

## Judicial Profile

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VINCENT F. ALEXANDER

# Hon. Robert A. Mark U.S. Bankruptcy Judge, Southern District of Florida

HON. ROBERT A. MARK has served as a bankruptcy judge for the Southern District of Florida for more than 20 years and still brings the same passion to the bench today as he did when he first joined the bench in 1990. However, Judge Mark is much more than a distinguished member of the legal community and a bankruptcy judge. He is a mentor, husband, teacher, community leader, father, scholar, friend, and avid runner, just to name a few things. Although it takes a tremendous amount of time and effort to wear all these hats, he takes the same approach to each to be the best that he can be in that role.



Judge Mark grew up in Miami Beach and, even from an early age, he believed that education was important, and he excelled in his studies. This was evidenced by his graduating near the top of his class in high school and then attending Brandeis University, where he received a B.A. in economics, magna cum laude, and was a member of Phi Beta Kappa. He pursued his law degree at the University of California, Berkeley, Boalt Hall School of Law, where he was a member of the *Law Review*. He capped a successful law school career by graduating in the top 10 percent of his class and as a member of the Order of the Coif.

After law school, Judge Mark served as a law clerk for Hon. Sidney M. Aronovitz, U.S. district judge for the Southern District of Florida. Judge Mark's clerkship with Judge Aronovitz was one of the best experiences of Judge Mark's life. While clerking for Judge Aronovitz, Judge Mark continued to develop what would become the foundation for his legal career. Aside from gaining invaluable insight from Judge Aronovitz during his clerkship, Judge Mark also developed respect and admiration for federal judges—an affinity that has stayed with him until this day.

Armed with the knowledge learned while clerking and ready to continue his legal career, Judge Mark entered private practice in 1979, joining the law

firm that is now known as Stearns, Weaver, Miller, Weissler, Alhadeff, & Sitterson PA as a commercial litigator. After just four short years with the firm, he was approached by a senior partner and asked whether he had worked on any bankruptcy appeals when he clerked for Judge Aronovitz. This one question and the ensuing answer would change the course of Judge Mark's legal career and his life. Judge Mark told the senior partner that he had worked on one or two appeals, and he fondly remembers the senior partner's response: "Great, you're our new Bankruptcy Department!"

At the age of 33, the senior management of Judge Mark's law firm entrusted him to chair the firm's new Bankruptcy Department. The firm recognized that Judge Mark was a leader among his peers and possessed the legal acumen and personal drive to take on this new challenge to develop the firm's bankruptcy practice. Like other challenges he had faced in his life, Judge Mark accepted the challenge and succeeded.

Judge Mark's efforts rapidly led to the growth of the firm's bankruptcy practice. He was able to work on some large bankruptcy cases early on and became immersed in the bankruptcy world fairly quickly. Some of the firm's notable representative matters dur-

ing Judge Mark's tenure included serving as debtor's counsel for Evans Products Inc. in 1985, in what was then one of the largest Chapter 11 cases ever filed in the Southern District of Florida; serving as co-counsel for the Committee of Letter of Credit Issuers in the Chapter 11 case of the General Development Corporation; and serving as co-counsel for Midway Airlines in 1984 in its acquisition of Air Florida through a Section 363 bankruptcy sale.

Judge Mark thoroughly enjoyed practicing law, and bankruptcy work was a good fit for him because it moved much more quickly than the commercial litigation work that he had been engaged in previously. In 1990, while the firm's Bankruptcy Department was doing extremely well and Judge Mark was working on complex and challenging cases, a bankruptcy judgeship in the Southern District of Florida became available. Although happy at the firm, Judge Mark enthusiastically applied for the judgeship, seeing it as an excellent opportunity to begin a new phase in his legal career.

As a testament to the quality of his legal work as well as the respect he attained in the legal community, at the young age of 39, Judge Mark was selected by the U.S. Court of Appeals for the Eleventh Judicial Circuit as a U.S. bankruptcy judge for the Southern District of Florida in 1990. Judge Mark eagerly accepted the position and looked forward to a new challenge. Judge Mark had a busy calendar two days after being sworn in and, even after 22 years, the work has not slowed down. In 1999, he was appointed to a seven-year term as the chief bankruptcy judge for the Southern District of Florida, one of the busiest districts in the country.

While serving as a bankruptcy judge, Judge Mark has reinforced his reputation as a legal intellect and scholar. He has garnered respect in the legal community for his well-reasoned, intelligent decisions. His rulings are always well thought out and explained clearly, no matter the size of the case. As most attorneys who appear before Judge Mark know, he often is a "hot" bench in court. He typically views each motion filed before him as a status conference and challenges attorneys to make sure that the appropriate result is reached. In recognition of his work and contribution to the bankruptcy field, in 2000, Judge Mark was inducted as a Fellow with the American College of Bankruptcy, an honorary association of bankruptcy and insolvency professionals selected by a Board of Regents.

During his time on the bench, Judge Mark has had a number of substantial and interesting cases. In Judge Mark's opinion, perhaps his most interesting and challenging case was the bankruptcy proceeding of Piper Aircraft. In that case, Judge Mark charted into unresolved legal territory by wrestling with how and when a claim accrues for bankruptcy purposes—specifically, how to treat future claimants arising from post-confirmation crashes of planes built before

confirmation. As a result of his analysis, Judge Mark wrote an opinion creating a new test for determining when future claimants have bankruptcy claims. The test Judge Mark set forth in the *Piper Aircraft* case was ultimately adopted by the Eleventh Circuit.

Judge Mark views the 22 years that he has spent on the bench as a blessing. He has been surrounded with an incredible court family, which includes the current clerk of the court, Kathy Gould, who started her federal career as secretary for Judge Aronovitz during Judge Mark's clerkship; Elaine Howlan, who has been his courtroom deputy since he started as a bankruptcy judge; Marcy Gatell, who has been his judicial assistant since his first day on the bench; and several outstanding law clerks. Judge Mark views each of these individuals not only as colleagues but also as friends, and those relationships—combined with the opportunity to mentor his law clerks and then watch them thrive—are a big part of why he loves being a judge.

Judge Mark presides over a busy court. Judge Mark comments that whenever he starts a crowded calendar with several small matters, often including many pro se debtors, he reminds himself that, for these individuals, their "small" matter is one of the most important things happening in their life. Although Judge Mark can't always help these debtors, he tries his best to make each one feel that he or she has been heard and treated fairly. If the judge ever loses that perspective, he believes that it will be his time to leave the bench. Fortunately for the legal community, that time has not yet come.

Although Judge Mark runs an active courtroom, he still makes time for outside activities. He is an avid runner and has completed nine marathons, including qualifying for, and running in, two Boston Marathons. Running gives Judge Mark an opportunity to challenge himself physically, and he has also forged incredible friendships along the way. In addition to running, Judge Mark also devotes his time to mentoring young attorneys and law students, particularly minority lawyers and law students. Judge Mark takes pride in helping young people and enjoys watching them succeed.

He also takes time out of his busy schedule to teach classes at the University of Miami School of Law. He regularly lectures in the Chapter 11 workshop class taught by Adjunct Professor Patricia A. Redmond, who says that "Judge Mark provides a dynamic educational experience for students studying reorganizations and workouts. He challenges the students to solve real-life problems and analyze the law and facts to reach answers. He is a role model for all of the students." In addition to teaching at the law school, Judge Mark works with other bankruptcy judges and lawyers presenting programs to high school and college students on financial literacy, including the responsible use of credit cards. Judge Mark also finds time to serve as one of the authors of

*Collier on Bankruptcy*, a leading bankruptcy treatise, and to travel around the world participating in professional lectures, specifically with the National College of Bankruptcy Judges and the American Bankruptcy Institute.

Judge Mark has many interests, but what he loves most and takes the most pride in is his family. He has been married to his wife, Jill, for 37 years and has three children—Jamie, Alexandra, and Ari. If you ask Judge Mark about his family, his face will light up, and he will proceed to tell you all the wonderful things about them and how proud he is of them.

John Kozyak, a bankruptcy lawyer in the Southern District of Florida, has nothing but glowing remarks to say about Judge Mark. Kozyak remembers trying to recruit a young Judge Mark to join his firm when Judge Mark was finishing his clerkship with Judge Aronovitz. Although unsuccessful in recruiting Judge Mark, Kozyak became such close friends with the judge that he has not personally appeared before Judge Mark in the last 22 years. Kozyak describes Judge Mark “as one of the smartest, hardest working lawyers and judges that he has ever met.” At the time when Judge Mark was sworn in, Kozyak said his only professional regret was that Judge Mark and he had never been law partners.

The admiration for Judge Mark also extends to his fellow judges. In the words of one of his colleagues on the bench, U.S. Bankruptcy Judge Laurel M. Isicoff, “Judge Mark has the reputation for being intelligent, well-prepared, and fair. All of that is true.” Judge Isicoff knows Judge Mark well and has a unique perspective of the judge because she worked with him in private practice, appeared before him when he joined the bench, and now is a colleague alongside him on the bench. Judge Isicoff comments that “Judge Mark’s perceptions, intellect, and judicial integrity are a shining example to me of what a judge should aspire to be. I have been very blessed to have had Judge Mark be part of my career. I believe that I was a better lawyer, and am now a better judge, because of him.” I’m sure many others have similar praise. **TFL**

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