

**GIDEON MARK**  
**CURRICULUM VITAE**

Robert H. Smith School of Business  
Department of Logistics, Business & Public Policy  
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**ACADEMIC EXPERIENCE**

2014 – Present      Associate Professor of Business Law  
Department of Logistics, Business & Public Policy  
**Robert H. Smith School of Business**  
**University of Maryland**

2008 – 2014      Assistant Professor of Business Law  
**University of Maryland**

**EDUCATION**

2002 - 2005      **New York University/School of Law** - New York, NY  
LL.M. (tax) – May 2005  
\*Executive Articles Editor, **NYU ANNUAL SURVEY OF AMERICAN LAW**

1997 - 2000      **Harvard University/Kennedy School of Government** - Cambridge, MA  
M.P.A. – May 2000

1993 - 1995      **Columbia University/Graduate School of Business** - New York, NY  
M.B.A. – May 1995  
\*Dean's List  
\*Teaching Assistant - Business Law I and II

1980 - 1983      **University of California/Hastings College of Law** - San Francisco, CA  
J.D. – May 1983  
\*Member, **HASTINGS LAW JOURNAL**  
\*Member, **HASTINGS CONSTITUTIONAL LAW QUARTERLY**  
\*National Finalist, ABA National Appellate Advocacy Competition

1975 - 1979      **Brandeis University** - Waltham, MA  
B.A. *magna cum laude* - Politics – May 1979  
\*High Departmental Honors. Thesis: *U.S. Multinational Corporations in South Africa*  
\*Dean's List

**PUBLICATIONS****Journal Articles**

*Spoofing and Layering*, 45 **JOURNAL OF CORPORATION LAW (UNIVERSITY OF IOWA)** (2019) (forthcoming)

*Confidential Witness Interviews in Securities Litigation*, 96 **NORTH CAROLINA LAW REVIEW** 789-822 (2018) (invited symposium contribution)

*The Yates Memorandum*, 51 **UC DAVIS LAW REVIEW** 1589-1671 (2018)

*The Yates Memorandum and Cartel Enforcement*, 51 **UC DAVIS LAW REVIEW ONLINE** 97-119 (2018)

*SEC and CFTC Administrative Proceedings*, 19 **UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW** 45-140 (2016)

*SEC Enforcement Discretion*, 94 **TEXAS LAW REVIEW** *SEE ALSO* 261-278 (2016) (invited contribution)

*Multijurisdictional M&A Litigation*, 40 **JOURNAL OF CORPORATION LAW (UNIVERSITY OF IOWA)** 291-350 (2015) (**lead article**)

*Inequitable Conduct and Walker Process Claims After *Therasense* and the America Invents Act* (with Leigh Anenson), 16 **UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW** 361-430 (2014) (**lead article**)

*Recanting Confidential Witnesses in Securities Litigation*, 45 **LOYOLA UNIVERSITY CHICAGO LAW JOURNAL** 575-602 (2014) (invited symposium contribution) (**lead article**)

*Inequitable Conduct in Retrospective: Understanding Unclean Hands in Patent Remedies* (with Leigh Anenson), 62 **AMERICAN UNIVERSITY LAW REVIEW** 1441-1527 (2013) (**lead article**)

*RICO's Extraterritoriality*, 50 **AMERICAN BUSINESS LAW JOURNAL** 543-608 (2013) (**Hoerber Memorial Award for Excellence in Research**)

*Private FCPA Enforcement*, 49 **AMERICAN BUSINESS LAW JOURNAL** 419-506 (2012) (**lead article**)

*Federal Discovery Stays*, 45 **UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM** 405-453 (2012)

*Confidential Witnesses in Securities Litigation*, 36 **JOURNAL OF CORPORATION LAW (UNIVERSITY OF IOWA)** 551-605 (2011)

*Justice Sotomayor on the Supreme Court: A Boon for Business?* (with Dana M. Muir, David Baumer, Stephanie Greene & Robert E. Thomas), 4 **VIRGINIA LAW & BUSINESS REVIEW** 187-230 (2009)

*Accounting Fraud: Pleading *Scienter* of Auditors Under the PSLRA*, 39 **CONNECTICUT LAW REVIEW** 1097-1210 (2007)

*Corporate Cooperation During Investigations and Audits* (with Thomas C. Pearson), 13 **STANFORD JOURNAL OF LAW, BUSINESS & FINANCE** 1-81 (2007) (**lead article**)

**PUBLICATIONS (CONT.)****Journal Articles**

*Investigations, Inspections, and Audits in the Post-SOX Environment* (with Thomas C. Pearson), 86 **NEBRASKA LAW REVIEW** 43-118 (2007)

*Continuing Commercial Impression: Applications and Measurement* (with Jacob Jacoby), 10 **MARQUETTE INTELLECTUAL PROPERTY LAW REVIEW** 433-458 (2006) (re-published as book chapter in **TRADEMARKS: CONCEPTS AND CONTEXTS** (Icfai University Press, 2008))

Comment, *Issues in Asbestos Litigation*, 34 **HASTINGS LAW JOURNAL** 871-909 (1983)

**Book Chapters**

THE CHANGING FACE OF AMERICAN PATENT LAW AND ITS IMPACT ON BUSINESS STRATEGY (Daniel R. Cahoy and Lynda J. Oswald eds., Edward Elgar Publishing Ltd., 2013) (Chapter Four)

TRADEMARKS: CONCEPTS AND CONTEXTS (Icfai University Press, 2008) (Chapter Eight)

**INVITED PRESENTATIONS**

*Spoofing and Layering*, Sixth Annual Corporate & Securities Litigation Workshop, UCLA School of Law/University of Illinois College of Law/University of Richmond School of Law, Richmond, VA (2018)

*Confidential Witness Interviews in Securities Litigations*, Twenty-Third Annual Conference of the Institute for Law & Economic Policy, Naples, FL (2017)

*SEC and CFTC Administrative Proceedings*, Third Annual Corporate & Securities Litigation Workshop, Boston University School of Law, Boston, MA (2015)

*Multijurisdictional M&A Litigation*, Second Annual Corporate & Securities Litigation Workshop, University of Illinois College of Law/University of Richmond School of Law, Richmond, VA (2014); Fifteenth Huber Hurst Research Seminar, University of Florida, Gainesville, FL (2014)

*Confidential Witnesses in Securities Litigation*, Third Annual Conference of the Institute for Investor Protection, Loyola University Chicago School of Law, Chicago, IL (2013)

*Private FCPA Enforcement*, American Business Law Journal Invited Scholars Colloquium, Annual International Conference of the Academy of Legal Studies in Business, New Orleans, LA (2011) (**Ralph J. Bunche Award for Best Paper on International Business Law**)

**REFEREED PRESENTATIONS**

*The Yates Memorandum*, Annual Conference of the Mid-Atlantic Academy of Legal Studies in Business, Philadelphia, PA (2018); Annual International Conference of the Academy of Legal Studies in Business, Savannah, GA (2017)

**REFEREED PRESENTATIONS (CONT.)**

*SEC and CFTC Administrative Proceedings*, Annual International Conference of the Academy of Legal Studies in Business, San Juan, PR (2016); Annual Conference of the Mid-Atlantic Academy of Legal Studies in Business, New York, NY (2016) (**Best Paper Award**)

*Multijurisdictional M&A Litigation*, Annual International Conference of the Academy of Legal Studies in Business, Seattle, WA (2014)

*Inequitable Conduct and Walker Process Claims After *Therasense* and the *America Invents Act**, Annual International Conference of the Academy of Legal Studies in Business, Boston, MA (2013)

*RICO's Extraterritoriality*, Annual Conference of the Pacific Southwest Academy of Legal Studies in Business, Palm Springs, CA (2013) (**Distinguished Paper Award**); Annual International Conference of the Academy of Legal Studies in Business, Kansas City, MO (2012)

*Inequitable Conduct in Retrospective: Understanding Unclean Hands in Patent Remedies* (with Leigh Anenson), Annual Conference of the Pacific Southwest Academy of Legal Studies in Business, Palm Springs, CA (2013); Annual International Conference of the Academy of Legal Studies in Business, Kansas City, MO (2012)

*Private FCPA Enforcement*, Annual Conference of the Pacific Southwest Academy of Legal Studies in Business, Palm Springs, CA (2012)

*Federal Discovery Stays*, Annual International Conference of the Academy of Legal Studies in Business, New Orleans, LA (2011); Annual Conference of the Pacific Southwest Academy of Legal Studies in Business, Palm Springs, CA (2011) (**Best Paper Finalist**)

*Confidential Witnesses in Securities Litigation*, Annual International Conference of the Academy of Legal Studies in Business, Richmond, VA (2010); Annual Conference of the Pacific Southwest Academy of Legal Studies in Business, Palm Springs, CA (2010) (**Best Paper Finalist**)

*Justice Sotomayor on the Supreme Court: A Boon for Business?* (with Dana M. Muir, David Baumer, Stephanie Greene, and Robert E. Thomas), Annual International Conference of the Academy of Legal Studies in Business, Denver, CO (2009)

**ACADEMIC HONORS AND AWARDS**

Best Paper Award, Annual Conference of the MAALSB, 2016

Outstanding ABLJ Reviewer, Annual International Conference of the ALSB, 2014

Invited Participant, Huber Hurst Research Seminar, 2014

ABLJ Hoerber Memorial Award (Excellence in Research), Annual International Conference of the ALSB, 2013

Distinguished Paper Award, Annual Conference of the PSWALSB, 2013

**ACADEMIC HONORS AND AWARDS (CONT.)**

Ralph J. Bunche Award (Best Paper on International Business Law), Annual International Conference of the ALSB, 2011

Invited Scholar, ABLJ Invited Scholars Colloquium, Annual International Conference of the ALSB, 2011

Best Paper Finalist, Annual Conference of the PSWALSB, 2011

CIBER Research Award, University of Maryland Smith School of Business, 2010

Best Paper Finalist, Annual Conference of the PSWALSB, 2010

**JOURNAL EDITORIAL BOARD EXPERIENCE**

AMERICAN BUSINESS LAW JOURNAL, ALSB, Managing Editor (2018-Present)

JOURNAL OF LAW, BUSINESS & ETHICS, PSWALSB, Senior Articles Editor (2010-13)

NYU ANNUAL SURVEY OF AMERICAN LAW, NYU Law School, Executive Articles Editor (2004-05)

**LEADERSHIP POSITIONS**

Pacific Southwest Academy of Legal Studies in Business

President, 2012-13

Vice President, 2011-12 (Chair, 2012 Annual Conference)

Secretary-Treasurer, 2010-11

**CAMPUS SERVICE**

Center for the Study of Business Ethics, Regulation & Crime, Associate Director, 2013-Present

University Senate, Senator, 2014-17

University Senate Student Conduct Committee, 2010-18

Assistant Professor Merit Review Committee, 2018

Appointment, Evaluation, and Promotion (Professional Track Faculty) Task Force, 2017-18

Grade Appeal Committee, 2017-18

Banneker/Key Scholarship Committee, 2010-12

Honor Board, 2008-Present

Merit Review Task Force, 2018-Present

Salary Review Committee, 2018-Present

**PROFESSIONAL LICENSES**

Member, Bars of California, District of Columbia, Illinois, Massachusetts, and New York

## **PROFESSIONAL AFFILIATIONS**

Member, American Bar Association  
Member, New York City Bar Association

## **PROFESSIONAL CONSULTING AND EMPLOYMENT**

2000 - Present	<b>Paduano &amp; Weintraub</b> -- New York, NY
1995 - 2000	<b>Sonnenschein Nath &amp; Rosenthal</b> -- New York, NY
1988 - 1992	<b>Christensen, White, Miller, Fink &amp; Jacobs</b> -- Los Angeles, CA
1984 - 1988	<b>Finley, Kumble, Wagner, et al.</b> -- Beverly Hills, CA

Of-counsel at current firm. Business litigation practice at all four firms. Appellate, trial, arbitration, and pre-trial experience. Primary subject areas include securities, employment, entertainment, intellectual property, and white collar crime.