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By Electronic Mail
May 27, 2021

Julio Frenk
President of the University of Miami
1252 Memorial Drive, 230 Ashe Building,
Coral Gables, FL 33146
president@miami.edu

Re: Anthony E. Varona v. University of Miami

Dear President Frenk:

Anthony E. Varona, Dean of the University of Miami School of Law (“the Law School”), has retained the law firm of Katz, Marshall & Banks, LLP to represent him with respect to all matters relating to his employment at the Law School and his unlawful termination of his deanship. We will be in touch at a later date to further elaborate upon the claims Dean Varona holds regarding his employment and discriminatory termination.

However, I am writing now to demand that you retract the defamatory statement you made regarding Dean Varona’s alleged lack of leadership as the reason for his wrongful termination. To recover for defamation, a plaintiff must show that: “1) the defendant published a false statement; 2) about the plaintiff; 3) to a third party; and 4) the party suffered damages as a result of the publication.” *Sequeira v. Gate Safe, Inc.*, 2017 WL 6568196 (S.D. Fla. Oct. 27, 2017). False statements regarding one’s trade or profession are considered defamatory *per se* and require no showing of damages but will entitle a plaintiff to punitive damages. *Lawnwood Medical Center, Inc. v. Sadow*, 43 So.3d 710, 727 (Fla. Dist. Ct. App. 2010) (statements regarding a physician’s medical prowess are defamatory *per se*).

In your statement on May 25, 2021, you claimed that the Law School “need[s] . . . a dean with the required vision and effectiveness of execution to bring the school to new levels of excellence,” and you emphasized “the current capital campaign” as a reason for needing to replace Dean Varona with a new dean. Such statements could not be further from the truth and are a mere pretext for the real reasons for your removal of Dean Varona from his position. First of all, Dean Varona, as an experienced fundraiser, has been successful in fundraising at the Law School, raising over \$8 million in payments, planned gifts, and pledges during his short tenure and despite the pandemic, and the Law School faculty considers the Law School to be on “sound financial footing.”

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Second, Dean Varona published an extremely comprehensive “vision statement” on October 31, 2019. He expounded plans to optimize a practice-ready curriculum through consultations with industry stakeholders and interdisciplinary programs, “to promote excellence in scholarship and teaching,” to offer individualized services to elevate bar passage rates, to increase the Law School’s visibility both in the Florida legal community and nationwide, including through alumni connections, to modernize pedagogy and facilities, and to promote diversity and inclusion, among other equally impressive plans.

This vision was extremely well-received by a number of influential trustees, including Wayne Chaplain, who called this vision “so very well done and right on point,” and Laurie Silvers, the incoming Chair of the Board of Trustees, who said, “This is terrific. Exactly what we need to see...engagement, enthusiasm and a path to achieving the goals you have set out.”

Since then, Dean Varona has made good on this vision. He admitted the strongest class in Miami Law history last fall, after recruiting a new nationally renowned associate dean for admissions and enrollment management from the University of Maryland. He recruited new top faculty. He elevated key rankings components under his control in the 2022 USNWR law rankings. He reorganized the staff, making it more efficient and accountable. He created a new Intellectual Life Program, led by a vice dean, which has hosted countless scholarly and pedagogical events featuring prominent figures from across the nation and around the world. He added new curricular requirements and two new instructors to the bar success program, including the chief of bar success who he recruited from the University of Florida Levin College of Law. He launched various new initiatives and programs, including a new and innovative SJD Program. And he spoke out and hosted important fora at the law school on matters of social importance, all of which has started the Law School on an upward trend and all despite a pandemic that would have derailed a lesser dean’s plans.

His achievements have been repeatedly recognized by members of the Law School faculty, evidenced by the outpouring of support he has received over the last forty-eight hours. To state that Dean Varona lacks vision and effectiveness is malicious falsehood. As Dean Varona is both an attorney and in the profession of legal administration, these false comments impugn his professional reputation and are defamatory *per se*.

The longer this defamatory statement remains unretracted, the greater the liability for the University of Miami as it continues to be published by various media outlets. I request that you retract the defamatory statement you published on May 25, 2021 at once.

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Please confirm that the University of Miami will take the necessary steps to effect a retraction.

Sincerely,



Debra S. Katz
Attorney for Anthony Varona

cc: Dean Anthony Varona

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