

John A. Schifino

Shareholder

Tampa

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813-739-6962



Practice & Industry Areas

- Business Litigation
- Labor & Employment Law

Education

- Lewis & Clark Law School, J.D., 1994
- St. Lawrence University, B.A., 1989

Bar & Court Admissions

- Florida Bar, 1996
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Southern District of Florida

Overview

John Schifino is a trial and appellate lawyer experienced in handling diverse cases in the areas of business litigation, labor and employment law, and environmental law. John is also a certified state court mediator and has experience mediating a variety of business disputes. He has served as lead counsel in numerous jury and bench trials, and has represented municipalities, manufacturers and recyclers, large restaurant franchisees, freight logistics companies, physician practice groups, large food and beverage distributors, real estate developers, and other businesses and individuals in Florida's state and federal courts.

John is a member of Gunster's business litigation practice and represents public and private companies, and their officers and directors, in a variety of business related matters. John's business litigation and appellate practice involves complex contract disputes, business torts, shareholder disputes, premises liability, real estate disputes, professional malpractice

claims, employer/employee disputes (including claims arising out of the FLSA, ADA, FMLA, ADEA, USERRA, and Title VII of the Civil Rights Act), trademark and copyright infringement litigation, and First Amendment matters.

Regarding environmental matters, John represents clients and their principals in U.S. Environmental Protection Agency (EPA) enforcement and Superfund actions, Florida Department of Environmental Protection (FDEP) enforcement actions, and Hillsborough County Environmental Protection Agency (EPC) enforcement actions. John also assists clients in their compliance with applicable environmental laws, and represents clients in private environmental disputes and in defending toxic tort litigation.

In addition to his trial practice in Florida's state and federal courts, John has represented numerous clients in appeals before Florida's District Courts of Appeal and before the United States Court of Appeals for the Eleventh Circuit.

Over the past several years, John has been recognized by Florida Super Lawyers and Florida Trend Legal Elite, and in 2019 and 2020, Florida Super Lawyers recognized John as one of the top 100 lawyers in the state of Florida, and top 50 in the Tampa Bay area. John has also been selected for inclusion in *The Best Lawyers in America* for his work in Appellate Practice and in Labor and Employment Law.

From 2018 to 2019, John had the privilege of serving as president of the Hillsborough County Bar Association, one of the largest voluntary bar associations in Florida with a membership of close to 4,000 members. From 2016 to the present, he has also served as a member of The Florida Bar's Standing Committee on Professionalism, and as a vice chair of The Florida Bar's Standing Committee on Diversity and Inclusion.

Representative Matters

- Defended a large freight logistics company in litigation involving Title VII, USERRA and FMLA claims. Jury returned defense verdict on all counts.
- Defended a large municipality in environmental litigation arising out of contamination emanating from a city landfill.
- Prosecuted a shareholder dispute on behalf of minority shareholders arising out of a corporation's alleged misappropriation of corporate opportunities and corporate waste.
- Defended a medical malpractice claim arising out of alleged undiagnosed compartment syndrome. Jury verdict in August of 2014 in favor of the defendant.
- Defended a private jail operator in defense of claims raised by a magazine publisher arising out of alleged First Amendment violations and unconstitutional censorship claims.
- Enforced a non-competition agreement on behalf of physician group. After multiple days of injunction hearings, the defendant stipulated to the entry of an injunction enforcing the noncompetition agreement.

- Successfully enforced multiple trademarks in 2014 on behalf of a skin care and tanning products manufacturer in multiple Lanham Act proceedings.
- Prosecuted a breach of contract action against Hernando County on behalf of a private jail operator.

Honors

- AV Preeminent rating as independently determined by Martindale-Hubbell
- *The Best Lawyers in America*®, Appellate Practice and Labor and Employment Litigation, 2020-21
- *Florida Trend*, "Legal Elite"
 - Commercial Litigation, 2008, 2015, 2017, 2019-20
 - Civil Trial, 2018
- Florida *Super Lawyers*, "Top 50 Lawyers in Tampa Bay," 2019-20
- Florida *Super Lawyers*, "Top 100 Lawyers in Florida," 2019-20
- Florida *Super Lawyers*, Business Litigation, 2010-20
- Hillsborough County Bar Association, 13th Judicial Circuit Professionalism Award, 2019
- Hillsborough Association for Women Lawyers, Inaugural Professionalism Award, 2017
- Hillsborough County Bar Association, James M. "Red" McEwen Memorial Award, 2016

Publications & Presentations

- Health & Wellness, Mental Health, Well-Being, and Professionalism Educational Seminar, speaker, presented by the Second District Court of Appeal, The Florida Bar, and the Thirteenth Judicial Circuit, August 30, 2019
- "Medical Marijuana and the Drug-Free Workplace: What Florida Employers Need to Know," speaker, July 31, 2019
- "Looking Out Into the Horizon- Strategic Planning and Board Retreats," panelist, The Florida Bar Voluntary Bar Leaders Conference, July 12-13, 2019
- State Court Trial Seminar, speaker, Hillsborough County Bar Association Young Lawyers Division, June 14, 2019
- "[Interpreting EEOC's Transgender Bathroom Fact Sheet](#)," author, *Law360*, June 3, 2016
- "DOL Overtime Rules Announced with 'Considerable' Impact on Employers," *Employee Benefit News*, May 19, 2016
- "Advice for Employers on Keeping Employees Informed," *Tampa Bay Business Journal*, March 11, 2016
- "Confidentiality Provisions in Settlement Agreements," *Lawyer*, Hillsborough County Bar Association, Summer, 2015
- "Environmental Management Systems," a Chapter in *Managing Hazardous Materials*, a textbook published by the Institute of Hazardous Materials Management, 2015

- “Ecosystem Impacts of Hazardous Materials,” a Chapter in *Managing Hazardous Materials*, a textbook published by the Institute of Hazardous Materials Management, Peer Review Editor, 2015
- “Control Person Liability Under the Securities Exchange Act,” *Lawyer*, Hillsborough County Bar Association, April, 2014
- “Protect Your Non-Party Client from Undue Burden and Expense,” *Lawyer*, Hillsborough County Bar Association, February, 2013

Professional Associations & Memberships

- Hillsborough County Bar Association
 - President, 2018-present
 - Board of directors, 2011-present
 - Trial and Litigation Section
 - Chair, 2016-17
 - Board of directors, 2011-present
 - Judicial Liaison Committee, co-chair, 2003-10
- The Florida Bar
 - Standing Committee on Diversity and Inclusion, vice chair, 2016-present
 - Standing Committee on Professionalism, 2016-present
 - Grievance Committee, 13E, 2009-12
 - Chair, 2010-12
- American Inns of Court, Wm. Reece Smith, Jr. Litigation Inn of Court
 - Executive committee, 2017-present
 - Member, 2014-present

Civic & Community Service

- Wilson Middle School Foundation, board of directors, 2013-present
- PACE Center for Girls, Inc., state board of trustees, 2004-09
- PACE Center for Girls for Hillsborough County
 - Board of directors, 2001-09
 - Board president, 2004-08