



Contact

Mark D. Harris

Partner

New York

+1.212.969.3530

mharris@proskauer.com

Mark Harris is a partner in the Litigation Department, co-chair of the Appellate Practice Group, and a member of the Securities Litigation and White Collar Defense & Investigations Groups. He represents institutional and individual clients in both civil and criminal litigations.

Mark is a former clerk to U.S. Supreme Court Justices John Paul Stevens and Lewis Powell, Jr., and Judge Joel Flaum of the U.S. Court of Appeals for the Seventh Circuit. Mark subsequently served as an Assistant U.S. Attorney for the Southern District of New York, during which he prosecuted a broad spectrum of federal crimes, including health-care fraud, financial fraud, and corporate embezzlement, and tried a number of jury trials and argued before the Second Circuit.

Mark has handled dozens of cases in the U.S. Supreme Court and other appellate courts in a variety of areas spanning criminal law, patent, copyright, labor relations, and administrative law, including:

- Representing Biosig Instruments before the U.S. Supreme Court and the Federal Circuit, in a case that redefined the standard for patent definiteness and upheld the validity of Biosig's patent. He was named *The American Lawyer's* Litigator of the Week for that result.
- Obtaining reversal of the trial conviction of a former Gen Re executive in the

Second Circuit.

- Persuading the Second Circuit via a petition for interlocutory review and merits brief to vacate a class-certification order entered against Sprint Corporation.
- Successfully representing electronic publishers before the U.S. Supreme Court in *Reed Elsevier Inc. v. Muchnick*, which *Managing Intellectual Property Magazine* named the 2010 "U.S. Copyright Case of the Year."
- Successfully representing an employer before the U.S. Supreme Court in *14 Penn Plaza LLC v. Pyett*, which overturned 35 years of precedents concerning the enforceability of arbitration clauses in labor agreements.

Mark has handled numerous matters involving securities fraud, tax evasion, insurance fraud, and a variety of financial crimes. Significant representations have included the following:

- John and Timothy Rigas, principals of Adelphia Communications Corp., at their resentencing and before the Second Circuit.
- The president of a major international company whom federal authorities sought to extradite for tax offenses allegedly committed in the United States.
- The former CEO of Princeton Economics International, whose release Mark helped win from the longest term of federal civil contempt in U.S. history.
- An investor charged with securities fraud involving the conversion of a mutual savings bank to a capital stock bank.

Since 1996, Mark has been a member of the Board of Editors of the *Federal Sentencing Reporter* and a frequent contributor. His work on behalf of non-U.S. clients was featured in the *American Lawyer's* 2006 Litigation supplement. He has lectured on both criminal law and appellate practice before the International Bar Association, the National Association of Criminal Defense Lawyers, PLI, and the ABA Sections of Litigation, Criminal Law, and Employment and Labor Law, and has been interviewed by *Bloomberg Radio*, the *National Law Journal*, *WINS AM-1010*, *Law360*, *Legal Times*, and other news organizations.

He also serves on the Board of Trustees of the National Museum of Mathematics.

[Close](#)

Practices

Appellate, Restrictive Covenants, Trade Secrets & Unfair Competition, Securities Litigation, White Collar Defense & Investigations

Education

Harvard Law School, J.D.

magna cum laude

Supervising Editor, *Harvard Law Review*

Harvard College, A.B.

magna cum laude

Phi Beta Kappa

Admissions & Qualifications

Illinois

District of Columbia

New York

Clerkships

U.S. Court of Appeals, Seventh Circuit - Judge Joel M. Flaum

U.S. Supreme Court - Justice Lewis F. Powell, Jr.

U.S. Supreme Court - Justice John Paul Stevens

Court Admissions

U.S. District Court, New York, Southern District

U.S. District Court, New York, Eastern District

U.S. Court of Appeals, District of Columbia Circuit

U.S. Supreme Court

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Sixth Circuit
U.S. Court of Appeals, Seventh Circuit
U.S. Court of Appeals, Eighth Circuit
U.S. Court of Appeals, Tenth Circuit

Memberships

American Bar Association
National Association of Criminal Defense Lawyers
Honorary Overseas Member, Combar (UK)

Awards & Recognition

Best Lawyers in America 2017-2023
New York Super Lawyers 2011-2022
AmLaw Litigation Daily: Litigator of the Week
Benchmark Litigation Litigation Star, Antitrust 2017-2023
Benchmark Litigation Local Litigation Star - New York, Antitrust 2011-2017
The Legal 500 United States: Appellate: Courts of Appeals 2019-2022
The Legal 500 United States: Litigation: Supreme Court & Appellate 2011, 2013-2018
The Legal 500 United States: Litigation: White Collar Criminal Defense 2009, 2013-2015, 2019-2022
Temple Bar Foundation Scholar 1996
Fellow, American Academy of Appellate Lawyers

Government Service

Assistant U.S. Attorney, U.S. Attorney's Office for the Southern District of New York, 1997-2002