

Bio for Judge Mark W. Bennett (Ret.)

After 24 years as a U.S. district judge in the N.D. of Iowa Bennett retired on March 2, 2019, to accept the first Director of the Drake University Law School's Institute for Justice Reform & Innovation. From 1991-1994 he was a U.S. magistrate judge in the Southern District of Iowa. He was in private practice in Des Moines, Iowa, from 1975 to 1991, having started his own law firm upon graduation from the Drake University Law School in 1975. For sixteen and a half years, he practiced primarily as a civil rights and criminal defense lawyer appearing in more than 30 federal district courts, several of the courts of appeals and the United States Supreme Court. He argued his first case in the Supreme Court less than four years out of law school. He had three more cert. petitions granted before he was 32. He has taught at the University of Iowa College of Law, the Drake University Law School, the University of Hawaii William S. Richardson School of Law, the University of Nebraska College of Law, and the University of Florida Levin College of Law. He is also on the faculty of the National Center for State Courts. In the past ten years, he has authored 28 law review articles, including two on white collar federal sentencing, five on aspects implicit bias, including an empirical study of state and federal judicial sentencing, and several others on federal issues intersecting law and cognitive psychology. He was a founding member of the National Implicit Bias Network. He has been involved in educating more than 4500 state and federal trial and appellate judges from Alaska to Florida and Maine to Hawaii on implicit bias, and many more lawyers, and court staff. He was the first judge in the nation to both discuss implicit bias with potential jurors and to give a written instruction on implicit bias. He has authored numerous other articles, most often about judging and trial lawyers, is the co-author of a treatise on employment law, and has spoken at more than 525 CLE programs in 41 states and several foreign countries. Judge Bennett has sat by designation in the district courts of Arizona, Idaho, M.D. of Florida, North Dakota, and the Northern Mariana Islands (Saipan), as well as the Eighth and Ninth Circuit Courts of Appeal.

He has consistently, in judicial opinions and other writings, opposed mandatory minimums and the harshness of the U.S. Sentencing Guidelines, as well as criticizing the U.S. Sentencing Commission. He is 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 featured for his opposition to mandatory minimums in a profile on the front page of the Washington Post in 2015.