

Miami
305.789.9244
egalicia@fowler-white.com



Practice

Appellate

Admissions

Florida

U.S. District Court

Middle District of Florida

Southern District of Florida

U.S. Court of Appeals

Eleventh Circuit

U.S. Supreme Court

Education

University of Miami

School of Law, J.D., *cum laude*

Florida International University,

B.A., *summa cum laude*

Professional Honors

AV® Preeminent™ Peer Review

Rated, *Martindale-Hubbell*

The Best Lawyers in America®,

Appellate Practice, 2018-

Present

Top Rated Lawyer™, Appellate,

Martindale-Hubbell, 2015

Bar Register of Preeminent

Women Lawyers,

Martindale-Hubbell, 2011

Inaugural Edition

Award for Contributions to the

Trial Advocate Quarterly,

Florida Defense Lawyers

Association, 2005, 2011

South Florida Legal Guide,

Top Lawyers, 2020, 2021

An accomplished appellate attorney, Esther Galicia focuses her practice in civil appeals at all levels. With over 39 years of experience, she has participated in approximately 400 appellate proceedings, and in excess of 140 of those proceedings have resulted in published appellate decisions.

Esther has presented oral arguments before the Florida Supreme Court and the Eleventh Circuit Court of Appeals. She regularly appears before all five of Florida's District Courts of Appeal.

Practice Focus

Attorneys and clients benefit from Esther's combined knowledge of appellate practice and experience with various substantive areas of law, such as medical and professional malpractice, premises liability, automobile liability, products liability, insurance coverage, breach of contract and commercial litigation, as well as the procedural and evidentiary aspects of the law.

In addition, Esther provides litigation and trial support and appellate counseling. In this role, she works closely with litigators to develop legal strategies that strengthen a client's position and identifies possible appellate issues that may arise during trial. Esther's involvement at the trial stage helps to position a matter for a favorable outcome, whether at the trial court level or on appeal.

At the forefront of legal issues, Esther monitors legal developments and cases currently before the courts to alert attorneys and clients of any changes that may impact active cases. For more than 20 years (from 1997 through 2019), she was also a regular contributing author to the Florida Defense Lawyers Association's Trial Advocate Quarterly.

Representative Legal Matters

Florida Supreme Court

- *D'Angelo v. Fitzmaurice*, 863 So. 2d 311 (Fla. 2003).
- *Gonzalez v. Metropolitan Dade County Public Health Trust*, 651 So. 2d 673 (Fla. 1995).

U.S. Court of Appeals

- *Valente v. J.C. Penney Corp., Inc.*, 437 Fed. App'x 858 (11th Cir. 2010).
- *Holmes v. West Palm Beach Housing Authority*, 309 F. 3d 752 (11th Cir. 2002).
- *Gold Coast Publications, Inc. v. Corrigan*, 42 F. 3d 1336 (11th Cir. 1994).

Florida District Courts of Appeals

- *The River Front Master Assn., Inc. v. North Investment Group, LLC*, No. 3D23-142, 2024 WL 4610778 (Fla. 4th DCA Oct. 30, 2024).
- *Waterside at Boynton Homeowners' Association, Inc. v. Southern Homes of Palm Beach, LLC*, 373 So. 3d 351 (Fla. 4th DCA 2023).
- *Arocho v. Eight & First, LLC*, 386 So. 3d 971 (Fla. 3d DCA 2023).
- *Fain v. Soca*, 338 So. 3d 6 (Fla. 3d DCA August 23, 2023).
- *Fairway Oaks Community v. Habitat for Humanity of Jacksonville, Inc.*, 292 So. 3d 553 (Fla. 1st DCA 2020).
- *Marco Marine Constr., Inc. v. Kopras*, 268 So.3d 259 (Fla. 2d DCA 2019).

Representative Legal Matters (Continued)

Florida District Courts of Appeals Continued

- *Mount Vernon Fire Insurance Co. v. New Moon Management Inc.*, No. 3D16-2243, 2018 WL 844131, 43 Fla. L. Weekly D395 (Fla. 3d DCA Feb. 14, 2018).
- *Trujillo v. Franklin-Dodd Communications*, 2016 WL 3747131 (Fla. 3d DCA 2016).
- *Middleton v. Hager*, 179 So. 3d 529 (Fla. 3d DCA 2015).
- *Royal Palm Hotel Property, LLC v. Deutsche Lufthansa Aktiengesellschaft, Inc.*, 133 So. 3d 1108 (Fla. 3d DCA 2014).
- *Vallejos v. Lan Cargo S.A.*, 116 So. 3d 545 (Fla. 3d DCA 2013).
- *Sugar v. Guardianship of Stern*, 109 So. 3d 809 (Fla. 3d DCA 2013).
- *The King's Academy, Inc. v. Doe*, 29 So. 3d 439 (Fla. 4th DCA 2010).
- *Hauss v. Waxman*, 914 So. 2d 474 (Fla. 4th DCA 2005).
- *Stockwell v. Drake*, 901 So. 2d 974 (Fla. 4th DCA 2005).
- *De Souza v. Ortiz*, 901 So. 2d 269 (Fla. 4th DCA 2005).
- *Marin v. Dealer Network Association, Inc.*, 870 So. 2d 857 (Fla. 3d DCA 2004).
- *Wright v. American Multi-Media, Inc.*, 866 So. 2d 218 (Fla. 3d DCA 2004).
- *Abifaraj v. Florida Birth-Related Neurological Injury Compensation Ass'n*, 844 So. 2d 751 (Fla. 1st DCA 2003).
- *Gouveia v. Phillips*, 823 So. 2d 215 (Fla. 4th DCA 2002).
- *Lincoln Insurance Co. v. Home Emergency Services, Inc.*, 812 So. 2d 433 (Fla. 3d DCA 2001)(en banc).
- *Gayon v. Bally's Total Fitness Corp.*, 802 So. 2d 420 (Fla. 3d DCA 2001).
- *Luster v. West Palm Beach Housing Authority*, 801 So. 2d 122 (Fla. 4th DCA 2001).
- *Waxman v. Truman*, 792 So. 2d 657 (Fla. 4th DCA 2001).
- *DeGale v. Krongold, Bass & Todd*, 733 So. 2d 630 (Fla. 3d DCA 2000).
- *Hall v. Anwar, M.D.*, 774 So. 2d 41 (Fla. 2d DCA 2000).
- *Torres v. Matsushita Electric Corp.*, 762 So. 2d 1014 (Fla. 5th DCA 2000).
- *Levin ex rel. Levin v. Welleby Management Ass'n, Inc.*, 757 So. 2d 531 (Fla. 4th DCA 2000).
- *Williams v. Infinity Insurance Co.*, 745 So. 2d 573 (Fla. 5th DCA 1999).
- *Desimone v. Old Dominion Insurance Co.*, 740 So. 2d 1233 (Fla. 4th DCA 1999).
- *Subramanian v. Health Foundation Support Services of South Florida, Inc.*, 732 So. 2d 442 (Fla. 3d DCA 1999).
- *Allstate Insurance Co. v. Mazzorana*, 731 So. 2d 38 (Fla. 4th DCA 1999).
- *Nicholson v. Hospital Corp. of America*, 725 So. 2d 1264 (Fla. 4th DCA 1999).
- *Miami Stage Lighting, Inc. v. Budget Rent-A-Car Systems, Inc.*, 712 So. 2d 1135 (Fla. 3d DCA 1998).
- *Moreno v. Allen*, 692 So. 2d 957 (Fla. 3d DCA 1997).
- *Paul v. Humana Medical Plan, Inc.*, 682 So. 2d 1119 (Fla. 4th DCA 1996).
- *Standard Fish Co., Ltd. v. 7337 Douglas Enterprises, Inc.*, 673 So. 2d 503 (Fla. 3d DCA 1996).
- *Link v. Wolpowitz*, 662 So. 2d 426 (Fla. 4th DCA 1995).
- *Perez v. George, Hartz, Lundeen, Flagg & Fulmer*, 662 So. 2d 361 (Fla. 3d DCA 1995).
- *Lennar Homes, Inc. v. Gabb Const. Services, Inc.*, 654 So. 2d 649 (Fla. 3d DCA 1995).
- *Healthtrust, Incorporated-the Hosp. v. Saunders*, 651 So. 2d 188 (Fla. 4th DCA 1995).
- *Spancrete, Inc. v. Ronald E. Frazier & Associates, P.A.*, 630 So. 2d 1197 (Fla. 3d DCA 1994).
- *Haywood v. Samai*, 624 So. 2d 1154 (Fla. 4th DCA 1993).
- *Nuta v. Genders*, 617 So. 2d 329 (Fla. 4th DCA 1992).
- *Plemendon v. Fernandez*, 602 So. 2d 1379 (Fla. 4th DCA 1992).
- *Walgreens, Inc. v. Newcomb*, 603 So. 2d 5 (Fla. 4th DCA 1992).
- *Dauids v. A.R.A. Services, Inc.*, 572 So. 2d 14 (Fla. 3d DCA 1990).
- *Keane v. Andrews*, 574 So. 2d 165 (Fla. 4th DCA 1990).
- *Weiner v. Prudential Mortg. Investors, Inc.*, 557 So. 2d 684 (Fla. 3d DCA 1990).
- *Mankowitz v. Staub*, 553 So. 2d 1299 (Fla. 3d DCA 1989).
- *Maler By and Through Maler v. Barad*, 541 So. 2d 684 (Fla. 3d DCA 1989).

Professional Associations and Memberships

- The Florida Bar, 1985-Present
 - Committee on Professionalism, 2017-2018
 - Appellate Practice Section (Charter Member), 1993-Present
 - Eleventh Judicial Circuit Grievance Committee 11 "D", 2009-2012
 - Vice-Chair 2012
- Dade County Bar Association, 1986-Present
 - Appellate Court Committee, 1997-1998
- Dade County Defense Bar Association, 2009-Present
- American Bar Association, 1986-1991
- Broward County Bar Association, 1995-Present
 - Appellate Practice Section, 1998-2001
- Broward County Hispanic Bar Association, 2006-2013
 - Recording Secretary, 2006-2008
- Cuban American Bar Association, 1986-1995; 2007-Present
- Defense Research Institute, 1997-Present
 - Appellate Advocacy Committee, 2008-Present
- Florida Association of Women Lawyers, 1986-1988
- Florida Defense Lawyers Association (FDLA), 1997-Present
 - Editorial Board Member of the *Trial Advocate Quarterly*, 1997-Present
 - FDLA/Florida Justice Association Medicare Committee, 2009-Present
- Rosemary Barkett Appellate America Inn of Court (Bencher), 2009-2012
- Third DCA Historical Society (Charter Member), 2008-Present

Speaking Engagements

- Co-Presenter, "Preserving Your Right to Appeal: The Ins and Outs of the Appellate Brief; Oral Argument Considerations and Techniques," National Business Institute Seminar, 2006.
- Lecturer, "General Liability Case Law Update," Florida Liability Claims Conference, Florida Defense Lawyers Association, 2001.

Publications

- Author, "Presentation of Evidence Supporting Reasonableness of Attorney Fees - What Attorneys Need to Know," *Daily Business Review*, September 12, 2022
- Author, "Amendments to Florida's Rules Permanently Authorize Remote Court Proceedings - What Attorneys Need to Know," *Daily Business Review*, August 17, 2022
- Author, "Ex Parte Communications with the Judge - What Attorneys Need to Know," *Daily Business Review*, July 27, 2022
- Author, "Waiver of the Attorney-Client Privilege - What Attorneys Need to Know," *Daily Business Review*, July 26, 2022
- Author, "Fowler White Litigation & Appellate Alert: Punitive Damages - What Attorneys Need To Know," Fowler White Burnett Alert, January 2022
- Co-Author, "Family Law Client Alert: COVID-19, Co-Parenting, and Your Florida Family Court Case," Fowler White Burnett Client Alert, April 2020
- Co-Author, Florida Product Liability & Complex Torts Law Compendium: Attorney-Client Privilege (Florida Section), ALFA Int'l, forthcoming 2019
- Author, "Recent Legal Developments," *Trial Advocate Quarterly*, Florida Defense Lawyers Association, 1997-2019
- Co-Author, Florida Product Liability & Complex Torts Law Compendium: Pre-Injury Waivers/Releases (Florida Section), ALFA Int'l, 2017
- Author, "3rd District Issues Favorable Decision for Defendants Regarding Plaintiff's Discovery of Defendant's Work Product," Fowler White Burnett, P.A. Legal Alert, October 5, 2015, Re-published by *JD Supra Business Advisor*, October 6, 2015.
- Applied Retroactively," Fowler White Burnett, P.A. Legal Alert, June 1, 2015, Re-published by *JD Supra Business Advisor*, June 10, 2015.
- Author, "The 4th District Adheres To Rule Limiting Discovery Of Expert Witness's Earnings And Financial Information," Fowler White Burnett, P.A. Legal Alert, May 5, 2015; Re-published by *JD Supra Business Advisor*, May 11, 2015.

Publications (Continued)

- Author, "Florida Supreme Court Holds That Exculpatory Clauses Are Not Required To Include The Terms "Negligence" Or "Negligent Acts" In Order To Bar A Negligence Action," Fowler White Burnett, P.A. Legal Alert, February 19, 2015; Re-published by *JD Supra Business Advisor*, February 20, 2015.
- Author, "Florida Supreme Court Holds that Statutory Caps on Noneconomic Damages in Medical Malpractice Cases Cannot be Author, "A Claimant May Be Deposed Before Shown Surveillance Materials," Fowler White Buirnett, P.A. Legal Alert, January 29, 2015; Re-published by *JD Supra Business Advisor*, January 30, 2015.
- Author, "Photographs Posted on Facebook are Discoverable," Fowler White Burnett, P.A. Legal Alert, January 26, 2015; Re-published by *JD Supra Business Advisor*, January 28, 2015.
- Co-Author, "Product Liability Cases and the Duty to Warn: A 50 State Compendium" (Florida Section), *The Defense Research Institute Defense Library Series*, 2007.
- Author, "Permissible Ex Parte Communications with Health Care Providers After Acosta v. Richter - The Vicarious Liability Exception to Patient Confidentiality," *Trial Advocate Quarterly*, Florida Defense Lawyers Association, Fall 1997.