



BROWARD COUNTY HISPANIC BAR ASSOCIATION

JUDICIAL CANDIDATE QUESTIONNAIRE

1. Full Name: Mark D. Kushner
2. Current County of residence. Broward.
3. Date and place of birth. September 30, 1068. North Miami, Florida.
4. Does your campaign have a website or Facebook page? If so, please list it.
Kushnerforjudge.com

www.facebook.com/kushnerforjudge/
5. List the colleges and law schools you have attended, including your dates of attendance and degrees awarded.

St. Thomas University School of Law, Dec. 2005, J.D.

Babson College, Wellesley, MA, May 1991, B.S.
6. Have you ever served in the military? No.
7. List where you have been employed since graduation from law school, including dates employed, your position and the nature of your employment responsibilities.

Kushner Law, P.L.
Member, November 2013 – Present
Solo Law Practice
Concentration in commercial and real property litigation, commercial and real estate transactions- title agent

Roetzel and Andres, LPA, Fort Lauderdale, FL
Associate, March 2010 – November 2013
Commercial Litigation/Construction Litigation/Title Agent



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**Ruden McClosky Smith Schuster & Russell, P.A., Fort Lauderdale, FL
Associate, February 2006 to March 2010
Commercial Litigation/Land Use Litigation/Construction Litigation**

8. Have you ever been arrested? Explain. No.
9. Have you ever been convicted of a crime? Explain. No.
10. What is the general nature of your practice? Indicate areas of practice in which you concentrate or concentrated?

My law practice is currently concentrated in the practice areas of commercial and real property litigation, commercial and real estate transactions, and probate administration.

Civil Litigation experience includes: landlord tenant, judgment enforcement, complex commercial note enforcement and foreclosure, homeowners and condominium owners association disputes, construction litigation, general commercial disputes, and tort and statutory claims.

Criminal law: prosecuted criminal court misdemeanor cases with State Attorney's Office in Broward County: driving under the influence, racing on the highway, etc.

11. If you are currently a judge, what type of cases do you typically preside over in your court?
N/A.
12. If you are currently a judge, have any of your decisions ever been appealed and overturned? How many times in the last two (2) years? When and what case? N/A.
13. What percentage of your litigation or trial experience was related to:
 - a. Civil? 99%
 - b. Criminal? 1%
14. How many cases have you tried to verdict? **2.**
15. Describe three of the most significant litigated matters, which you personally handled and give the citations thereto, if the cases were reported.
 - A. **NOBEL LEARNING COMMUNITIES, INC., v. CITY OF SUNRISE, FLORIDA, Broward County, Circuit Court Case 09-003053 (04)**



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Client: Plaintiff, Nobel Learning Communities.

Participation: Represented Nobel Learning Communities along with Glenn Smith, Esq., Obtained ex-parte temporary injunction to prevent closing for school for special-needs children. The injunction permitted client to operate while the parties negotiated a resolution allowing for the continued operation of the facility. I did the majority of the drafting of the pleadings, argued and successfully obtained the injunction. Argued on or about Jan. 20, 2009.

B. UMT International, LLC v. Henry Geddes, Anne Geddes, Splashlight Studios, Henry Geddes Enterprises, Broward County, Circuit Court Case

Client: Defendants.

Participation: I was counsel for the Defendants listed above and was responsible for litigating this entirety of dispute, including, but not limited to, successfully arguing hearing on Motion for Summary Judgment. Case active from 2012-2014.

Significance: This case is significant as it resulted in a favorable summary judgment in favor of my clients following two years of expensive and time consuming litigation.

C. Staup v. Wachovia Bank, NA, United States District Court- M.D. Fla. Case No. 08-60359 CIV and S.D. Fla. Case No. 07-60094 CIV-COHN.

Citations to Reported Opinions: 2007 WL 1239210 and 2008 WL 2598005.

Client: Defendant, Wachovia Bank, N.A.

Participation: Responsible for the substantive research and drafting in both cases.

Significance: First substantive Federal Court litigation in which I contributed to substantively. Obtained orders granting Motions to Dismiss claims filed by vexatious litigant based, in part upon the Rooker-Feldman Doctrine. Resulted in two reported cases.

16. Why do you want to be a judge (circuit or county)?

I don't have to tell you how critical it is that we have judges who seek to bring honor and integrity to the court system. I will bring my diverse business and legal experiences to the bench, but most importantly I will bring ethics and integrity. I understand that public service is a public trust, and that state resources or the perks off office should never be used for a private purpose. The people of Broward County need and deserve judges who possess a combination of legal competence, a strong proven work ethic, impartiality and that possess the even-handed and professional temperament.



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It is my intention to bring a fair-minded, competent, hard-working, pragmatic, customer service oriented perspective to the bench. The County Courts play a special role in the community as large numbers of unrepresented parties appear before such courts. It is essential that County Judges are sensitive to the fact that most people have limited experience with the court system and limited knowledge of the procedural and substantive legal requirements.

I seek to be elected to contribute back to the county in which I was raised by bringing all of these qualities to the bench.

- 17. What qualities do you believe are most important in a judge? Explain how you have demonstrated that you possess those qualities.**

The people of Broward County need and deserve judges who possess a combination of legal competence, a strong proven work ethic, impartiality and that possess the even-handed and professional temperament.

- 18. Why do you believe that you are the best candidate for the seat you are running for?**

I possess the characteristics and experience that have a bearing on work to be performed as a County Court Judge, and I have the educational and professional outcomes that demonstrate a commitment to hard work and excellence, ethics and integrity.

Equally as important, I am not a politician or a courthouse insider.

Broward County needs more judges who will bring a combination of life experiences- family life, educational excellence, quality and diverse work and professional experiences to the bench, and who are willing to work hard once coming to the bench.

I am AV® Preeminent™ peer-rated attorney with a broad range of legal experiences, from handling County Court criminal cases at the State Attorneys' office, to eight years of practice in very large well-respected commercial law firms, to a solo law practice. I have litigated cases from small claims to complex Federal Court civil litigation.

My academic background is exemplary- I graduated first in my law school class, Law Review Articles Editor, member of the moot court board and travel team, teaching assistant, and winner of six book awards for being the top student in six classes. I also was a judicial intern for a Federal Judge, and a Certified Legal Intern working full time in the Office of the State Attorney.



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19. Describe your civic activities and community involvement for the past five (5) years, listing what years you participated in each activity or were involved.

Apart from my participation in the legal community and related groups, the focus of my civic activities over the past five years have be related to my synagogue and donating time, effort, and moneys to related causes.

20. Please list noteworthy professional or personal accomplishments.

I am an AV® Preeminent™ peer-rated attorney by Martindale.com- “The highest peer rating standard. This rating signifies that the lawyer's reviewed peers rank him or her at the highest level of professional excellence for their legal knowledge, communication skills and ethical standards.”¹

Valedictorian of my law school class.

Articles Editor for St. Thomas University Law Review.

Economic Award and Undergraduate Business Plan award in college.

21. Please list the federal and state courts where you are admitted to practice.

State of Florida

United States District Court, Southern District Florida

United States District Court, Middle District of Florida

United States District Court, Northern District of Florida

22. How many times did you take the Florida Bar Exam? Once.

23. Have you ever failed Bar exams in any state? No. If so, when and where? N/A.

24. Have you ever been investigated by a State Bar grievance committee or by the State Commission on Judicial Conduct? No.

25. Have you ever been disciplined or reprimanded for your conduct as a lawyer or judge? If the answer is yes, please explain? No.

26. Have you or your law firm ever been sued by a client? No. If so, please explain. N/A.

27. Please discuss your view/opinion of proper judicial temperament.

¹ http://www.martindale.com/Products_and_Services/Peer_Review/FAQ.aspx



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I believe a judge should always be respectful to litigants and attorneys practicing in the Court- an example of professionalism in our advocacy-based legal system, while at the same time being committed to follow the procedural and substantive law, applying discretion where permitted to provide just results. Above all, a judge is a role model to the community, and must maintain the highest community standards in ethics and integrity.

28. If you are seeking election or re-election to a criminal court, discuss your view of plea bargains and when they should and should not be accepted.

I am seeking election to a seat that is a civil seat. Notwithstanding, any plea bargain must be reviewed under the specific facts of the individual case in order to decide when and if any such agreement should be accepted.

29. Tell us about any plans you have to improve the administration of the court or make it more efficient.

Work for increased and improved use of technology to provide for, amongst other things, ease of filing, case research, scheduling access, e-orders, and computer-based hearings.

Work to ensure the court system is operated with ethics and integrity. For example, I will ensure that staff of my courtroom will understand they will be held to the highest of ethical standards.

Work to establish method to monitor judicial productivity to enable a mechanism to evaluate the quality and quantity of work from each court division.

30. Have you ever taught any law school courses or any continuing legal education courses? If so, describe the extent and nature of those teaching experiences.

While in law school, I was a Dean's Teaching Assistant. As a Teaching Assistant, I provided instruction to 1L law students on the subject of legal research and writing.

31. List any significant pro bono work completed since graduating from law school.

The highlights of my civic involvement include: work assisting survivors of the Holocaust apply for compensation from the German government.

32. List any leadership positions, or participation in any committees in voluntary bar associations and/or professional societies, which you believe to be of particular significance (e.g. judicial selection committees, disciplinary committees, grievance committees, etc.).

Florida Bar



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Broward County Bar Association

Weston Bar Association

- 33. List all organizations and associations, or professional societies, other than bar associations, of which you are or have been a member, including civic, charitable, religious, educational, social, and fraternal organizations.**

Steven Booher Inns of Court

B'nai Brith Justice Unit

B'nai Aviv- synagogue

- 34. What is your judicial philosophy?**

I believe a judge should always be respectful to litigants and attorneys practicing in the Court- an example of professionalism in our advocacy-based legal system, while at the same time being committed to follow the procedural and substantive law, applying discretion where permitted to provide just results.

Above all, a judge is a role model to the community, and must maintain the highest community standards in ethics and integrity.

- 35. Describe what contributions you have made to the Hispanic community in the past five (5) years.**

Are you a Member of the Broward County Hispanic Bar Association? No.

- 36. As a prospective judge, or as a current Judge, what do you consider your greatest strengths and weaknesses?**

I listen carefully, show respect to others, expect professionalism in the practice, and I have respect for the role of the law in society. Equally as important, I understand that the law exist to help people and society. I understand that the integrity of the court requires us to be ethical and to provide fair and just results. Moreover, because I am not a courthouse insider or career politician, I am completely free of the drama and controversy associated therewith.

I am AV® Preeminent™ peer-rated attorney with a broad range of legal experiences, from handling County Court criminal cases at the State Attorneys' office, to eight years of practice in very large well-respected commercial law firms, to a solo law practice. I have litigated cases from small claims to complex Federal Court civil litigation.

My academic background is exemplary- I graduated first in my law school class, Law Review Articles Editor, member of the moot court board and travel team, teaching assistant, and



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winner of six book awards for being the top student in six classes. I also was a judicial intern for a Federal Judge, and a Certified Legal Intern working full time in the Office of the State Attorney.

I bring diverse life experiences to the judicial role as a husband, parent, former business person, student, and attorney. I am fair-minded with a profound interest in people, and I have an inquisitive mind. It has been consistently expressed to me that I have an ideal temperament to be a judge.

37. Why are you the best candidate for the position you are seeking?

Voters should choose me in Group 13 because I possess the characteristics and experience that have a bearing on work to be performed as a County Court Judge, and I have the educational and professional outcomes that demonstrate a commitment to hard work and excellence, ethics and integrity.

Equally as important, I am not a politician or a courthouse insider.

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**ON BEHALF OF THE BROWARD COUNTY HISPANIC BAR ASSOCIATION, THANK YOU FOR YOUR TIME
AND COOPERATION!**