



Hon. Virginia M. Hernandez Covington

Judge, U.S. District Court for the Middle District of Florida

by Alejandro Fernandez



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The U.S. District Court for the Middle District of Florida, Tampa Division, enjoys an uninterrupted view of historic Ybor City, a town built and owned by hard-working Latin immigrants. Against this fitting backdrop, Hon. Virginia M. Hernandez Covington sat down to discuss the perspective her Latin heritage brings to her work as a federal judge.

The following are excerpts from that conversation, edited lightly for content and clarity.

Q. In 1953, your mother and grandparents immigrated to Tampa from Cuba. What drew them here?

A. My grandfather, Ramiro Hernandez, a landowner in Cuba, was involved in politics. In 1953, he got on the wrong side of Fulgencio Batista, who was the dictator in Cuba at the time. Several friends sent word to my grandfather that Batista was going to imprison or execute him for his political activities. My grandfather immediately left for Miami. My grandmother and my mother followed within a few days. They all thought this was a temporary stop and that at some point soon, they would go back to Cuba. Days turned into weeks, which turned into a few months.

My grandfather said, “We can’t live in Miami—nobody here speaks Spanish.” This was December 1953—compare that to Miami today! They decided to move to Tampa because there was a community in Ybor City of Spanish-speaking cigar workers and their descendants. They still expected their stay was temporary, but Batista remained in power until Castro took control, so the stay became permanent.

Q. Have you ever returned to Cuba?

A. Not since 1959. Whether to return is a real sensitive and divisive issue in the Cuban exile community. The people who came after 1959 have, for the most part, not gone back to Cuba. I would like to go back, but I’ve stood in solidarity with the Cuban exile community. I used to say I would return when Castro was gone. Now, I say that I will go back and visit Cuba when it’s free from communism.



Q. You grew up in Tampa’s Hispanic neighborhoods. Can you tell us about that experience?

A. I grew up in a house where I spoke Spanish every day to my mother and to my grandfather. Probably from 1960 through close to 1970, relatives fleeing Cuba would stay with us while they were getting acclimated to life in the United States. I would sleep in my parents’ bedroom to make room for relatives. Of course, my grandfather also lived with us, which is typical in Hispanic families. Sticking together and helping each other out is really important in the Cuban community. By the late 1960s, almost my entire family had come from Cuba. For probably a good eight years or so, our house was, in many instances, where people first stayed when they came from Cuba.

Q. Do you believe that the nature of immigration led to a tight-knit community?

A. Yes, because we were all in it together. Everybody lost everything. Everybody had to start all over again. When you look at the story of the Cubans in the United States, it’s an amazing story. These people were, for the most part, successful people in Cuba. Business owners. Doctors. Lawyers. They had to start all over again, and particularly lawyers, who had to learn an entirely new language, legal system, and then take the bar exam.



Q. One of the things that's well known about you is your decades of dedication to lecturing, teaching, and participating in legal seminars all over Latin America. Can you tell us about your experiences teaching law in these countries?

A. It was fascinating. I started doing it when I was an assistant U.S. attorney in the early 1990s, and Venezuela was the first country where we really did these programs *en masse*. I was so impressed at how hardworking the prosecutors were even though they had so few resources.

As time went on, the United States became heavily involved in Colombia in what was called "Plan Colombia." I'm very proud to have been involved in that program. You can see the difference in Colombia from 1995 to today. Colombia is a different country. Their legal system has been revamped, and that's owed in part to involvement from the U.S. government.

A lot of people say, "Why should we, in the United States, involve ourselves in other countries?" Look at the impact that Colombia has had on us. The difference in the drug trade is like night and day. That is in part because of "Plan Colombia." Every time I go to Colombia to teach, I hear the professionals in their legal system express such gratitude to us. That said, I've never viewed this as, "I'm here from Washington and I'm here to help you." Quite the contrary, it's a partnership in which we've worked together on resolving our respective issues.

At this point, I've had the opportunity to teach in almost all of Latin America, and virtually every country is changing or has changed their legal system. Before, these countries utilized the inquisitorial or written system of justice, where you didn't have a chance to interrogate witnesses. So for instance, in Venezuela, I saw how it was that a case was investigated and adjudicated. The police scheduled a lineup and the victim/witness went in to the police station to identify the person that stole her purse. She identified the man that had stolen her purse. Standing beside the victim was a person that

served as *both* the prosecutor and magistrate. The prosecutor-magistrate would consider witness statements without the opportunity of either side to examine that witness. Based on the prosecutor-magistrate's judgment of a witness statement, the accused would be convicted or acquitted. The convicted would have no sense of the reasons he was found guilty. On the other hand, the public had no sense of why a person might be found not guilty. This sort of closed system created many opportunities for corruption, and it eroded confidence in the system.

After years of working together with the United States, many of the countries in Latin America now enjoy a far more transparent system. In many countries now, a member of the public can come in, sit down, and even if they disagree with what the judge decided, at least they are able to see for themselves what the judge saw and heard and understand the outcome to some degree.

Q. When did you first set your eyes on becoming a federal judge?

A. I looked up to and admired Judge [Elizabeth A.] Kovachevich and Judge [Susan C.] Bucklew, back when there weren't that many women judges or lawyers, for that matter. Judge Kovachevich reached out to us young women lawyers and encouraged us. She is an amazing woman. Judge Bucklew was the first person who I tried a case in front of when I was in the state attorney's office. She is amazing, too. Also, Judge [W. Terrell] Hodges, the first person I tried a case in front of in federal court, is so intelligent but yet so gentle. These were people I really admired and who inspired me to become a federal judge.

Q. In what ways is it hard to be a judge?

A. Two ways. One is sentencing. I find it hard because I grew up with the idea of forgiveness. If somebody wrongs you, you should forgive them. But my job as a judge is not to forgive people for what they did wrong. My job is to sentence convicted persons for their wrongs, while making certain to promote respect for the law. It's finding a fine balance between the two that is hard. There are times when you don't sleep at night as you struggle with finding that fine balance. I find that much more difficult than I ever thought it would be.

The second is just how difficult it is to expeditiously resolve cases when you have such a substantial caseload. We are such a busy district! I probably drive everybody around here a little bit crazy working to quickly move cases to resolution. I hope when I retire someday, I can say I resolved cases expeditiously. I'm devoted to that.

Q. What's the most significant/exciting moment you've experienced as a judge?

A. I've had a lot of interesting cases, but I would go back to my mother's naturalization ceremony, which I remember oh so well. It was the first time that I came to the federal courthouse. Little did I know that someday I would be trying cases in that old building. I find im

migration ceremonies pretty amazing because they are really heartwarming. You see how important becoming an American citizen is to the people in front of you and for their families. They're waving the American flag. You can see how meaningful it is to them. It always serves to remind me of how fortunate we are. How lucky we are to live in the United States.

Also, there are often moments in trials where you see things that you never expected. You think, "Did that just happen!?" It's "Law & Order" or "Perry Mason." What could be more exciting than that?

Q. What is the most common flub that young or pro hac vice attorneys make in your courtroom?

A. It's not reading the local rules. It's going back to basics. Some of the simple things like consulting with opposing counsel on something as insignificant as an extension of time, or, often it's forgetting to read a judge's website. As I recently told an attorney at a pre-trial conference, it took us a lot longer to wade through a motion for summary judgment because that attorney neglected to read my particular rules and idiosyncrasies with respect to summary judgment. You see both young and experienced lawyers make those mistakes.

Also remember anything that you say in an email may find its way to a pleading. Don't spill your guts out or vent or be angry in emails. You may be embarrassed when those emails are filed in the public record.

Q. How do you believe the Middle District of Florida has changed during your tenure, and what changes do you see in the coming years?

A. The Spanish founded St. Augustine, Fla., a city located in our district, in 1565. It took until 2004, when I was appointed to the bench, to have the first Hispanic district court judge in the Middle District of Florida. Even compared to 2004, today we have a much more diverse bench.

As far as active district court judges, since 2004, the Middle District of Florida now has Judge [Mary S.] Scriven and Judge [Charlene V.] Honeywell, who are both African-American women and Judge [Brian] Davis, who is also African-American. Judge [Marcia M.] Howard a Cuban-American woman, was appointed immediately after me. There's Judge [Carlos] Mendoza, whose family is from Colombia and Honduras. This diversity is important because, when somebody walks into the courtroom, we want them to know that our bench reflects our community. This comforts people and gives them confidence in our legal system.

Also, technology has made a huge difference for judges. Electronic filing through the Case Management/Electronic Case Files (CM/ECF) system changed our lives overnight. I can work from anywhere in the world, and I do. For somebody who travels the world teaching, you would think that I have to leave my docket, but I don't. I'm able to use CM/ECF to issue orders from wherever I might happen to be.

Q. Has your Hispanic heritage influenced your worldview as a judge? How so?

A. We're so family oriented. You can see that in Latin families, we all help out each other. Parents help their children. In later years, children help their parents. That's what a Latin family does. Family is first. That influences the way I see the world as a judge.

Q. Have you ever had an opportunity to give back to the Hispanic-American community here in the United States?

A. Yes, in multiple ways. I was involved for years in Tampa Hispanic Heritage Inc. and spoke at schools in Spanish encouraging students to follow their dreams. In 2003, I was named Tampa's Hispanic Woman of the Year due, in part, to my years of active community service. More recently, I worked on a program that recognized and honored four Tampa lawyers who sought refuge in the United States from Cuba in the early 1960s: Adalberto Tosca, Felipe Pacheco, Alberto de Alejo, and Antonio Castellvi. What these four attorneys did was nothing short of amazing.

Many of the Cuba-trained lawyers could not pass the bar exam because of the language barrier, and they could not even sit for the bar because of requirements that they graduate from an ABA-accredited law school. As part of a program that Florida had in the 1970s, Cuba-trained attorneys could attend and study at the University of Florida during the weekends for a year in order to sit for the bar. Eventually, each of these four lawyers passed the Florida Bar. Three of them practiced law in Tampa, and one became a successful real estate developer. That, to me, is a success story for Cubans. A success story like few have had. Let me tell you, at the ceremony honoring them, there wasn't a single dry eye!

I am really proud to be part of that Cuban community. It's a community where we all helped each other out and did whatever we could to succeed.

Q. What's your favorite channel on Spotify?

A. Well I hate to say I love Andrea Bocelli's music, but I do. I love Latin music, too. Camila Cabello's *Havana*. She's got beautiful music. I love what's happened to Latin music today. Today you hear songs that reflect who I am—some words are sung in English and some words are in Spanish. I have a foot in each world, just like others in the Cuban-American community, and our music today reflects this.

Q. Obviously, you have many years left on the bench, but, when this chapter ends, what would you choose as a retirement song?

A. There isn't one song. When I have a senior judge ceremony, there's going to be Latin music. I can tell you that for sure. I'll have Cuban songs: "Cuando Salí de Cuba (When I Left Cuba)," "Guantanamo," and "Havana."



Judge Covington with her family.

Q. What would you like to be known for as a judge?

A. If there's only one thing I could be known for, it is that I'm a hard worker. I know I haven't always gotten it right. Those appearing before me haven't always agreed with me, I know that's for sure. But I have always given my job 110 percent. I'm a hard worker. If there's one thing that would be my legacy, that would be it.

Q. What is something you consider a Latin quality?

A. We are loyal, hardworking people, grateful for the blessings, gifts, and jobs we have. I never take any job for granted. I'm always grateful for what I have. ☺

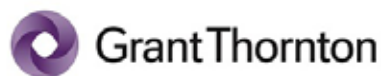


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