

Judge Mark W. Bennett
(1950 -)
Served 1994-Present
Chief Judge, January 1, 2000-December 30, 2006
Assumed Senior Status, June 4, 2015

Mark W. Bennett was appointed a United States district court judge in the Northern District of Iowa on August 26, 1994, by President William Jefferson Clinton. Judge Bennett had previously served as a United States magistrate judge in the sister district, the Southern District of Iowa. Judge Bennett graduated from the Drake University Law School in 1975. Upon graduation, he started his own law firm in Des Moines, in the basement of a long since demolished building that housed the Polk County Legal Aid Society. During more than sixteen years, his extensive practice in employment discrimination, constitutional law, other civil rights litigation, and federal criminal defense took him to numerous state and federal trial and appellate courts throughout the United States resulting in more than fifty reported decisions, including arguing *Evans v. Oscar Mayer Co.*, 441 U.S. 750 (1979), in the United States Supreme Court. Judge Bennett had three certiorari petitions granted before he turned 35.

While in private practice, Judge Bennett was admitted to and practiced in the United States Supreme Court; the United States Courts of Appeals for the Fifth, Seventh, Eighth, and Tenth Circuits; the United States District courts for the Northern and Southern Districts of Iowa; and the Iowa Supreme Court and state courts of Iowa. He was also admitted, *pro hac vice*, in numerous jurisdictions, including the United States District Courts for the District of Arizona, District of Colorado, Southern District of California, Northern District of Illinois, Southern District of Indiana, District of Minnesota, Eastern and Western Districts of Missouri, District of New Mexico, Northern District of New York, and District of Wyoming; and state courts of Illinois, Minnesota, Missouri, Montana, South Dakota, and Wisconsin.

Prior to his appointment to the federal bench, Judge Bennett was actively involved in professional organizations and community service. This included serving as the first Chair of the Civil Justice Reform Act of 1990 Advisory Group for the United States District Court for the Southern District of Iowa, as a member of the Board of Governors of the Association of Trial Lawyers of Iowa, as a Fellow in the Iowa Academy of Trial Lawyers and as a Master of the Bench and founding member of the Blackstone Inn of Court.

Judge Bennett has been active in the Iowa State Bar Association, where he has served as a member of and co-chaired several committees, including the Federal Practice Committee, the Professional Development Committee, the Committee on Professionalism, the Labor and Employment Law Section Council, the Litigation Section, the Committee on Legal Aid, the Study Committee on Women and Minorities Involvement in Bar Association and Judicial System of Iowa, the Executive Council of the Young Lawyers Section, the Silent Partner Program Committee of the Young Lawyers Section, the Committee on Federal Practice Manual, and the Committee on the State Adoption of the Federal Rules of Evidence. Prior to becoming a federal judge, Judge Bennett was selected for inclusion in Naifeh & Smith, THE BEST LAWYERS IN AMERICA. He was the youngest lawyer in the state to receive an AV rating by Martindale-Hubbell and to be inducted as a Fellow in the Iowa Academy of Trial Lawyers.

Judge Bennett has enjoyed teaching law students at the University of Iowa (trial advocacy), University of Nebraska (advanced employment discrimination litigation), University of Hawaii (J-term course on The War on Drugs and Federal Sentencing), and Drake University (trial advocacy, employment law, employment discrimination, and advanced employment discrimination litigation) law schools. He has been a visiting jurist in residence at numerous law schools.

Judge Bennett has sat by designation on both the Eighth and Ninth Circuit Courts of Appeals and has presided over civil jury trials as a judge in 5 jurisdictions spanning from the District of the Northern Mariana Islands (Saipan), to the Middle District of Florida (Jacksonville) and the District of Arizona (Tucson & Phoenix). Judge Bennett has sentenced more than 3500 defendants and tried more than 400 jury trials including 2 three-month long federal death penalty cases where the severed co-defendants, boyfriend and girlfriend, were separately convicted of murdering witnesses, including two young children, in furtherance of a drug conspiracy and a CCE – a continuing criminal enterprise. Both received the death penalty. Defendant Angela Johnson became the first female on federal death row since 1953. In a subsequent, very lengthy (18day) *habeas corpus* proceeding, Judge Bennett found ineffective assistance of counsel and granted a new penalty phase trial. She then plead and received a life sentence. Two of Judge Bennett’s sentencings became landmark U.S. Supreme Court decisions. In *United States v. Spears*, the Supreme Court affirmed Judge Bennett’s 20-1 crack/powder variance from the accepted 100-1 ratio, established by the U.S. Sentencing Guidelines, after being reversed by the Eighth Circuit Court of Appeals. Again, in *United States v. Pepper*, the Supreme Court vindicated Judge Bennett’s reliance on post offense rehabilitation and reversed by the Eighth Circuit Court of Appeals. Judge Bennett was reversed a total of five times in *Spears* and *Pepper*, twice by the *en banc* Court of Appeals before the Supreme Court reversed the Eighth Circuit Court of Appeals in each case. Judge Bennett has frequently published sentencing decisions with policy disagreements with the U.S. Sentencing Guidelines, especially in drug, child pornography, and anti-trust cases. He was one of the first judges in the nation to adopt a 1:1 crack/powder cocaine ratio both before and after the Fair Sentencing Act. In May of 2013, he received the first “Judge Mark W. Bennett Annual Award” presented by the National Sentencing Conference for

his scholarship in federal sentencing judicial opinions and for their impact on federal sentencing law.

Judge Bennett was one of the first federal district court judges in the country to allow live blogging from his courtroom. He is also featured in the BBC documentary, “The House I Live In” which won the Grand Jury Prize at the 2012 Sundance Film Festival. In the process of making the documentary, which focuses on crime in America, Judge Bennett allowed unusual access to his courtroom. He was also filmed leading a discussion group at a federal prison of 10 inmates he had sentenced who each received a mandatory minimum sentence in a drug case. He wrote a highly acclaimed op-ed piece opposing mandatory minimum sentencing in the November 12, 2012, issue of *The Nation* magazine, *How Mandatory Minimums Forced Me to Send More Than 1,000 Nonviolent Offenders to Federal Prison*, and appeared on the MSNBC Melissa Harris-Perry television show that same month. He has visited more than 250 defendants he has personally sentenced in BOP facilities around the United States and has written about these experiences in an article published in *Judicature* titled *Hard Time: Reflections on Visiting Federal Inmates*.

Judge Bennett is a prolific writer and his more than 1400 published opinions reflect his keen interest in legal scholarship. He is the author of 18 recent law review articles, including (1) an article based on an empirical study of federal and state court judges on implicit bias, (2) a review of Eighth Circuit and Iowa appellate precedents concerning witness questions during trial, (3) the creation of a Juror Bill of Rights, (4) an examination of witness memory and credibility, (5) the idea of swapping discovery procedures in the Federal Rules of Civil and Criminal Procedure, (6) reflections on mass incarceration and the war on drugs, and (7) an article based on an empirical study concerning white collar sentencing.

Judge Bennett is a frequent CLE lecturer and has presented at more than 475 CLE programs across North America. He has trained more than 1500 trial and appellate judges from Alaska to Florida on implicit bias. Judge Bennett has been active in the ABA for a number of years and, in 2012-2013, was Secretary of the Labor and Employment Law Section. In 2011, he was Chair of the Labor and Employment Law Section of the Iowa State Bar Association. He is an Honorary Fellow in the College of Labor and Employment Lawyers and a member of the American Law Institute.

He was once introduced at a CLE program as the lawyer who sued the President, the Pope, and the nine justices of the Iowa Supreme Court in a 30-day period and won all three cases.