

Test-Pilot Father Provided Early Lessons in Aviation for Attorney-to-Be



J. ALBERT DIAZ

Podhurst Orseck aviation litigation expert Steven Marks plays a role in everything from a jet crash in the Alps to the NFL concussion settlement.

Steven Marks had aviation in his blood. Practicing law wasn't in his plans. But the two came together and became "an accidental perfect fit."

His grandfather "had the very first concession stand at Miami International Airport when he was 13 years old. He had a wooden shack and sold corned beef sandwiches at the end of a dirt runway," Marks said. His father was a test pilot for the Air Force in the 1960s and showed his son how to fly when the boy was just 12.

"So I picked up the interest when I was very, very young."

Born in Miami Beach like his father before him, Marks went on to become an internationally recognized aviation litigator and ended up on the executive

steering committee in the NFL player concussion class action. His grandfather went into construction, building houses. His father and uncles followed suit.

"I went to law school never intending to practice law, much less aviation law," Marks said. "I had planned to go into the development and construction business."

His inspiration came from his father.

"Whether it was financing deals, whether it was acquisitions of properties, whether it was zoning, whether it was permitting and approvals, whether there were subcontractor problems, I saw his constant frustration at having different sets of lawyers around him all the time," he said. "He always said, since I was a little kid, 'no matter what you do, just go to law school and get a law degree.'"

Marks went to the University of Florida and then to the University of Miami law school with that in mind. When he graduated, though, construction had slowed. He took a job at Podhurst Orseck and didn't expect to stay long.

"I had no idea that the firm even had a specialty in aviation," he said. "So it was an accidental perfect fit for me."

INTERNATIONAL PRACTICE

He started off doing mostly commercial litigation. "I gravitated toward the aviation because of the interest, and the practice just grew for me."

He's gone on to handle commercial and private aircraft accidents involving everything from hot air balloons and air ambulances to banner planes, helicopters and just about every kind of plane in some of the best-known cases around the world.

Among them: Metrojet Flight 9268, downed by a terrorist bomb minutes after takeoff from Egypt en route to St. Petersburg, Russia; Germanwings Flight 9525, crashed deliberately into a mountain in the French Alps by its suicidal co-pilot; Air France Flight 447, which crashed in the Atlantic Ocean en route from Rio de Janeiro to Paris, killing all 228 passengers; and Malaysian Airlines Flight MH370, which disappeared over the Indian Ocean

on its way from Kuala Lumpur to Beijing.

"It's a lot more than really the practice of law," he said. "The practice is challenging because it requires you to be compassionate and understanding, and not just of people's loss and being empathetic, but also to be compassionate and understanding with a lot of different cultures. Most of the cases I get involved in, or a large number of them, are overseas. And there are vast differences in cultures and behaviors and expectations and how you handle things."

The variety of venues also requires him to adapt to laws and judicial practices that vary by country.

"One of the joys of this area of law is that you interact with so many different cultures around the world," he said. "I also think it presents challenges with understanding the legal systems in all of these different countries. ... So you're dealing with professors and professionals and learning different legal systems all the time."

COMMON THREAD

His practice is not limited to aviation. He also handles per-

sonal injury and wrongful death litigation, medical malpractice and class actions, among other things, including large multidistrict litigation. His cases include overdraft lawsuits involving more than two dozen banks nationwide which resulted in settlements, so far, of more than \$1 billion.

Marks also served on the executive committee in the players' concussion-related injury lawsuit resulting in a long-term settlement with the NFL, estimated at more than \$1 billion.

"If there is a common thread, it's that we tend to represent the victims," he said. "It is easier to get passionate about an aggrieved party that you truly believe deserves justice. So you feel like you're doing a good thing. The passengers on these aircraft didn't do anything wrong. Their lives have been torn apart and shattered. They are true victims."

"I would say in almost all of our cases, even on the commercial side and on the class action side, including the NFL, the players were the victims. So that is a common thread," he said.

Steven Marks

Born: 1960, Miami Beach

Education: University of Miami, J.D., 1985; University of Florida, B.A., 1982

Experience: Managing partner, Podhurst Orseck, 1986-present