

MARK L. ROTERT

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Mark L. Rotert joined Stetler & Duffy in 2007, bringing to the firm 30 years' of experience in the investigation, trial, and appellate review of complex cases in federal and state courts. Mark has litigated disputes involving a wide array of industries and professions, including securities and commodities, banking and investment finance, manufacturing, health care, law, insurance, export control, marketing, consulting services, and even exotic race cars. He has represented Fortune 100 corporations and businesses of all sizes, and his practice places particular emphasis on representing individuals confronted by the government.

Mark began his legal career in 1977 as a prosecutor with the Illinois Attorney General's Office. Within three years he was appointed to a supervisory position, a trend that would continue throughout his 17 years of public service. After ten years' experience serving in Illinois government, in 1987 Mark was appointed an Assistant United States Attorney in Chicago, where he served in a variety of supervisory positions including Chief of the Major Crimes Division, the unit responsible for the investigation and prosecution of most white collar criminal cases. While he was an AUSA, Mark also served as trial prosecutor in nationally-significant cases involving public corruption, commodities fraud, international trade violations, and bank fraud.

Mark left government service in 1994 to join the firm Winston & Strawn as a partner in its Litigation Department. Among the many major clients he represented while at Winston & Strawn, Mark served as criminal defense counsel to a major health care provider involved in a health care fraud investigation undertaken by the Department of Justice and some 42 States; he acted as lead counsel to a Chicago bank sued by Michigan regulators in connection with the collapse of a Canadian insurer; he defended a national consulting firm against malpractice claims arising from the implementation of new computer technologies; and he defended individuals at trial in criminal prosecutions in both state and federal courts.

Mark also has a long history of service to the bar. He served by appointment of the Illinois Supreme Court on the Committee formulating Pattern Jury Instructions in Criminal Cases. He authored

the chapter on the Attorney-Client Privilege used in the United States Department of Justice Manual on Grand Jury Practice. He taught Trial Practice at the John Marshall Law School and is a frequent lecturer on trial and appellate advocacy at area law schools and on behalf of the Young Lawyers' Section of the Chicago Bar Association. Mark is a 1974 graduate of St. John's University (Minnesota, B.A. 1974) and received his J.D. in 1977 from Loyola University (Chicago) School of Law. He is a member of the Criminal Justice Section of the American Bar Association and the Illinois State Bar Association.

Significant Trials:

Mark first demonstrated his skills as a trial advocate while serving with the Prosecution Assistance Bureau then in place at the Illinois Attorney General's Office. Acting as a special prosecutor at the request of State's Attorneys in Downstate communities, Mark successfully tried a dozen murder prosecutions between 1979 and 1986, including cases in which law enforcement officers were victims (*People v. Lampkin*, *People v. Berger*).

Mark then became a federal prosecutor in 1987 and his record of success continued. He obtained convictions in a wide array of major prosecutions in white collar criminal cases, including cases brought against Chicago police officers accused of accepting bribes to protect drug dealers (*U.S. v. Allen, et al.*), cases involving efforts to "corner the market" in U.S. Treasury Bonds (*U.S. v. Catalfo*) and the racketeering prosecution of commodities traders engaged in systematic fraud against their customers (*U.S. v. Dempsey, et al.*).

After his entry into private practice Mark's reputation as an effective trial attorney continued to grow. In *People v. Jones* Mark's client was charged with defrauding various county governments in his administration of health benefits programs funded by those counties. After a highly-publicized trial in Peoria, the defendant was acquitted by a jury of all charges. In *U.S. v. Gellene* Mark defended a New York attorney accused of fraud in the disposition of a major bankruptcy estate, a case that garnered a series of articles in "American Lawyer" magazine and that later became the subject of a book entitled *Eat What You Kill* (M. Regan, Univ. Michigan Press 2004). In the 2006 case *U.S. v. Wieringa*, Mark represented an importer of exotic race cars in a criminal prosecution pursued by officials of the U.S. Customs

Service. After a week-long trial in Chicago federal court, the defendant was acquitted of all charges by a jury in just under two hours.

Significant Appeals:

Mark's career has produced a unique combination of successes at both the trial and appellate levels. A member of the National Moot Court Team in law school, as a young lawyer Mark quickly developed a reputation for excellence in oral advocacy and legal writing, and he continues to receive frequent invitations to lecture students and practitioners. In 1980 Mark was named Chief of the Criminal Appeals Division for the Illinois Attorney General, and in that post he supervised all criminal appellate litigation involving the State of Illinois, including *habeas corpus* litigation in the United States courts. By the time he left state government in 1987, Mark had briefed and argued cases in each of Illinois' five appellate districts; had made over twenty appearances before the Supreme Court of Illinois; and had argued several appeals before the United States Court of Appeals for the Seventh Circuit (including one where the Court sat *en banc*).

Mark's appellate experience is highlighted by the two cases he successfully briefed and argued before the Supreme Court of the United States. In *Greer v. Miller*, 483 U.S. 756 (1987) the Court addressed the application of the Harmless Error Doctrine to criminal cases brought as collateral attacks under the *habeas corpus* statute, and Mark's position prevailed in a 5-4 vote. In *Allen v. Illinois*, 478 U.S. 364 (1986) the Court addressed Fifth Amendment questions surrounding psychiatric evaluations conducted under Illinois' Sexually Dangerous Persons Act. Again, Mark's position prevailed in a 5-4 vote.

This tradition of effective appellate advocacy continued through Mark's tenure as an Assistant United States Attorney and into private practice. Combining strong writing skills with proven oral advocacy techniques, Mark gains results for clients at all stages of litigation by effectively presenting complex legal questions in a way that maximizes the chances for a successful result.