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## Q&A With White & Case's Raoul Cantero

*Law360, New York (September 10, 2009)* -- Raoul G. Cantero III is a partner in the litigation practice of White & Case LLP. Cantero leads the Miami appellate practice, in addition to focusing on cross-border disputes relating to Latin America.

Prior to joining White & Case, Cantero served as a justice on the Florida Supreme Court. He was the first justice of Hispanic descent and one of the youngest ever to sit on the court. In his six years as a justice, he heard hundreds of appeals and authored more than 100 majority, concurring and dissenting opinions, by definition involving precedent-setting and evolving areas of law.

### **Q: What is the most challenging case you've worked on, and why?**

A: I have two — one from an appellate attorney point of view and the other when I served as a justice on the Florida Supreme Court.

The most challenging case I worked on as a lawyer is one I argued on July 15, 2009. It is an asbestos case involving a major U.S. manufacturer. The plaintiff had sued our client, alleging that he had developed asbestos from working on automobile brake pads as a teenager 30 years earlier.

Although some types of asbestos cause some types of cancer, the case examined whether a particular type of asbestos used in automobile brakes could cause the specific type of cancer that this plaintiff developed.

The case involved a tremendous amount of technical and scientific evidence. Given the case's complexity, it was a challenge to distill the science and the testimony into the briefs and the 15 minutes of oral argument so the judges could understand it and use it to decide the case. The outcome of the case is pending, but either way I learned the importance of distilling large amounts of complex information to its essence so that the judges have all the information they need to make a decision, but none that they don't need.

From the point of view of a state Supreme Court justice, my most memorable and challenging case was that of Terri Schiavo in 2005. It was one of my first major cases after my appointment to the bench and one of the most contentious.

Not only did the case attract significant national and international media attention, but it also became a rallying point for pro-life and disability groups, as well as politicians, including members of the Florida Legislature, U.S. Congress, and president of the United States.

In all, the Schiavo case involved 14 appeals and numerous motions, petitions and hearings in the Florida courts, in addition to five suits in federal district court. The Supreme Court of Florida overturned legislation by the Florida House and Senate known as “Terri’s Law” to keep Terri Schiavo alive. We found that the law unconstitutionally attempted to reverse lower court decisions.

The case was challenging because I had to put aside my personal and religious views, which could have counseled for a different result, and focus only on the applicable law. Our court deliberated the case dispassionately and focused only on our duty under the law and the constitution, which was difficult given the amount of publicity and emotion surrounding the case.

In the end, our opinion was unanimous, which I think helped to quell any lingering doubt that the decision was based on political or personal considerations.

**Q: What do you do to prepare for oral argument?**

A: First, I read over the brief in the case and then go back and reread all the briefs — from the first to last briefs filed — taking notes on the argument I intend to make. Depending on the case, I often go back to review the testimony and look at the transcript again and extract quotes from the trial. I also look at other cases that may be relevant to my case and read those, extracting relevant quotes if I think that would help me make my case.

The most important thing is anticipating difficult questions that I could be asked and thinking about what the answers would be. I also participate in a moot court, which includes both people who are familiar and those who are unfamiliar with the case. The role-playing helps tremendously in anticipating how the court may react. For the week or two before the argument, I think of little else except the arguments I will make and how I will answer possible questions from the court.

**Q: What are some of the biggest problems with the U.S. appeals process?**

A: There are too many differences in the local rules of the different circuits. Each circuit has different rules for administering cases, prebriefing submissions (such as certificates of interested persons) and requirements for the content of briefs.

Given that they are all federal appellate courts, I think the rules should be more uniform and be limited to the Federal Rules of Appellate Procedure, with perhaps minor requirements to account for geographical (but not philosophical) differences. Additionally, the federal court is more rigid in terms of deadlines for different action items and various requirements attorneys need to file even before the proceedings begin.

**Q: Aside from your own cases, which cases currently on appeal are you following closely, and why?**

A: There is not one particular case I am following closely; however, I am very interested in some of the bankruptcy cases that are getting filed with the U.S. Supreme Court. With more and more companies headed toward bankruptcy, the Supreme Court will see an increase in these cases, and the court's rulings could have major, long-term ramifications.

**Q: Outside your own firm, name one lawyer who's impressed you, and tell us why.**

Over the years there have been several appellate lawyers that have impressed me so it is difficult to name just one. However, Miguel Estrada [co-chair of the appellate and constitutional law group] at Gibson Dunn [& Crutcher LLP] stands out for his hard work in preparing for cases. He is always well-prepared in court, articulate and ready with answers to tough questions. He also has a great demeanor, respectful but also not overly formal.

**Q: What advice would you give to a young lawyer interested in getting into your practice area?**

A: First, perfect your writing skills as much as possible. Don't rely solely on the formal education you are receiving to improve your writing. When I began my career, no one taught me how to write an appeal; instead, I bought every book I could to learn about writing briefs. I also majored in English, which helped tremendously.

Second, get experience by going into court and arguing motions. Since trials are so rare in civil cases, I encourage young lawyers to go to court, even if it is just to argue, because anytime you go before a judge is good practice.

Also, volunteer to handle appeals on a pro bono basis to gain experience. Some of my most memorable and fulfilling experiences as a lawyer came from representing clients who couldn't afford to pay. They were very grateful for every little thing I did for them, and I was able to help them out of difficult predicaments.

Finally, find a mentor who will teach you and help you develop. I learned much from the judge I worked for when I graduated from law school. He taught me the importance of treating everyone with gentleness and respect and never taking things too seriously.