

DAVID OSCAR MARKUS

ATTORNEY AT LAW

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| EDUCATION | <u>HARVARD LAW SCHOOL</u> <u>Cambridge, MA</u> |
| | <i>Juris Doctor, Magna Cum Laude</i> May 1997 |
| | <ul style="list-style-type: none">• First Place, Ames Moot Court Competition• Best Oralist and Best Brief, Ames Moot Court Finals (Televised June 5, 1997, on CSPAN) (panel composed of Justice Anthony M. Kennedy, Judge Carolyn King, 5th Circuit, and Judge Mary Schroeder, 9th Circuit) |
| | <u>UNIVERSITY OF MIAMI SCHOOL OF LAW</u> <u>Coral Gables, FL</u> |
| | Class Rank: 1 of 347; GPA: 3.88/4.0 1994-95 |
| | <ul style="list-style-type: none">• Selected to <i>University of Miami Law Review</i>• First Place, Moot Court Competition• Book Awards: Legal Research & Writing I and II, Civil Procedure I |
| | <u>EMORY UNIVERSITY</u> <u>Atlanta, GA</u> |
| | <i>Bachelor of Arts in Psychology</i> May 1994 |
| | <ul style="list-style-type: none">• GPA: 3.77/4.0, Phi Beta Kappa |
| CLERKSHIP | <u>THE SOUTHERN DISTRICT OF FLORIDA</u> <u>Miami, FL</u> |
| <i>Law Clerk for Chief Judge Edward B. Davis</i> 1997-98 | |
| EXPERIENCE | <u>MARKUS/MOSS, PLLC</u> <u>Miami, FL</u> |
| | <i>Partner</i> (Formerly Markus & Markus) January 2006 to Present |
| | <u>HIRSCH & MARKUS, LLP</u> <u>Miami, FL</u> |
| | <i>Partner</i> January 2002 through December 2005 |
| | <u>FEDERAL PUBLIC DEFENDER'S OFFICE</u> <u>Miami, FL</u> |
| | <i>Assistant Federal Public Defender</i> 1999-2001 |
| | <u>WILLIAMS & CONNOLLY</u> <u>Washington, DC</u> |
| | <i>Associate</i> 1998-99 |
| <u>ZUCKERMAN, SPAEDER, TAYLOR & EVANS</u> <u>Miami, FL</u> | |
| <i>Summer Associate</i> Summer 1996 | |
| <u>HARVARD LAW SCHOOL</u> <u>Cambridge, MA</u> | |
| <i>Research Assistant for Professor Tracey Maclin</i> 1995-96 | |
| <u>11th JUDICIAL CIRCUIT OF FLORIDA</u> <u>Miami, FL</u> | |
| <i>Judicial Intern for the Honorable Sidney Shapiro, criminal division</i> Summer 1995 | |
| TEACHING | <u>UNIVERSITY OF MIAMI SCHOOL OF LAW</u> <u>Miami, FL</u> |
| | <ul style="list-style-type: none">• <i>Adjunct Professor of Law: White Collar Criminal Law Seminar</i> 2019-present• <i>Legal Research and Writing Instructor</i> 1997-2002 |
| | <u>FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF LAW</u> <u>Miami, FL</u> |
| <ul style="list-style-type: none">• <i>Adjunct Professor of Law: Advanced Crim. Procedure/White Collar Criminal Law</i> Fall 2011; Summer 2004-2006 | |

PODCAST

For the Defense with David Oscar Markus

In depth interviews with criminal defense lawyers about their most fascinating cases available at ForTheDefensePodcast.com and all podcast platforms; Interviews have been widely cited, including in the New York Times, Wall Street Journal, CNN, NBC, and other publications

PUBLICATIONS

Blog

[Southern District of Florida Blog](#), July 2005-present

Almost daily posts regarding the Southern District of Florida and other legal news

Op-ed pieces

[The Psychology of Persuading Jurors in the TikTok Era](#), w Kate Markus, Daily Business Review, September 2023
Away Game, ABA Litigation Journal, September 2023

[We Should Trust Juries](#), The Messenger, July 8, 2023

[We Need Cameras in Trump's Courtroom](#), The Messenger, June 12, 2023

[Prosecutors Pursuing Alec Baldwin for all the Wrong Reasons](#), Albuquerque Journal, January 24, 2023

[Many Cheat, but only Prosecutors get away with it](#), The Hill, October 8, 2022

[Judges: Be Kind and Remember Your Roots](#), with Kate Markus, Daily Business Review, September 9, 2022

[Dobbs will open the Floodgates to Litigation](#), with Nicole Markus, Daily Business Review, July 18, 2022

[The Foolishness of our Federal Criminal Code](#), with Kate Markus, Daily Business Review, May 31, 2022

[Senators, it's time to add some 305 to the U.S. Supreme Court](#), The Miami Herald, March 3, 2022

[Justice Department Wrong to Encourage Prosecutions it's Fearful of Losing](#), The Hill, November 2, 2022

[Bill Cosby is free; Ghislaine Maxwell should be too](#), New York Daily News, June 30, 2021

[Chauvin verdict: Don't hate his lawyer](#), The Hill, April 21, 2021

[Rich do not always enjoy legal advantages](#), Jerusalem Post, March 14, 2021

[Ghislaine Maxwell should be released: She should await her trial outside confinement](#),

New York Daily News, February 24, 2021

[Social media is mightier than Gov. DeSantis's guns](#), The Hill, December 12, 2020

[Bannon and Maxwell cases display DOJ press strategy chutzpah](#), The Hill, September 1, 2020

[Federal judge rightly upset over wrongful jailing of Michael Cohen](#), The Hill, July 27, 2020

[Cellphones haven't stopped cops from lying — only courts can do that](#), The Hill, June 12, 2020

[Former prosecutors outraged at decision to dismiss the Flynn case should focus on the real problems](#),

The Hill, May 29, 2020

[Lori Loughlin case should be dismissed if the prosecutors cheated](#), The Hill, April 22, 2020

[In Michael Flynn's case, there is nothing left to judge](#), USA TODAY, May 20, 2020

[Why the judge in the Michael Flynn case should have immediately dismissed the case](#),

Washington Post, May 13, 2020

[Let's use Roger Stone's case to fix our broken justice system](#), The Hill, February 12, 2020

[Michael Avenatti should not be in solitary confinement](#), The Hill, January 23, 2020

[We're addicted to jail](#), The Hill, October 8, 2019

[Felicity Huffman's 14-day sentence is unjust — because it's too high](#), The Hill, September 14, 2019

[In Defense of Alan Dershowitz](#), Newsmax, August 1, 2019

[Justice Gorsuch channels his inner-Scalia, and that's good for criminal defendants](#), The Hill, June 27, 2019

[Kim Kardashian is the hero that criminal justice reform needs](#), The Hill, May 11, 2019

[Federal prosecutors are trying to bully 'Aunt Becky' into pleading guilty](#), The Hill, April 18, 2019

[#MeToo has lost its way: In defense of Joe Biden](#), The Hill, April 2, 2019

[Barr and Rosenstein likely made correct legal decision on obstruction](#), The Hill, March 25, 2019

[Four years for Paul Manafort is the right sentence](#), The Hill, March 8, 2019

[A small next step for criminal justice reform: Fix good time credit](#), The Hill, February 23, 2019

[Paul Manafort should not be sentenced to 20 years in prison](#), The Hill, February 16, 2019

[OPR should investigate real prosecutorial misconduct, not Secretary of Labor Alex Acosta](#),

The Hill, February 11, 2019

[Special counsel's office wrong to arrest Roger Stone instead of letting him self-surrender](#),

The Hill, January 26, 2019

[Alexander Acosta is being unfairly criticized for his handling of Epstein's plea deal](#),

Miami Herald, December 22, 2019

[Absolutely nothing wrong with Manafort's lawyers talking to Trump's lawyers](#), The Hill, November 29, 2018

[Mueller should not get to decide whether Manafort is lying](#), The Hill, November 27, 2018

[Brett Kavanaugh would not have been treated fairly had he been a defendant](#), The Hill, October 14, 2018

[Should Kavanaugh be confirmed if we don't know who is telling the truth](#), The Hill, September 28, 2018
[Five simple rules for judging Kavanaugh and his accusers](#), The Hill, September 25, 2018
[Kavanaugh won't be charged](#), The Hill, September 20, 2018
[Open the Federal Courthouses](#), Law360, August 27, 2018
[In Defense of Doctors: Not Every Physician is a Criminal](#), Law.com, February 23, 2018
[How the Justice System Failed Buju Banton](#), The Gleaner, October 11, 2015
[When Liberty is at Risk, Fair Disclosure Required](#), Daily Business Review, May 2, 2011
[Eliminate Race-bias in jury selection](#), Miami Herald, July 6, 2005
[Appoint a Floridian](#), Miami Herald, January 13, 2005
[Magluta was wronged](#), Miami Herald, January 29, 2003

Co-author of Fourth Amendment Column in *The Champion*

The Case Against Profiling, December 2005
Judge John Roberts' Short Story, November 2005
Drugs, Dogs, and Cars, Oh My, June 2005
Giving Thanks, January 2005
Amendment Non Grata, September 2004
Involuntary Blood Testing: United States v. Kincaide, March 2004
Should the Katz test for Fourth Amendment interest be abandoned?, November 2003
In the Ninth we trust, May 2003
Is profiling a constitutional permissible weapon in the war on terror?, March 2003
The Doll House, December 2002
No More Colliding Tubas: Board of Education v. Earls, October 2002
The classics, an occasional series, July 2002
United States v. Arvizu: the adjective as jurisprudence, May 2002
Bugging Attorneys, March 2002
Do the "antiterrorism" proposals violate the Fourth Amendment?, December 2001
Atwater v. City of Lago Vista, The Perfect Case, October 2001
New Hope: Ferguson v. City of Charleston, July 2001
Stop in the Name of Drugs: Indianapolis v. Edmond, March 2001
What a Term, September 2000
Hop on the Bus, Gus, July/August 2000
Illinois v. Wardlow: The Wicked Flee When No Man Pursueth, June 2000
The Supreme Court's Latest Word: Get a Warrant!, April 2000

Book chapter

Navigating Post-Conviction Appeals, Aspatore Publishing 2015
Battling Goliath: Trying to Win in the Court of Appeals

Law Review articles

[That '70's Show" Why the 11th Circuit was Wrong to Rely on Cases from the 1970s to Decide a Cell-Phone Tracking Case](#), 70 U. Miami L. Rev. 1179 (2016)

[Whren v. United States: A Pretext to Subvert the Fourth Amendment](#)
14 Harvard BlackLetter Law Journal 91 (Spring 1998)

[The Heat is On: Thermal Imaging and the Fourth Amendment](#)
The Champion (December 1998)

SPEAKING

Prosecutorial Misconduct, The Forum, New Orleans 2023
Trials, National Association of Criminal Defense Lawyers, Washington, DC 2023
The Marine Hose Cartel Antitrust Odyssey Podcast, New York Bar Association, New York, NY 2023
[On Justice Podcast](#), Miami, FL 2022
Update on Environmental Crimes, ABA, Miami, FL 2021
Trials during and after the Covid-era, ABA, Miami 2021
Bail Issues in Federal Court, NACDL, Washington, DC 2021
Speedy Jury Trial After Covid, Federalist Society, Fort Lauderdale, FL 2021
No Elevator to Success, Blueprints Webinar Series, Miami, FL 2021
Moderator: Judges Robert Luck, Rudy Ruiz, and Rodney Smith, FACDL, Naples, Florida 2021
You Can't Win a Plea and Other Trial Tips, NACDL, Aspen, Colorado 2020
Clash of the Titans: General Flynn & Judge Sullivan, Federalist Society, Miami, Florida 2020
You Can't Win a Plea and Other Trial Tips, Winning Strategies FDO, Miami, Florida 2019
Antitrust Enforcement Panel, American Bar Association, New Orleans, LA 2019
Criminal Antitrust Panel, Edward Bennett Williams Inn of Court, Washington, DC 2018

Is Litigation for you?, Federal Bar Association, Miami, Florida 2018
You Can't Win a Plea and Other Trial Tips, Texas Criminal Defense Lawyers Association, San Antonio, Texas 2018
Kids Case for Children of Harvard Law School Alumni, Harvard Law School, Cambridge, Massachusetts 2018
You Can't Win a Plea and Other Trial Tips, Florida Association of Criminal Defense Lawyers, Miami, Florida 2018
Litigation in Pretrial Motion Practice, American Bar Association, Miami Beach, Florida 2017
Introduction of Professor Alan Dershowitz, American Bar Association, Miami Beach, Florida 2017
Cell Phones, Stingrays, and Police Peeping Through Walls: A Debate., Federalist Society, Ft. Lauderdale, Florida 2018
Trends in Criminal Law, Dade Country Bar Association, Miami, Florida 2017
Kids Case for Children of Harvard Law School Alumni, Harvard Law School, Cambridge, Massachusetts 2017
Rule 16 Subcommittee, Washington, DC 2017
Getting to Not Guilty when the Public is Brandishing Pitchforks, NACDL, Washington, DC 2017
Issues in 404(b), National Association of Criminal Defense Lawyers, Washington, DC 2016
Trends in Criminal Law, Dade County Bar Association, Miami, Florida 2016
Testimony on Criminal Justice Act issues, Public Hearing, Miami, Florida 2016
Superstars Trial Program, Dade County Bar Association, Miami, Florida 2015
How to Use Social Media to Win Your Trial, Dade County Bar Association, Miami, Florida 2015
Social Media and the Law, Dade County Bar Association, Miami, Florida 2014
How to Evaluate a Case with Merit, Dade County Bar Association, Miami, Florida 2014
How to Keep Partners Happy, Federal Court Observer Program, Miami, Florida 2014
Getting to Not Guilty in Pill Mill Cases, NACDL, Las Vegas, Nevada 2013
Social Media and Juror Misconduct, Federal Bar Association, Miami, Florida 2013
How to try the White Collar Case and Win, NACDL, Miami, Florida 2013
Closing Argument, Public Defender's Office, Miami, Florida 2013
Superior Direct and Cross-Exam by White Collar Trial Masters, American Bar Association, Boca Raton, Florida 2013
Health Care Law, Dade County Bar Association, Miami, Florida 2013
Opening & Closing statements in the White Collar Case, NACDL, New York, New York 2012
Criminal Law Ethics (Moderator), Federal Bar Association, Miami, Florida 2012
Why we do what we do, Florida Association of Criminal Defense Lawyers, Miami, Florida 2012
Ethically preparing your client for trial, The Florida Bar, Miami, Florida 2012
Prosecutorial Misconduct and How to Prevent It, PBACDL, West Palm Beach, Florida 2011
Rock Stars of Criminal Defense: Crossing the Victim, FACDL-Miami, Miami, Florida 2011
The Vital, Tempestuous and Changing Relationship between Court and Media, Historical Society, Miami Florida 2011
Basic Federal Practice for Criminal Practitioners, The Florida Bar, Miami Florida 2010
Preventing and Defending Prosecutorial Misconduct, WestLaw Webcast, 2010
Handling the Difficult Witness on Cross Examination, The Florida Bar on Evidence, Tampa, Florida 2010
Trial Techniques and Issues, Criminal Justice Act Seminar, Key Largo, Florida 2010
Ethics, Trials & Winning, Putting Them Together in Federal Court, The Florida Bar, Miami, Florida 2010
Prosecutorial Misconduct and Brady, National Association of Criminal Defense Lawyers, Aspen, Colorado 2010
Hot Topics in Criminal Law, Florida Bar on Appellate Law, Ft. Lauderdale, Florida 2009
Winning in Closing Argument, State Public Defender's Office, Miami, Florida 2009
Trial Triage, Criminal Justice Act Seminar, Key Largo, Florida 2009
Trial Triage, Criminal Justice Act Seminar, Naples, Florida 2008
Zealous Advocacy and Ethical Conduct, The Florida Bar, Miami, Florida 2008
The Ethical Defender, Florida Association of Criminal Defense Lawyers-Miami Chapter, Miami, Florida 2008
October Term 2007, American Constitution Society-UM Chapter, Miami, Florida 2007
Trial Triage, Criminal Justice Act Seminar, Key Largo, Florida 2007
Prosecutorial Discretion, University of Miami Ethics Symposium, Miami, Florida 2007
Ethics for Young Lawyers, Dade County Bar Association, Miami, Florida 2007
Free Speech and the Internet, The Inns of Court, Miami, Florida 2007
Winning Strategies: Ethical and Zealous Representation of the Federal Criminal Defendant, AO, Miami, Florida 2006
Winning your case in opening statement, Florida Association of Criminal Defense Lawyers, Miami, Florida 2006
Trial Triage, Criminal Justice Act Seminar, Key Largo, Florida 2006
Zealous Advocacy and Ethical Conduct, The Florida Bar, Miami, Florida 2006
Showcase on Sentencing in Florida, Florida Association of Criminal Defense Lawyers, Orlando, Florida, 2005
The Cuban Spy Decision, The Perfect Storm?, Moderator for the American Constitution Society, Miami, Florida 2005
Ethics for the New Criminal Defense Lawyer, The Florida Bar, Miami, Florida 2005
Getting your foot into federal court, Dade County Bar Association YLD, Miami, Florida 2005
Federal Law Update, The Florida Bar, Orlando, Florida 2005
Zealous Advocacy and Ethical Conduct, The Florida Bar, Miami, Florida 2005
Blakely v. Washington: The Sentencing Revolution, The Florida Bar, Miami, Florida 2004
Hurricane Blakely, The Florida Bar, Tampa, Florida 2004
Clerking, University of Miami School of Law, Coral Gables, Florida 2004
Expert Witnesses, Criminal Justice Act Seminar, Hawk's Cay, Florida 2003
The Pretrial Motion: Just File it, Camp CJA, Miami, Florida 2003
2002-2003 Supreme Court Update, Florida Public Defenders, West Palm Beach, Florida 2003
The Pretrial Motion: Just File it, The Florida Bar: Advanced Federal Criminal Procedure, Miami, Florida 2002

2001-2002 *Supreme Court Update*, National Association of Criminal Defense Lawyers, Miami, Florida 2002
The Pretrial Motion: Just File it, Camp CJA, Miami, Florida 2002
2001-2002 *Supreme Court Update*, Nevada Criminal Law, Las Vegas, Nevada 2002
Clerking, University of Miami School of Law, Coral Gables, Florida 2002
Voir Dire, Young Lawyer's Division, Miami, Florida 2002
The Pretrial Motion: Just File it, Criminal Justice Act Seminar, Hawk's Cay, Florida 2001
The Pretrial Motion: Just File it, Camp CJA, Miami, Florida 2001

HONORS

Albert Krieger Award, Riverside House 2022
Lawyer of the Year, Best Lawyers 2017 (Criminal Defense),
2020 (White Collar Criminal Defense), 2022 (Criminal Defense), 2024 (Criminal Defense)
Legal Luminary, Criminal Defense, Dade County Bar Association 2016
White Collar Trailblazer, National Law Journal 2015
Eugene Spellman, Criminal Justice Act Award for Excellence, presented by the Southern District of Florida 2013
Finalist, Top White Collar Defense Lawyer in the Country, Chambers & Partners 2010 and 2011
Top 100 Lawyer in Florida, SuperLawyer 2010-present (and SuperLawyer since 2006)
Rodney Thaxton "Against All Odds Award"; Florida Association of Criminal Defense Lawyers–Miami Chapter 2010
"Key Partner" South Florida Business Journal 2011, 2012
"AV" Rated (highest rating), Martindale Hubbell 2007–present
Listed as Top Lawyer, The Best Lawyers in America 2007-present
Most Effective Lawyer Finalist (one of three), Criminal Law, Daily Business Review 2007, 2009, 2011, 2012, 2015
Top Lawyers, South Florida Legal Guide 2003-present
Top Lawyer, White Collar Crime, Chambers & Partners 2008-present
Top Law Firm, South Florida Legal Guide 2007-present
Up and Coming Lawyer, Chamber & Partners 2007
Florida Legal Elite, Florida Trend 2007-present
Top 10 Defense Wins of 2003, National Law Journal 2004
Best of the Bar, South Florida Business Journal 2003, 2004
Top Young Lawyers in State, Florida Trend 2003
Top 40 Litigators Under 40, National Law Journal 2002
Up and Coming Lawyers, South Florida Legal Guide 2002

ORGANIZATIONS, MEMBERSHIPS, AND COMMUNITY SERVICE

Head Commissioner, Beth Am Basketball League, 2015-2017 (*Assistant Commissioner* 2013-2015)
Criminal Justice Act Representative for the Southern District of Florida, 2003-2012
Defender Services Advisory Group (11th Circuit representative), 2006-2010
Federal Bar Association–South Florida Chapter, Board of Directors 2004-present; President, 2007-08
Florida Association of Criminal Defense Lawyers – Miami Chapter,
Treasurer 2004-05, Vice-President 2005-06; President 2006-07; Board of Directors 2002-03
National Association of Criminal Defense Lawyers
Co-Chair of the *Amicus Committee*, 2014-present
Vice Chair of *Amicus Committee for the Eleventh Circuit Court of Appeals*, 2003-2014
Florida Bar; United States Supreme Court; Eleventh Circuit Court of Appeals;
Southern and Middle Districts of Florida
Legal Services of Greater Miami, Together We Must Campaign, 2009-2014
Committee re Reappointment of Magistrate Judge Patrick White, Southern District of Florida 2010
Committee re Bench And Bar Conference, Southern District of Florida 2008-2012
Federal Criminal Litigation Committee, Southern District of Florida 2009-2012

For more information and a list of significant cases, please see Mr. Markus's website at www.markuslaw.com