



Mark L. Austrian

Of Counsel

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About

Litigator, trial and regulatory attorney, Mark Austrian, advises clients and litigates disputes on environmental, product liability, toxic tort, intellectual property, real estate and commercial matters. His practice includes regulatory proceedings involving the Consumer Product Safety Commission and the Environmental Protection Agency. Mark focuses his efforts on controlling costs at all stages of litigation, including eDiscovery, while working closely with clients to aggressively present their positions during pre-trial and trial proceedings, as well as in arbitration and mediation.

Mark has represented major corporations, mid-market businesses and individuals in the resolution of complex, high-stakes lawsuits which have regulatory, as well as litigation, consequences. Mark uses his litigation and regulatory know-how, as well as the firm's resources with Congress, the CPSC, EPA, FTC and DOJ to develop overall case strategies where multiple issues are at stake, not simply an individual case. He navigates his clients through the difficult challenges associated with intense media scrutiny, intrusive government officials and relentless competition.

Mark has proven time and again that he has the ability to eliminate lawsuits at the earliest stages of litigation, as well as the requisite creativity and aptitude for productive negotiation to reach a favorable compromise when it is needed most. However, Mark also has the experience and talent to go to trial, as well as the practical know-how to effectively fight for his client's rights.

Mark understands how to leverage technology throughout the litigation process to reduce cost, analyze case information and develop strong presentations. Mark understands the legal and technological aspects of eDiscovery and eDiscovery platforms such as Relativity, uses litigation-designed databases, including CaseMap, to integrate facts, documents and arguments developed during pretrial proceedings, and presents the client's story persuasively through presentation software such as Sanction and Trial Director. He teaches courses in eDiscovery and the use of litigation technology at trial at the American University Law School.

Mark served as a law clerk in the U.S. District Court for the Eastern District of New York from 1970-1971.

Experience

Lead trial counsel in a case tried in the Circuit Court for Montgomery County, Maryland representing

a member of a Limited Liability Partnership owning commercial real estate opposing judicial dissolution. On December 27, 2016, the court issued an 18-page opinion denying judicial dissolution.

Lead trial counsel in a three-week patent case trial in the Federal Court in Connecticut representing a company alleged to infringe a mechanical patent. In December, 2012, the court issued a 74-page opinion finding that the patent was invalid and not-infringed.

Defeated a retaliatory patent infringement action and motion for preliminary injunction on behalf of a subsidiary of a major industrial corporation.

Represented numerous companies in product liability litigation and matters involving the U.S. Consumer Product Safety Commission, including Section 15(b) filings, penalty proceedings and Notices of Proposed Regulations.

Represented companies in environmental litigation, including civil and regulatory actions, as well as citizen suits.

Represented a major producer of forest industry products in a bench trial concerning an environmental dispute over soil contamination responsibility at a lumber factory.

Represented manufacturers of ceramic tableware and small engines in Proposition 65 litigation brought in California.

Served as lead trial counsel representing a major pharmaceutical company in a series of six-week and nine-week jury trials involving claims that a pharmaceutical product, Bendectin, caused serious limb and heart birth defects. The cases were tried in the District of Columbia, Philadelphia and Baltimore, and affirmed on appeal.

Represented an international foods company in arbitration and federal court proceedings involving contractual disputes.

Argued an international trade case on behalf of a subsidiary of a diversified manufacturer of advanced industrial technology and obtained a significant victory.

Negotiated a \$10 million settlement between world-leading producers of specialty materials and a Japanese manufacturer in a patent infringement action.

Representing a subsidiary of a major industrial corporation in a patent infringement action pending in the District of Connecticut.

Representing a global marketer of consumer and commercial products in an environmental dispute over financial responsibility for cleanup at various sites in New Jersey.

Represented a worldwide leader in engine retarding and valve actuation technology in a franchise case, and defeated a motion for a preliminary injunction following a two-week evidentiary hearing.

Represented an international communications company in a series of state administrative proceedings under the Telecommunications Act of 1996.

Representing a leading professional organization for journalists in a commercial dispute pending in the Superior Court in the District of Columbia.

Represented multiple equipment companies in product liability litigation.

Handled a variety of matters before the U.S. Consumer Product Safety Commission.

Represented a global media company in a Securities Act case and argued the matter before the Third Circuit Court of Appeals.

Affiliations

American Law Institute

Georgetown Law School, eDiscovery advisory board

The William B. Bryant Inn of Court, team leader

American University, Washington College of Law, adjunct professor of law, teaching courses in advanced trial advocacy using computer technology (2004-present) and eDiscovery (2008-present).

National Institute for Trial Advocacy, faculty, Advanced Trial Programs and Deposition Programs in NYC and Washington, D.C., 1985-present.

The Sedona Conference, member.

Georgetown eDiscovery Training Academy, attorney advisor.

Related Services

Consumer Product Safety Regulation

e-Discovery

Environmental

Environmental Litigation

Environmental Regulation

Litigation

Toxic Torts and Products Liability

Education

University of Pennsylvania Law School, J.D., 1970

- cum laude
 - University of Pennsylvania Law Review, board of editors
- The Wharton School, The University of Pennsylvania, B.S., 1967

Admissions

District of Columbia, 1981

Courts

U.S. Supreme Court

U.S. Court of Appeals-First Circuit

U.S. Court of Appeals-Second Circuit

U.S. Court of Appeals-Third Circuit

U.S. Court of Appeals-Fifth Circuit

U.S. Court of Appeals-Eighth Circuit

U.S. Court of Appeals-District of Columbia

U.S. Court of Appeals-Federal Circuit

U.S. District Court-Southern District of New York

U.S. District Court-Eastern District of New York

U.S. District Court-Northern District of New York

U.S. District Court-District of Maryland

U.S. District Court-District of Columbia

