

# **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)

## **Notable Appellate Cases**

*Graham v. Florida*, 560 U.S. 48, 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).

*Charles v. S. Baptist Hosp. of Florida, Inc.*, 209 So. 3d 1199 (Fla. 2017), *pet. for cert. denied*, 2017 WL 2444641 (U.S. Oct. 2, 2017). (represented patient who exercised her right under state constitutional amendment, commonly known as Amendment 7, to request access to all of a hospital's adverse incident reports; the Supreme Court of Florida reversed a lower court's holding that Amendment 7 was preempted by the federal Patient Safety Quality Improvement Act).

*Hernandez v. Crespo*, 211 So. 3d 19 (Fla. 2016), *pet. for cert. denied*, 2017 WL 2444694 (U.S. Oct. 2, 2017) (represented a patient and her husband who sued her physicians for medical malpractice; the Supreme Court of Florida held the arbitration agreement between the patient and her physicians was unenforceable under Florida's Medical Malpractice Act).

*Adinolfi v. United Technologies Corp.*, 768 F.3d 1161 (11th Cir. 2014) (represented hundreds of homeowners claiming damages for diminution of property value due to contamination from nearby industrial facility; the Eleventh Circuit reversed the district court's dismissal with prejudice by holding, among other things, that Florida law did not require homeowners to plead or prove actual contamination of their properties to seek damages for the diminution in their property values caused by the nearby contamination).

*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).

## **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 Fourth, Ninth, and Eleventh Circuits, and United States District Courts for the Southern, Middle, and Northern Districts of Florida

Florida Super Lawyer (2010-2018)

Top 100 Florida Super Lawyer (2011, 2013-2018)

Legal Elite, *Florida Trend Magazine* (2009-2017)

Florida Justice Association, Bronze Eagle Award (2012)

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)

## **Professional Memberships and Community Service**

Florida Supreme Court Standard Jury Instruction Committee (Civil) (2014-present)

Jacksonville Justice Association (2010-present)

President (2018)

Jacksonville Area Legal Aid, Board Member (2007-2014)

Board President (2013)

Leadership Jacksonville, Class of 2012

Leadership Jacksonville Development Team (2016-18)

The Florida Bar Appellate Practice Section

Chair, Pro Bono Committee (2008 - 2011)

Executive Council (2009- 2012)

The Florida Bar Criminal Law Section (2009-13)

The Florida Bar's Standing Committee on Pro Bono Legal Services, Ad Hoc Member (2011-17)

The Florida Bar Trial Lawyers Section (2016-17)

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

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

Federal Bar Association (2006 to present)

Florida Association of Criminal Defense Lawyers (2009-17)

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

American Association of Justice (2011-12, 2013-14, 2017-18)

First District Appellate American Inn of Court (2008-2009, 2011-present)  
(currently Emeritus status)

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

Westside Soccer Club, Soccer Coach (2007-13)

Friends of Landon, Inc., Director (2016-present)

Assumption Catholic School Soccer League, Volunteer Coach (2017-18)

## **Military Service**

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

Active-duty service in Italy and Japan as Surface Warfare Office 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**

*Amendment 7 Lives Again But Be Prepared for More Attempts to Kill It*, Florida Justice Association Journal (March/April 2017)

*Get Your Client's Treating Physician Paid Reasonable Fees for Deposition and Trial Testimony*, Florida Justice Association Journal (September 2014) (co-author: Jennifer Shoaf Richardson)

*Dealing with the Media in a U.S. Supreme Court Case*, The Defender (Summer 2014)

*Four Years Later: Terrance Graham's Attorney on Issues Created by the Landmark Decision*, *The Defender* (Winter 2013/2014)

*Best Strategies for Challenging Coding Experts in Auto Accident Cases*, *Florida Justice Association Journal* (June-July 2012) (co-author: Jennifer Shoaf Richardson)

*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**

*Medical Malpractice Arbitration*, Florida Justice Association, Masters of Justice Seminar (October 15, 2018)

*Getting You and Your Client Paid without having to Prove Bad Faith*, Jacksonville Justice Association Annual Seminar (December 1, 2017)

*Nuts & Bolts of Practice Before the U.S. Supreme Court*, Appellate Practice Section Webinar CLE (August 15, 2017)

*Dealing with Coding Experts / Using Daubert Motions*, Florida Justice Association Webinar CLE (January 27, 2017)

*Brief Writing and Use of Technology*, Eleventh Circuit Appellate Practice Institute, Atlanta, GA (October 28, 2016)

*New Ways to Overcome the Resistance to Amendment 7 Compliance*, Advanced Trial Skills, Florida Justice Association Annual Convention, Palm Beach, FL (June 22, 2016)

*Mediation in the Eleventh Circuit Court of Appeals*, 5<sup>th</sup> District Court of Appeals Appellate Mediation Seminar, Daytona Beach, Florida (June 9, 2016)

*Amendment 7/PSO Privilege*, Advanced Medical Malpractice, The Florida Bar Continuing Legal Education Committee and the Trial Lawyers Section, Tampa, FL (March 11, 2016) (co-presented with Andrew S. Bolin)

*Advanced Appellate Practice and Certification Review, Federal Practice*, Florida Bar Appellate Practice Section, Tampa, FL (January 14, 2016)

*Inside the First DCA, Appellate Attorney's Fees*, Florida Bar Appellate Practice Section, Tallahassee, FL (April 10, 2015) (co-presented with Courtney Brewer)

*Lecture, Discussion of Adinolfi v. United Technologies Corp.* 768 F. 3d 1161 (11<sup>th</sup> Cir. 2014), Florida Coastal School of Law, Jacksonville, FL (April 2, 2015)

*Advanced Appellate Practice and Certification Review, Federal Practice*, Florida Bar Appellate Practice Section, Tampa, FL (January 15, 2015)

*Case Law Insider*, Florida Justice Association Telephonic CLE (November 14, 2014)

*Case Law Insider*, Florida Justice Association Telephonic CLE (August 9, 2013)

*Coding Experts*, Florida Justice Association Advanced Trial Skills Seminar, St. Petersburg Beach, FL (June 12, 2013)

*Oral Argument*, Jacksonville Area Legal Aid Seminar, Jacksonville, FL (May 1, 2013)

*Case Law Insider*, Florida Justice Association Telephonic CLE (March 8, 2013)

*Preservation of Error*, Florida Justice Association Workhorse Seminar, Kissimmee, FL (Feb. 20, 2013)

*Eleventh Circuit Technicalities: How To Comply With The New Expanded Record Excerpts, Electronic Filing, and Other Requirements*, Eleventh Circuit Appellate Practice Institute, Miami, FL (Feb. 7, 2013)

*Miller v. Alabama Panel Discussion*, Annual Convention for the Campaign for Fair Sentencing of Youth, Washington, DC (Nov. 15, 2012)

*Oral Argument Skit*, American Board of Trial Advocates, Pajcic Seminar, Jacksonville, FL (Oct. 25, 2012)

*Expert Financial Discovery*, Florida Justice Association Masters of Justice Seminar, Boca Raton, FL (Oct. 3, 2012)

*Expert Financial Discovery*, Jacksonville Justice Association Webinar, (June 27, 2012)

*Appellate Attorney's Fees, Inside the First DCA*, Florida Bar Appellate Practice Section, E. Earle Zehmer Inside the First DCA Seminar (March 1, 2012)

*Offensive and Defensive Strategies for the Proposal for Settlement*, Workhorse Seminar, Florida Justice Association (March 2012)

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

*Preservation of Error, Erlich 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)