

In The News

Law360 Publishes Burton-Helms Title III Analysis by Akerman's Cuba Practice

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Law360 published an article written by Akerman's Matthew Aho, Martin Domb, Pedro Freyre, and Augusto Maxwell, titled "How Cos. With Cuba Ties Can Fight Helms-Burton Act Suits," analyzing the unprecedented implementation by the Trump Administration of Title III of the Helms-Burton Act.

In the piece, the authors explained of the liabilities that companies operating in Cuba may face following the announcement of the activation of Title III. "The good news for potential defendants is that there are plausible defenses against Title III lawsuits. For instance: Foreign defendants may argue that they lack sufficient contacts with the United States, and therefore that U.S. federal courts lack personal jurisdiction to adjudicate a suit brought by U.S. claimants."

They also suggested courses of action for property claimants who wish to sue for damages under Title III. "Helms-Burton creates a private cause of action for two broad categories of property claimants: Certified: So-called 'certified claims' apply to U.S. persons and companies who were American citizens or otherwise subject to the jurisdiction of the United States at the time that their property was confiscated and who submitted claims that were evaluated and certified by the U.S. Justice Department's Foreign Claims Settlement Commission ("FCSC"). Such claims enjoy special status under both U.S. and

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international law. Uncertified (a.k.a. Cuban American) Claims: So-called “uncertified” claims apply to individuals and companies who were Cuban (or nationals of other countries, but not the U.S.) at the time that their property was confiscated and who later became naturalized or incorporated in the United States.”

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