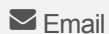


JAMES J. MCGUIRE

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Email



VCard

Jim is a litigation partner in TLo's Tampa office. His advice and advocacy protects clients in business litigation matters and in defamation, First Amendment, and intellectual property disputes, particularly trademark and copyright cases. He has represented and advised clients in a wide range of industries, including television, newspapers, motion pictures, aviation systems, nutritional supplements, office equipment, and website design. Jim has successfully litigated – or arbitrated – cases involving trademark infringement, false advertising, cybersquatting and other Lanham Act violations, unfair trade practices, antitrust violations, breach of contract, defamation, and invasion of privacy. Jim is also an experienced and accomplished appellate advocate.

Jim was selected as a member of Leadership Florida, Class XXXI. Before entering private practice, he was a judicial clerk for the Honorable Karen LeCraft Henderson on the U.S. Court of Appeals for the D.C. Circuit. Jim graduated first in his class from the University of North Carolina School of Law, where he won the West Publishing Company Book Award for highest GPA each of his three years.

Representative Matters

State Attorney's Office of 17th Jud. Cir. v. Cable News Network, Inc., ---So. 3d ---, 2018 WL 3569397 (Fla. 4th DCA 2018), *review denied* (Fla. 2018). On behalf of a consortium of media companies, obtained surveillance video of law enforcement's response to the Parkland school shooting. Trial court and appellate courts agreed with our arguments that a Public Records Act exemption for active criminal investigative information did not apply to the video, and that good cause supported release.

Tartell v. South Florida Sinus & Allergy Center, 790 F.3d 1253 (11th Cir. 2015). Convinced appellate court to reverse cybersquatting verdict and hold that plaintiff failed to establish trademark rights.

Salvani v. ADVFN PLC, 628 Fed. Appx. 784 (2d Cir. 2015). Obtained dismissal of claims under the Securities Exchange Act against a website publisher.

Canonico v. Calloway, 26 So. 3d 53 (Fla. 2d DCA 2010). Won decision dismissing defamation claim brought by reality-television producer against television network and reporter.

Quade v. Entertainment Events, Inc. (Amer. Arb. Ass'n, Case No. 13 140 Y 00169 07). Won million dollar breach-of-contract verdict for producer of off-Broadway plays.

Jews for Jesus, Inc. v. Rapp, 997 So. 2d 1098 (Fla. 2008). On behalf of a consortium of media companies, convinced Florida Supreme Court that Florida should not adopt the tort of false light invasion of privacy.

Xerox Corp. v. Smartech Document Management, Inc., 979 So. 2d 957 (Fla. 3d DCA 2007). Won decision ordering company and its principal to arbitrate dispute with Xerox.

Media General Operations, Inc. v. State, 933 So.2d 1199 (Fla.2dDCA 2006). Obtained ruling that the media is entitled to review motion seeking to seal discovery materials and that the motion itself cannot be sealed.

Tyne v. Time-Warner Entertainment, Co., 901 So.2d 802 (Fla. 2005). Persuaded Florida Supreme Court to affirm right of the producers of *The Perfect Storm* to create a movie



depicting historical events without having to seek consent of individuals portrayed in the movie.

Sarasota Herald-Tribune v. State, 924 So. 2d 8 (Fla. 2d DCA 2005). Convinced appellate court that crime scene photographs shown to jury in murder trial were subject to inspection by media.

Media General Convergence, Inc. v. Chief Judge of the Thirteenth Judicial Circuit, 840 So. 2d 1008 (Fla. 2003). Obtained ruling reversing appellate court and holding that records reviewed by Circuit Chief Judge were public records subject to inspection.

Appearances and Publications

Faculty Member, Media Advocacy Workshop, Forum on Communications Law, American Bar Association (2007, 2016)

Co-author, Survey of Eleventh Circuit Libel Law, Media Libel Law, Media Law Resource Center (2010-15).

Interviewed by WTSP-TV for television report about congressional effort to prohibit companies from censoring critical comments online.

Interviewed by WFLA-TV for television report about local business threatened with defamation lawsuit for posting negative comment on Yelp. <http://wfla.com/2015/09/14/bad-yelp-review-brings-threat-of-lawsuit-from-st-petersburg-salon/>.

Interviewed by Florida Times-Union for newspaper report about Chief Judge banning protests outside Duval County Courthouse. <http://jacksonville.com/news/metro/2015-07-06/story/lawyers-activists-call-chief-judges-protest-ban-jacksonville-courthouse>.

Panelist, Hot Topics in Media Law Workshop, Media and Communications Law Committee, Florida Bar (2008).

Author, *Schad v. Arizona: Diminishing the Need for Verdict Specificity*, 70 N.C.L. Rev. 936 (1992).

PRIMARY PRACTICES

Business Litigation

Media Law

Trademark & Copyright

Defamation & Invasion of Privacy

Appellate Law

EDUCATION

JD, University of North Carolina, 1993

MA, The Johns Hopkins University, 1989

BA, Brown University, 1985

BAR ADMISSIONS

Florida

District of Columbia

Middle District Florida

Southern District Florida

11th Circuit

D.C. Circuit

U.S. Supreme Court

RECOGNITIONS

Martindale-Hubbell AV Preeminent Peer Review Rated

Best Lawyers in America

Florida Super Lawyers

Florida Legal Elite

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

Florida Bar, Media & Communications Law Committee, former member

District of Columbia Bar, Member

American Bar Association's Forum on Communications Law

LITIGATION PERCENTAGE

100% of Practice Devoted to Litigation

PAST EMPLOYMENT POSITIONS

Hon. Karen L. Henderson, United States Court of Appeals for the District of Columbia Circuit,
Law Clerk, 1994

Holland & Knight LLP, Partner, 1999 - 2006

Howrey & Simon, Associate, 1994 - 1999