EDWARD G. GUEDES

PARTNER

CHAIR OF APPELLATE PRACTICE GROUP

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A Fellow of the prestigious American Academy of Appellate Lawyers and ranked by Chambers USA in appellate law, Ed Guedes is widely known for his representation of business and government clients in high-stakes appeals. His in-depth knowledge and experience were further recognized when he was nominated in 2008 to fill a vacancy on the Florida Supreme Court.

Ed is also Board Certified in Appellate Practice by the Florida Bar. He has litigated dozens of appeals before the Florida Supreme Court, Florida's district courts of appeal and the U.S. Courts of Appeals in a wide variety of matters, including medical malpractice, premises liability, probate, First Amendment and constitutional litigation, family law, state and federal administrative rule-making and regulation, home rule authority and preemption, election law, civil rights, land use and zoning, intellectual property and labor and employment issues.

Ed's clients span a diverse range of industries, from a national supermarket chain to local governments. He works with each client to develop cost-effective litigation strategies that clarify and shape the law, ultimately advancing their broader business goals.

PRACTICE AREAS

- Public Sector Land Use and Zoning
- Special Counsel to Local Government
- Civilian Oversight of Law Enforcement
- Elections
- Litigation
- Private Sector Land Use and Zoning
- Appellate
- Civil Rights and Torts
- Complex Commercial
- Constitutional Challenges
- Family and Matrimonial

Ed represented more than 40 city and county governments in defending a $200 million federal class action lawsuit involving red-light camera programs across Florida. His successful strategy in numerous state court proceedings, which culminated in a unanimous Florida Supreme Court decision upholding the legality of the programs, led to a decisive dismissal of the class action. In another appellate victory, Ed represented the manufacturer of the breath-alcohol testing instrument used in Florida in a legal battle over the company's source code. Ed's strategic approach to trial court and appellate proceedings led to a change in existing case law in Florida and establishing new precedent, when the Florida Supreme Court issued a unanimous decision in his client's favor.

Ed is regularly quoted in the media on his high-profile cases. As a Fellow of the American Academy of Appellate Lawyers, he belongs to an exclusive group of only 350 attorneys who practice at the highest standards of appellate advocacy in the country.

When he is not practicing law, Ed can be found singing with the choir at Miami Beach's St. Patrick's Catholic Church.

PROFESSIONAL & COMMUNITY INVOLVEMENT

- The Florida Bar Appellate Practice Certification Committee, 2021
- Florida Supreme Court Historical Society, President, 2017-2019; Vice-President, 2014-2017; Executive Committee, 2014-present; Board of Trustees, 2011-present
- The Florida Bar Appellate Court Rules Committee, 2000-2006
- The Florida Bar ACRC Civil Rules Subcommittee, Chair, 2005-2006
- The Florida Bar ACRC Amicus Curiae Subcommittee, Chair, 2004-2005; Vice-Chair, 2002-2003
- Dade County Bar Association Appellate Court Committee, Chair, 2003-2004; Vice-Chair, 2002-2003
- Third District Court of Appeal 50th Anniversary Committee, Co-Chair, 2004-2007
- Third District Court of Appeal Historical Society, Founder, 2007; Board Member, 2007-2012
- Cuban American Bar Association, 1990-present
- Federal Bar Association, South Florida Chapter, 2009-2012
- 11th Judicial Circuit Historical Society, Centennial Celebration Committee of 100, 2009-2011
- Defense Research Institute, Retail and Hospitality Committee, 2010-2014

Law
- Governmental Actions and Defense
- Labor and Employment Litigation
- Education Law

ADMISSIONS

Florida, 1988

U.S. Supreme Court, 1998

U.S. Court of Appeals, Eleventh Circuit, 1996

U.S. District Court for the Southern District of Florida, 1999

U.S. Court of Appeals, Ninth Circuit, 2010

U.S. Court of Appeals, Second Circuit, 2013

EDUCATION

Harvard University Law School, J.D., 1988

Amherst College, B.A. in English, *magna cum laude*, 1985

John Woodruff Simpson Fellowship for the Study of Law

AWARDS & RECOGNITION

- *Forbes*, America's Top 200 Lawyers, 2024
- *Daily Business Review*, Most Effective Lawyers - Appellate, 2020
- Chambers USA and Partners, Litigation: Appellate - Florida, 2016-present
- Fellow, American Academy of Appellate Lawyers, 2019-present
- Best Lawyers in America®, Appellate Practice, 2008-present
- Florida *Super Lawyers*, 2006-present
- South Florida Legal Guide, Top Lawyers, 2013-present
- Florida Trend's Legal Elite, 2007, 2013-2014
- Martindale-Hubbell AV Preeminent Rating
- South Florida Business Journal, Best of the Bar, 2003

REPRESENTATIVE EXPERIENCE

- Chief appellate and trial support counsel for a national supermarket chain concerning all of their premises liability cases in South Florida.
- Obtained favorable unanimous decision from Florida Supreme Court restricting the subpoena power of Florida trial courts to compel out-of-state corporations to produce valuable proprietary documents in Florida and overturning adverse intermediate appellate decisions being applied throughout the state.
- Overturned on appeal multi-million dollar jury verdict against plastic surgeon in medical malpractice claim asserting negligent design and execution of procedures.
- Successfully defended multinational corporate manufacturer of breath-alcohol testing instruments used by law enforcement throughout the State of Florida against declaratory judgment action challenging corporation's ownership of intellectual property associated with the instruments.
- Successfully defended at trial and through appeal to the United States Supreme Court a municipal charter provision setting forth an oath of office for elected officials. The oath was challenged on First Amendment grounds because it required the office holder to swear or affirm to support the constitutions and governments of the United States and the State of Florida.
- Successfully litigated on behalf of State and local governmental entities concerning the interpretation of vested rights statute conferring development rights on owners of more than 12,000 residential lots in the Florida Keys and affecting all Areas of Critical State Concern throughout the State of Florida.
- Successfully litigated and defended on appeal multi-million dollar class action for unpaid overtime waged under the Fair Labor Standards Act.
- Upheld multi-million dollar ad valorem tax exemption for municipal marina competing with privately owned marinas.

LANGUAGES

French

Italian

Spanish

CERTIFICATIONS

Board Certified by The Florida Bar in Appellate Practice, 2004-present

- Successfully defended against constitutional challenge authority of local governmental entity to regulate and restrict ownership of animals within community.
- Overturned on appeal a multi-million premises liability verdict with directions to enter directed verdict in favor of his client.
- Successfully asserted a constitutional challenge to a municipal ordinance precluding private country club from fencing its property over the objections of surrounding neighbors, who asserted a historical right to a view onto and across the club property.
- Successfully defended constitutional challenge to municipal charter provision allowing for appointment of official to fill vacancy on elected body.
- Overturned on appeal denial of development approval for 300-unit trailer park in South Miami-Dade County.
- Overturned on appeal to the Eleventh Circuit Court of Appeals lower court's injunction halting all limestone mining in the Lake Belt region of South Florida.
- Overturned on appeal order requiring privately owned hospital under contract with local government to comply with Florida's public records laws.
- In case of first impression interpreting statutory burdens of proof, overturned on appeal adverse discovery order requiring supermarket chain to review and divulge tens of thousands of records for more than 1,000 stores.
- Successfully represented the Cuban American Bar Association as amicus curiae in en banc proceedings before the Eleventh Circuit Court of Appeals in connection with a panel opinion that had vacated the conviction of five Cuban spies operating in South Florida.
- Wide-ranging experience defending at trial and on appeal against civil rights claims asserted under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the American with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act and the Florida Civil Rights Act of 1992.

- Press Mentions
- Presentations
- Publications
- Reported Cases

Press Mentions

- *America's Top 200 Lawyers*, Forbes, March 26, 2024
- *Fla. Court Says Publix Injury Suit Wrongly Tossed For Fraud*, Law360, January 25, 2024
- *Cities, counties brace for Tallahassee to escalate war on home rule for local issues next session*, Florida Bulldog, December 14, 2023
- *Lodge Asks 11th Circ. To Save Insurance Claims Over Slaying*, Law360, December 7, 2023
- *Jeffrey Soffer Loses Appeal to Block 2 A.M. Last Call in Miami Beach's South of Fifth*, TheRealDeal.com,

October 30, 2023
- *Final Chapter of Story Nightclub Likely Comes to Close After It Loses Alcohol Sales Appeal*, Daily Business Review, October 27, 2023
- *Story's Over? Miami Beach Club Dealt Major Blow in Liquor Curfew Battle*, Miami New Times, October 26, 2023
- *Tim Chinaris Elected President of The Florida Supreme Court Historical Society*, The Florida Bar News, June 30, 2023
- *Ed Guedes Interview*, The Appellate Project, June 2023
- *Litigation Departments: Having a 'Lasting and Broader Impact' Is What Drives Lawyers at Weiss Serota Helfman Cole + Bierman*, Daily Business Review, May 25, 2023
- *New trustees sought for Supreme Court Historical Society*, The Florida Bar, April 13, 2023
- *'Writing on a Blank Slate': Florida Attorney Wins Anti-SLAPP Appeal in Case with No Precedent, Case Law,* Daily Business Review, March 31, 2023
- *Fla. Town Can't Invoke Anti-SLAPP To Evade Suit*, Says Court, Law360, March 29, 2023
- *Judge Won't Block Miami Beach 2 AM Alcohol Cutoff*, Law360, March 14, 2023
- *Appellate Court Rejects Corporate-Wide Discovery Order*, Daily Business Review, January 26, 2023
- *Florida Supreme Court Says Local Governments Cannot Impose Gun Control*, The Free Press, January 21, 2023
- *Fla Supreme Court upholds state law penalizing local govts that place restrictions on guns*, BizPac Review, January 20, 2023
- *State Supreme Court upholds penalties for local governments tightening gun restrictions*, Florida Voice, January 20, 2023
- *Florida can punish local officials for restricting guns, top state court rules*, Kalkin Media, January 20, 2023
- *Florida Supreme Court upholds gun law banning restrictions*, AP, January 19, 2023
- *Florida can punish local officials for restricting guns, top state court rules*, Reuters, January 19, 2023
- *Fla. High Court Upholds Gun Preemption Law Penalties*, Law360, January 19, 2023
- *Venice council to discuss resident challenge to land development rules,* Herald Tribune, December 12, 2022
- *Florida's high court hears challenge of state law barring local gun restrictions*, Florida Record, June 15, 2022
- *Boca's New Deputy City Manager and Delray's Golf Course Proposal*, Boca Raton Magazine, June 14, 2022
- *Takeaways from Tallahassee – Let My People Go*, South Florida Reporter, June 11, 2022
- *Florida Supreme Court Considers Whether Local Officials, Or State Lawmakers, May Regulate Guns*, Patch, June 10, 2022
- *Florida Supreme Court justices skeptical of challenge to gun law*, WINK, June 10, 2022
- *Florida justices appear skeptical of arguments challenging state gun law*, Miami Herald, June 9, 2022
- *South Florida officials want a state gun law overturned. The Supreme Court is skeptical of the challenge*, Sun Sentinel, June 9, 2022
- *Florida Supreme Court hears gun law challenge amid national debate over restrictions*, Politico, June 9, 2022
- *In wake of shootings, Florida Supreme Court hears arguments in gun preemption case*, Florida Politics, June 9, 2022
- *FL Supreme Court considers whether local officials, or state lawmakers, may regulate guns*, Florida Phoenix, June 9, 2022
- *Florida Supreme Court Hears Arguments on State Gun Law*, News Radio WFLA, June 9, 2022
- *Florida Supreme Court justices skeptical of challenge to gun law*, WLRN, June 9, 2022
- *Florida Supreme Court skeptical of challenge to gun law*, ABC Action News, June 9, 2022
- *Florida Supreme Court justices skeptical of challenge to gun law*, CBS Miami, June 9, 2022
- *Florida Supreme Court Hears Arguments on State Gun Law*, Jacksonville's Country 99.1 WQIK, June 9, 2022
- *Florida justices appear skeptical of arguments challenging state gun law*, Bradenton Herald, June 9, 2022
- *Fla. Town's Suit Over Lennar-Backed Roadway Revived*, Law360, February 17, 2022
- The Biggest General Liability Insurance Decisions of 2021, Law360, December 20, 2021

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- *Six school districts file suit against state's school mask and quarantine rules*, Florida Politics, October 7, 2021
- *New state rule: If student is exposed to COVID, parents decide whether they quarantine*, Miami Herald, September 23, 2021
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- *Federal Appeals Court Strikes Down Conversion Therapy Counseling Ban*, Daily Business Review, November 20, 2020
- *Judge Tosses Ex-Manager's Securities Suit Against CBD Seller*, Law360, November 16, 2020
- *Introducing the DBR's 16th Annual Most Effective Lawyers Award Winners*, Daily Business Review, October 30, 2020
- *Luxury brokers battle over $520K commission tied to Fisher Island condo sale*, The Real Deal, October 30, 2020
- *Budding Textualist Star Barbara Lagoa Eyed For High Court*, Law360, September 21, 2020
- *Appellate Lawyers Were Hit Hard Amid COVID-19. Any Upswing Coming?*, Texas Lawyer, August 28, 2020
- *Florida Appeals Court Unsure On Local Gun Control*, Haute Lawyer, July 15, 2020
- *On local control on guns, Florida appeal court sounds skeptical*, Tampa Bay Times, July 14, 2020
- *Appeals court weighs penalties for local gun regulations, based on lawsuits filed after Parkland school shooting*, SunSentinel, July 14, 2020
- *Appellate court mulls penalties for local officials who violate gun preemption*, WCTV, July 14, 2020
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- *Fla. City Wins Reversal Of Ruling Against Red-Light Cameras*, Law360, June 24, 2020
- *Thousands in Miami-Dade may be on hook for red-light camera tickets after court ruling*, The Miami Herald, June 24, 2020
- *Fla. Judge DQ'd From Publix Fatal Auto Crash Suit For Bias*, Law360, April 8, 2020
- *'Keep Arguing': Miami Attorney Edward Guedes' Road to US Appellate Courts*, Daily Business Review, November 13, 2019
- *Right Turn on Red: Thousands of Tickets Could Get Tossed*, NBC6 Miami, February 26, 2019
- *Is Your Website ADA Compliant?* Bar Business Magazine, October 18, 2018
- *Ed Guedes & Sam Zeskind: Judge Dismisses Red-Light Camera Class Action Against Cities*, Daily Business Review, July 17, 2018
- *Ed Guedes Interviewed on WIOD's Brian Mudd Show*, WIOD, July 12, 2018
- *Justices Reject Red-Light Camera Ticket Challenge*, Daily Business Review, May 9, 2018
- *Red-light cameras can stay, Florida Supreme Court rules*, Sun Sentinel, May 3, 2018
- *Florida Supreme Court rules on red-light cameras. Drivers may not be happy*, Miami Herald, May 4, 2018
- *Red Light Cameras are Officially Legal-Do You Think They Promote Public Safety or Just Generate Cash for Cities?* Sun Sentinel, May 3, 2018
- *Publix Wins Reversal of 1.5M Miami Slip-and-Fall Verdict*, Daily Business Review, April 5, 2018
- *Fla. Supreme Court Will Tackle Red Light Camera Controversy*, Law360, May 19, 2017
- *Subpoena Power of Miami Police Probe Panel Faces Challenge*, Daily Business Review, February 7, 2017
- *Appeals court says Oldsmar's red-light cameras are legal*, Tampa Bay Times, October 28, 2016
- *Fla. Court says Cities can contract with traffic camera Cos.*, Law360, October 31, 2016
- *Noting District Split, Appellate Panel OKs Red Light Camera Programs*, Daily Business Review, July 27, 2016
- *Fla. Court Won't Revive $250m Contract Suit Against Tribe*, Law360, June 17, 2016

- *Case Tests Open Records Application to Business Booster*, Daily Business Review, November 17, 2015
- *Court Holds Off Making Fla. Commission's Docs Public*, Law360, October 30, 2015
- *Fla. High Court Affirms $700 M In Clean Energy Bonds*, Law360, October 1, 2015
- *Red Light Camera Mega-Case Inches Forward*, Daily Business Review, August 19, 2015
- *Decision Strikes Blow to Cameras*, SunSentinel, April 16, 2015
- *Green Light for Drivers. Florida Supreme Court Stays on Sidelines in Red-Light Camera Case*, Daily Business Review, April 14, 2015
- *DUI Defense Attorneys Lose Subpoena Bid*, Daily Business Review, November 11, 2013
- *Will Florida Supreme Court Make DUI Breathalyzers Inadmissible?* Sunshine State News, February 6, 2013
- *High Profile Decisions Put Florida's DCA in Cleanup Mode*, Daily Business Review, December 17, 2012
- *Red Light Cameras Get Green Light From Court*, Daily Business Review, December 6, 2011
- *And The Defense Wins*, DRI: The Voice of the Defense Bar, November 30, 2011
- *Appeal: Plaintiffs Are Entitled to Return of Condo Deposits*, Daily Business Review, September 13, 2011
- *Deerfield Beach Hiring Lawyers to Defend Utility Tax*, Sun-Sentinel, August 18, 2011
- *Lawyer: Intoxilyzer Source Code Available In Kentucky*, Sarasota Herald-Tribune, May 24, 2011
- Interviewed, Foro 17, a Spanish-language talk show in South Florida, WLRN, public television station, on the topic of the Cuban Spy case, March 31, 2006

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- *New state rule: If student is exposed to COVID, parents decide whether they quarantine*, Miami Herald, September 23, 2021

- *Florida issues new executive order easing school COVID rules*, Tampa Bay Times, September 23, 2021
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- *Justices Reject Red-Light Camera Ticket Challenge*, Daily Business Review, May 9, 2018
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