

BRYAN S. GOWDY

Curriculum Vitae

Contact Information

Creed & Gowdy, P.A.
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Professional Employment

Creed & Gowdy, P.A., Oct. 2006 to present
(formerly known as Mills & Carlin, P.A., Mills & Creed, P.A., and Mills Creed & Gowdy)

865 May Street, Jacksonville, Florida 32204
(904) 350-0075
Shareholder

McGuireWoods LLP, Sept. 2001 – Sept. 2006
50 N. Laura St., Ste. 3300, Jacksonville, Florida 32202
(904) 798-3200
Associate

Hon. Susan H. Black, Aug. 2000 – Aug. 2001
United States Court of Appeals, Eleventh Circuit
300 North Hogan Street, Suite 14-150, Jacksonville, Florida 32202
(904) 301-6610
Law Clerk

Hon. Maurice M. Paul, Aug. 1999 – Aug. 2000
United States District Court, Northern District of Florida
401 S.E. First Ave, Gainesville, Florida 32601
(904) 380-2415
Law Clerk

Education

University of Florida Levin College of Law, J.D. 1999
Graduated with High Honors and ranked number one in class
Management Editor, *Florida Law Review*

Order of the Coif

Book Awards: Legal Research and Writing, Antitrust Law, Comparative Law

Georgetown University, B.S.F.S. 1992

International Economics

Dean's List (four semesters)

Recent Notable Cases

Graham v. Florida, ___ U.S. ___, 130 S. Ct. 2011 (2010) (represented juvenile defendant before the U.S. Supreme Court, which categorically applied the Eighth Amendment for the first time in a non-capital case and ruled that life-without-parole sentences were unconstitutional for juvenile offenders who have not committed a homicide; the Court's decision invalidates the sentencing laws of 37 states, the federal government, and the District of Columbia).

Rando v. GEICO, 39 So. 3d 244 (Fla. 2010) (represented insured policyholder in the Supreme Court of Florida on a certified question from U.S. Court of Appeals for the Eleventh Circuit concerning question of first impression under Florida's uninsured motorist statute)

G.S. v. T.B., 985 So. 2d 978 (Fla. 2008) (represented maternal grandparents who successfully persuaded the Supreme Court of Florida that, despite the objections of the paternal grandparents, they were entitled under Florida law to adopt their orphaned grandchildren)

Griffin v. McNeil, 995 So. 2d 1178 (Fla. 4th DCA 2008) (petition for writ of habeas corpus resulting in the immediate release of client, who had served thirty-three years in prison on a life sentence, because his sentence exceeded the maximum authorized sentence (15 years))

Professional Qualifications and Awards

Board Certified in Appellate Practice, The Florida Bar

Admitted to practice in Florida, Massachusetts, and Supreme Court of the United States, United States Court of Appeals for the Ninth and Eleventh Circuits, and United States District Courts for the Southern, Middle, and Northern Districts of Florida

Florida Justice Association, S. Victor Tipton Award (2011)

Florida Association of Criminal Defense Lawyers, Stephen Goldstein Award (2011)

The Florida Bar President's Pro Bono Service Award, Fourth Judicial Circuit (2011)

Jacksonville Area Legal Aid Pro Bono Award (2010)

The Florida Bar Appellate Practice Section Pro Bono Award (2009)

Florida Super Lawyer (2010, 2011)
Top 100 Florida Super Lawyer (2011)

Legal Elite, *Florida Trend Magazine* (2008, 2009, 2010, 2011)

Professional Memberships and Community Service

Jacksonville Area Legal Aid, Board Member (2007-present)

The Florida Bar Appellate Practice Section
Chair, Pro Bono Committee (2008 - 2011)
Executive Council (2009- present)

Juvenile Life Without Parole Defense Resource Center, Volunteer Advisor (2010–
present)

Jacksonville Bar Association
Chair, Appellate Practice Section (2007-2009)

Federal Bar Association (2006 to present)

Florida Association of Criminal Defense Lawyers (2009 – present)
Member, *Graham v. Florida* Task Force (2010 –present)

Florida Justice Association, Chair of the Appellate Section (2011 – 2012)
Vice Chair of the Appellate Section (2010-11)

First District Appellate American Inn of Court, Barrister (2008-2009), Master (2011- present)

Chester Bedell Inn of Court, Barrister (2007-2010)

Westside Soccer Club, Soccer Coach (2007-present)

Military Service

United States Navy & Naval Reserve (July 1992-Sept. 2002)

Active-duty service in Italy and Japan as Surface Warfare Officer on two guided-missile
cruisers (1992-1996).

Awarded Navy Commendation Medal for fighting major engine room fire.

Served in Persian Gulf operations.

Commanding Officer of 56-person naval reserve unit and promoted to Lt. Commander (Oct.
2000-Sept. 2002).

Publications

Graham v. Florida: A Juvenile's Hope for Redemption, The Defender (Summer 2010)

Securing Your Judgment While on Appeal, Florida Justice Association Journal (May/June 2009)

Leniency Bribes: Justifying the Federal Practice. . ., 60 La. L. Rev. 447 (2000)

Should the Federal Government Have an Attorney-Client Privilege?, 51 Fla. L. Rev. 695 (1999)

Recent Lectures, Seminars, and Panel Discussions

Graham v. Florida, Guest Lecturer, Flagler University, Class for Ethical Issues in the Judiciary (Oct. 11, 2011)

State Farm v. Bowling, Medical Billing and Coding Evidence, Telephonic CLE, Florida Justice Association (Sept. 9, 2011)

Preservation of Error, Erhlich Seminar, Jacksonville Bar Association (June 3, 2011)

Workshop on Life-Without-Parole Resentencing Evaluations, sponsored by Barry University, Juvenile Justice Center, Tampa, FL (April 15, 2011)

Presentation on Graham v. Florida, Kentucky Children's Law Center, Seventh Annual Juvenile Defender Summit, Dayton, OH (April 7, 2011)

Panel Discussion on U.S. Supreme Court Practice, Federal Bar Association, Orlando, FL chapter (March 11, 2011)

Hot Topics, U.S. Supreme Court Update, Florida Bar Appellate Practice Section, Jacksonville, FL (March 4, 2011 (afternoon) and May 17, 2011 (telephonic))

Winning or Losing at Trial is Not the End: Practical, Front-Line Trial Examples to Help You Preserve Error and Win on Appeal, Florida Bar Trial Lawyers Section, Tampa, FL (Mar. 4, 2011 (morning)).

Graham v. Florida, Florida Coastal School of Law, Jacksonville, FL (Jan. 27, 2011)

Litigating Graham in Florida, Barry University, Juvenile Justice Center, Orlando, FL (Dec. 10, 2010).

Spirit of Giving Speech, Federal Bar Association, Jacksonville, FL chapter (Dec. 3, 2010)

Juvenile Life Without Parole Sentences, Annual Convention for the Campaign for the Fair Sentencing of Youth, Washington, DC (Nov. 3, 2010)

Amicus Briefs, Eleventh Circuit Appellate Institute, Atlanta, GA (Oct. 15, 2010)

Graham v. Florida, Children Legal Services Conference, Tampa, FL (Sept. 30, 2010)

The Best Strategies for Avoiding Bifurcation, Florida Justice Association Seminar, Tampa and Ft. Lauderdale, FL (Sept. 15-16, 2010)

Juvenile Life Without Parole Sentences, NAACP Convention, Kansas City, KS (July 12, 2010)

Preservation of Error and Practice Before the U.S. Supreme Court, Erlich/Nimmons Seminar, Jacksonville Bar Association and Federal Bar Association (June 2010)

Art of Objecting, Florida Bar Appellate Practice Section, Ft. Lauderdale, FL (May 2010)

Practice Before the U.S. Supreme Court, Florida Bar Appellate Practice Section, Tallahassee, FL (January & July 2010)

Preservation of Error, Criminal Law, Jacksonville Bar Association (June 2009)

Hot Topics, Florida Bar Appellate Practice Section, Ft. Lauderdale, FL (May 2009)

Appellate Strategy for In-House Counsel, Jacksonville Bar Association In-House Counsel Section (February 2009)

Amicus Briefs, Florida Bar Appellate Practice Section Telephonic Seminar (Sep. 2008)

Representing Pro Bono Clients, Florida Bar Appellate Practice Section Telephonic Seminar (Aug. 2008)

Moderator, E. Earle Zehmer Inside the First DCA Appellate Seminar, Jacksonville, Florida (May 2008)

Moderator, Art of Objecting, Florida Bar Appellate Practice Section, Orlando, FL (November 2007)

Preservation of Error, Jacksonville Bar Association Ray Erlich Seminar (June 2007)

Other Recent Selected Cases

Petty v. Fla. Ins. Guar. Ass'n, Supreme Court of Florida, awaiting decision (represent insured policyholder in appeal concerning whether the Florida Insurance Guaranty

Association must fulfill an insolvent insurer's obligation to pay the insured's attorney's fees incurred in seeking benefits under a homeowner's policy)

Legacy Place Apartment Homes LLC v. PGA Gateway Ltd., __ So. 3d __ (Fla. 4th DCA July 27, 2011) (represented developer of luxury apartments in dispute with developer of adjacent commercial property)

Franks v. Bowers, 1D10-3078, __ So. 3d __, 2011 WL 891941 (Fla. 1st DCA Mar. 16, 2011) (represented amicus in case concerning arbitration in the context of Florida's medical malpractice act)

Sher v. Raytheon, No. 09-15798, (11th Cir. Mar. 9, 2011) (unpublished) (represented property owners who were impacted by contamination plume and who sought class certification)

Glary v. Israel, 53 So.3d 1095 (Fla. 1st DCA 2011) (represented law firm whose due process rights were violated when trial court ordered it to transfer monies held in trust to court-appointed receiver)

Tripoli v. State, 50 So. 3d 776 (Fla. 4th DCA 2010) (represented criminal defendant whose conviction was reversed due to erroneous admission of collateral act evidence)

Baptist Med. Center of Beaches, Inc. v. Rhodin, 40 So. 3d 112 (Fla. 1st DCA 2010) (represented injured patient in appeal interpreting the pre-suit requirements under Florida's medical malpractice act).

CSX Transp., Inc. v. Williams, 33 So. 3d 40 (Fla. 2d DCA 2010) (represented injured employee in appeal from judgment and jury verdict concerning employee's claims under the Federal Employers Liability Act).

Hafterson v. United States, 09-240, (Oct. 13, 2009) (represented family of deceased service member in their petition for certiorari to U.S. Supreme Court seeking to overturn *Feres* decision that prohibits service members from asserting tort claims against the Government)

State v. Hinson, 23 So.3d 1187 (Fla. 1st DCA 2009) (represented criminal defendant in defending an order finding that the police had violated his Fourth Amendment rights)

Roberts v. Stidham, 19 So. 3d 1155 (Fla. 5th DCA 2009) (represented injured driver in an appeal of dismissal for untimely service of process)

Ross v. Ross, 11 So.3d 359 (Fla. 1st DCA 2009) (represented ex-wife seeking alimony)

Salmi v. Salmi, 5 So.3d 674 (Fla. 1st DCA 2009) (represented ex-wife seeking alimony)

Trammell v. Thomason, No. 08-13801, 2009 WL 1706951 (11th Cir. June 18, 2009) (civil rights claim under 42 U.S.C. § 1983 on behalf of client, not suspected of any criminal activity, who was attacked by police dog)

Jackson v. United States, 3:09-CV-26-J-34TEM, 2009 WL 2436577 (M.D. Fla. 2009) (defended against the Government's request for order that would have limited the rights of the plaintiff and his counsel to communicate with the press).

Alterra Healthcare Corp. v. Constantin, Case No. 1D07-5056 (1st DCA 2008) (represented estate of deceased nursing home patient in an appeal concerning interpretation of an arbitration agreement; settled after briefing)

Gatlin v. U.S. Anti-Doping Agency, Inc., Case No. 08-13572-F (11th Cir. June 26, 2008) (unpublished) (represented Olympic gold medalist appealing decision that prohibited him from participating in Olympic trials)

Carolina Cas. Ins. Co. v. Smith, 993 So. 2d 516 (Fla. 1st DCA 2008) (represented injured driver in opposing petition for writ of certiorari in auto accident case)

Brooks v. Green, 993 So. 2d 58 (Fla. 1st DCA 2008) (represented tenant-purchaser in commercial real estate dispute)

Woodward v. State, 992 So. 2d 391 (Fla. 1st DCA 2008) (represented criminal defendant on appeal that claimed trial court should have appointed him counsel for post-conviction motion)

S.D.S. Autos, Inc. v. Chrzanowski, 982 So. 2d 1 (Fla. 1st DCA 2008) (represented consumers who sought certification of class for claims under Florida Deceptive and Unfair Trade Practices Act)

Southeast Tissue Alliance v. King, 980 So. 2d 495 (Fla. 1st DCA 2008) (represented family members who sought punitive damages from tissue bank for its use of deceased family member's donated tissue as part of a for-profit enterprise)

Calahan v. Calahan, 979 So. 2d 358 (Fla. 5th DCA 2008) (represented ex-husband in appeal of denial of petition to modify alimony and child support)

Williams v. Stanford, 977 So. 2d 722 (Fla. 1st DCA 2008) (represented majority shareholder in defense of shareholder derivative action alleging fraud and breach of fiduciary duty)

S.D.S. Autos, Inc. v. Chrzanowski, 976 So. 2d 600 (Fla. 1st DCA 2008) (represented consumer in challenge to arbitration provision in auto sales contracts)

Egwuatu v. South Lubes, Inc., 976 So. 2d 50 (Fla. 1st DCA 2008) (appeal of order denying class certification for class of consumers)

Retail Equities, LLC v. Sleiman, 975 So. 2d 1139 (Fla. 1st DCA 2008) (represented business owners in petition for certiorari to vacate notice of lis pendens that hindered their ability to sell or mortgage the properties)

Taylor v. Penske Truck Leasing Corp., 975 So. 2d 588 (Fla. 1st DCA 2008) (represented injured driver in certiorari proceeding challenging order requiring disclosure of attorney work product)

Outler v. United States, 485 F.3d 1273 (11th Cir. 2007) (represented criminal defendant in case addressing whether equitable tolling applies to re-characterized post-conviction motion under 28 U.S.C. § 2255)

The St. Joe Co. v. McIver, 950 So. 2d 418 (Fla. 1st DCA 2007) (represented landowner whose land was condemned by the state and who was then sued for failure to pay a brokerage commission)

The St. Joe Co. v. Leslie, 912 So. 2d 21 (Fla. 1st DCA 2005) (represented paper mill company accused of environmental contamination by residents seeking certification of class)

Abusaid v. Hillsborough County Bd. of County Com'rs, 405 F. 3d 1258 (11th Cir. 2005) (represented small business owner whose civil rights claims had been dismissed under the Eleventh Amendment to the U.S. Constitution)

Brauch v. Bank of Am. Corp., 303CV1097-J-16TEM, 2005 WL 1027907 (M.D. Fla. 2005) (represented bank sued by former executives of acquired bank in dispute over employment contracts)