



In an ever-changing society, civil rights attorney Mark Frost only moves forward.

High Impact

Super Lawyers has coined him as “passionate, determined and aggressive,” in the pursuit of “preserving American citizens’ civil and legal rights”—these traits describe none other than Mark Frost of Mark B. Frost & Associates. These qualities are in part, he says, attributed to his dedication in seeking justice—and in other, his three laborious years served as an officer in the U.S. Marine Corps post-matriculation. Regardless, Frost has remained one of Philadelphia’s—and possibly one of the country’s—most suc-

cessful high profile lawyers, obtaining millions of dollars in verdicts and settlements throughout Pa., N.J., and Del., pertaining to issues of civil rights, freedom of speech, sex and race discrimination, due process, prisoner rights, police misconduct and employment cases.

“The experience in the Marine Corps is just invaluable,” he states. “I’ve always been competitive and passionate in what I do, and I never do anything halfway—it’s always full steam ahead. But the Marine Corps instilled certain values in me. When they say, ‘the few, the good and the proud,’ they truly mean it. The experience in the Marine Corps has taught me discipline and to stay focused, and also taught me other intangible life lessons that I would not have received elsewhere.”

A South Jersey native, Frost has had much experience in and around the Greater Philadelphia Area, where he began his practice of law at the Philadelphia city solicitor’s office defending civil

rights litigation after interning for the American Civil Liberties Union during Law School. After five years at the solicitor's office, he realized it was time to branch out and open his own practice, solely focusing on civil rights litigation and employment discrimination. To say Frost and his numerous cases have left an impact on society, would merely be an understatement.

"I recently had a case against the city of Hackensack, N.J., where I represented 16 police officers, and it was me versus 16

lawyers from the other side," he says. "In this case alone, there were literally hundreds of thousands of documents involving internal affairs files, investigations and essentially, the case was against the chief of police involving first amendment rights. The chief of police wasn't being supported due to policies they felt were considered unconstitutional." This is just one of several successes in Frost's career, making him a leader in civil litigation.

Frost is not shy in the number of civil rights litigation cases he receives. Currently, he is active in a litigation in Elizabeth, N.J., involving nine individuals who were let go after supporting a different slate of candidates for the school district. He says he expects the discoveries they find throughout this case will be certainly interesting.

"Political retaliation cases such as this are not uncommon," Frost adds. "There's a similar case I have in central Pa., where I'm representing members of a law firm who were the solicitors for the school district. Because they supported candidates that were not the candidates that got elected to the district, they lost their jobs in representing the school district."

In light of recent events involving racial and gender discrimination, Frost says cases of these matters have long existed before now. He recalls one in particular he settled against the city of Gettysburg, involving a female police officer.

"In Gettysburg, there was this view that it was supposed to remain an all boys club," he states, "and although she was highly qualified and did her job, she was retaliated and discriminated against solely because of her gender."

"What I have seen is that these employment discrimination cases have become more newsworthy," he continues. "Not every case is going to have the notoriety of working for a large and well-known institution like Fox News or the Ferguson case, but I don't see any real differences in numbers—only on the level of publicity."

Although Frost has represented a number of timely cases in hopes of paving the



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way for positive social change, his most remarkable and impactful case remains *Heffernan v. City of Paterson*, 578 U.S. (2016), which went before the United States Supreme Court—an opportunity Frost says is a distant dream for most lawyers throughout their career.

The case, he says, involved an off-duty police officer obtaining a political sign at the campaign headquarters—a sign in opposition to the existing mayor of Paterson—for his mother. "The sign supported the former chief of police who was running against the mayor in the 2006 election," Frost notes. "He delivered the sign to his mother, and the next day upon returning to the office, he ended up getting demoted. Demotion was the punishment. And so the case went to the Supreme Court."

"What happened next was a true testament to Frost's caliber in advocating for civil rights. After Frost won at trial, the court of appeals reversed the case, stating that Heffernan was not protected by the First Amendment because he did not intend to support the candidate opposing the mayor. Frost was not deterred and took the case to the Supreme Court. The rest is history."

Frost argued that because Heffernan was perceived by the City as having engaged in political activity, he was therefore protected by the First Amendment. Certiorari was granted in October of 2015, Frost argued the case before the Supreme Court in January of 2016, and the Court ruled in his favor in April of 2016. Frost fought his case and left an impact on approximately 35 million government employees, making the case the first of its kind at the Supreme Court.

"We took an appeal basically stating that he was 'perceived' by the government entities, the chief of police and the people observing him, was perceived as engaging in association and speech by getting a sign and supporting the other side. The issue and the holding in case was that if the government perceives you as engaging in political activity—which is protected in the First

Amendment—if they retaliate against you, after the government 'perceives' you as engaging, you are now protected by the First Amendment. The case was the first of its kind in perceived perception that made it to the Supreme Court, and has now expanded on rights of speech and association."

In addition, Frost argued the Heffernan case on the next-to-last day of Supreme Court oral argument before Justice Antonin Scalia's passing, an experience he feels very fortunate to have had and

is reminded of it every day. The Heffernan family gifted Frost with a plaque, which is currently mounted on his office wall, as a sign of their gratitude. It's people like Jeff Heffernan, among the countless officers and individuals, that make Frost exceptionally proud of what he does.

"It's always my focus on making that client's life better and leveling the playing field," he says. "I spent a year in Southeast Asia in the Marine Corps, and the discipline of working on a case and being persistent truly helped me in the long run. I could be in the middle of a trial at 2 a.m. and I think about how easy this is compared to my time in the Marines. From that perspective, that is something always instilled within me for the rest of my life."

Thorough preparation is just one of several keys to Frost's outstanding success in his field of law. In preparation of the Heffernan case, Frost completed five moot courts, and had a stack of cards with 100 questions that were asked of him during his mock trials. Between the moot courts and reviewing a number of cases, Frost says he spent an approximate two months preparing for what would be a one hour argument. And with a motto of full steam ahead, he wouldn't have had it any other way.

"One of my favorite quotes is from Benjamin Franklin," he adds. "If you make yourselves sheep, the wolves will eat you. My job is to make sure they don't swallow up my clients as well as make them pay for their actions." ■



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