



# Rachel A. Oostendorp

OF COUNSEL

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## Overview

Rachel Oostendorp's practice focuses on appellate litigation and trial support in federal and state courts, with a special interest in constitutional law, including First Amendment and defamation. She also works on state and local government issues, including access to government-held information and local referenda challenges and initiatives.

Rachel assists with all aspects of appeals and litigation, including drafting dispositive trial motions and appellate briefs, preparing jury instructions and other trial support, and evaluating appellate issues. She often assists lawyers inside and outside the firm in preparation for appellate oral argument, including by participating in moot court sessions. Rachel is also active in pro bono matters at both the trial and appellate level, including amicus briefs.

Rachel clerked for the Honorable Adalberto Jordan of the U.S. Court of Appeals for the Eleventh Circuit, and the Honorable Beth Bloom of the U.S. District Court for the Southern District of Florida.

Prior to clerking, Rachel served as a fellow in the Georgetown University Law Center's Women's Law and Public Policy Fellowship Program, where she supported litigation and global policy advocacy by and for women living with HIV. She also holds a master's degree in public health from the University of Michigan.

## Areas of Focus

# Practices

- [Life, Annuity, and Retirement Litigation](#)
- [Appellate & Trial Support](#)
- [Litigation and Trials](#)

# Insights

08.30.2023

[More on Competent Summary Judgment Evidence: The Rule Does Not Just Apply to Affidavits](#)

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08.10.2023

[Properly Joining in an Appellate Brief Filed in a Separate Appeal](#)

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01.27.2023

[Mootness: Can a Plaintiff Dismiss a Defendant's Appeal of An Injunction the Plaintiff No Longer Needs?](#)

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02.10.2022

[How to Avoid Getting Shot Down – A Primer on Shotgun Pleadings](#)

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11.11.2021

[Properly Joining in a Co-Party's Brief or Motion to Avoid Waiver Issues: Further Considerations for Fact-Specific Arguments](#)

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07.22.2021

[Fifth Circuit Says Compelling Lawyers to Join State Bar May Violate First Amendment Rights](#)

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05.21.2021

[Major Changes Yet Some Things Stay the Same: A Follow Up on the Three "Musts" for a Competent Affidavit or Declaration in Light of Florida's Newly Amended Summary Judgment Rule](#)

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04.15.2021

[Moving for Judgment as a Matter of Law: How Specific Must You Be?](#)

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10.12.2020

Preserving Arguments: Playing “Hide the Ball” Can Be Costly

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07.08.2020

Rejecting Precedent: What Cases About Abortion Rights and the Sixth Amendment Teach Us About Preserving Objections to Existing Case Law

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06.25.2020

Florida Legislative Amendment Impacting County Court Appeals

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02.06.2020

The Three “Musts” for a Competent Affidavit or Declaration

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02.20.2019

Preserved, Actually: Preservation of Arguments Definitively Rejected by the Trial Court

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10.03.2018

Timely and Specific: Making Objections to Federal Magistrate Reports

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03.06.2018

So You're Telling Me There's A Chance! – The Difference Between Waiver and Forfeiture

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## News

08.24.2022

Carlton Fields Wins Constitutional Victory for City of Miami Beach

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08.12.2021

11th Circuit Says Rooker-Feldman Doctrine’s ‘Expansion Is Over’

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10.10.2019

Protecting Against Illegal Rentals in Miami Beach

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11.20.2017

Rachel A. Oostendorp Joins Carlton Fields in Miami

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## Recognition

- *The Best Lawyers in America: Ones to Watch*, Appellate Practice (2023–2024)

## Credentials

### Education

- University of Miami School of Law (J.D., summa cum laude, 2013)
  - Order of the Coif
  - *University of Miami Law Review*
- University of Michigan School of Public Health (M.P.H., 2010)
- University of Michigan (B.A., 2007)

### Bar Admissions

- Florida

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Florida

### Clerkships

- Hon. Adalberto Jordan, U.S. Court of Appeals, Eleventh Circuit
- Hon. Beth Bloom, U.S. District Court, Southern District of Florida