

# DAVID OSCAR MARKUS

ATTORNEY AT LAW

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<b>EDUCATION</b>	<u>HARVARD LAW SCHOOL</u> <span style="float: right;"><u>Cambridge, MA</u></span>
	<i>Juris Doctor, Magna Cum Laude</i> <span style="float: right;">May 1997</span>
	<ul style="list-style-type: none"><li>• First Place, Ames Moot Court Competition</li><li>• 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)</li></ul>
	<u>UNIVERSITY OF MIAMI SCHOOL OF LAW</u> <span style="float: right;"><u>Coral Gables, FL</u></span>
	Class Rank: 1 of 347; GPA: 3.88/4.0 <span style="float: right;">1994-95</span>
	<ul style="list-style-type: none"><li>• Selected to <i>University of Miami Law Review</i></li><li>• First Place, Moot Court Competition</li><li>• Book Awards: Legal Research &amp; Writing I and II, Civil Procedure I</li></ul>
	<u>EMORY UNIVERSITY</u> <span style="float: right;"><u>Atlanta, GA</u></span>
	<i>Bachelor of Arts in Psychology</i> <span style="float: right;">May 1994</span>
	<ul style="list-style-type: none"><li>• GPA: 3.77/4.0, Phi Beta Kappa</li></ul>
<b>CLERKSHIP</b>	<u>THE SOUTHERN DISTRICT OF FLORIDA</u> <span style="float: right;"><u>Miami, FL</u></span>
	<i>Law Clerk for Chief Judge Edward B. Davis</i> <span style="float: right;">1997-98</span>
<b>PAST EXPERIENCE</b>	<u>HIRSCH &amp; MARKUS, LLP</u> <span style="float: right;"><u>Miami, FL</u></span>
	<i>Partner</i> <span style="float: right;">January 2002 through December 2005</span>
	<u>FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF LAW</u> <span style="float: right;"><u>Miami, FL</u></span>
	<i>Adjunct Professor of Law</i> <span style="float: right;">Summer 2004-2006</span>
	<u>FEDERAL PUBLIC DEFENDER'S OFFICE</u> <span style="float: right;"><u>Miami, FL</u></span>
	<i>Assistant Federal Public Defender</i> <span style="float: right;">1999-2001</span>
	<u>UNIVERSITY OF MIAMI SCHOOL OF LAW</u> <span style="float: right;"><u>Miami, FL</u></span>
	<i>Legal Research and Writing Instructor</i> <span style="float: right;">97-98, 99-00, 00-01, and 01-02 school years</span>
	<u>WILLIAMS &amp; CONNOLLY</u> <span style="float: right;"><u>Washington, DC</u></span>
	<i>Associate</i> <span style="float: right;">1998-99</span>
	<u>ZUCKERMAN, SPAEDER, TAYLOR &amp; EVANS</u> <span style="float: right;"><u>Miami, FL</u></span>
	<i>Summer Associate</i> <span style="float: right;">Summer 1996</span>
	<u>HARVARD LAW SCHOOL</u> <span style="float: right;"><u>Cambridge, MA</u></span>
	<i>Research Assistant for Professor Tracey Maclin</i> <span style="float: right;">1995-96</span>
	<u>11th JUDICIAL CIRCUIT OF FLORIDA</u> <span style="float: right;"><u>Miami, FL</u></span>
	<i>Judicial Intern for the Honorable Sidney Shapiro, criminal division</i> <span style="float: right;">Summer 1995</span>
<b>PUBLICATIONS</b>	<u>Co-author of Fourth Amendment Column in <i>The Champion</i></u>
	<i>The Case Against Profiling</i> , December 2005
	<i>Judge John Roberts' Short Story</i> , November 2005
	<i>Drugs, Dogs, and Cars, Oh My</i> , June 2005
	<i>Giving Thanks</i> , January 2005
	<i>Amendment Non Grata</i> , September 2004
	<i>Involuntary Blood Testing: United States v. Kincade</i> , March 2004
	<i>Should the Katz test for Fourth Amendment interest be abandoned?</i> , November 2003
	<i>In the Ninth we trust</i> , May 2003
	<i>Is profiling a constitutional permissible weapon in the war on terror?</i> , 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

Blog

Southern District of Florida Blog, <http://www.sdfla.blogspot.com>

Op-ed pieces

*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

*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)

**LECTURES**

*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*, Administrative Office of the United States Courts, 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**

*Finalist, Top White Collar Defense Lawyer in the Country, Chambers & Partners 2011*  
*Finalist, Top White Collar Defense Lawyer in the Country, Chambers & Partners 2010*  
*Top 100 Lawyer in Florida, SuperLawyer 2010*  
*Rodney Thaxton "Against All Odds Award"; Florida Association of Criminal Defense Lawyers–Miami Chapter 2010*  
*"AV" Rated (highest rating), Martindale Hubbell 2007–present*  
*Listed as Top Lawyer, The Best Lawyers in America 2007-present*  
*Top 5% lawyers, Florida Super Lawyers 2006-present*  
*Most Effective Lawyer Finalist (one of three), Criminal Law, Daily Business Review 2007 & 2009*  
*Top Lawyers, South Florida Legal Guide 2003-present*  
*Top Lawyer, White Collar Crime, Tier 2, Chambers & Partners 2008-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 2004*  
*Top Young Lawyers in State, Florida Trend 2003*  
*Best of the Bar, South Florida Business Journal 2003*  
*Top 40 Litigators Under 40, National Law Journal 2002*  
*Up and Coming Lawyers, South Florida Legal Guide 2002*

## **ORGANIZATIONS, MEMBERSHIPS, AND COMMUNITY SERVICE**

*Criminal Justice Act Representative for the Southern District of Florida, 2003-present*  
*Defender Services Advisory Group (11th Circuit representative), 2006-2010*  
*Federal Bar Association–South Florida Chapter, Board of Directors 2004-2007; 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*  
*Vice Chair of Amicus Committee for the Eleventh Circuit Court of Appeals, 2003-present*  
*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-present*  
*Committee re Reappointment of Magistrate Judge Patrick White, Southern District of Florida 2010*  
*Committee re Bench And Bar Conference, Southern District of Florida 2008-present*  
*Federal Criminal Litigation Committee, Southern District of Florida 2009-present*