



Mark J. Prak  
PARTNER

Raleigh  
t: 919.839.0108  
f: 919.839.0304  
mprak@brookspierce.com

A seasoned litigator and counselor, Mark represents businesses and trade associations, with particular expertise in media and communications law. For some clients, he provides specialized regulatory, legislative, corporate, or litigation work. For others, he serves an outside general counsel role. Throughout his career, Mark has developed a capacity for solving complex problems that have stymied others.

### MEDIA AND COMMUNICATIONS

Mark's principal clients are media and communications enterprises, such as digital media and web-based businesses, television and radio stations, newspapers, wire services, magazines and cable companies, as well as trade associations representing these industries.

He has represented communications businesses and state and national trade associations in administrative rule making proceedings before the FCC and other government agencies on issues such as: internet distribution of video products, content licensing and use agreements, retransmission consent agreements, network affiliation agreements, political broadcasting rules, cable, satellite and OTT carriage of television signals, digital television and radio, syndicated program exclusivity, compulsory copyright licenses, the siting of broadcast towers, and equal employment opportunity issues.

"Mark Prak is integral to our success as a company. He interacts with us on the most significant matters, and his trusted guidance is a valuable resource." – Emerson Coleman, Vice President, Programming, Hearst Television

## CORPORATE & BUSINESS

Mark counsels clients on day-to-day operational issues and transactions. He has significant experience in 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, and analyzing antitrust and competition issues.

He also assists businesses of all types in complying with laws relating to the use (or abuse) of telephones, email, text messages, faxes and other forms of business communications. Over the past decade, he has been increasingly involved in content licensing, intellectual property licensing, and data breach matters.

## LITIGATION

Mark has served as lead counsel in litigation of numerous cases in state and federal courts and before federal and state administrative agencies. His litigation experience includes: intellectual property issues, contract disputes, unfair competition, libel, invasion of privacy, indecent content, non-compete, labor and employment matters, public records, and corporate and insurance law issues. He has also represented corporations and educational institutions before the FCC and North Carolina Utilities Commission in administrative litigation.

## GOVERNMENT RELATIONS & PUBLIC POLICY

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 other matters of concern to a single client.

## SERVICES

Regulatory & Administrative

Antitrust

Appellate

Corporate & Business

Compliance & Internal Investigations

Federal Litigation

Government Relations & Public Policy

Intellectual Property

IP Litigation

Litigation

Media, Publishing & Communications

Mergers & Acquisitions

Privacy

Professional Liability Litigation

Tax

Film & Television

Utilities & Telecom

## CREDENTIALS

### Honors & Recognitions

Recognized as a "Litigation Star" by *Benchmark Litigation* for First Amendment (2013-2016), General Commercial, Intellectual Property (2013-2022), Professional Liability, and Securities (2017-2022)

Selected by his peers for inclusion in *The Best Lawyers in America*® in First Amendment Law (1993-2022), Litigation - First Amendment (2011-2022), Mergers and Acquisitions Law (2012-2022), and Media Law (2017-2022)

Named North Carolina Litigator of the Year by *Benchmark Litigation* (2012)

Recognized in *North Carolina Super Lawyers* (Thomson Reuters) in First Amendment/Media/Advertising Law (2006-2014), and Communications (2015-2021)

Recognized by his peers for inclusion in *Business North Carolina's* "Legal Elite" in Litigation (2014)

Inducted into the North Carolina Association of Broadcasters Hall of Fame, 2014, and received the Distinguished Service Award from the same organization in 2008

Honored by the North Carolina Cable Telecommunications Association as the 2006 President's Cup Recipient

Inducted into the Tower Club of the Southern Cable Telecommunications Association, 2002

Awarded the 2019 Business Support of the Arts Award by the United Arts Council of Raleigh and Wake County

### Education

**Duke University School of Law**, J.D., 1980; Member, Editorial Board, *Duke Law Journal* **Duke University**, A.B. Political Science, 1977, *magna cum laude*

### Admissions

U.S. Court of Appeals for the 1st, 2nd, 3rd, 4th, 6th, 7th, 8th, 9th, 11th, and D.C. Circuits

U.S. District Court for the Western, Middle, and Eastern Districts of North Carolina

### PROFESSIONAL & CIVIC

Member, Board of Directors, United Arts Council of Raleigh and Wake County (2017-2019)

Member, Board of Directors, Audubon North Carolina (2015-2020)

Member, Board of Directors, Old Baldy Foundation (2011-present); Chairman (2017-present)

Member, Federal Communications Bar Association (Chairman, National Practice Committee, 1987-1989)

Member, Chair (2003-04), and Vice Chair (2002-03), Constitutional Rights and Responsibilities Section, North Carolina Bar Association

Adjunct Faculty Member, Communications Law and Public Policy, Duke University (1992-2011)

Former Senior Lecturing Fellow at Duke University School of Law

President, Braxton Craven Inn of Court, Duke University (2002-03)

Member, Ethics Committee, North Carolina State Bar (1987-1990)

Past Member, Chief Justice's Media and Courts Forum

Elder and twice former Chairman of the Board, Hillyer Memorial Christian Church, Raleigh, NC

## ABOUT ME

**Brooks Pierce is a firm that celebrates independent, cerebral, and creative thinkers. Get to know Mark through our own version of the famous Proust Questionnaire:**

I became a lawyer because: **I like solving difficult problems.**

What I appreciate the most in my friends: **Loyalty**

My occupation if I weren't a lawyer: **I wanted to play center field for the Los Angeles Dodgers. When I figured out that wasn't going to happen, I decided between law and journalism, and then ended up in media and communications law.**

My favorite prose author: **Kurt Vonnegut**

Heroes: **Sandy Koufax and Charles Hamilton Houston are on the list. At present, list currently includes 57 individuals.**

## NEWSROOM

### News

Brooks Pierce Receives Top Ranking in 2022 Edition of *Benchmark Litigation*  
*Benchmark Litigation*, 10.07.2021

Brooks Pierce Represents Media Company in \$925 Million Transaction  
09.28.2021

72 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2022 Guide  
*The Best Lawyers in America*®, 08.19.2021

Thirty Brooks Pierce Attorneys Recognized by 2021 North Carolina Super Lawyers  
*North Carolina Super Lawyers*, 01.14.2021

Brooks Pierce Receives Top Ranking in 2021 Edition of Benchmark Litigation  
*Benchmark Litigation*, 11.09.2020

### Speaking Engagements

Brooks Pierce Partner Participates in Panel at Federal Communications Bar Association CLE  
04.21.2021

Brooks Pierce Partner Speaks on Vetting Political Ads  
02.02.2021

Mark J. Prak Speaks to Indian Delegation on Telecommunications in U.S.  
06.20.2018

Mark Prak Moderated Policy Panel at National Communications Gathering  
04.12.2015

Mark Prak to Present at Best Practices Licensing and Regulation Program For the Iraq  
Communications and Media Commission  
09.05.2013

### Publications

Brooks Pierce Broadcasting Clients Prevail in U.S. Supreme Court  
06.21.2012