

# member Spotlight



**Kathy Marks, Esq.**

**Tejash: I know you joined the WCBA recently. Welcome! What program has impressed you the most so far?**

**Kathy:** I have been impressed with the “Lunch with the Judges” program and with a program this past fall introducing the new 9th Judicial District’s Presumptive Mediation Program. As a volunteer mediator for the U.S. District Court for the Southern District of New York for more than 20 years, I am excited to see a mediation program being created in the state court system, with its broad scope and unique challenges.

**Tejash: What is your current job and practice area?**

**Kathy:** I am a partner at Yankwitt LLP, a trial and litigation firm based in White Plains. The firm, which just celebrated its 10th anniversary, has one of the largest litigation teams in Westchester. We represent businesses of all sizes and individuals on a broad range of commercial litigation matters in federal and state courts. My practice is focused on bringing state and federal False Claims Act cases on behalf of whistle blowers alleging misconduct in connection with

In this feature, Tejash V. Sanchala interviews WCBA members about their experiences and insights. Tejash is a member of the WCBA Nominating Committee and former WCBA Board Member and Employment Law Committee Co-Chair.

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government programs like Medicare, Medicaid, and defense contracting, as well as assisting companies with internal investigations and voluntary disclosures, and representing individuals and companies in connection with government investigations.

**Tejash: How did you become focused on government investigations and complex civil litigation?**

**Kathy:** I was an Assistant U.S. Attorney in the Southern District of New York for more than 15 years and then served as Counsel to the New York Attorney General’s Medicaid Fraud Control Unit. In both roles, I investigated fraud allegations in health care and other government programs so my focus now – on whistleblower cases, government investigations and complex civil litigation – is a natural outgrowth of that experience.

**Tejash: What role do you believe that whistleblowers play in our society?**

**Kathy:** Whistleblowers are essential for keeping our democracy and economy in check by reporting bad actors. They have been and will continue to be critical in bringing misdeeds of

corporations and governments to the public’s attention. For example, in 2018, the Department of Justice (DOJ) recovered \$2.8 billion in settlements and judgments under the False Claims Act, \$2.5 billion involved the health care industry, including drug and device manufacturers, managed-care providers, hospitals, pharmacies, labs, and physicians. According to a DOJ press release, 2018 was the ninth consecutive year that DOJ’s civil health care fraud settlements and judgments exceeded \$2 billion. Much of this recovery was a result of whistleblowers. In addition to monetary recoveries for the Government, whistleblowers have been critical in health care and safety issues, financial fraud, and corruption. Think of the roles played by Deep Throat (Mark Felt) (Watergate), Daniel Ellsberg (the Pentagon Papers), Karen Silkwood (health and safety in a nuclear facility), Jeffrey Wigand (whistleblower in the tobacco industry), and Sherron Watkins (Enron).

**Tejash: Who were some of your legal mentors?**

**Kathy:** I worked for some great lawyers, some you may have heard of and some probably not. My first men-

tor was Michael Silberberg, a talented litigator at Morvillo Abramowitz Grand Iason and Anello, who taught me the basics of litigation and with whom I wrote a monthly column on federal civil procedure decisions in the Southern District of New York. I also worked under Mary Jo White and Jim Comey at the U.S. Attorney's Office, both of whom I found truly inspiring in their pursuit of justice and dedication to improve the lives of U.S. citizens.

**Tejash: If you were not practicing law, what would you be doing?**

**Kathy:** Probably baking cookies.

**Tejash: What might people be surprised to learn about you?**

**Kathy:** I competed in collegiate judo.

**Tejash: What is the best hour of your day?**

**Kathy:** Like many lawyers, I am a night owl. I am most productive from 5 p.m. on.

**Tejash: What are some of your favorite things to do in Westchester?**

**Kathy:** I love to walk in Rockefeller Park in Pleasantville and at Kensico Dam in Valhalla. Westchester is also home to a few excellent craft breweries and great restaurants that I enjoy.

**Tejash: What is the best advice you have ever received?**

**Kathy:** The best advice I have ever received came from my mom: You can't predict the future, so you have to make decisions based on the information you have available and how you feel in the present.

**Tejash: When is the last time you were outside of your comfort zone?**

**Kathy:** As a litigator, I am always learning new things and addressing new situations, so suffice it to say, I am often outside of my "comfort zone." That's one of the things that makes litigation so exciting to me.

**Tejash: What advice would you give to new lawyers?**

**Kathy:** Preparation, preparation, preparation. There is no such thing as being overprepared for an argument, a trial, a settlement meeting or a client consultation. Preparation is probably the number one key to success in litigation. Also, don't be afraid to admit when you don't know the answer. I would rather tell a client or judge that I need to research an issue and get back to them, than pretend I know the answer and get it wrong.

**Tejash: What is your favorite part of being involved with the WCBA?**

**Kathy:** WCBA brings together a wonderful and diverse community of lawyers. The opportunity to meet and network with fellow Westchester practitioners has been meaningful for me. Yankwitt LLP is a staunch supporter to the WCBA and its programming and we encourage our attorneys and paralegals to attend WCBA networking and educational events. I look forward to getting more involved.

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