! I recommend that every lawyer make an effort to do some type of pro bono work. It is truly a rewarding experience.

In Miami

the Firm and its attorneys support various organizations such as the United Way, Camilus House, The University of Miami School of Medicine e.g., In addition, Frank Quesada is on the Board of Directors of La Liga Contra el Cancer and Raul Valdes-Fauli is on the Board of Directors of Florida Memorial College.



Frank Quesada



Raul Valdes-Fauli

In Houston

FRVF recently sponsored the 9th Annual Houston Mariners Club fishing tournament, which benefits



Tim Strickland

Kids Unlimited, a non-profit foundation helping kids battling cancer. Tim Strickland in the Houston office has served as the tournament director for this event. Each year, the net proceeds from the tournament are donated to Kids Unlimited and those proceeds are then given to a charter fishing boat that sets aside one day in the summer to take the kids and their families fishing offshore.

In addition, Tim Strickland coaches special needs kids baseball through a program called Cody's Field of Dreams.

New Technology

Over the past two years

the Firm has invested in state-of-the-art technology and software in order to better serve its broad national and international client base. The litigation support capabilities of Fowler Rodriguez Valdes-Fauli have been enhanced by the acquisition of the CT Summation iBlaze software. CT Summation iBlaze helps you efficiently manage your case information. This program enables you to handle all types of complex cases efficiently and without the necessity of retaining additional vendors. You can manage, organize, store and obtain voluminous amounts of documents and information through quick searches and queries, as your data/images are uploaded and coded. Each image and document is coded in a fashion that identifies it as to its bates stamp number, title, date, origin, privilege/objection term, if applicable, and any other fact relating to that image. Mabel Martinez, the Firm's Miami-based Paralegal and Litigation IT Supervisor, has implemented the firm-wide use of Summation. She has extensive experience and knowledge of the various litigation software used for case management and trial preparation/presentations. Ms. Martinez is available to answer any questions you may have in this regard. Contact Information: mmartinez@frvf-law.com



Mabel Martinez

News

Deadline Approaching for 10 Percent Tax Credit for First-Time Home Buyers



Wade Webster

The recently enacted American Recovery and Reinvestment Act of 2009 allows a 10 percent tax credit for first-time home buyers under these short simple rules.

CREDIT AMOUNT: 10 percent of purchase price up to \$8,000

DEADLINE: December 1, 2009

ELIGIBILITY: Buyer may not have owned a principal residence in the last three years.

INCOME RESTRICTION: Full credit to taxpayers with adjusted gross income up to \$75,000 (\$150,000 if married), with phase-out above that.

PROPERTY: Any single-family residence to be used as primary residence, including condos.

RECAPTURE: If the home is sold within three years, the credit is forfeited.

Parents looking to assist their children with a first-time home purchases may lend money that will not be deemed a gift, as long as a bona fide loan is made that charges at least the following interest:

Loan for 3 years or less: .76% per annum

Loan for 3-9 years: 2.05% per annum

Loan for more than 9 years: 3.58% per annum

Contact: wwebster@frvf-law.com