



## Mark J. Prak

Partner

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Mark Prak's principal clients are businesses and trade associations of businesses operating websites, television stations, radio stations, cable television systems, newspapers, magazines, radio networks, television production companies, telephone companies, wire services, and other communications enterprises.

He has represented communications businesses and state and national trade associations in administrative rule making proceedings before the Federal Communications Commission and other government agencies on issues such as political broadcasting rules, satellite carriage of television signals, digital television, digital radio, low-power FM radio, syndicated program exclusivity, cable television's compulsory copyright license, network affiliation agreements, the siting of broadcast towers, equal employment opportunity, and, in recent years, everything relating to broadband and high-speed internet issues.

He has counseled clients regarding mergers, acquisitions and dispositions, including negotiating all aspects of asset sales, stock sales, and merger agreements, securing requisite state and federal regulatory approvals, negotiating and drafting bank financing and security documents, analyzing antitrust and competition issues, and closing the transactions.

### Practice Areas

- Administrative Law
- Antitrust
- Antitrust Litigation
- Appellate Litigation
- Complex Business & Corporate Litigation
- Government & Public Policy
- Intellectual Property & Technology
- Labor & Employment
- Media, Communications & Technology
- Mediation & Arbitration
- Mergers & Acquisitions
- Professional Liability Litigation
- Trade Associations

### Education

- Duke University, J.D., 1980
- Duke University, A.B., *magna cum laude*, 1977

Mark counsels a broad base of clients, from small, closely held concerns to publicly traded companies, on day-to-day operational issues. For some clients, he and the firm serve as specialized regulatory counsel. For others, he serves a general counsel function.

He has served as lead counsel in litigation of numerous cases in state and federal courts and before administrative agencies. The subject matter of his litigation experience has ranged from copyright, trademark, and service mark issues to breach of contract, unfair competition, unfair trade practices, non-competition and trade secret agreements, libel, invasion of privacy, wiretapping, labor and employment questions (Title VII, wage and hour, etc.), open meetings, public records and freedom of information questions, as well as corporate and insurance law issues. He has also represented corporations and educational institutions before the FCC and North Carolina Utilities Commission in administrative litigation.

Mark has testified before Congressional and state legislative committees and has assisted clients in lobbying and testifying before Congress, the North Carolina General Assembly, and the FCC in efforts to influence debate on broad issues of public policy and on specific problems of concern to only a single client.

He has been a frequent speaker on regulatory issues affecting the communications industry before national and state bar association groups (PLI, ABA, NCBA) and at meetings of state and national trade associations.

He has testified as an expert witness on FCC practice and procedure, as well as legal ethics.

Since 1992, he has served as Visiting Lecturer teaching a course in Telecommunications Law and Public Policy at Duke University's Sanford Institute for Public Policy Sciences and at Duke Law School.

### Honors & Awards

- Listed in *The Best Lawyers in America* (Woodward/White) in First Amendment Law
- Fellow, Litigation Counsel of America
- Named as a North Carolina "Super Lawyer" in First Amendment/Media/Advertising Law (2007-2012) by *Law & Politics* magazine
- Recognized as a North Carolina Litigation Star by *Benchmark: Litigation: The Definitive Guide to America's Leading Litigation Firms & Attorneys*

### Professional & Community Activities

- Member, Federal Communications Bar Association, (Chairman, National Practice Committee, 1987-89)

- Member, North Carolina State Bar, Ethics Committee, 1987-90
- Member, Chair (2003-04), and Vice Chair (2002-03), Constitutional Rights and Responsibilities Section, North Carolina Bar Association
- President, Braxton Craven Inn of Court, Duke University, 2002-03
- Member, Chief Justice's Media and Courts Forum
- Chairman of the Board and Elder, Hillyer Memorial Christian Church, Raleigh, North Carolina

### Publications & Appearances

- "Survey of North Carolina Privacy and Related Claims Against the Media," *50 State Survey 2007-2008; Media Privacy and Related Law*, MLRC 2007 (with Marcus Trathen and David Kushner)
- "Access to the Judicial Process," *North Carolina Media Law Handbook*, N.C. First Amendment Foundation and UNC Chapel Hill School of Journalism, 3rd edition, 2007
- "Settlements and their Constitutional Implications," *The Constitutionalist*, N.C. Bar Association newsletter, April 2003
- "Telecommunications Convergence: How Can Europe Hold Her Own?" presented at the Alpbach European Forum, Media Symposium, Alpbach, Austria, August 2000
- "Access to Buildings and Facilities by Telecommunications," Hearings before the Subcommittee on Telecommunications, Trade and Consumer Protection of the Committee on Commerce, U.S. House of Representatives, 106th Congress, 1st Session, May 1999
- "Punitive Damages," *Libel Litigation 1994*, PLI, 1994 (Outline update with Klein, Moulton, Kelly and Mann)
- "Wiretapping: Always a Mistake and an Opportunity," *N.C. Lawyers Weekly*, 3 NCLW 1066, February 1991 (with Douglas A. Ruley)
- "Defendants' Approach to the Trial of a Libel Case," N.C. Bar Association 1989 (manuscript)

### Seminars & Speaking Engagements

- Prak Presents Appellate Practice CLE
- Brooks Pierce Attorneys Present at NCAB Annual Convention
- Prak and Coble Speak on Openness in Government

## Bar & Court Admissions

- North Carolina
- U.S. Supreme Court
- U.S. Court of Appeals:
  - 1st Circuit
  - 2nd Circuit
  - 3rd Circuit
  - 4th Circuit
  - 7th Circuit
  - 8th Circuit
  - 11th Circuit
  - D.C. Circuit
- U.S. District Court, Eastern District, North Carolina
- U.S. District Court, Middle District, North Carolina
- U.S. District Court, Western District, North Carolina