

Chicago Daily Law Bulletin®

Volume 162, No. 64

Serving Chicago's legal community for 161 years

Ninety miles from U.S. shores, a legal system a world away

As new relationship with island develops, DePaul students explore Cuba's judiciary

BY LAURAANN WOOD
Law Bulletin staff writer

As they walked through the residential streets of Havana last week, 34 local law students took time to absorb their surroundings.

They chatted with the locals — who seemed open, welcoming and willing to help their American visitors hail taxis or navigate the area. They admired Havana's low skyline and noticed its lack of skyscrapers. They saw how relatively few hotels and corporate shops existed in shopping plazas and on street corners.

With the United States' warming relations with the communist island nation, they appreciated a chance to experience a Cuba whose culture and lifestyle are still largely untouched by modern American commercialism.

"It kind of takes you back to simpler times, and it's kind of sad that we all know that now that's all going to change," said DePaul University College of Law third-year student Alexandra Perraud.

"We were walking around saying, 'It's kind of sad to think there's probably going to be a Starbucks here at some point, or a McDonald's.'" she said. "Maybe it's not going to happen in the next year, but it's certainly going to happen soon. And the hotels aren't going to go up 30 floors — they're going to go up 50."

DePaul professor Alberto R. Coll started planning the trip about five years ago with the dean of University of Havana law school, the American Bar Association and DePaul.

Since that time, the White House and Cuban officials announced they would develop a new relationship. Last July, the embassies in Washington, D.C., and Havana reopened for the first time since President Dwight D. Eisenhower severed diplomatic ties in 1960 after the Cuban Revolution.

The trip would coincide with President Barack Obama's visit to the island — the first by a sitting U.S. president since 1928.

While the embargo is still in place under federal law, the Obama administration has loosened travel restrictions to allow "people-to-people" travel.

On March 19, the group of 30 DePaul students, four students from other schools, Coll and business law professor Cary Martin Shelby headed off for 10 days observing Cuba's legal system as part of a spring break study-abroad program.

"We always hear so much about Cuba in the media and everywhere, so this seemed like a good opportunity to see it for ourselves and form our own opinions of it from the ground," said student Jessica Watkins.

The program, Coll said, aimed to start the process for the soon-to-be lawyers to learn about Cuba so they can help advise potential future clients about doing business in the country.

"It gives the students a degree of sophistication," he said. "It gives them a degree of savvy that's good for their personal lives but also their careers."

Students met with a supreme court justice, department chairs and deans at the University of Havana, attorneys and other legal officials and scholars during their stay.

And although not every student who traveled intends to focus on business law, some agreed it was a significant experience that will help them stand out in a competitive job market regardless of how they decide to practice law.

"We will be able to bring so much more to a conversation with fellow attorneys or attorneys who may be entrusted in doing business or advising clients on business with Cuba," Perraud said.

There's no mistaking the island's



A delegation of law students and DePaul University College of Law professors pose for a group shot during their tour of Cuba. During 10 days earlier this month, the group met with judges and scholars to gain a better understanding of how courts work in the communist island nation long out of contact with the U.S.

Photo provided by DePaul University College of Law

judiciary from the one in the United States, they found.

"Cuba has an interesting legal system because it's not as adversarial as it is in the United States," student Nicholas Peluso said. "It's not people trying to guess each other, trying to win a case. It seems to be a lot more focused on finding the actual truth and actual right."

The educational requirements for a career in Cuban law are also different from the U.S., as law students there must complete five years of government-funded undergraduate studies and three years of social services before taking an exam.

And once a case makes it into court, don't expect it to go before a jury of peers.

Instead, cases are heard by a mixture of professional judges and lay judges who have no formal legal education but participate in forming legal decisions.

"And I think it's not really a role they have, but it's usually the lay judges who speak their minds first on a case before the ones who are educated," said student Robyn Phelan.

Despite the differences from American jurisprudence, students said they appreciated some aspects of the Cuban system.

"I think we have strong relationships with certain professors in law school, but in this case I think they have even stronger structured relationships and mentorships with their law school professors," Per-

raud said. "I think that's really unique and interesting."

Notaries also play a large role in Cuba's legal system, where they must obtain a law degree and receive training to obtain and perform their job.

They're considered officers of the court, and they have the ability to perform many duties for which an American litigant would have to appear before a judge.

"It would be nice to lighten our judicial load here to have notaries who have more power to do things like teaching courses," Peluso said.

A newly admitted Cuban attorney, will practice law under a fairly stable code enacted in the 1970s. Cuban lawmakers do not change their statutes in a piecemeal fashion like in the United States' legislative practice, the students said, so any major change to Cuban law would come in one sweeping amendment.

Rebuilt ties with the U.S. may be the catalyst for another wave of changes. For Shelby, the professor, it's an important process for the world to observe as Cuba endures different political and economic changes while finding its ideal kind of government, she said.

"There was a discussion as to whether any country in the world has achieved a true democracy — including the United States — and I'm watching Cuba to see if this is achievable," Shelby said. "If it is, by God, I want to know. Perhaps we can borrow some of those ideas."

lwood@lbpc.com