

Jack J. Aiello

Of Counsel

West Palm Beach
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(561) 650-0716



Practice & Industry Areas

- Business Litigation
- Appellate Law

Education

- University of Florida College of Law, J.D., high honors, 1984
- University of Akron, B.A., summa cum laude, 1981

Bar & Court Admissions

- Florida Bar, 1984
 - Board certified in appellate practice, 2001-present
- United States Supreme Court, 1995
- United States Court of Appeals
 - Eleventh Circuit, 1989
 - Third Circuit, 1997

Overview

Jack Aiello led Gunster's Appellate practice for more than two decades. Board certified in appellate practice since 2001, Jack is involved in appeals in all of Florida's District Courts of Appeals, the Florida Supreme Court and the federal court system, including the Eleventh Circuit Court of Appeals and the United States Supreme Court.

Currently beginning his fourth decade of practice, Jack's broad appellate experience extends to litigation support, including preservation of the record for appeals and consultation about the cost and benefit strategy considerations in taking and defending both non-final and final appeals. In addition, Jack is retained to take on appeals brought to Gunster after another firm has previously litigated the case in trial court proceedings. However the matter comes to Jack, after a judgment is rendered, a decision to appeal must be considered. Jack advises clients on how likely the court is to reverse a trial court

decision and on what grounds. His assessment of the claim is based on both case law and his decades of experience in appellate related work.

Jack also files amicus curiae briefs in matters that are highly relevant to Gunster's clients. Such briefs, filed at the District Court or Supreme Court level, can impact or change legal policy and thereby alter the landscape of business throughout Florida. Additionally, Jack handles petitions for extraordinary writs to seek appellate examination of trial court orders that are not otherwise appealable.

Jack is dedicated to working with his clients to define or redefine the parameters of the law through the appeals process. Because appellate law is, by nature, more academic than traditional litigation, Jack analyzes every possible and reasonable legal theory in order to devise the best possible appellate strategy. He is personally committed to being responsive to his clients, as well as to communicating directly and candidly about their options and chances of success on appeal. Jack's writing skills have been developed over decades of practice, and are supported by equally well-developed oral advocacy abilities.

In the appellate law community, Jack has served as a past chair of the Florida Bar's Appellate Practice Section, and has also chaired numerous other local and statewide appellate practice committees. He is frequently invited to speak on appellate related topics, including preservation of the record for appeal.

Representative Matters

- Represented real estate developer corporation in U.S. Supreme Court
- Represented real estate developer in defense of Appeal of Final Order of Dismissal
- Represented national brokerage firm in Federal Court Appeal of Final Order of Dismissal
- Represented national brokerage firm in defense of appeal of Final Order of Dismissal
- Represented agricultural equipment corporation in Federal Court Appeal of Final Order of Dismissal
- Represented investor in Federal Court appeal of adverse garnishment order
- Represented defense contractor in Federal Court appeal in defense of order of dismissal of contracts claim
- Represented the estate, defending appeal of order granting summary judgment
- Represented education vendor in Federal Court appeal in defense of judgment on copyright claim
- Represented real estate investor, defending appeal of foreclosure judgment
- Represented luxury homeowner in appeal of adverse judgment on construction defect claim

Honors

- *The Best Lawyers in America*®, Appellate Practice “Lawyer of the Year” in West Palm Beach, 2020
- *The Best Lawyers in America*®, Commercial Litigation and Appellate Practice, 2013-22
- *Palm Beach Illustrated*, “Top Lawyers,” Appellate Practice, 2018-21
- Florida’s Super Lawyers, 2006-09
- Order of the Coif
- Phi Kappa Phi Honors Society

Publications & Presentations

- “Preserving the Record for Appeal,” *Civil Trial Certification Review Course*, 2006-13
- “Hot Topics in Florida Appellate Practice,” Florida Bar Seminar, 1997
- “Mortgage Foreclosure, Title and CERCLA Issues,” GY&S in-house, CLE-approved seminar, 1992
- “Q&A With Gunster’s Jack Aiello,” *Law360*, 2009
- “The Roots of Preservation,” *The Record*, 2005
- “Lender Discretion: Keeping the Faith Good,” *The Legal Lender*, 1992

Professional Associations & Memberships

- Florida Bar Association
 - Appellate Practice Section, chair, 2003-04
- Palm Beach County Bar Association
 - Appellate Practice committee chair (2 terms)
- 4th DCA Historical Committee Chair