



Markham R. Leventhal

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Overview

Markham Leventhal has a national practice focusing on the representation of financial institutions, insurers, and other sophisticated businesses in complex federal and state litigation. Markham is frequently called upon to defend national and state class actions and other high-exposure cases involving allegations of fraud, inadequate disclosure, breach of contract, breach of fiduciary duty, bad faith, regulatory violations, deceptive trade practices, false advertising, and alleged statutory violations of RICO, ERISA, the TCPA, the FLSA, privacy statutes, antitrust statutes, and state consumer protection laws. His litigation experience extends to retirement plan litigation, reinsurance litigation, securities litigation, unfair competition, fraudulent transfer litigation, trademark and copyright infringement, arbitration, and federal and state court appeals.

Markham has litigated in federal and state courts across the United States and has defended more than 150 class actions. He has extensive experience managing multijurisdictional litigation, including parallel civil and regulatory proceedings, and has served as lead or national coordinating counsel in multiple jurisdictions including New York, New Jersey, Florida, Alabama, Arkansas, California, Connecticut, Colorado, Georgia, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Montana, Nebraska, New Mexico, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Washington, D.C., Washington state, and West Virginia.

He also assists businesses with individual and multistate regulatory examinations, investigations, and enforcement actions. Markham has defended civil investigative demands, subpoenas, and lawsuits brought by state attorneys general, insurance regulators, and other governmental agencies.

Markham also frequently assists clients in analyzing class action exposure, and in mitigating and preempting class action litigation through the review of business practices, risk assessments, and the design of remediation programs.

A veteran appellate practitioner, Markham has served as lead counsel in appellate

matters before the U.S. Supreme Court, the U.S. Court of Appeals for the Second, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Eleventh Circuits, and state appellate courts throughout the country.

Markham is a member of the Class Actions and Derivative Suits Committee of the ABA Section of Litigation, the DRI's Data Management and Security Committee, and The Sedona Conference Working Group on Data Security and Privacy Liability.

All Insights

05.10.2019	Carlton Fields Defends Transamerica in Putative Class Action Involving Long-Term Care Insurance
04.19.2019	Washington, D.C. Super Lawyers Honors Carlton Fields Attorneys on 2019 List
04.12.2019	Carlton Fields Defends Transamerica Life Insurance Co in Putative Class Action Involving Long-Term Care Insurance
03.29.2019	Carlton Fields' Life, Annuity, and Retirement Solutions Industry Group Co-Chair, Markham Leventhal, Named "BTI Client Service All-Star" for 2019
07.11.2016	Trial Pros: Carlton Fields' Markham Leventhal
08.08.2014	Florida Court Rejects "Date of Death" Trigger for Escheating Life Insurance Death Benefits Under Florida's Unclaimed Property Act
08.01.2014	Chapter 2, "Preemption," in the Handbook on ERISA Litigation
01.03.2014	West Virginia Court Dismisses Lawsuits Challenging Life Insurers' Unclaimed Death Benefits Practices
05.31.1998	Class Actions: Fundamentals of Certification Analysis, Florida Bar Journal
12.31.1984	Civil Conspiracy and Aiding-Abetting: Discussing the Structure of the Theories and Related Principles of Legal Causation

Recognition

- Named a "BTI Client Service All-Star" (2019)
- Selected for inclusion in *Washington D.C. Super Lawyers*, Civil Litigation: Defense (2014-present)

Professional & Community Involvement

- The Sedona Conference
 - Working Group on Data Security and Privacy Liability
- American Bar Association
 - Section of Litigation
 - Class Actions and Derivative Suits Committee
 - Corporate Counsel Committee
 - Tort Trial and Insurance Practice Section (TIPS)
- Defense Research Institute
 - Data Management and Security Committee
- Miami-Dade County Bar Association
 - Federal Court Committee
- Legal Committee USA Triathlon
 - Chair (1998-2005)

Speaking Engagements

- "'Howey' Doing in the World of Securities Regulation? Rulemaking, Examinations, Enforcement, and Retirement Plan Litigation Development," IRI ACTION19 Conference, Washington (May 17, 2019).
- "Class Action Development: Its Effect on the Life Insurance Industry," National Alliance of Life Companies, Spring Conference, Santa Fe, NM (April 2018).
- "Latest Developments and Trends in Significant Annuity and Life Insurance Litigation," Insured Retirement Institute's Annual Government, Legal and Regulatory Conference, Washington (July 2015).
- "IRI Cybersecurity Forum," Insured Retirement Institute's Annual Government, Legal and Regulatory Conference, Washington (July 2015).
- "Litigation Forum: Class Action Litigation and Supreme Court Decisions," Insured Retirement Institute's Annual Government, Legal and Regulatory Conference, Washington (July 2014).
- "Class Action Litigation Against the Life Insurance Industry," National Alliance of Life Companies, Fall Conference, Jackson Hole, WY (September 2013).
- "2013 U.S. Supreme Court Class Action Developments," Insured Retirement Institute's Annual Government, Legal and Regulatory Conference, Washington (June 2013).
- "Class Action and Complex Litigation Developments Affecting the Life Insurance Industry," National Alliance of Life Companies, Spring Conference, Longboat Key, FL (April 2011).
- "Class Action and Individual Litigation Developments," 15th Annual Advanced ALI-ABA Conference on Insurance and Financial Services Litigation, Chicago (July 2010).
- "Developments in Life Insurance Class Action Litigation," National Alliance of Life Companies, Spring Conference, Rancho Mirage, CA (April 2005).

- "Emerging Trends in Class Actions, Bad Faith and Market Conduct Examination," ABA Mid-Winter Meeting, Tort Trial and Insurance Practice Section, Phoenix (January 2005).
- "Class Actions: Developments in Life Insurance and Annuity Litigation," ALI-ABA Conference on Life Insurance Company Products (November 2002).
- "Litigation Technology in the Courtroom," ALI-ABA Conference on Life and Health Insurance Litigation (May 2000).

Credentials

EDUCATION

- New York University School of Law (LL.M., 1986)
- Seton Hall University School of Law (J.D., 1985)
- Duke University (B.S., 1981)

BAR ADMISSIONS

- District of Columbia
- Florida
- Mississippi
- New Jersey
- New York

COURT ADMISSIONS

- United States Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Eastern District of Arkansas
- U.S. District Court, Western District of Arkansas
- U.S. District Court, District of Columbia
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Mississippi
- U.S. District Court, Southern District of Mississippi
- U.S. District Court, District of Nebraska
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Western District

Areas of Focus

PRACTICES

- Appellate & Trial Support
- Class Actions
- Cybersecurity and Privacy
- ERISA Employee Benefit Plan Litigation
- Financial Services Regulatory
- Life, Annuity, and Retirement Litigation
- Life, Annuity, and Retirement Solutions
- Litigation and Trials
- Property & Casualty Insurance
- Real Property Litigation
- Securities and Derivative Litigation

INDUSTRIES

- Banking, Commercial, and Consumer Finance