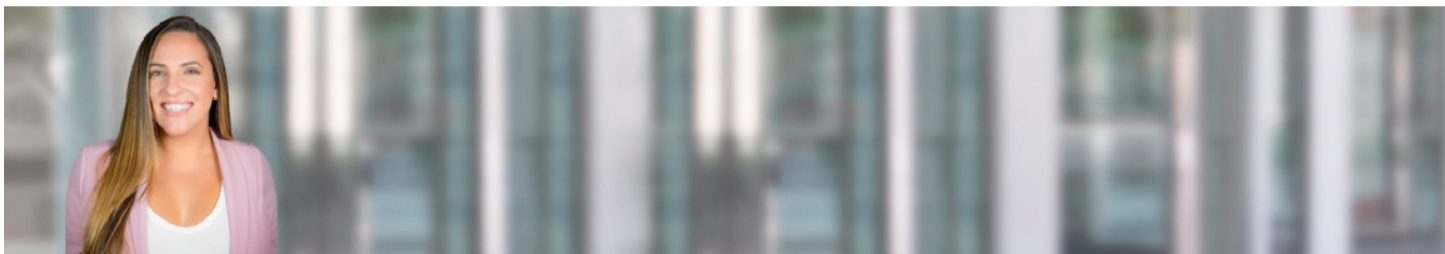


Giselle Gutierrez



Shareholder

Miami Office

ggutierrez@stearnsweaver.com

Phone: 305-789-3371

PRACTICE AREAS

Labor & Employment

Litigation & Dispute Resolution

International

Cannabis Law

Appellate

LANGUAGES

Spanish

OVERVIEW

Giselle Gutierrez is a Shareholder in the Labor & Employment and Litigation Departments. Her labor and employment experience includes representing clients before administrative agencies (such as the EEOC and the NLRB) and federal and state courts in cases involving employment discrimination, retaliation, unpaid wages, defamation and claims under the FMLA, ADA, ADEA, Title VII, and more. Giselle also handles non-compete and employment contract litigation, and counsels clients on data security issues.

Giselle provides advice and counseling to employers to minimize the risk of litigation. She counsels clients in all aspects of employment, including, employment and age discrimination; wage and hour practices; accommodation of disabilities; family and medical leave; employee discipline, evaluation and discharge; reductions-in-force; drug abuse and testing; and workplace privacy. In addition, Giselle frequently conducts seminars and trainings for clients and professional organizations on labor & employment laws.

Giselle clerked for The Honorable Paul C. Huck, United States District Judge for the Southern District of Florida. Judge Huck sat, by designation, as a member of a United States Circuit Court appellate panel five times during Giselle's clerkship, and she gained valuable insight into the workings of and practice before the federal appellate courts as well as the District Court.

Prior to joining the Firm, Giselle was a judicial intern for The Honorable Virginia M. Hernandez Covington of the United States District Court for the Middle District of Florida and for The Honorable Marcia G. Cooke of the United States District Court for the Southern District of Florida.

REPRESENTATIVE EXPERIENCE

Obtained summary judgment victory in federal court for multinational food distributor against former employee seeking overtime wages due to alleged misclassification.

Obtained judgment in federal court trial for excess completion cost damages, attorneys' fees and costs, on behalf of municipality against surety arising from surety's breach of performance bond involving two components of \$120 million public works project.

Obtained victory for client after evidentiary hearing in defense of a motion for temporary restraining order in a case involving a non-compete agreement.

Obtained favorable settlement for client resulting in dismissal of age discrimination case.

Assisted in obtaining a favorable settlement, on behalf of a professional basketball team, of a dispute with the architects of its arena.

Experience includes labor and employment defense, contract disputes, business torts, False Claims Act cases, and professional malpractice defense.

Conducts trainings on a variety of topics, including workplace harassment, EEO compliance, FMLA, ADA, military leave, workplace violence, litigation prevention, background checks, and layoffs.

Develops employee handbooks and supervisor manuals for employers of all sizes and industries.

Assists clients in drafting enforceable employment, consulting, nondisclosure, and noncompetition agreements.

Conducts internal audits to identify potential legal problems under labor and employment laws.

Pro Bono: Represents children who were victims of crimes in Latin America in obtaining U.S. visas.

PROFESSIONAL & COMMUNITY INVOLVEMENT

Cuban American Bar Association

Executive Board, President-Elect, 2022

Executive Board, Vice President, 2020-2021

Executive Board, Treasurer, 2018 and 2019

Executive Board, Secretary, 2017

Board of Directors, 2016-Present

Judicial Committee Co-Chair, 2016

Night with the Marlins (benefiting CABA Pro Bono Project), Chair, 2016-Present

5K Committee, Member, 2013; Vice-Chair, 2014; Co-Chair, 2015; Chair, 2016

Young Lawyers Committee, 2013-Present; Chair, 2016

Events Committee, Vice-Chair, 2016; Co-Chair, 2017-2018

Membership Committee, Vice-Chair, 2016

Art in the Tropics Committee, 2015-Present

CABA on Cuba Committee Member, 2016-Present

Florida Bar Young Lawyers Division Board of Governors, 2018-Present

Access to Justice Webinar Committee, 2019

Affiliate Outreach Conference Committee, 2019

CLE and Sponsorship Committee, 2019

Long Range Planning Committee, 2019

Practicing with Professionalism Committee, 2018

Inclusion and Equality Committee, 2018-Present

Law Student Division Committee, 2018

The Florida Bar

Pro Bono Legal Services Committee, 2019

Federal Bar Association, Law Clerk Committee, 2015-Present

Florida Association for Women Lawyers (FAWL), 2016

Legal Services of Greater Miami, Small Claims Clinic, 2015

Big Brothers Big Sisters of Miami, Mentor, 2016

RECOGNITION

Best Lawyers: Ones To Watch in America, 2022

South Florida Legal Guide, Top Up and Comer, 2020-2021

Florida Super Lawyers, Rising Star, 2018-2022

40 Under 40 Outstanding Lawyers, South Florida, Cystic Fibrosis Foundation, 2018

Frank E. Maloney Award for Outstanding Candidate, *Florida Law Review*

PUBLICATIONS & PRESENTATIONS

Events, Firm Announcements, In the Media, Labor & Employment News Update, Publications: **Breaking Through the Noise: Labor & Employment Issues Post-Pandemic**

Stearns Weaver Miller News Program Special || June 2021

Events, Firm Announcements, In the Media, Labor & Employment News Update, Publications: **Breaking Through the Noise: Labor & Employment Issues Post-Pandemic**

Stearns Weaver Miller News Program Special || June 2021

Events: [5 Tips to Help Avoid Employment Lawsuits](#)

Coral Gables Chamber of Commerce | | September 2019

Publications: [Religious Discrimination: Gone Today, Hair Tomorrow](#)

BeLabor the Point Blog | August 2019

Events: [Meet the Gang Part II – Wage and Hour Hot Topics, Marijuana Update and FMLA/ADA/Workers’ Comp Interplay](#)

Stearns Weaver Miller's 29th Annual Labor and Employment Law Seminar | | May 2019

Events: [All Rise! Decisions that are Changing the Way You Do Business](#)

Stearns Weaver Miller's 28th Annual Labor and Employment Law Seminar | | April 2018

Events: [Federal Court Practice: Some Words of Advice \(and Caution\) for Lawyers Newly-Admitted to the Southern District of Florida](#)

Federal Court Orientation for Newly-Admitted Members in the Southern District of Florida | | April 2018

Events: [Florida Employment Laws](#)

Sanchelima & Associates | | March 2018

Events: [The How-Tos We Do Not Learn In Law School](#)

The Florida Bar, Basic Business Litigation Course | | February 2018

Publications: [Morale Makes Money: How Starbucks Raised The Bar\(ista\)... Again](#)

BeLabor the Point Blog | January 2018

Events: [What In-House Counsel Needs to Know about Employment Laws](#)

Desayuno con CABA | | January 2018

Publications: [Massachusetts: Medical Marijuana May Be “Reasonable Accommodation”—Still No Guidance In Florida](#)

BeLabor The Point Blog | August 2017

Events: [Employment Law Update: Medical Marijuana, Paid Sick Leave, Arbitration, Trade Secrets Act Seminar](#)

Doral Chamber of Commerce | | July 2017

Events: [The Times, They Are A-Changin’: Medical Marijuana, Paid Sick Leave, Arbitration, Trade Secrets Act](#)

Stearns Weaver Miller's 27th Annual Labor and Employment Law Seminar | | May 2017

Publications: [Google’s Pay Policy: Good? Or Too Good to be True?](#)

BeLabor The Point Blog | April 2017

Events: [What Every Employer Needs to Know about Labor and Employment Laws in Florida](#)

Doral Chamber of Commerce | | March 2017

Publications: [The EEOC Rings Out 2016 with End of the Year Stats](#)

Events: [Florida Advanced Skills for Wage and Hour Compliance](#)

2016 FLSA Master Class | | October 2016

Publications: [When a Florida Employee Jumps Ship: Welcome to the Temporary Injunction Sprint](#)

BeLabor the Point Blog | August 2016

Events: [All Aboard the FMLA Express](#)

Stearns Weaver Miller's 26th Annual Labor and Employment Law Seminar | | May 2016

Events: [2015 Amendments to Federal Rules of Civil Procedure](#)

Stearns Weaver Miller | | February 2016

Publications: [Florida Employment Law Manual](#)

Florida Chamber of Commerce | January 2013

Publications: [Comment, Hurd v. Espinoza: "Third-Party Confidential Information" in Delaware Corporate Litigation](#)

Florida Law Review | January 2012

NEWSROOM

Events, Firm Announcements, In the Media, Labor & Employment News Update, Publications: [Breaking Through the Noise: Labor & Employment Issues Post-Pandemic](#)

Stearns Weaver Miller News Program Special | | June 2021

Events, Firm Announcements, In the Media, Labor & Employment News Update, Publications: [Breaking Through the Noise: Labor & Employment Issues Post-Pandemic](#)

Stearns Weaver Miller News Program Special | | June 2021

Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in 2021 Florida Super Lawyers](#)

| June 2021

In the Media: [Hear from Marlins, Fisher Island and EEOC leaders about post-COVID labor issues](#)

Miami Herald | | June 2021

Firm Announcements: [Giselle Gutierrez Re-elected As A Vice President of Cuban American Bar Association \(CABA\)](#)

| January 2021

Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in 2020 Florida Super Lawyers](#)

| June 2020

Firm Announcements: [Giselle Gutierrez Elected Vice President of Cuban American Bar Association \(CABA\)](#)

| January 2020

Firm Announcements: Stearns Weaver Miller Names Five New Shareholders

| November 2019

Firm Announcements: Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2019

| June 2019

Firm Announcements: Giselle Gutierrez Re-Elected to Cuban American Bar Association (CABA) Board of Directors

| November 2018

Firm Announcements: Giselle Gutierrez and Ryan Thornton Named Among 40 Under 40 Outstanding Lawyers of South Florida by Cystic Fibrosis Foundation

| October 2018

Firm Announcements: Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2018

| June 2018

In the Media: ¿Necesita ayuda legal? Una asociación en Florida ofrece asesoría gratuita para los más necesitados

Univision Interview || April 2018

Firm Announcements: Giselle Gutierrez Re-Elected to Cuban American Bar Association (CABA) Board of Directors

| February 2017

Firm Announcements: Stearns Weaver Miller Presents 26th Annual Labor & Employment Law Seminar

| March 2016

Firm Announcements: Giselle Gutierrez Joins Cuban American Bar Association (CABA) Board of Directors

| February 2016

EDUCATION

J.D., *magna cum laude*, University of Florida Levin College of Law, 2012

Florida Law Review, Research Editor & Special Works Editor

Book Awards: Constitutional Law; Criminal Procedure; Interviewing, Counseling & Negotiation; Legal Analysis, Research & Writing II; Legal Drafting; Media Law; and Mediation Advocacy

B.A., *cum laude*, Florida International University, 2009

ADMISSIONS

Florida

United States District Court for the Northern, Middle and Southern Districts of Florida

United States District Court for the Northern District of California, admitted *pro hac vice*

United States Court of Appeals for the Eleventh Circuit