

## **SONIA ESCOBIO O'DONNELL**

501 BRICKELL KEY DRIVE

SUITE 505

MIAMI, FLORIDA 33131

305 640 8958

SEO@SONIAODONNELL.COM



Following her clerkship for the Honorable Peter T. Fay in the United States Court of Appeals for the Fifth Circuit, Sonia Escobio O'Donnell became an assistant U.S. Attorney for the Southern District of Florida where she was involved in civil and criminal trials and appellate litigation. As an assistant for approximately 16 years, she participated in criminal cases, wrote and argued criminal appeals, supervised the appellate division and became the Executive Assistant U.S. Attorney and Special Counsel to the U.S. Attorney. As the Executive Assistant she had management and supervisory duties for all areas of the office, she reviewed and approved indictments, coordinated and created the program for the Drug Task Force in Miami (HIDTA) and drafted and/or argued major motions in high-profile criminal cases. As Special Counsel to the U.S. Attorney, she advised the U.S. Attorney on major legal issues in the office. She was assigned to the civil division for three years where she defended lawsuits against the United States including constitutional actions against federal agents (Bivens cases), The False Claims Act, The Federal Tort Claims Act, The Freedom of Information Act and she brought affirmative civil cases including those involving health care civil fraud.

In private practice Ms. O'Donnell represents corporations in civil litigation in both the trial and appellate levels. She advises clients on issues of grand jury subpoenas and white collar defense. She represents

### **Education**

University of Florida (J.D.  
1977)

University of Florida (B.S.  
1974)

### **Clerkships**

Judge Peter T. Fay, U.S.  
Court of Appeals, Fifth  
Circuit

### **Court Admissions**

United States Supreme  
Court  
U.S. Court of Appeals, Fifth  
Circuit  
U.S. Court of Appeals,  
Ninth Circuit  
U.S. District Court, Middle  
District of Florida  
U.S. District Court,  
Southern District of Florida

### **Languages**

Spanish

criminal defendants in federal courts on issues involving the Food Drug and Cosmetic Act, Medicare Fraud, RICO, narcotics violations, Hobbs Act and other federal charges. She has litigated against federal agencies in administrative proceedings as well as in federal district court. She has litigated, at both the trial and appellate levels, issues of Indian law, including tribal sovereignty and immunity and Indian gaming (Indian Gaming Regulatory Act). She has also litigated numerous environmental cases in federal trial and appellate courts involving violations of the Clean Water Act, the Endangered Species Act, NPDES permits as well as challenges to environmental consent decrees and to state statutes that violate the Clean Water Act. Both as an Assistant U.S. Attorney and in private practice she is often called on to provide legal advice on complex issues, including jurisdictional issues, international law issues, and lawsuits against government agencies. Most recently she was hired to attend and advise in the criminal homicide trial in Costa Rica of American Ann Bender.

She has filed merits and amicus briefs, as well as certiorari petitions, in the United States Supreme Court. She has briefed and argued hundreds of cases in federal appellate courts and has also briefed and argued cases in the state courts. She has presented over fifty oral arguments in federal and state appellate courts.

### Representative Experience

- *SFWMD v. Miccosukee Tribe of Indians of Florida*, 541 U.S. 95 (2004). The Tribe sued the South Florida Water Management District to enforce the Clean Water Act. The Supreme Court ruled in favor of the Tribe on the question presented and remanded for further proceedings (Supreme Court Brief)
- *Ann Patton Bender*, 10-00049-219-Perez Zeledon (2015). (Consult at homicide trial of American Ann Bender in Costa Rica)
- *United States v. Noriega*, No. 88-0079-CR (S.D. Fla.). Head-of-state issues, international jurisdiction issues, sixth amendment issues based on recording by prison officials of General Noriega's prison conversations (trial level).
- *Negrete v. Allianz*, 523 F.3d 1091 (9th Cir. 2008) reversal of trial court's finding that it had jurisdiction to prohibit class action defendant from settling cases in other forums that might affect claims of class members before that court (appeal)
- *United States v. Cortez*, 757 F.2d 1204 (11th Cir. 1985). Case involving federal charges against officials of the Cuban government for narcotics trafficking (appeal).
- *Miccosukee Tribe of Indians of Florida v. EPA*, 105 F.3d 599 (11th Cir. 1997) and unpublished opinion, 1998 WL 1805539 (S.D. Fla. 1998). Clean Water Act challenge to Florida's Everglades Forever Act (trial level and appeal)

- *Miccosukee Tribe of Indians of Florida v. USA*, No. 04-21448 (S.D. Fla.) District Court and Appellate Proceedings involving enforcement of court order in environmental litigation
- *Miccosukee Tribe of Indians of Florida v. USA*, No. 10-23507-10-23511 (S.D. Fla.). Challenge to IRS Summonses for Tribal records involving issues of Tribal sovereign immunity (trial level)
- *Center for Biological Diversity v. Salazar*, No. 09-01684 (D.D.C.). This matter involved a critical habitat designation for the Cape Sabal Seaside Sparrow. (Intervenor/trial level)
- *Miccosukee Tribe of Indians of Florida v. Kraus-Anderson Construction Co.*, No. 04- 22774 (S.D. Fla.); No. 07-13039 (11th Cir.). Petition for writ of certiorari to the United States Supreme Court regarding federal question jurisdiction in an action to enforce a Tribal court judgment and supplemental brief in response to Solicitor General's brief
- *Miccosukee Tribe of Indians of Florida. v. State*, 656 So. 2d 505 (Fla. 3d DCA 1995). Case against the State of Florida involving request for rulemaking to set phosphorus
- *United States v. Casamayor*, 837 F.2d 1509 (11th Cir. 1988). Racketeering (RICO) and conspiracy case against police chief and other members of Key West Police Department (appeal).
- *United States v. Sardinas*, 386 Fed. Appx. 927 (11<sup>th</sup> Cir.2010) (reversal of conviction of Raydel de Armas on challenge to sufficiency of the evidence) (appeal)
- *United States v. Marino-Garcia*, 679 F.2d 1373 (11th Cir. 1982) - challenge to federal statute's extension of United States jurisdiction over stateless vessels on the high seas; *United States v. Romero-Galve*, 757 F.2d 1147 (11th Cir. 1985) - challenge to federal statute's extension of jurisdiction to foreign vessels on the high seas (appeals).
- *Florida Paraplegic, Ass'n. v. Miccosukee Tribe of Indians of Florida*, 166 F.3d 1126 (11th Cir. 1999). Tribal sovereignty decision in which the Eleventh Circuit found that the Americans with Disabilities Act did not provide a private cause of action against Indian Tribes (appeal).
- *Tamiami Partners, Ltd. v. Miccosukee Tribe of Indians of Florida*, 177 F.3 d 1212 (11th Cir. 1999). Involved issues of contract, jurisdiction, sovereign immunity and the Indian Gaming Regulatory Act (trial level and appeal).

- *Lobo v. Miccosukee Tribe of Indians of Florida*, Eleventh Circuit case no. 07-15073 - JJ. (The Eleventh Circuit found that the Fair Labor Standards Act did not apply to Indian Tribes (appeal).
- *Friends of the Everglades v. SFWMD*, No. 02-80309, 2006 WL 3635465 (S.D. Fla. Dec. 11, 2006) (trial level and appeal).
- *Chace v. Medical Savings Insurance Company*, No. SC13-1171 (Mandamus, Florida Supreme Court, filed May 29, 2013).
- *Transamerica Life Insurance Company v. The Life Insurance Trust of Robin Schwartz*, No. 2:13-cv-02711-LDW-GRB (E.D.N.Y., filed May 6, 2013) (Interpleader Action at trial court level)

## Publications

Co-Author, "New Department of Justice Memo to Increase Prosecutions of White Collar Executives and Other Employees" (2015)

Co-Author, "Criminal Appeals for the Mostly Civil Lawyer" (ABA Litigation, Appellate Practice, 2014)

"Law Firm Appellate Practice and How a Former Prosecutor Got There" (ABA Litigation, Woman Advocate, 2014)

Co-Author, "TD Bank Learns the Hard Way: Anti-Money Laundering Law is about More Than Terrorists" (ExpectFocus, Vol. IV, 2013)

"A Practitioner's Guide to Appellate Advocacy" (Chapter, Eleventh Circuit Rules and Procedures, 2010)

## Speaking Engagements

- Panelist, "The "Scandalous" Pella Class Action - A Cautionary Tale for Rule 23 Settlements," 2015 IADC Midyear Meeting, Marco Island, FL (February 18, 2015)

- Moderator, "Women General Counsel to Know," Women of the Section of Litigation Conference: Leading, Litigating, and Connecting (ABA), Chicago, IL (November 6, 2014)

- Panelist, "Meet the ABA SEER," ABA Section of Environment, Energy, and Resources, University of Miami, Coral Gables, FL (September 3, 2014)

- Panelist, "Opening Statements and Closing Arguments 101," ABA Section of Litigation, Webinar (April 24, 2014)

- Panelist, "For the Record, from Start to Finish: Your Case on Appeal Can Be Greatly Improved by Focusing on Potential Appellate Issues at Every Step of the

Litigation Process," ABA Section Annual Conference (SAC), Scottsdale, AZ (April 11, 2014)

- Instructor, United States Attorney General's Appellate Advocacy Institute, Department of Justice, Washington, D.C. (Criminal Appeals) (1987, 1998) (Civil Appeals) (1990)
- Panelist, Florida Bar First Amendment Seminars (2000, 2001, 2002)
- Panelist, "Winning Strategies for Jury Instructions," ABA TIPS Annual Spring CLE and Leadership Forum (2001).
- St. Thomas University School of Law, Graduate Program in Intercultural Human Rights, Seventh Tribal Sovereignty Symposium (Steering Committee)