



*Trinidad in central Cuba, founded in 1514, has been a UNESCO World Heritage site since 1988. All photos by David Michael Bigeleisen*

## David Michael Bigeleisen

“**W**e are assembling a group of lawyers to visit the legal community in Cuba, would you like to join us?” “Of course,” I said.

The call came from my friend Michelle Hays, who directs the San Francisco chapter of the Coalition of Concerned Legal Professionals. We spent seven days in November of 2014 in several Cuban cities, meeting and visiting with Cuban lawyers.

I wanted to see Cuba before relations with the United States were normalized. I was just in time.

Lawyers face the same sorts of problems and go about solving them in the same way throughout the world.

Our first group meeting was at the headquarters of the Law Society in Havana. The building is a lovely colonial style building, but it is quite shabby. It has been hard to maintain buildings since the embargo. We met with a group of commercial lawyers. And I had to ask myself, “What does a commercial lawyer in a communist country do?”

The economy in Cuba is changing rapidly. Cooperatives are the current form of business enterprise. All cooperatives are composed of people who have



*A street in Trinidad, Cuba*



*Plaza Vieja in La Habana (Havana in English), the capital city of Cuba*

already worked in the enterprise. When business decisions need to be made, each member of the cooperative gets one vote, regardless of how much of the business he or she owns. There are currently 428 nonagricultural cooperatives in Cuba. Most of the cooperatives provide goods and services in the food and hospitality sector, as well as in construction and construction materials businesses. The lawyers' work is similar to what a commercial lawyer does in the United States—draft documents for governance of the cooperative, contracts between cooperatives, and contracts between the cooperatives and the government. When conflict arises, the lawyer handles the litigation.

Cooperatives are allowed to hire seasonal employees, but the cooperative is required to pay a higher salary than the employee would make in a government job. And then, of course, there are taxes to be calculated and paid at the end of the year.

You have seen photos of the beautiful colonial buildings in Havana, painted in peeling pastel colors. When Fidel Castro took power, people were permitted to purchase the houses and apartments in which they lived. The prices were set based on the tax on the property before the revolution.

But there is no law governing the upkeep of the common areas and infrastructure. This means that these things are neglected. The outsides of buildings remain unpainted, roofs leak, as do water tanks. Common stairways go without repair. Three buildings collapse in Havana every day.

The Cuban bar is working to make a body of law to govern these problems.

We visited a working law firm in Havana. The space was slightly below ground level. The large reception room



*Balconies in Trinidad, Cuba, a city famous for its Spanish colonial architecture*

was fitted with inexpensive fiberglass chairs—no teak and chrome and leather here. It looks like the reception area of a low-cost health clinic in the United States.

The lawyers in the firm each have an individual relationship with the client. The fees are set by the ministry of justice. The lawyer remits a part of the fee to the firm to cover expenses and keeps the balance. If something goes amiss with a case, the firm is responsible to make it right.

We met with a lawyer who specializes in criminal cases. One of her best known cases was that of Alan Gross. As always, there is more than one version of what happened. The version that we heard in the United States is that Gross had brought needed computer equipment to help the Jewish community in Havana.

The prosecution version was that Gross was a spy, with considerable covert experience in the Middle East. He

had brought equipment that was designed to circumvent the Cuban security system.

Gross was serving time in a prison hospital when we visited. He has since been released as a result of the changes that President Barack Obama has implemented.

Some of the lawyers in Cuba specialize, but others have general practices. There are eleven designated areas of specialization.

Lawyers attend five years of formal education at a law college before becoming licensed. The legal system is based on Spanish civil law rather than common law. I asked if I could be admitted to the bar in Cuba. My Cuban colleagues shook their heads.

Cuban lawyers grind the same grist that we United States lawyers grind every day: the trip and fall case, the dispute



*Cobblestone street in Trinidad*



*Top: Horse-drawn carriage in Santa Clara*



*Bottom: El Complaciente, farm stand in Trinidad*

over money, and of course, conflict with the government.

You won't see billboards for Coca-Cola or Copper-tone suntan lotion anywhere in Cuba. But monuments to Che Guevara are everywhere. Never mind that he was one of those responsible for the twenty-minute trials of political enemies in the sports stadium after the revolution.

Cuba has a nominal death penalty. But there have been no executions for more than fourteen years. It is illegal to possess firearms. Political corruption is considered to be the most egregious crime.

And what about those old cars? There are lots of them. They are now fifty to sixty years old. They have been patched together every way you can imagine. They only look swanky from about a hundred feet. The layers of

repainting are almost as thick as your thumb.

A driver passes on the Malecón, officially the Avenida de Maceo, the roadway and seawall that stretches eight miles along the Havana coast. He steps on the gas and a huge cloud of yellow brown diesel smoke belches from the tailpipe.

The motor has been replaced many times. Glamour looks best from a distance.

I am glad I went when I did. Things will be different soon.

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