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The DOJ Says He 'Pulls Rabbits Out of Hats:' Meet Ghislane Maxwell's Attorney David O. Markus

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Miami federal criminal defense lawyer David Oscar Markus. Courtesy photo

In the sometimes shadowy world of high-stakes criminal defense, few

attorneys command the respect and scrutiny that David O. Markus does, particularly as the legal champion for Ghislaine Maxwell, one of the most notorious figures in recent American judicial history.

Maxwell, convicted in 2021 for her role in Jeffrey Epstein's sex-trafficking ring, was transferred on Friday from Tallahassee to a minimum-security federal prison camp in Bryan, Texas, marking a new chapter in her incarceration amid an ongoing U.S. Supreme Court appeal being handled by the Markus/Moss legal team and continued political intrigue.

"David is the best of his generation of young Florida lawyers," said lawyer and Harvard law professor emeritus Alan Dershowitz. "Now, with the passing of Roy Black, he really is one of the deans of the criminal defense bar in Florida."

Dershowitz said Markus's reputation is "well-deserved" on a national level as well. "He has litigated cases now in many places outside of Miami and won a great many of them."

As Maxwell's lead counsel in recent dealings with the Department of Justice, including marathon questioning sessions where Markus said she answered every query without invoking privilege, the attorney has steadfastly declined to participate in profiles or interviews, citing his ethical obligations to his client.

A Miami-based partner at Markus/Moss PLLC, which he co-founded to specialize in white-collar and complex criminal defense, Markus has built a career on navigating treacherous legal waters for clients facing overwhelming odds, yet has been quick to credit his team and partners.

Putting her firm's law partner's achievements into perspective, Margot Moss said, "David is the Luke Skywalker of criminal defense attorneys. He is unmatched in trial and has an innate ability to outmaneuver all opponents. And

despite being looked down upon by prosecutors and often scorned by the public, David stands tall for the underdog."

Notable Wins

In December 2021, prominent Naples lawyer and politician Tom Grady found himself facing federal environmental charges over dredging without a permit, threatening the prospect of prison time. With Markus leading his defense, a jury found the chairman of the Florida Board of Education not guilty following allegations he obstructed navigable waters in the Florida Keys.

In 2018, Markus helped Dr. Ali Shaygan fight 141 counts against him for prescribing pain medications for patients in a "pill mill" prosecution. Despite the prosecution falsely calling him a drug dealer, the jury found him not guilty on all counts. And the lawyer got the feds to pay more than \$600,000 in attorney costs.

And when former Tallahassee Mayor Andrew Gillum—facing charges of making false statements to the FBI and fraud—determined that he needed a new attorney, a strong recommendation from another member of the bar ultimately led him to Markus.

Markus handled the closing after putting up a robust defense in the attempted bribery case and in May 2023, a jury acquitted Gillum on the false statement count. When the government heard that the jury was hung 10-2 for acquittal on the other counts, they dismissed the case following what local prosecutors and a Tallahassee judge called the longest jury deliberation in court history—in the same courthouse where Maxwell was recently interviewed.

"I knew David was special, because when he was recommended to me by another lawyer whom I had worked with and for whom I have a great amount of

respect, this lawyer said, 'You need David Markus!'" Gillum said. "He is the lawyer that I would call if I were ever in trouble; he's a lawyer's lawyer."

Gillum credits Markus with getting him through the "most terrifying and unjust legal experience I had ever encountered," with what he coined a disarming manner and reassuring knowledge base. "David had no equal in the courtroom and drew the ire of the judge often with how effective he was in making his arguments or through his objections."

Gillum described his attorney as a dogmatic advocate. "His 'Matlock-like' comfort with a jury; his entire skillset conspired with the truth to help me win a small portion of justice throughout an unjust situation."

"David is a prosecutor's nightmare."

Even the opposition has high praise.

Mark Rosman, partner at Proskauer Rose and former assistant chief of the Washington Criminal Section in the DOJ's Antitrust Division, has gone up against Markus in trial.

"David is a prosecutor's nightmare, not only because he is aggressive—lots of defense lawyers are—but because he is highly creative. [The] DOJ had his client in a videotaped meeting, yet somehow, he had the jury chuckling with him and eating out of his hands during the closing argument," Rosman said. "He's got a reputation at DOJ for pulling rabbits out of hats."

Rosman was another attorney to make the Roy Black comparison. "Miami has produced some of the finest criminal defense lawyers, like Roy Black and Neal Sonnett, and David is the torch bearer in standing up for the accused in greatest need of a true defender."

Advocating for change, Markus fought to reform jury selection in Miami, successfully changing the way juries are chosen—alphabetically, by last name. It was a change that led to a fairer jury selection process.

When not working on a case, in his spare time, Markus teaches law at the [University of Miami School of Law](#), hosts the ['For the Defense' podcast](#), and writes opinion pieces that run on the [Southern District of Florida blog](#).

Dershowitz said Markus is a rare lawyer "for all seasons."

"Generally, with criminal lawyers, you find people who are very good in front of a jury, but they wouldn't know the way around a law library, or you find people who are very academic, but they wouldn't know the way around a courthouse," Dershowitz said. "And there's a very small number of lawyers who have managed to excel at both, and he's at the top of that list."

David Gerger met Markus when they tried a case together—to an acquittal—in 2008, and have collaborated ever since.

"If I needed a lawyer, I'd hire David," said Gerger, who launched the Houston office of Quinn Emanuel Urquhart & Sullivan before leaving to found Gerger Hennessy Martin & Peterson. "His judgment, passion, and smarts make him an all-star. There's nobody better."

When asked what motivates the great criminal lawyers like Markus, Gerger said it's the patriotic thing to do.

"We relish the challenge of representing the underdog, and fighting the government is fighting for the underdog."

Moss summed up her admiration for her law partner by saying, "He's doing exactly what he was born to do."

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