

Mark J. Prak

Partner



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OFFICE

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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.

MY PRACTICE

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,

PRACTICE AREAS

Administrative and Regulatory
Business and Corporate
› Antitrust
› Mergers & Acquisitions
› Tax
Compliance & Internal Investigations
Governmental Relations & Public Policy
Intellectual Property
Litigation
› Antitrust Litigation
› Appellate
› Federal Litigation
› IP Litigation
› Professional Liability Litigation
Media and Publishing
Privacy

INDUSTRIES

Film & Television
Media, Publishing, & Communications
Telecom
Utilities

EDUCATION

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

BAR & COURT ADMISSIONS

US Court of Appeals
1st Circuit
2nd Circuit
3rd Circuit
4th Circuit
6th Circuit
7th Circuit
8th Circuit
9th Circuit
11th Circuit
D.C. Circuit
US District Court - North Carolina
Western District

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.

Middle District
Eastern District

BUSINESS AND CORPORATE

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.

GOVERNMENTAL RELATIONS AND 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.

HONORS

Recognized as a "Litigation Star" by [*Benchmark Litigation*](#) for First Amendment, General Commercial, Intellectual Property (2013-2020), Professional Liability, and Securities (2017-2020)

Selected by his peers for inclusion in [*The Best Lawyers in America*](#)® in First Amendment Law, First Amendment Litigation, and Mergers and Acquisitions Law (1993-2020); Media Law (2017-2020)

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

Recognized as a North Carolina Litigation Star in [*Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms & Attorneys*](#) (2013-2018) in First Amendment, General Commercial and Intellectual Property; recognized in Professional Liability and Securities (2017-2018)

Recognized in [*North Carolina Super Lawyers*](#) (Thomson Reuters) in First Amendment/Media/Advertising Law (2006-2014), and Communications (2015-2020)

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

COMMUNITY INVOLVEMENT

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

Member, Board of Directors, [Audubon North Carolina](#) (2015-present)

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

PUBLICATIONS & MEDIA

Frequent speaker at Continuing Legal Education events, industry trade shows, schools, universities, and colleges

Presenter, "From Telephone to Telecommunications in the USA" and "The FCC's Incentive Spectrum Auction," Duke Sanford School of Public Policy event for Indian Post and Telecommunication Accounts and Finance delegation, June 2018

Co-Author, *Survey of North Carolina Privacy Law and Related Claims Against the Media* Media Law Resource Center 50-State Survey, Media Privacy and Related Law (1998 -)

"Access to the Judicial Process," *North Carolina Media Law Handbook*, N.C. First Amendment Foundation and UNC Chapel Hill School of Journalism, 3rd edition, 2007

"Settlements and their Constitutional Implications," *The Constitutionalist*, N.C. Bar Association newsletter, April 2003

"Telecommunications Convergence: How Can Europe Hold Her Own?" presented at the Alpbach European Forum, Media Symposium, Alpbach, Austria, August 2000

"Access to Buildings and Facilities by Telecommunications," Hearings before the Subcommittee on Telecommunications, Trade and Consumer Protection of the Committee on Commerce, U.S. House of Representatives, 106th Congress, 1st Session, May 1999

"Punitive Damages," *Libel Litigation 1994*, PLI, 1994 (Outline update with Klein, Moulton, Kelly and Mann)

"Wiretapping: Always a Mistake and an Opportunity," *N.C. Lawyers Weekly*, 3 NCLW 1066, February 1991 (with Douglas A. Ruley)

"Defendants' Approach to the Trial of a Libel Case," N.C. Bar Association 1989 (manuscript)

Brooks Pierce Partners Advise Longtime Broadcaster on Sale of Two Television Stations, May 23, 2019

Brooks Pierce Attorneys Set Town of Mesic Up for \$50k Duke Energy Grant, April 2, 2019

Brooks Pierce Partner Elected to United Arts Council Board of Directors, August 2, 2017

Brooks Pierce Attorney Profiled by Audubon North Carolina, June 20, 2017

Mark Prak Discusses the FCC Spectrum Auction with the Triangle Business Journal, April 21, 2017

Mark J. Prak Inducted Into North Carolina Association of Broadcasters Hall of Fame, June 24, 2014

Mark Prak to Present at Best Practices Licensing and Regulation Program For the Iraq Communications and Media Commission, September 6, 2013

Brooks Pierce Broadcasting Clients Prevail in U.S. Supreme Court, June 22, 2012

Prak and Coble Speak on Openness in Government, March 16, 2010

Brooks Pierce Partners Successful in Pro Bono Taser Case, February 1, 2010

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SPEAKING ENGAGEMENTS

Mark J. Prak Speaks to Indian Delegation on Telecommunications in U.S., June 20, 2018