

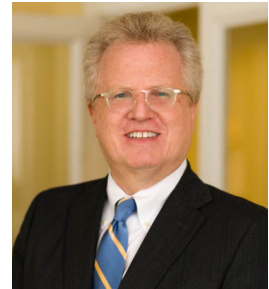
Thomas R. Julin

Shareholder

Miami

tjulin@gunster.com

(305) 376-6007



Practice & Industry Areas

- Business Litigation
- First Amendment Law
- Appellate Law
- International
- International Litigation

Education

- University of Florida Levin College of Law, J.D., with honors, 1981
- University of Florida College of Arts & Sciences, B.A., with high honors, 1978
 - Florida Law Review, Chief Tax Editor, 1980-81
 - Order of the Coif, Phi Beta Kappa
 - The Independent Florida Alligator, Editor in Chief, 1977-78

Bar & Court Admissions

- Florida, 1981
- District of Columbia, 2011
- U.S. Supreme Court, 1987
- U.S. Court of Appeals
 - First Circuit, 2007
 - Second Circuit, 2009
 - Fifth Circuit, 2012
 - Eleventh Circuit, 1982
- U.S. District Court
 - Southern District of Florida, 1981
 - Middle District of Florida, 1989
 - Northern District of Florida, 2005
 - U.S. District Court for the District of Columbia, 2013

Overview

Tom Julin has litigated free speech issues of almost every type in Florida and around the country. He is dedicated to advocating the First Amendment rights of businesses. Most notably, the U.S. Supreme Court ruled favorably in *Sorrell v. IMS Health Inc.*, 564 U.S. 552 (2011) on Tom's argument that data mining for target marketing is protected against regulation that cannot survive heightened judicial scrutiny. That precedent-setting opinion,

which resulted in the invalidation of three state laws, since has been cited in more than 1,000 judicial decisions in which companies have challenged laws and regulations restricting advertising, pharmaceutical sales, securities offerings, labor practices, Internet communications and more.

In the early part of his three-decade-plus career, Tom's clients were primarily newspaper, magazine and book publishers; television stations and networks; wire services and media industry associations. In that world, Tom learned the importance of the free flow of information and how to approach protecting it. Today, Tom has found that most businesses engage in extensive data collection, analysis and utilization and, as a consequence, they all face increasingly complex regulatory and judicial challenges that implicate First Amendment principles.

Tom's experience includes the defense of libel, slander and privacy invasion claims. He also has used the federal civil rights act to attack government regulations of speech, and sunshine, public records and Freedom of Information laws to extract information from government agencies. He has used the First Amendment, the Communications Decency Act, the Digital Millennium Copyright Act and other laws to protect publishers from damage claims of all types.

In an era where few attorneys actually go to court, Tom is unusual in that he not only does so regularly, but also those appearances have resulted in more than 250 reported judicial decisions. Litigated precedent-setting cases, in addition to *Sorrell*, include *Worldwide Primates, Inc. v. McGreal*, 26 F.3d 1089 (11th Cir. 1994); *Silvester v. American Broadcasting Cos.*, 839 F.2d 1491 (11th Cir. 1988); *Rosa Nales v. Carnival Corp.*, 24 Fla. L. Weekly Fed. D259a (S.D. Fla. 2013); *Lane v. MRA Holding LLC*, 242 F. Supp. 2d 1205 (M.D. Fla. 2002); *Nelson v. Newsweek, Inc.*, 667 F. Supp. 1468 (S.D. Fla. 1987); *Wood v. Marston*, 442 So. 2d 934 (Fla. 1983); *Wright v. Frankel*, 965 So. 2d 365 (Fla. 4th DCA 2007); *Animal Rights Foundation of Florida v. Siegel*, 867 So. 2d 451 (Fla. 5th DCA 2004); and *Friedgood v. Peters Publishing Co.*, 521 So. 2d 236 (Fla. 4th DCA 1988), to name a few.

From the beginning of his practice to today, Tom has focused on advocating open government principles. In 1983, he persuaded the Florida Supreme Court to enjoin Sunshine Law violations of the University of Florida College of Law, and later obtained a consent decree against the Florida State University College of Law. More recently, he led a journalist's campaign to declassify 28 pages of a Congressional report regarding the Saudi government's possible support for the 9/11 terrorist attacks against the United States. The report had been kept secret for more than 13 years until declassified by President Obama in 2016.

Representative Matters

- *Sorrell v. IMS Health Inc.*, 131 S. Ct. 2653 (2011) Declaration that state law prohibiting use of prescriber identifiable information in prescription records violates the First and Fourteenth Amendments.
- *Broward Bulldog, Inc. v. U.S. Department of Justice*, 24 Fla. L. Weekly Fed. D361a, (S.D. Fla. Apr. 4, 2014) (Zloch, J.) Order compelling FBI to conduct thorough search for documents relating to investigation of Saudi nationals residing in Sarasota who fled the United States shortly before September 11, 2001.
- *Rosa Nales v. Carnival Corp.*, 2013 WL 7219411 12-22172-CIV-MGC 24 Fla. L. Weekly Fed. D259a (S.D. Fla. Dec. 11, 2013) Order granting summary judgment for Carnival Corporation against \$35 million appropriation of likeness claim by San Juan television news anchorman.
- *IMS Health, Inc. v. Sorrell*, No. 1:07-cv-188-jgm, 2012 WL 2915845 (D. Vt. July 17, 2012) Order awarding \$2.244 million attorneys' fees in First Amendment civil rights action.
- *Holston Investments Inc. v. LanLogistics, Corp.* 677 F.3d 1068 (11th Cir. 2012) Affirmance of district court order holding that dissolved corporation is citizen solely of state of incorporation after dissolution and withdrawal from doing business in state that formerly was principal place of business.
- *Solyar Investments, Ltd. v. Banco Santander, S.A.*, 672 F.3d 981 (11th Cir. 2012) Affirmance of dismissal of claims for breach of contract and fiduciary duties in light of arbitration and forum selection clause in settlement agreement.
- *Witt v. La Gorce Country Club, Inc.*, 35 So. 3d 1033 (Fla. 3d DCA 2009) Affirmance of final judgment. against \$3 million claim arising from failure of reverse osmosis water treatment plant installed to irrigate Miami Beach golf course.
- *Rico v. Miami-Dade School Board*, 2009 WL 3273247 (S.D. Fla. Sept. 17, 2009) Order dismissing with prejudice defamation claim by school board attorney JulieAnn Rico against school board member Dr. Marta Perez arising from Perez publicly accusing Rico of stealing money from the board by accepting payment for moving to Miami without moving to Miami.
- *Wright v. Frankel*, 965 So. 2d 365 (Fla. 4th DCA 2007) (en banc) West Palm Beach City Commission violated city charter by refusing to place referendum ordinance on ballot advocated by the Alliance of Concerned Taxpayers that would require voter approval of \$100 million relocation of the City Library or City Hall.
- *Borcea v. Carnival Corp.*, 19 Fla. L.W. Fed. D549a (S.D. Fla. Mar. 31, 2006) Order declaring federal statute unconstitutional and enjoining the imposition of fines imposed by the federal Seaman's Wage Act against Carnival Corp. during the pendency of class action.
- *Hartman & Tyner, Inc. v. Satz*, 12 Fla. L.W. Supp. 850a, (Fla. 17th Cir. 2005) Final judgment and permanent injunction for parimutuel owners against state attorney's enforcement of criminal laws that ban the operation of slot machines.
- *Animal Rights Foundation of Florida v. Siegel*, 867 So. 2d 451 (Fla. 5th DCA 2004) Reversal of preliminary injunction prohibiting publications of defamatory statements claiming that the plaintiff endorses animal abuse.
- *Lane v. MRA Holding, LLC*, 242 F. Supp. 2d 1205 (M.D. Fla. 2002) Order granting summary judgment against invasion of privacy claims arising from use of video of 17-year-old woman at Panama City Beach.
- *The Franklin Life Insurance Co. v. Davy*, 753 So. 2d 581 (Fla. 1st DCA 1999) Affirmance of jury verdict against multi-million dollar libel and tortious interference claims arising from alleged defamation in termination claim and reversal of jury verdict of \$1.2 million on breach of contract claim.

Honors

- AV Preeminent rating as independently determined by Martindale-Hubbell
- Florida *Super Lawyers*, 2006-23
 - “Top 100 Florida Lawyers,” 2015-17
 - “Top 100 Miami Lawyers,” 2014-17
- *The Best Lawyers in America*®, 1st Amendment Law, 1st Amendment Litigation, Media Law, Appellate Practice, Commercial Litigation, 1993-24
- *The Best Lawyers in America*®, Lawyer of the Year
 - MIA Litigation: 1st Amendment, 2014
 - MIA Media Law, 2014
- Chambers USA Nationwide First Amendment Litigation Notable Practitioners, 2009-18
- Benchmark Litigation Local Litigation Star 2013-15
- *Daily Business Review*
- *Aventura Magazine*, “Top Lawyers”
 - First Amendment Law, 2021-22
 - Communications Law, 2022
- Most Effective Public Interest Lawyer, 2015
- Most Effective Public Interest Lawyer Finalist, 2013
- Most Effective Pro Bono Lawyer Finalist, 2009
- Most Effective Public Interest Lawyer Finalist, 2008
- Most Effective First Amendment Lawyer, 2005
- PEN USA, Award of Honor, 2007
- *South Florida Business Journal* Key Partners, 2007-08, 2012
 - Legal, Litigation, 2014
- *South Florida Legal Guide*, Top Attorneys List, 2015-16
- *Florida Trend*, “Legal Elite,” 2004-08, 2010, 2014-17
- *The Independent Florida Alligator*, Hall of Fame
- E. Randolph Williams Award for Pro Bono Service, 2000-05, 2007-16

Publications & Presentations

- Media Law Commission, Union Internationale des Avocats, Florence, Italy
 - “Peut-On Rire du Tout,” panelist, 2015
 - “Protection of Journalists and Their Sources,” panelist, 2014
- Florida Bar
 - “U.S. Supreme Court First Amendment Decisions,” seminar chair, 2001-16
 - “Hot Topics in International Law,” International Litigation and Arbitration committee, panelist, 2015

- “Secret Recordings: How and When They Can Be Done,” Legal Learning Series, seminar chair, 2015
- Media Law Class of Professor Lidsky, University of Florida Levin College of Law, guest lecturer, 2015
- “Don’t Go to the Dark Side: Know Your First Amendment Rights,” Journalism day, Florida International University, speaker, 2014-15
- “Saudi Arabia Financing of 9/11 Attacks on the United States and ISIL,” Naples Sailing and Yacht Club, panelist, 2014
- Reporters Workshop, Florida Supreme Court
 - “Judicial Campaign Finance Restrictions,” panel moderator, 2015
 - “Libel: The Scourge of News Reporters,” panel chair, 2014
 - “Libel in Elections: A Case Study of *Greene v. Times Publishing Co.*,” seminar chair, 2013
 - “Journalism in the World of Social Media,” speaker, 2012
- Boardroom Communications Seminar for Lawyers and Law Firm Public Relations Personnel, Florida Bar Advertising Rules, panel chair, 2014
- “The Impact of the Declaration of Chapultepec: A 20th Anniversary Retrospective,” 31st Annual Journalists & Editors Workshop on Latin America and the Caribbean, moderator, 2014
- “Restrictions on Lawyer Speech in the Digital Age,” Learning Lawyer Series, Florida Bar New Advertising Rules, speaker, 2013
- “Advertising in the Digital Age,” Association of Professional Responsibility Lawyers, speaker, 2013
- “Is Freedom of Speech in Danger on the University of Florida Campus?,” Florida Free Speech Forum, speaker, 2012
- “The Next Big Thing: First Amendment Protection of Data Mining,” Media Law Resource Center, speaker, 2012
- Media and the Law seminar, speaker, 2012
- Communications Law, Practising Law Institute, faculty, 2007-11

Professional Associations & Memberships

- University of Florida Law Center Association, Inc., Board of Trustees, 2013-present
- Florida International University, Publications and Media Board, Present
- American Law Institute
 - *Restatement of the Law Third, Torts: Defamation and Privacy* Project, Adviser, 2019
- Florida Bar
 - U.S. Supreme Court First Amendment Decisions, Seminar Chair, 2001-19
 - Media and Communications Law Committee, Chair, 1991-92, 2009-10
 - Media Law Conference, Chair, 1990, 2010
- Union Internationale des Avocats

- Executive Committee, 2014-18
- Governing Board, 2014-18
- Deputy director for international relations, 2014-18
- Media Law Resource Center Defense Counsel Section, 1996-16
- American Bar Association
 - Forum Committee on Communications Law, 1990-16

Civic & Community Service

- Legal Services of Greater Miami
 - Major Law Firm Committee, 2008-14
 - Major Gifts Committee, 2015-16