



## Florida Office

850-270-5938

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## Related Practice Areas

- Appellate
- Commercial Litigation
- Constitutional Law
- Election Law
- Government, Congressional and Corporate Investigations
- Political Law

## Mark I. Pinkert

### Partner

Mark Pinkert is a litigation and appellate partner with Holtzman Vogel. He represents clients at every stage of litigation, in state and federal courts around the country. He has extensive experience in constitutional law, administrative law, political law, antitrust, white collar defense, and complex commercial disputes. Additionally, Mark maintains an active practice focused on religious freedom, First Amendment rights, and combatting antisemitism, especially on college campuses.

Mark is a formidable writer and advocate. He has drafted letters, white papers to government agencies, legal memoranda, regulatory comments, complaints, dispositive motions, motions in limine, appellate briefs, and several briefs in the U.S. Supreme Court. His incisive and persuasive writing style has helped him earn key victories for his clients. Mark has argued a *Daubert* motion in a multi-billion-dollar environmental dispute and was recently appointed lead counsel by the Eleventh Circuit Court of Appeals to represent an indigent petitioner in a habeas corpus appeal.

Mark is also an adept legal strategist, advising some of the largest companies in the world on their most pressing issues. Rather than merely react to problems, he provides holistic thinking and anticipates issues before they arise. He helps clients develop proactive plans of action that mitigate risks, avoid conflict, and reduce costs.

Before joining Holtzman Vogel, Mark worked at a global law firm and clerked for the Honorable Adalberto Jordan (11th Cir.) and the Honorable Roy K. Altman (S.D. Fla.). Clerking at both the trial and appellate levels has given him rare insight into the federal court system and has sharpened his advocacy.

At Yale Law School, Mark was an Articles Editor for the Yale Law Journal and an editor for the Yale Journal of Law & Humanities. He was also a research assistant and taught constitutional law to high school students in New Haven.

## Education

- Yale Law School, J.D.
  - Yale Law Journal, Articles Editor
  - Yale Journal of Law & Humanities, Editor
  - Professor James Whitman, Research Assistant
  - Constitutional Literacy Project, Teacher
- Emory University, B.A., magna cum laude, English Literature with minor in History

## Bar & Court Admissions

- The Florida Bar
- United States District Court for the Southern District of Florida
- United States Court of Appeal for the Eleventh Circuit
- United States Court of Appeal for Second Circuit
- United States Court of Appeal for the Federal Circuit

## Clerkship/Government Experience

- Law Clerk to the Honorable Roy K. Altman, United States District Court, Southern District of Florida
- Law Clerk to the Honorable Adalberto Jordan, United States Court of Appeals, Eleventh Circuit

## Representative Matters

- Representing a non-profit organization and Jewish students in a Title VI lawsuit for antisemitic discrimination and harassment taking place at their university.
- Successfully represented a global energy company in a multi-billion-dollar environmental dispute and argued a pre-trial *Daubert* motion, setting the client up for a favorable settlement.
- Successfully defended a major social media company in a Federal Trade Commission enforcement action.
- Successfully represented a real estate investment company in multiple appeals in New York state and federal courts related to various construction projects.
- Successfully represented an Orthodox Jewish Synagogue in a RLUIPA lawsuit related to its zoning application for a house of worship.
- Represented a multinational corporation in a pre-indictment presentation to federal prosecutors.
- Represented a large investment firm in a pre-enforcement white paper to the SEC.
- Represented a major corporation in a pre-bankruptcy internal investigation.
- Represented a major technology company in a high-profile, ongoing antitrust lawsuit in the Ninth Circuit.
- Represented a major fashion company in a Second Circuit appeal that addressed novel antitrust and statute of limitation issues.
- Represented a group of Minor League Baseball teams in a high-profile lawsuit against Major League Baseball challenging the longstanding baseball "exemption" to the U.S. antitrust laws.
- Represented the U.S. Chamber of Commerce as amicus curiae in the recent Supreme Court case, *Corner Post, Inc. v. Board of Governors of the Federal Reserve System*, addressing the statute of limitations for APA lawsuits.
- Represented the American Petroleum Institute and other industry groups as amici curiae in two Supreme Court briefs related to ongoing climate change litigation.
- Represented the New England Legal Foundation as amicus curiae in *Consumer Financial Protection Bureau v. Community Financial Services Association of America*, the recent Supreme Court case addressing the constitutionality of the CFPB's funding mechanism.
- Represented law professors Michael McConnell and Douglas Laycock as amici curiae in the New Jersey Supreme Court, in a case involving the First Amendment "ministerial" exception.
- Represented a major bond insurer in connection with Puerto Rico's bankruptcy proceedings, particularly that of the Commonwealth's public utility company, PREPA.

(\*includes matters before joining Holtzman Vogel)

## Community Involvement

- Southern District of Florida Magistrate Judge Merit Selection Panel (2024)
- Southern District of Florida Bench & Bar Committee (2023)
- American Enterprise Institute, Enterprise Club Member
- Federalist Society, Member

## Publications/Articles

- "Gatekeeping & Class Certification: The Eleventh Circuit's Stringent Approach to Admitting Expert Evidence in Support of Class Certification," *78 University of Miami Law Review* 1062 (2024) (co-author)
- "Administrative & Public Law," *Lexology* (Jan. 25, 2024) (co-author)
- "Three Strategies for Combatting Parallel Litigation", *National Law Journal* (Sept. 21, 2022) (co-author)