

# Lawyer Limelight: David Markus

March 3, 2013 By [John Ryan](#)

Prosecutors have their hands full when they take on [David Markus](#), who has built an outstanding reputation handling high-stakes white collar and other criminal defense matters. Among his best-known cases, Markus earned a not guilty verdict on all 141 counts for a South Florida doctor accused of illegally selling prescription drugs. The jury took just four hours to acquit Dr. Ali Shaygan after a month-long trial in Miami federal court in early 2009. Last year, after eight years of pro bono work, Markus persuaded the 11th U.S. Circuit Court of Appeals to vacate the life sentence of Yuby Ramirez, who had been convicted in a conspiracy to intimidate witnesses.



[Photo provided by Markus & Markus](#)

Markus graduated from [Harvard Law School](#) in 1997. He was an associate at Williams & Connolly in Washington, D.C., then did a stint as an assistant federal public defender in Miami before heading back into private practice. His wife, Mona, also graduated from Harvard Law, and together they lead the powerhouse boutique of [Markus & Markus](#) in Miami.

**Lawdragon:** How did you get involved in the Yuby Ramirez case? What did that mean to you, after so many years of litigation, to win her release?

**David Markus:** When I left the public defender's office, I was asked if I would take on the case pro-bono and I agreed. Little did I know that I would represent her for eight years through two evidentiary hearings, and three different appeals. But it was worth it. It was a once in a lifetime case and we corrected an injustice.

**LD:** In many cases, you are going up against the full resources of the federal government as a small boutique firm. What does it take to win? How do you manage to match up effectively?

**DM:** The federal government has unlimited resources. In our last trial, they had 9 prosecutors, agents, and paralegals in court. Goliath doesn't always win though. I think that many times defendants and their lawyers get intimidated by the vast resources of the government. But at the end of the day, 12 jurors want to see if the case makes sense or not. I think that throwing lots of prosecutors on a case doesn't always help get a clear theme across to a jury. Too many chefs.

**LD:** Is there any aspect of litigation or trial work that stands out as your favorite part?

**DM:** Cross-examination and closing argument are the two best parts of my job. If I could just hop from trial to trial crossing snitches, I would be very happy.

**LD:** Many successful defense attorneys spend some time as prosecutors. Did you consider that at all when leaving Harvard? Or is this the type of job you always dreamed of doing, even before law school?

**DM:** I've always gravitated to the underdog. It's too easy to be a prosecutor. My 80-year old father is still practicing law and he taught me to help the little guy. I think defense lawyers get to be creative and prosecutors are often stuck asking what happened next.

**LD:** Did any course, professor or experience in law school cement the deal in terms of going into your line of work?

**DM:** I've been very lucky to have great mentors in addition to my father. In law school, Alan Dershowitz and Tracy Maclin were very good to me and taught me a lot. We are still close. And through my practice, I've had great teachers. Now I'm trying to pass some of that on to the younger lawyers.

**LD:** I saw that you won the moot court competition at Harvard. Can you talk a bit about that? That must have been exciting.

**DM:** The law school moot court competition was one of the most nerve wracking things I have ever done. I was arguing before Justice Kennedy and two Circuit judges, and I was just a kid. My family and friends came to watch and CSPAN was televising it. I actually had to get up during my colleague's argument and run to the bathroom before my argument. We ended up winning the competition and I won best oralist, which was really neat after all of the work we had put in.

**LD:** For law students interested in your type of practice, is there anything you would recommend they do at this stage in their lives?

**DM:** Make sure this is what you want. So many lawyers complain about not liking the job. I wonder why they do it. I love the law and especially criminal trial work. You gotta love it.

**LD:** You are often in trials that last a long time. Do you have any daily rituals during a trial?

**DM:** I don't sleep during trial. Ever. And before every trial, I watch A Few Good Men. You can't beat the cross.

**LD:** What's it like practicing with your wife? I'm sure we have some readers who think that's fantastic, and others who might caution against.

**DM:** It's fantastic. We have three kids so it gives both of us flexibility and we both have a great understanding about what the other is working on and the demands of the job. It works really well for us, but I can see why it wouldn't work for everyone.

**LD:** Do you have a favorite movie or book about a court case?

**DM:** I love reading about the law, big cases and great lawyers. I also really enjoy reading old transcripts. I steal from Edward Bennett Williams' old transcripts all of the time. There are some great law shows – The Practice and Boston Legal come to mind... One of the great shows of all time is The Wire. Right now my wife and I are watching The Good Wife, which we really like.

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