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FIGHTING FOR *Liberty and Justice for All*

Attorney **Mark Frost** stands up for individuals facing political retaliation, race discrimination, and other civil rights violations.

by **JENNY GRAHAM** photography by **JODY ROBINSON**



As a member of the U.S. Marine Corps, Mark Frost stood to protect American freedom. He may no longer wear the uniform, but he remains a tireless champion of this noble cause.

As founder of Mark B. Frost & Associates in Philadelphia, Frost is devoted to preserving American citizens' civil and legal rights. He has defended countless individuals in cases involving freedom of speech, sex and race discrimination, due process, prisoner rights, police misconduct, and employment cases, among other areas.

We spoke with Frost about the importance of his work, the kinds of cases he takes on, and the challenges of running a law practice during a global pandemic.

Q&A What types of civil rights cases do you handle?

I handle many cases that involve political retaliation and violation of First Amendment rights involving freedom of speech and association. The political retaliation cases we handle mostly involve municipal employees and/or police officers who speak out on a matter of public concern like safety and welfare of the community, and are retaliated against by the administration—usually a mayor or chief of police.

Many police officers are involved in union activity. Because of that union activity, police administration or municipal administration will retaliate against those individuals for that

union activity and usually end up suspending or wrongfully charging those individuals to suppress their union activity.

We also handle cases for individuals who are associated with, or are a member of, a political party or faction. Recently, I settled a case in Elizabeth, N.J., that saw 10 employees terminated for political reasons (not belonging to the party in power). This is unlawful. You can't fire someone just because they belong to a particular political party or faction and hire who you want. That's protected speech and association.

I also argued a case, *Heffernan v. City of Paterson*, in front of the U.S. Supreme Court. The case involved an off-duty police officer seen carrying a sign for a person running opposite the current mayor. He was demoted to a walking beat. The lower courts found that the officer did *not* engage in protected speech, because he did not intend to campaign for that candidate. Yet, he was retaliated against because the mayor believed he was supporting the opposition. The Supreme Court found that once the government *perceives* you as engaging in political action, even if you're not, and they retaliate, the government can be held responsible.

I understand you also handle malicious prosecution cases.

A malicious prosecution case can occur when a person is prosecuted for a crime for which the individual did not commit and there was not probable cause to arrest that person. Subsequently, those charges are dismissed or an appellate court finds that there was no probable cause for the arrest and imprisonment of that individual, and the charges are then discharged. In many cases it is the arresting police officers who have no probable cause to arrest that individual and cause the malicious prosecution, and in some cases the prosecutor is also involved in the malicious prosecution

and we bring suit against the prosecutor involved.

Recently, I am handling a number of cases where individuals had drugs planted on them by police. I'm currently working on a case for an individual accused of having a weapon planted on him by the police. This person went to jail for three years. This man didn't even look like the person the police were looking for, and all the witnesses involved attested that he did not have a weapon.

Do you handle many race and/or sex discrimination cases, too?

Yes, I handle a number of those type cases. One example is a class-action suit against Edna Mahan Correctional Facility for Women in N.J. A number of female inmates were physically abused and/or discriminated against by guards which prison officials condones. This has even caused an investigation by the Civil Rights Division of the Department of Justice.

Has the COVID-19 pandemic affected your practice?

No. In fact, I have seen a substantial increase in cases. What has been affected is that the courts have been closed and trials and taking depositions are delayed which is causing a substantial backlog. ■



For more information, contact Mark B. Frost & Associates, which is located at 1515 Market Street, Suite 1300, in Philadelphia, Pa. Call (215) 351-3333 or visit mfrostlaw.com.