

Cuba Diaries
John Lande
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I completed a draft of these diaries on November 25, 2014. On December 17, the US and Cuban governments announced plans to normalize relations, based in part on the release of Alan Gross, an American imprisoned in Cuba, and three members of the “Cuban Five,” who were imprisoned in the US. Thus some of the details in these diaries and my thoughts about not-yet-announced normalization plans are no longer accurate. As I note below, the New York Times has been covering this situation intensively in recent months and editorialized in favor of normalization. Here’s a [link to an article from today’s newspaper](#) describing anticipated changes as a result of the new relationships.

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General Observations

I went to Cuba in mid-November 2014 as part of a delegation of the ABA Section of Dispute Resolution to learn about the legal system and dispute resolution there. I am grateful to Bruce Meyerson for organizing and leading this trip. I stayed a few extra days as part of a cultural extension of this trip. These diaries capture my impressions.

When I travel to unfamiliar places, I try to “see the world through the eyes of others,” which is a key skill for lawyers, neutrals, researchers, instructors, and humans generally. Anthropologists think of this as making the strange familiar and the familiar strange. This is especially important when visiting a place that has been the subject of heated controversy and such limited and partisan communication as has emanated from the US and Cuba. I haven’t studied Cuba enough to confidently adjudicate disputed claims. But here are my general impressions.

I have been a fairly diligent student on this trip, taking detailed notes, walking in non-tourist neighborhoods, reading a book by Julia Sweig, a scholar at the Council on Foreign Relations who studies Cuba, [Cuba: What Everyone Needs to Know](#), consulting Wikipedia, and asking lots of questions. (Indeed, my fellow travelers ☺ loved to needle me about asking so many questions.) Of course, there are limits to what I learned. I

spent most of my time in Havana and one other province, so I didn't experience much of the country. Even though I walked through some neighborhoods in Havana, I didn't talk with people who aren't oriented to dealing with tourists. On the other hand, our wonderful Cuban tour guides, Arturo Mesa and Eliseo Preval, provided a lot of information and seemed quite candid.

One more caveat: I have done my best to summarize the formal presentations, but I'm sure that I missed some things and may not present them completely accurately. Some of the words were technical or unusual, so there may be confusion arising from translation. Members of our delegation thought that some speakers were particularly candid and others seemed to present the "party line." Virtually all of the speakers gave long presentations and answers to questions and there was not much time to ask follow-up questions to get clarifications. So one should take these presentations – and this account generally – with a grain of salt.

Overall, I had the sense of being in country in the midst of great economic and political transition. In the almost quarter of a century following the collapse of the Soviet Union, Cuba has experienced an independence it hasn't known since the Spanish colonized Cuba beginning with [Christopher Columbus](#)'s discovery of Cuba – not really (North) America. In the US, we are taught to celebrate Columbus as a hero. Wikipedia suggests that he was a scoundrel. In any case, his expeditions led to brutal Spanish colonization. Eliseo said that one of the natives said that he didn't want to go to heaven after being executed if that's where the Spanish went after they die. He said that Columbus is simply considered as an historical figure, not as some villain.

Spain gave up control of Cuba in 1898 as the result of what Americans know as the "[Spanish-American War](#)," but which Cubans call the "Spanish-Cuban-American War." From then until the Cuban Revolution succeeded in 1959, the US exercised great economic and political control and it intervened militarily several times. The US government initially supported the repressive and corrupt dictatorship of [Fulgencio Batista](#), who took power in a coup in 1952. (In the 1930s and 40s, Batista had been an army officer, power behind the throne, and ultimately president. He left office as president in 1944 and moved to the US. He ran for president again in 1952 and, when it was apparent that he would not win, he led a coup.) Over time, the US withdrew support of his second presidency as it hoped that a moderate government would take over and thwart the revolutionary movements, including but not limited to Castro's [July 26 Movement](#). In this period, Batista was a stubborn and incompetent leader and refused to cede power until it was too late.

The US government opposed the Revolution and supported many attempts to overthrow it, most famously in the [Bay of Pigs fiasco](#). In 1961, the US imposed a strict [embargo](#) and prompted the Organization of American States to expel Cuba. Feeling threatened and isolated, Cuba looked to the Soviet Union for military and economic support. The Soviet Union provided oil and about a \$5 billion annual subsidy. It also bought much of the Cuban sugar harvest at favorable prices. About 80% of Cuban

trade was with Soviet Block countries. (I assume that this account oversimplifies the history but it probably provides a generally accurate portrayal.)

The collapse of the Soviet Union caused a great crisis in Cuba, which they call their “special period.” The Soviet economic support vanished causing major hardships for Cubans. The Cuban economy shrank by about a third between 1990 and 1993. According to Sweig:

Government agencies were forced to sharply cut back social services, and Cubans saw the material conditions of daily life they had grown accustomed to over three decades precipitously deteriorate. Most dramatically and politically dangerous, food and electricity rapidly fell into very short supply. Rations that could once be supplemented by goods in state-run stores suddenly were cut; surpluses of anything disappeared. Cubans lost weight, became malnourished, contracted diseases like neuropathy from vitamin deficiency, and had to manage electricity blackouts of 12 to 15 hours at a time, often with only an hour or two of power daily to take care of basic needs.

Today, Cuba still seems to be feeling the aftermath of this shock, though material conditions have obviously improved quite a bit.

At this point, Cuba is no longer a colony or client of an external global power and thus has more freedom to chart its own course. The economic hardships probably led the Cuban government to start relaxing its economic and political controls as leaders recognized that it could not succeed while maintaining the government monopoly over the economy and severe limits on individual freedom.

Cuba has a population of about 11 million people. Officially, about 2.3 million people live in Havana, though Eliseo said that it is probably closer to 3 million. There is little undeveloped space left and people are supposed to get permits to live in Havana but apparently some people evade this requirement.

On this trip, we heard about significant economic and political liberalization in the past 5-10 years with plans for even more liberalization in the coming years. There is a trend toward privatization and Arturo estimated that 10-20 percent of the population are “self-employed,” a euphemism for being employed in the private sector. He thought that this would continue to increase, though the government would retain control of the major industries and institutions like education, health care, and energy but that it will open up most other sectors to private business. For example, there are many private restaurants, taxis, bed & breakfast rentals, and probably retail outlets. Cuba has enacted laws encouraging foreign investment and is preparing for the time when the US will lift the embargo and US businesses will rush in to invest. President Raúl Castro reportedly is well aware of the economic challenges and has been pushing to make the

government – and economy generally – more efficient so that it can satisfy the population's needs.

The major challenge is to increase the general standard of living. There is an effective “safety net” so that apparently there is not a significant problem of malnutrition or homelessness. Apparently, there is no real unemployment and, because Cuba is a family-oriented society, virtually everyone is taken care of. As I walked about regular neighborhoods in Havana, people seemed well-fed and well-dressed with virtually no signs of homelessness. I saw only one man sleeping on the street, much less than what one sees in major US cities. On the other hand, government salaries and rations are not enough to live a comfortable middle class life. For example, both our guides had worked as university instructors and decided to become tour guides because they could make much more money from tips. They are government employees but their salaries are so small that one of them said that he does (or could) give back his government salary. They can make more in tips in a week than a judge earns in a month.

In 2003, the government created a second currency. In addition to the peso, which has little value, it created the CUC (Cuban Convertible peso, pronounced “kook”), which is pegged at the same value as the US dollar. Apparently, they couldn't simply use US dollars because it would create problems with US laws. The government is considering discontinuing use of CUCs, though some think that this may be premature.

The financial system seems underdeveloped, at least from the perspective of tourists (and perhaps native consumers). American tourists could not use credit cards (at least from American institutions) and we were instructed to bring cash that we would exchange into CUCs. Although the exchange rate is supposedly at parity with US dollars, they charged hefty fees for conversion so that we got only 87% of CUCs for our dollars.

It is interesting to consider the “[Human Development Index](#)” (HDI) developed by the United Nations as “a comparative measure of life expectancy, literacy, education, standards of living, and quality of life for countries worldwide. It is a standard means of measuring well-being, especially child welfare.” The HDI “can be viewed as an index of “potential” human development (or the maximum IHDI that could be achieved if there were no inequality).” Cuba is ranked 44 internationally and 2 in Latin American. For comparison, consider that the first six countries are Norway, Australia, Switzerland, Netherlands, US, and Germany, in that order. Cuba is ranked above Kuwait (46), Argentina (49), Russia (57), Mexico (71), Brazil (79), and China (91). Within Latin American, the only country with a higher HDI is Chile.

Obviously, a single score can't reflect the full range of experience within any country. It is an especially problematic measure in countries with very wide variations of well-being within the population like the US. The HDI score for Cuba reinforces my impression that although some people apparently live pretty well in Cuba, basic human

needs are generally well met, but there apparently is relatively little variation within the population. And people clearly want to increase their standard of living.

We certainly did see some variation in the quality of the housing. There were some very nice houses and neighborhoods as well as some that were run down. Some people in our delegation were surprised about the condition of the poorer neighborhoods. Having seen a range of places in the US and other countries, I have seen places that seemed at least as depressing, including in my native New York City. I suspect that the worst American slums are much worse than the worst Cuban slums.

Although the Spanish apparently were brutal colonists, they had a wonderful style of architecture, which is on display in the Old City of Havana. Unfortunately, an apparently legacy of the Soviet era is an ugly boxy style of architecture in more modern parts of Havana. (I think that the Soviets may also have been responsible for the architecture of Miami as well.)

The streets were quite clean. I saw lots of people sweeping with pretty primitive brooms. I wondered if this was a way to keep people employed. I did see piles of construction debris on quite a number of street corners, suggesting that there is a substantial amount of rehabilitation going on.

I saw lots of stray dogs but no one walking dogs on leashes.

To get some practical indicators of people's experiences, I asked Arturo to give estimates about various aspects of life. He said that everyone has a TV and this has been true for a long time. I was shocked to hear that they have been getting American TV programs, which I assumed that the government would block. He talked about seeing current programs like *The Big Bang Theory*, *Gilmore Girls*, and *CSI*.

He said that only about 10% of households own cars, which seemed consistent with my observation that traffic didn't seem very heavy in a big city like Havana. Of the cars on the road, many are the vintage US cars from the 1950s, but there are also a range of newer cars from various countries. The old US cars are often used as taxis for tourists and locals. I often saw cars with lots of people crammed inside. Cuba developed a sophisticated automobile part industry so that they could keep old cars running.

Arturo estimated that 20% of households have land telephone lines and very few have cell phones. I saw lots of tourists with cell phones and only a few locals had them out on the street. (I appreciated not walking into people on the street who were completely absorbed by the gadgets in their hands.) There are pay phones on the street (something that has virtually disappeared in the US) and I saw people using them. Very few individuals have internet or email access in their homes (though it is available through all the major institutions). Everyone in Havana (and presumably other

major cities) has indoor plumbing but perhaps only 40% of households do in the countryside.

There is a growing consumer sector, though many Cubans still can't afford to buy as much as they would like. There is an agency that is redeveloping the [Old City in Havana](#), with many shops that attract locals as well as tourists. Locals wear a wide range of fashionable – though not especially fancy – clothing. Most of the women I saw wore jewelry including earrings, necklaces, and rings. I didn't see women wearing fancy hairdos but many of the young men had the sides of their heads shaved and their hair greased up. I didn't notice many tattoos on locals (though they were definitely popular with some tourists). Arturo said that there is little use of marijuana and other illegal drugs.

Baseball is still the national pastime in Cuba, unlike most countries, where football (what we call soccer) predominates. Eliseo quoted a saying, "In Cuba, baseball is life. The rest is a game." It is also the source of some domestic conflict as women often want to watch soap operas on TV instead of baseball games. Eliseo also quipped that drinking has become the number 1 sport in Cuba. I was surprised to see so many people smoking in public places since that is uncommon these days in the US.

Apparently, there is a longstanding government policy prohibiting product advertisements on billboards. As the private sector develops, I imagine that there may be a growing blight of advertisements. We were told that there already is the beginning of a market for insurance. And the government is starting to grapple with problems of taxation, which were much simpler when virtually all economic activity was within a controlled government sector.

The few billboards I saw had political or social messages. I was surprised that I didn't see many images of Fidel, even on posters. We were told that Fidel didn't want to create a cult of personality around him the way there was in other countries like China and North Korea. This may be surprising for Americans, who may perceive that Fidel did want to develop such a following, but the cultish focus on Fidel may be a creation of our media more than the Cuban government. I saw only one poster with a picture of Raúl Castro.

On the other hand, graphics of [Che Guevara](#) are everywhere. Originally trained as a doctor, he became radicalized by his observations of poverty throughout Latin America as well as the US government role in overthrowing the Guatemalan government in 1954. He met Fidel and Raúl Castro in Mexico City and became part of their movement. He was a brilliant military tactician in the campaign against Batista's army and he led an effective literacy campaign after the Revolution took power. On the other hand, he was brutal and arrogant revolutionary and a naive government official who promoted policies based on the assumption that people should be motivated only by ideology and not desire for material benefits. After a few years as a top Cuban government official and diplomat, he went to the Congo and Bolivia to promote

revolution. He wasn't invited by the local revolutionary forces in those countries and didn't get along with them. His ragtag militia was captured by the Bolivian military with the help of US special forces and possibly local Communists and he was executed in 1967. He was an intellectual, writer, and revolutionary theorist who captured the imagination of the Cuban people as well as sympathizers around the world. As Wikipedia points out, he "became a universally merchandized and objectified image, found on an endless array of items, including T-shirts, hats, posters, tattoos, and bikinis, ironically contributing to the consumer culture Guevara despised."

I was surprised to see quite a number of images of Hugo Chavez, the late president of Venezuela. Under Chavez, Venezuela was very helpful to Cuba as it dealt with the loss of Soviet bloc support. Of course, the two countries both struggled with the US, so there was a political and ideological kinship.

We were told that there has been a political opening as people generally feel comfortable to speak freely with little worry about government persecution. When I asked Arturo if people were afraid to talk openly and he laughed. He said that this was the case 10-20 years ago, but people were pretty open in criticizing the government. There are neighborhood committees that previously were used to monitor people's political views but they now function to make neighborhood improvements. People are allowed to criticize the government – just not the leadership. Apparently, the government has released most political prisoners and it generally doesn't interfere with political expression these days.

Arturo told us that one of the national newspapers devotes some space every week to publish letters criticizing the government. He sent several letters and two were published. He thinks that the government really wants to make things work better and so it takes these complaints seriously. Several speakers referred to debates about various policies, suggesting an openness to different ideas, at least within limits. Some time ago, Fidel said, "Within the revolution, everything goes. Outside the revolution, nothing." Given the openness to privatization and debates about many policy issues, I gather that the definition of the "Revolution" is widening to encompass much more than when it started.

We asked speakers about the role and importance of the Communist Party. Some suggested that party membership was irrelevant to whether individuals might get official roles. Indeed, this seems quite possible for lower-level positions such as those in municipal governments and lower courts. We were told that virtually all the higher level officials in the national government are Party members.

Raúl Castro will be president for no more than three years since he has announced he would not seek another term. The constitution has been amended to limit a president to two five-year terms, which would prevent the long-term rule by an individual like Fidel if this provision is enforced. (Of course, there are ways to get around such provisions as Vladimir Putin has demonstrated in Russia.)

Obviously, Fidel and Raúl Castro have anticipated the succession of leadership and apparently developed a cadre of officials to take over, presumably from within the Party though that is not required by the constitution. It will be interesting to see how Cuban society develops in the next phase.

In the meantime, the US embargo policy makes sense only as a way to satisfy certain political interests. Cuba is not a threat to the US. Rather than seeking to destroy the American system, Cuba wants to partner and profit from it. The Cold War is over. Apparently, Cuba has not supported anything like terrorist activities for several decades. It opposes terrorist groups like Al Qaeda and the Islamic State. Although Cuba has not liberalized its economy and political system as much as one might hope, the US government has better relationships with countries that are much more problematic. Shortly before our trip, the [New York Times published an editorial urging an end to the embargo](#), which makes a lot of sense to me considering the things I have learned on this trip. The Times seems to have a continuing interest in Cuba, regularly publishing articles about it, such as a recent piece entitled, [Cuba's Economy at a Crossroads](#).

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Sunday, Nov. 9

I stayed in an airport hotel in Miami the night before and went downstairs in time to catch a 6:30 shuttle to the airport. We were supposed to meet our group at 7 and we milled around as people joined us. Fortunately, this tour was well organized and Dawn Davis, the tour leader, who has been to Cuba many times, was on top of things. She and her assistant, Stacie Kellermann, collected our passports, visas, and airline tickets and got us all checked in while people chatted.

Eventually, we boarded the plane and took off for the flight, which took about an hour. Considering the restrictions on traveling to Cuba, the passengers (other than our delegation) presumably were Cubans with family members in the US or Cuban-Americans visiting family in Cuba.

When we landed, it took a while to go through immigration. I'm not sure why it took so long as the agent didn't seem to take a particularly long time when I was there. She asked if I had been to Texas or Africa. I said that I had, not realizing why she was asking. I thought she was just curious, but presumably she was checking about Ebola. Even though I said that I had been to both places, she didn't ask any follow up questions. In due course, we all got our luggage and boarded our tour buses.

Our guide, Arturo, pointed out the sights as we drove from the airport to town. We drove to the Old City for lunch on a quaint street, which seemed dressed up for tourists like a Disney production, complete with cobblestone streets. I later learned that Cubans patronize the Old City too. There were vendors with lots of books and other things for sale.

Lunch at El Meson D La Flota was a somewhat frustrating experience. We all got a standard plate of a skewer with two shrimp and some chicken, along with some rice and veggies, all of which seemed very bland. My table didn't get served lunch for quite a while, which was frustrating. While we were waiting, a fly fell into my beer. (Unfortunately, there were flies at a number of restaurants during this trip.) I ordered a pina colada, which took forever to be served and also was not great. On the other hand, during lunch I enjoyed the performance of two guitarists, a singer and two flamenco dancers.

After lunch, we drove to the Revolution Square, with the monument honoring [José Martí](#), the hero of the War of Independence against Spain. After that, we went to our hotel and checked in. The Melia Cohiba is a very fancy hotel in the Vedado part of town, right on the Florida Straights. As I looked out my window, if I could see 90 miles further, I would see my country.

For dinner, we went to the Rocororo restaurant. I started to recognize that we would be going to government restaurants serving generally bland food and watered down drinks. I later learned that people think that the private restaurants (paladars) generally are better. There was a band with several singers and a sax player that played some American easy listening jazz.

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Monday, Nov. 10

I slept late – til 7 – and our first scheduled event was at 10, so I had several hours to play with. I got a glass of guava nectar and yogurt and a kind of donut at the buffet, without even sitting down. Neither the guava or the nectar was as sweet as I would have liked, but it was something to keep me going until I came back for a real breakfast.

I spent about an hour and a half on a walk to get a feel for the area. The hotel is in the Vedado area, which is one of the nicest in Havana. It is right on the [Malecón](#), which is an 8-kilometer road along the water. Arturo joked that this is the longest bar in the world as it is a popular place for locals to hang out and drink. There is a paved walkway and multi-lane road along the water, which I can see from our hotel room. Sometimes the tides are high enough that the water splashes on and over the wall next to the walkway. I walked on the Malecón (but across the road from the water) until I got to the Avenue of the Presidentes, a major street.

Very quickly, I was away from tourist world and into the world of everyday Cubans. People were going about their Monday morning routines. People seemed to be going to work and kids were going to school. I passed several buildings where groups of perhaps 10-30 people were waiting outside. I wondered if they hoped to get some work for the day – or perhaps they were just early for their work and were socializing. I also passed some people hanging out in front of their homes and I

wondered if they had work at all or perhaps this was just some time before their work started.

People in our group have been talking about whether this area seemed poorer than they expected. Although I saw quite a number of buildings that looked great, many buildings I saw could use a paint job and some seemed to be in disrepair, though almost all seemed structurally sound. I wondered if the lack of nice paint jobs was a function, in part, of being on a coast where the humid air speeds deterioration as this seems similar to some rundown tourist towns in Florida. The structural deterioration was more than I expected from our drive the previous day. On the other hand, one colleague on the tour said that this seems in much better shape than Jamaica and some South American countries she had been to and it certainly was much better than much of what I saw in South Africa.

After a while, I realized that I saw no advertising even on the through streets. In many parts of the US, you can't go a minute without gazing on some space that a business has used to spread its message. On my walk, there was virtually none. There were virtually no billboards or ads on streets, buildings, or cars. Even buildings that had some public function generally had the plainest and smallest of signs.

There is a mall across the street from our hotel and Arturo said that you can get anything you want there. The stores included grocery, hardware, furniture, clothing, shoe, cigar, electronic, and photography shops. By American standards, it seemed very basic third-world – or perhaps like a mall in a depressed area in the US as many of the shelves were only partially stocked. I did see advertisements in the mall, including for luxury items like perfume. The models in the ads mostly seemed like sexy white Americans, not Hispanic or black Cubans.

People generally seemed to dress informally. Everyone seemed to wear Western style clothing that was in good repair. I saw lots of t-shirts, plain pants and shirts with very little that was flashy. Some t-shirts had words, but most didn't. Some of the words were in Spanish and some were in English. I was intrigued by one woman's t-shirt which said "flirty girl" and another's that said something like "love is trust." I was surprised to see someone with a tattoo because it was pretty unusual.

I saw a few churches – much less than I would see in most cities and towns in the US – but more than I expected in a Communist country that opposes religion. Later, Arturo told me that there are a lot of churches in Cuba and people can worship freely. There was a time, early in the Revolution, when the Catholic Church helped evacuate children of exiles, which caused a great tension with the Government. Apparently, churches may have had a hard time operating for several decades and people might have felt inhibited from attending churches. But he said that there is no problem with this now.

I got back to the hotel to have breakfast at a huge buffet with lots of different things. They had some fruit, cold cuts, cheese, vegetables, eggs, bacon, pancakes, crepes, pastries, bread, juices, and yogurt drinks. I tried a lot of them and most of them didn't appeal to me very much.

We convened at 10 am for the first of many meetings we had with various experts.

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Legal Education

Our first meeting was with Dr. Martha Fernandez, a law professor and vice dean at the University of Havana, who talked about legal education. The University of Havana was founded in 1728 and is one of four main faculties (or schools) of law. Indeed, UH apparently is the preeminent law faculty, which develops the general legal curriculum. The curriculum is reviewed by a national commission for legal studies and is ultimately approved by the Ministry of Education. They are constantly debating and updating the curriculum and updating the syllabi.

There are faculties in all 14 provinces and each faculty must follow the general curriculum, though there is some discretion and variation in the way that individual instructors and schools teach the material. Faculty have freedom for faculty to pursue what they want in their scholarship though she said, with a wry smile, that there is some "ideological shading." I wasn't sure what she meant. Perhaps some topics or views are off limits though we didn't get to clarify this.

Lawyers are considered as "social doctors" and (I think she said that) people are grateful for their service to help solve problems. Law firms are non-governmental organizations that charge fees ([as we later learned](#)). I gather that there is a somewhat standard fee schedule based on the type and complexity of the case. Criminal defendants who cannot afford a lawyer do not have to pay but there is not a comparable arrangement for free legal services in civil matters.

I was confused about different statements about whether lawyers and law professors have high status or prestige in Cuban society. Within the legal profession, judges and prosecutors apparently have the highest status and salaries. Law professors, not so much.

Cuban law is based on the French-Roman civil law system. The two main sources of law are from Spain and the former socialist countries in the Soviet Union.

There are three "modalities" for studying law: day programs, evening programs, and self-study. The most important modality is the daytime program. Students study law as part of a five-year undergraduate program. The Ministry of Education decides on the number of students needed in each province for a five-year period. I think that there are 780 students in the day program and 1200 students in the night program at

the University of Havana. There are 54 full-time professors and 50 part-time professors at UH. All the faculty practice law while teaching, though the full-time faculty do less practice than part-time faculty. More than half of (presumably full-time) faculty have doctoral degrees in law and more than 70% have doctoral or masters degrees. (I'm not sure if the latter figures are just for UH or are for law faculties nationwide.)

In the self-study or distance modality, the students do not meet with faculty but can take an exam to become licensed as a lawyer. I don't think she said how many people enter legal practice through this modality.

Students take an admission exam to be considered for law school. Tuition is free, though somehow students need to arrange to pay for their living expenses and it wasn't clear how that is financed.

The curriculum involves some required courses in four main areas: (1) legal and constitutional studies, including historical, Roman Law, constitutional law, legal theory, philosophy, administrative law, and public law; (2) civil and family law, including real estate, agrarian, contracts, copyright, and estates; (3) criminal and penal matters including legal medicine; and (4) international law, including public and private law, labor, economics, social security, and maritime law. The electives can include non-law courses such as psychology or economics. Electives vary in the different faculties. There is one course on mediation at UH.

Many of the courses are like undergraduate courses in the US with large lectures and small seminar sections attached to the lectures. In the small seminar sections, students discuss "juridical practice" and do role-play exercises, where their skills are assessed by legal tutors.

The program is designed to train litigators. Cuban people, she said, have the personality of litigators who "solve problems with a machete." Some lawyers work as public notaries, who she described as "peaceful judges," though they handle only uncontested matters. They do not make decisions or even mediate. Their function is to officially document a wide variety of matters, presumably using fairly standard forms.

During four years of the program students do "on the job training" – what we would call externships – in which they rotate through various types of legal offices including working with prosecutors, courts, parliament, notaries, and law firms.

To graduate, students must either complete a research dissertation on a topic of their choice or take an exam. The exam is designed to prepare them for practice.

They graduate with a bachelor's degree and get (or become) a "licenciado." Graduates are assigned to jobs by the Ministries of Employment and Justice based on the needs of the country. Apparently, graduates have some choice in their initial assignments based on the order of their class ranking. Rankings include consideration

of factors such as social activities and sports but reportedly not based on political activities or views. Graduates are required to do three years "social service" work in their assigned offices and after that, they can change jobs.

There is some post-graduate education including short courses (probably like our continuing legal education programs) and masters and doctoral programs in areas such as administrative, family, criminal, labor, international, or public law. For a doctoral program, students work with tutors and I gather these students do not attend classes.

Cuba is open to educational cooperation and has exchange agreements with various other countries, apparently many of which are in Latin America. They have an exchange agreement with Boston University for study of family mediation. Some international students enroll in these programs in Cuba, though I gather only for the advanced degrees.

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Labor Issues

After lunch at La Mina restaurant in the Old City, we met with Anibel Melo (?), an official of the Cuban Association of Unions. I had a hard time understanding a fair bit of what he said because his statements were often general and abstract.

His organization was formed in 1939, obviously before the Revolution. There is a union in every locality. I gather that there are not separate unions for different industries or employment categories.

The unions are self-financed and do not get their funding from the government. Employees pay 1% of their salaries as union dues. The unions represent 95% of employees. I gather that government employees are required to join the unions, though I am not sure about that. About 70% of private employees are union members. He cited a figure of about 500,000 and I'm not sure if this was the population of private employees or those who are union members.

The unions have about 4500 professional employees and 5000 support employees. I am not sure what the unions do for employees. For example, I gather that there aren't collective bargaining agreements as such but perhaps the unions generally advocate with the government to advance workers' interests. There are monthly meetings in each workplace to promptly identify and solve problems. The Labor Code does not prohibit strikes but there have been no strikes.

When there are individual grievances, apparently the union assists and perhaps represents the employees. Apparently, most individual issues are negotiated at relatively low levels within the system. Employees can file suit in court but apparently they generally do not win in court. The speaker said that the employer or managers have a strong incentive to resolve meritorious complaints as they get some sanctions

(?) if they do not do so. As a result, he said, employers generally have strong arguments in the cases that do go to court.

There are two basic principles of unions in Cuba: (1) reasonableness and (2) political and ideological accompaniment of the Revolution. They are updating the economic model to include smaller businesses and cooperatives that are not in the hands of the state. He expects that they will need to rewrite labor agreements.

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Tuesday, Nov. 11

Constitutional Law

Our morning program was with Dr. Evelio Ramírez Kindelán, a law professor, specializing in constitutional law. He was accompanied on the podium by a law student, Eric Martinez Ruiz, though he didn't say very much.

At a number of times in our trip, people assured us that we could ask anything we want without restrictions and that Cubans are permitted to talk freely. Dr. Ramírez gave us such an assurance, saying that people in Cuba can talk, criticize, and disagree (with the government) and nothing happens. I initially interpreted this statement as a sly, cynical critique of the government, suggesting that it is unresponsive to many criticisms. On reflection (and as confirmed by Arturo), I realized that he was very serious and that he meant that people wouldn't be punished for criticizing the government.

There were three main stages of Cuban history: (1) colonialism – which lasted about 400 years and ended in 1898 with the Cuban-Spanish-American War, (2) the republic with a constitution, starting in 1901, and (3) the Cuban Revolution, starting in 1959. In the second period, Cuba was turned into a colony of the US when the US government pressured Cuba to adopt the “[Platt Amendment](#),” which gave the US government a lot of authority to intervene in Cuba. Apparently, there was some political autonomy during this second period and a new constitution was adopted in 1940. In 1952, popular forces were expected to be elected but on March 10, 1952, Batista took power in a coup d'état. His regime was overthrown by the Revolution, which reinstated the 1940 constitution with some revisions. On Feb. 24, 1976, the public approved a new constitution, which remains in force today. In the election, 98% of eligible voters voted and 97.7% of eligible voters approved the constitution.

There have been three major amendments or reforms of this constitution. In 1978, the name of the [Isle of Pines was changed to the Isle of Youth](#). (I don't know why this was particularly significant.) In 1992, the government was restructured after the dissolution of the USSR. In 2002, a 500-page document was adopted, called the “Bush Plan” which reorganized civil society. This was named after President George W. Bush and many of us were puzzled that the Bush Administration would have been involved in

such a detailed enterprise that the Cuban government would accept, but that's what we were told. (The Sweig book said that the Bush Administration launched a "Commission for Assistance to a Free Cuba," which issued a 500-page report that described conditions in a "post-Castro Cuba" that would make it eligible for US aid. Since the Bush administration tightened restrictions on Cuba, obviously there was some confusion about what the speaker was referring to.)

Dr. Kindelán said that after the Revolution, the US not only adopted its own embargo, but it pressured all the Latin American countries to do so as well and Cuba was expelled from the Organization of American States. Only Mexico and Canada refused to participate in the embargo. In that situation, Cuba was weak and vulnerable and needed the USSR for support.

The Constitution is the "law of laws" of the "Cuban Project." There are four main parts, with 57 chapters and 137 articles. The four main parts are the preamble, provisions establishing the government structure, provisions establishing the rights of the people, and a clause for reform of the Constitution.

There is no "presidentialism." There is a president of some bodies, described below, but the president is not popularly elected as in the US. Every five years, there is a general election of the National Assembly of the People's Power, which is the unicameral legislature. There are 612 delegates to the National Assembly, with one delegate for every 20,000 people. Serving as a delegate is a part-time activity as people do their normal jobs for most of the year. The National Assembly elects a president, vice-president, and secretary. It also elects a Council of State, which is a permanent institution and probably makes most of the decisions. It has a president, first vice-president, five other vice-presidents, and 23 members of the National Assembly. The president is the head of state. I'm told that the president of the National Assembly is also the president of the Council of State. The National Assembly approves appointments to the 26 ministries and the courts.

Raúl Castro said that this is his last term as president. He has two and a half years left on his term. There is a constitutional amendment limiting people to two terms as president. Apparently, Raúl made this decision not to seek re-election on his own – perhaps due to his age – and not because of any legal limit.

(I asked Arturo if he thinks that Fidel Castro reviews and influences government policies. He said that Fidel is really sick and so Arturo doubts that he does. Occasionally, he writes newspaper articles. Arturo had attended some of Fidel's speeches when he was in office. He said, "Boy, they were long." But Fidel was very charismatic and persuasive. It was hard to listen to him for even a few minutes and not agree with him.)

The Cuban conception of democracy is not based (primarily) on representative democracy. Although they have always had at least 90% participation in elections, they focus on participatory democracy in governance between elections.

Dr. Kindelán said that political parties do not participate in electoral politics. Apparently, this includes the Communist Party, at least not overtly. Dr. Kindelán said that whether candidates are CP members is not relevant to him. Candidates do not need to be members of the CP and there is no designation on ballots of CP membership. Arturo said that almost all of the members of the Council are CP members but many officials at the provincial and municipal level are not CP members.

About 10-20% of the population are members of the CP. People can become CP members through a process that requires demonstration of some ability and good reputation. Being a member is a “big sacrifice,” though it’s not clear what this refers to. Arturo said that it involves attending a lot of meetings, which presumably is not everyone’s cup of rum. Dr. Kindelán said that CP members do not have special privileges.

The CP does not have an official role in the government but Fidel and Raúl Castro have been the first secretary of the CP at the same time as being president, so it obviously has a substantial impact in practice. It is considered as the “collective brain” of the people, serving as the vanguard of Cuban nationalism based on Marxism-Leninism. Its broad goal is the social construction of socialism, which hasn’t reached the ultimate level of development, so the CP is always updating the economic model. Cubans use the term “socialist” rather than “communist.” (One of our colleagues on this trip noted that socialism refers to an economic system and communism refers to a political system.) The CP recently wrote a proposal of economic policies which provides the basis for debate. This was considered and approved by a congress of the CP and then the National Assembly, which appointed a commission to implement the policy.

Although there is not a multi-party system, there are multiple candidates for various offices. Various mass organizations nominate half of the candidates and the other half apparently self-nominate or are nominated by others. Provincial elections are held every five years and municipal elections take place every two and a half years. Elected officials can be recalled.

Someone asked how the government protects against counter-revolution and the answer was through education, culture, and social justice projects.

Chapters 6 and 7 of the Cuban Constitution protect individual rights. (Dr. Kindelán coupled rights with duties, though it is not clear if they are linked in the Constitution.) The protections include rights to employment, education, expression, religion, and the press. There are five TV channels and five national newspapers, and many mass organizations have their own publications.

Family Law

On Tuesday afternoon, we met with Professor Yamilla Gonzalez, professor of law specializing in family law and gender studies. She practices mediation and presumably is a pioneer in the field since it is not established in the law and there apparently has not been a lot of mediation practice. She seems passionate about wanting to increase the amount of mediation – and about helping families going through divorce and other family troubles. In this respect, she reminded me of family conflict specialists in the US.

The marriage system was established in 1918 and recognizes civil marriages. Church regulations of marriage are independent and the only legal marriages are civil. There is a high divorce rate. There are many domestic relationships in which the couples do not marry and many of these couples separate.

Cuba adopted a Family Code in 1975, which was modern for its time. They are still amending the law to keep up with changes in families (and presumably also changes in attitudes about family law matters). For example, grandparents have had no right to communication with their grandchildren and I'm not sure if they have changed the law yet to permit this. This issue is especially important in Cuba given the significance of extended families. Also, there is now a debate about whether the law should recognize same-sex couples.

There are payments of family support – not specifically child support – between separated and divorced parents. As more people have private income, it is harder for the courts to determine the proper amount of support.

The original emphasis was on equal rights for men and women and among children (apparently referring to children born out of wedlock). The law focuses more on duties than rights.

Originally, there was not a special procedure or court for family law cases. In 1997, the Federation of Women initiated intense debates about this and in 2008, they authorized specialized family courts. Specialized family courts have been available in all municipalities since 2010.

Professor Gonzalez referred to an “orientation house” for women and families, which apparently provides some initial assessment and services in family cases. These offices are staffed by professionals from various disciplines and their work is advisory.

Mediation is now used in some custody cases. Apparently mediators are part of the teams at the orientation houses that have protocols to assess the appropriateness of the cases for mediation. There is no charge for this mediation, which is provided by the Federal of Cuban Women through the orientation houses.

The process for mediation (at least those done by non-judicial mediators) begins with a referral by the orientation house. The mediator meets with the initiating party and then with the other party to see if he or she wants to mediate. If so, they usually begin with a joint session, though they may skip the joint session when there are serious conflicts. The amount of time required for mediation depends on the amount of conflict. Usually, it takes 3-4 sessions which last 90-120 minutes each. If the parties reach agreement, they take it to a notary to write up the agreement and make it official. I assume that these agreements are filed in court and that the notary does this.

The National Assembly is now in the process of modifying the legal regulations and Professor Gonzalez wants the enactment of a mediation law, which she thinks would produce more legitimacy and respect from the process from lawyers and judges.

The law permits some focus on domestic violence and there is some training to help with the recognition and prevention of violence.

The Cuban Court of Arbitration has 9 mediators and 15-18 arbitrators, which handle economic issues. (With such a small number of neutrals, presumably this refers to the situation in Havana. It is unclear if these processes are used in other parts of the country.) Under the current procedural law, when cases are in court, judges can have a conciliatory role and can mediate.

That evening, a number of us went to a jazz club in the evening. Although jazz club jazz generally is not my thing, I went to see what this Cuban jazz club would be like. I suspect that it was a lot like American jazz clubs, though I haven't been to any of those so I can't say for sure.

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Wednesday, Nov. 12

Court Procedures

We met with several judges in a municipal court. One judge has a senior position and two younger judges must have been quite junior judging by their apparent ages. One judge was from the court of arbitration. All four judges are women, reflecting the fact that most Cuban lawyers and judges are women. More than 70% of the judges in the provincial court are women. Much of the discussion focused on criminal cases.

In the front of courtroom, there is a Cuban flag. In front of the flag, there is a large horseshoe-shaped table. There are five seats in the front for the five judges. There are several seats on each side for the two sides of the case. There is a space in the center of the horseshoe where the lawyers (or parties) argue to the court. I didn't notice a witness stand, though presumably there must be some place for witnesses to

testify. In the back of the courtroom, there was a large public gallery which could probably seat at least 40-50 people. This took up about half of the space in the courtroom. As this structure suggests, court proceedings generally are open to the public, though the courts can be closed for sensitive matters such as cases involving minors or certain penal (criminal) matters. The senior judge said that she had never closed the court.

The municipal court hears criminal cases and also appeals from other cases such as labor, family, and civil cases. This courtroom is also used for provincial cases. I gather that there is a jurisdictional division between cases assigned to municipal and provincial courts. I think that they said that there is no appeal from municipal court cases but that there is a special Supreme Court process to review cases for alleged errors.

The courtroom is designed for a five-judge panel. This includes the president, two professional judges, and two lay judges. Cases are decided by majority vote and the lay judges' votes count the same as the professional judges' votes. A full panel of five judges is used for criminal cases in which there may be a sentence of at least eight years and a panel of three judges is used in cases with lesser possible sentences. Presumably, panels of three include the president, one professional judge, and one lay judge. The presenters in this session did not refer to use of juries but someone in another presentation did mention juries. There didn't seem to be a jury box in the courtroom we were in.

The qualifications to be a professional judge include being a Cuban citizen, a lawyer, passing an exam, good behavior, and an amount of experience varying by type of court. The experience requirements are two years for municipal court, five years for provincial courts, and ten years for the Supreme Court. Judges are appointed / elected by legislatures. The Supreme Court judges are selected by the National Assembly and I gather that provincial court judges are selected by the provincial assemblies and that municipal court judges are selected by the municipal assemblies. Lay judges are selected by the courts. People do not need to be members of the Communist Party to be judges. Apparently, Party membership is not very salient as the judges had to confer among themselves for a while to figure out that six of the twelve judges in their court are Party members.

There is an ethical code for judges, which is regulated by the courts. If judges commit wrongdoing, the Supreme Court can correct procedural errors – though it is not clear if that is limited to cases of ethical violations. Presumably, there is a disciplinary process for judges who are alleged to have violated the ethical rules.

This court hears about 70-100 penal (criminal) cases per month. The litigation process in criminal cases sounds generally similar to that in the US, though obviously there are variations. The prosecutor decides whether to indict a defendant. I think that

she has three days to decide to do so if the accused is being detained and a longer period if the accused is not being detained. Some cases involve multiple defendants.

The prosecutor can recommend pretrial release and the judge(s) decide based on the seriousness of the case, whether it has caused alarm or danger to the public, and risk of flight.

Parties may or may not have a lawyer to represent them. In criminal cases, defendants have a right to a lawyer without charge if they cannot afford to pay a lawyer. In another presentation, someone suggested that the free legal services may be limited to the oral (trial?) stage.

There is a process for exchange of evidence before trial and the prosecutor must turn over all evidence to the defendants. Defendants can request subpoenas to require witnesses to testify at trial. The court makes decisions about admissibility of evidence. The law requires witnesses to tell the truth and the court warns witnesses to do so. There is a presumption of innocence and defendants must be acquitted if there is a reasonable doubt. There are several privileges including a privilege against testifying against oneself, family privileges, and a lawyer-client privilege. The judges are very active in questioning witnesses and the lawyers (or presumably self-represented parties) can also question witnesses. The defendant has the right to make the final statement before the case is submitted to the court.

Defendants can be convicted of lesser included crimes of the ones that they are charged with. About 10% of defendants are acquitted. In another presentation, one person said that a similar percentage of convictions are reversed on appeal.

The law authorizes the death penalty but there has been a moratorium on using it.

There is a separate juvenile court system for defendants under 16 years old. It involves a multi-disciplinary team working with the children. These cases are handled by a single judge when there is no possibility of detention.

The courts keep written records of cases and write decisions, but the decisions apparently are not used as precedents for future cases.

There isn't plea bargaining as such. Defendants can plead guilty, but there still needs to be a trial. In small nonviolent cases, the police and prosecutors can impose a fine instead of prosecuting individuals. Article 83 permits mediation to deal with the civil consequences of crimes such as restitution of money lost in crimes. The Cuban authorities are now considering whether to permit plea bargaining. When the senior judge was asked whether she thought that plea bargaining would be a good idea, she thought for a while and said that it would be a good idea for small matters such as disputes between neighbors.

There is some process for convicted criminals to continue appealing their cases while in prison. Prisoners normally are paroled after serving half of their terms if they have been on good behavior and have used their time in prison for work or study. There is a process for re-integrating criminals into society. While imprisoned, they lose rights such as the right to vote and hold public office. These rights are restored upon release.

In labor matters, there is a process for dealing with cases involving discipline for matters such as negligence, (too many) absences, embezzlement, and violation of workplace guidelines. Employees can be represented by a lawyer, friend, or the union. Sanctions range from public criticism to termination. Apparently, the court process is used only in cases involving monetary loss or termination. Decisions can be appealed to a committee of experts.

We didn't have much time with the judge from the economic court and I'm not sure of the accuracy of the material in this paragraph as I have characterized statements using American terms that may refer to different processes in Cuba. In economic cases, there is an executive (or summary) process for simple cases. In some debt cases, there is a process for immediate execution. Most cases are more complicated. In some cases, after reviewing documents filed in court, the court encourages mediation or neutral evaluation in or outside of court. In some matters, there is a private mediation / arbitration process sponsored by a legal advisory entity. Parties can elect to have cases heard by an arbitration court. The economic court handles disputes between Cuba and foreign entities – and the foreign entities often win. Bankruptcies are handled in provincial courts. About 40% of economic cases are settled, though I'm not sure which courts or processes this refers to.

Individuals can sue the government for violation of individual rights.

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Cuban Five

In the afternoon, we met with a lawyer for the Cuban Five and the wife of one of them who is still imprisoned in the US. Unfortunately, the lawyer went first and spoke at length and with little understanding of her audience's knowledge or interests. She seemed to assume that we were very familiar with the underlying facts of the case and were interested in her specific arguments about the unfair and illegal treatment by the US government. The wife was a more compelling speaker but by the time she started to speak, I had already dozed off a few times (as had a number of others in our group) and I wasn't paying close attention. One of the Cuban Five who had been freed and returned to Cuba was supposed to speak with us, but that didn't happen for some reason.

In brief, the Cuban Five are Cuban spies who infiltrated Cuban exile groups in the US that had committed numerous terrorist acts, including the bombing of a hotel and an airline flight that resulted in the deaths of all on board according to the Cuban

government. One of the bombers reportedly said in an interview, “We placed the bomb. So what?”

Amazingly, the Cuban government provided information to the FBI about the exile groups’ activities. Rather than take action against the exiles, in 1998, the US government arrested the Cuban spies who provided the information. The US government claims that they were also spying on the US government, though it seems odd that Cuba would provide information to the US that might identify their agents if that were the case.

The Cuban Five were convicted in federal court in Miami. A panel of the appeals court reversed the convictions, holding that the defendants could not get a fair trial in Miami due to the pretrial publicity. The appeals court, en banc, reversed the panel and upheld the convictions. Two of the defendants have been released in recent years after completing their sentences. The other three defendants have life sentences. There are efforts seeking a pardon or commutation of their sentences. There is also discussion of a [possible swap for Alan Gross](#), an American in prison in Cuba [who may have been an American spy](#). The case of the Cuban Five is a cause célèbre in Cuba and I saw many posters supporting them.

For more information, see the [Wikipedia entry](#) on the Cuban Five.

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Cultural Center

Late this afternoon, we went to a non-governmental cultural center established in honor of the Cuban national poet, [Nicolás Guillén](#). We heard from the president of the center, who is Guillén’s grandson, I think, and the president of the center, as well as the coordinator of cultural projects. Nicolás Guillén fought against discrimination and this center is dedicated to continuing that fight. He had suffered from racial discrimination but he and/or the center also fight against discrimination based on gender and sexual orientation. The center president spoke passionately about prejudice and discrimination, which he said still needs to be fought despite laws and government action against them. He said that it is rooted in the ideology of slavery and that it was a mistake to think that the work was completed due to the changes from the Revolution.

He mentioned the film [Chocolate and Strawberry](#), which was released in the early 1990s and had a significant social impact. It is the story of two young men in Havana in 1979, including a straight guy who befriends someone who he learns is gay. The film is credited with changing people’s attitudes about homosexuality and apparently differences more generally. It is supposed to be a wonderfully enjoyable movie.

He also noted that Raúl Castro’s daughter leads an organization dedicated to fighting discrimination against LGBT people, suggesting that people are taking this seriously.

The Center pursues its work through academic events, courses, and educational programs. It teaches 350 students, including adults, in guitar, choir, piano, fine arts, dance, theatre, computer science, and crafts. It is located in a humble neighborhood and does service projects such as building a doctor's office or fixing sidewalks. Some members of the center make and sell crafts, donating 10% of the proceedings to fund the Center.

After the talks, a musical trio performed music. We had heard several musical groups at our meals, which mostly performed familiar tunes, apparently oriented to tourists. The group at the cultural center seemed particularly authentic and moved me the most. I bought one of their CDs, but unfortunately it is defective.

We then went to [John Lennon Park](#), which features a sculpture of the famous Beatle sitting on a park bench. Castro had banned the Beatles in 1964 as a symbol of the decadent Western culture but, in 2000, he dedicated the sculpture to someone fighting the same battles. The sculpture has Lennon's glasses but they are not welded to the rest of the sculpture, so people stole the glasses repeatedly after they were replaced each time. Finally, they designated someone to keep the glasses and put them on the sculpture when people came to look at it. That guy was there when we visited and I took a picture of him.

There is a little nightclub called the Yellow Submarine across the street from the Park. Arturo asked if we could go inside and take a look and we got some cool photos. To see all this in Cuba was like stepping into another world.

That night, I went to a show of the [Buena Vista Social Club](#), a band that performs in the hotel where we stayed. Some people in our group had seen the show on Monday and really liked it. The show starts at 10 pm, which is generally waaaaaay past my bedtime and I pooped out on Monday. So I rested earlier in the evening to stay up "late" to watch the show, which included some exuberant dancers and then the band, which is named after a famous club that operated in the 1940s. Some of the musicians who played at the club were re-united in the 1990s by American musician Ry Cooder and they made an international splash, which is memorialized in a movie. At this point, the only surviving member of the band is the drummer but they filled out the group with other musicians. I am not an aficionado of this style of music, but it sounded like repetitive Latin music to me.

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Thursday, Nov. 13

Legal Practice with the Legal Collectives

We met with the president and secretary of the National Organization of Law Collectives. Private litigators practice as part of "collective" organizations, essentially law firms. The Organization sounds similar to trial lawyer associations in the US. It

doesn't include judges, prosecutors, or lawyers working for the state. It is independent of the government and has its own general assembly and national board of directors, which is elected every five years. It is financed by dues from lawyers who are members. I gather that private lawyers are not required to join the Organization, unlike mandatory bar associations in the US.

Apparently, private lawyers must practice as part of existing collectives and can't start practicing on their own but they are considering whether to permit this in the future. One of the speakers expressed some reticence about that, saying that there were bad results when this was tried in China.

One must pass a bar exam to become a lawyer. The exam is given in September every year. In addition, lawyers must be part of a law office and have at least one year of experience. About two-thirds of the lawyers are women. Most lawyers are white.

The system of private practice was established in 1984. Lawyers compete to get clients, though lawyer advertising is not permitted. I thought I heard possibly contradictory statements about lawyer compensation. Under one version, lawyers are paid salaries comparable to other professionals. The collectives collect fees from clients and the fees apparently are set by the Ministry of Justice. It is not clear what happens to any profits. Under the other version, the lawyers and the collective split fees collected from clients. The fees are considered as taxable income. Lawyers cannot get paid on a contingency basis.

Criminal defendants can get free legal defense at the "oral stage," which I interpreted as trial. The authorities are now considering pro bono service arrangements for civil cases.

Collectives now operate in all but nine municipalities. Before 1970, the collectives were concentrated in the provincial capitols.

There is some pretrial discovery process involving exchange of documents. It is not clear if they have the full range of discovery procedures as in the US, such as depositions. A speaker said that they do have problems with e-discovery.

There are ethical rules for lawyers including confidentiality. Apparently, there are exceptions involving money laundering and terrorism cases. There is an attorney-client privilege.

Cases proceed quickly. One can get to trial in the municipal courts in 8-10 months and apparently have an appeal decided in an additional 6 months. There is no backlog of cases.

Lawyers in the organization handle a wide range of civil and penal matters including family, commercial law, and business advice. Lawyers can bring suits against the state including administrative, civil, agrarian, and matrimonial (?) matters. Lawyers do represent political dissidents. According to the speakers, lawyers often are uncomfortable in these cases and want to focus on the legal issues rather than the political issues that their clients may want to raise. The lawyers handle these cases like every other case.

When asked if one could get a fair trial in a suit against the state, one speaker smiled and said it depends on whether one wins or loses. I assumed he meant that it is possible to get a fair trial but that people may not feel that way if they lose in any type of case. He said that about 13% of criminal convictions are overturned on appeal, which seemed to imply that the thought it was possible to get a fair trial, at least in criminal cases. A speaker later said that there is no problem protecting individual rights.

The Chamber of Commerce operates an arbitration court for international contract disputes. Apparently, the decisions often go against the Cuban interests.

There is no official system of mediation but they are not developing a code to create a mediation protocol. The Federation of Cuban Women is trying to develop mediation “empirically,” i.e., without statutory authorization. Later in the presentation, one of the speakers said that there cannot be a private voluntary mediation system as it must be approved by the courts.

There is a technical supervision commission that considers cases of alleged malpractice and that handles lawyer discipline.

One of the lawyers on the panel was from Guantanamo province and talked passionately about the situation with the US base at Guantanamo Bay. She said that there is no virtually no interaction between the local population and personnel at the naval base. She was proud of her home and sounded upset about the situation with the US facilities there. She said that it was a pity that Cuba is sanctioned as a terrorist country while the US treatment of prisoners was inhumane and torture.

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Friday, Nov. 14

The delegation of the professional visit left this morning. I was part of a much smaller cultural “extension” tour that included several people from another bar association delegation. There were only seven of us in total plus Dawn Davis, the director of the touring company. So we easily fit on a smaller bus. Eliseo was our guide for this part of the trip. Like Arturo, he had worked as a university professor and found that being a tour guide was a better opportunity. He had worked in various companies in the travel business for quite a while.

This section of my journal is much briefer because there weren't extensive presentations and I wasn't in position to take detailed notes. The photos provide a better record for this part of the trip.

Our extension tour took us to Matanzas Province, about an hour or two east of Havana. This is one of the richest provinces as it features some of the best beaches and thus has a healthy tourist industry. It also has oil deposits and we passed a number of oil wells and refineries.

Our first stop (other than a rest stop with great pina coladas) was the [Castillo de San Severino](#), which at different times was a Spanish fort, holding area for imported slaves, and a prison for Cuban dissidents, where some were executed. It looks quaint now but it is a reminder of the grim slave trade that persisted for several centuries. The castle now serves as a museum and displays magnificently colorful clothing worn by Africans, presumably in their native countries before they were enslaved. It has several drawings of sugar processing factories which may have operated in or near the castle.

We went to the town of Matanzas and stopped for lunch at a lovely hotel. We had a brief visit to [Ediciones Vigía](#), which produces hand-crafted books. They really are crafted as the text is written by hand and there are elaborate collage covers and other features one wouldn't associate with books. They print 200 copies of each book and no more.

We walked around the town a bit, including to a sculptor's studio.

After that, we went to our hotel, the Melia Varadero, another 5-star hotel in the Melia chain, right on the beach.

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Saturday, Nov. 15

We visited the [Elián González](#) Museum which is also known as the "Museum of the Battle of Ideas," in Cardenas. Elián's parents were divorced and, on Nov. 21, 1999, without his father's knowledge, his mother took him on a boat to go to Florida. The boat sank and his mother died, but Elián survived along with two others. They were rescued by fisherman and turned over to US authorities. Elián had relatives in Miami and the exile community and many political leaders resisted returning him to Cuba as demanded by his father. After a court battle, the court ordered that he be returned to his father in Cuba. In the pre-dawn hours of April 22, 2000, more than 100 federal agents executed an operation to retrieve him despite a human shield of exiles trying to resist the removal. This drama unified the Cuban people. The Cuban economy was still struggling in the wake of the collapse of the Soviet Union but opposition to the events in the US bolstered support of the government by the Cuban people despite the serious economic problems.

We also stopped at a house that the gangster, Al Capone, used as a liquor warehouse. It has been turned into a restaurant and tourist stop. After that, we stopped at the DuPont Mansion, called Xanadu, which was just down the beach from our hotel. These houses reflected the pre-Revolution culture that attracted rich Americans, mobsters, and celebrities to a tropical playground.

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Sunday, Nov. 16

We had the morning to ourselves and left the hotel after lunch. When we returned to Havana, we spent an hour at the craft market in Old Havana. This was the only time I was spooked a bit. As we got off the bus, a horde of young kids swarmed us begging for money. It was only a little better in the market itself. There were lines of booths packed closely together. The vendors called out, trying to get people to stop and look in their booths. After a while, I had enough and left. I walked around the neighborhood to take some photos and for the first time, I saw some guys who seemed menacing. So I turned around and went back to the bus. At various times during the trip, people would approach me asking where I was from. These were the smoothest come-ons as they would try to engage in conversation that would lead to requests for money. I felt bad as people obviously needed money, but it felt uncomfortable.

Most of the group went to the National Hotel for our final dinner. Most of the meals on the trip were pretty bland, probably because they were either in all-included hotel buffets or restaurants that produced large volumes of meals. We heard that the National Hotel had good Cuban sandwiches and it was a landmark hotel, on a hill. We had a nice time on our last night in Cuba.

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Monday, Nov. 17

On our last morning, I had a scene almost out of the movie, Birdman, but fortunately I wasn't parading on Times Square or making a grand entrance to a sold-out theater. We had several hours before we had to check out of the hotel and drive to the airport. I went for a walk and then came back to my room to hang out.

All the rooms had balconies and the air was nice, so I went outside on the balcony to soak in the air one last time before we left. I had on only some underwear and a shirt. I closed the door to the balcony to prevent the air conditioning from leaking out and just as I closed the door, I realized that I had locked myself out. I tried to get in but of course, the door was locked and no one was in my room to let me in.

Fortunately, the balconies were close together and I climbed into the balcony of the next room. I hoped that someone would be there to let me in to their room – and then call the front desk to send someone up to open my hotel room. Unfortunately, the guests in that room had checked out and their balcony door was locked. So I climbed into the next balcony. I was in luck. The balcony door was open and the room was vacant. I called the front desk and asked them to send someone up to let me into my

room. I waited for about 10-15 minutes and no one showed up. Fortunately, a housekeeper came by and let me in. I didn't have my watch on and I worried that I would miss my bus to the airport and my flight home. But it all worked out with about a half an hour to spare.

When we got to the airport, I had much more time to focus on the scene than when we arrived and I was very distracted. And we had plenty of time to wait in the airport this time instead of being hustled off to our buses, as when we arrived.

We went through immigration and it was as quick and routine as when we arrived, except there was no questioning about visits to Texas or Africa this time. The fact that we were Americans or that there is an American embargo didn't seem to faze the official.

I was struck by how small this airport is. Apparently there is only one commercial plane at the terminal at a time, so there aren't multiple gates. We smoothly boarded the plane and flew back home.

The officials on the American side treated us routinely, with little concern that we had just come from that place on the other side of the embargo or that we might be smuggling contraband like Cuban rum or cigars. I did smoke a cigar on the last night, when the waiter at the National Hotel gave them to us for free. I had tried cigars in college and forgotten how truly vile they are IMHO. But it would be nice if, one day soon, our government will tear down this destructive wall between the two countries so that people can easily exchange cigars and good will.

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