



Mark A. Berman

Member

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Profile

Mark represents both plaintiffs and defendants in a wide range of complex commercial disputes as well as real estate, employment and e-discovery conflicts. Mark is a seasoned appellate attorney. He has been a court-appointed discovery master in a significant business litigation. His extensive experience allows him to assess his clients' matters, develop sound solutions and position his clients for successful outcomes.

Mark's practice largely focuses on business, real estate and complex title litigations. He represents public and private companies, partnerships, lenders, real estate developers, property owners, condominiums, cooperatives and their sponsors, as well as individuals, in disputes related to breach of contract, fraud, breach of fiduciary duty, forgery, insurance, construction, licensing and trespassing. He also resolves conflicts between shareholders, boards and managing agents.

Mark's litigation includes:

- Disputes between current and former business partners in numerous types of complex commercial disputes;
- E-discovery controversies;
- Bank and insurance fraud;
- Phishing and hacking disputes;
- Disputes concerning the construction and the demolition of buildings as well as in leasing, air rights, trespass and easement controversies;
- Insurance declaratory judgment actions;
- Employment disputes for both management, including enforcement of non-competition provisions;
- Matters for condominiums and cooperatives and also for sponsors and investors, as well as for unit owners, relating to construction, property damage, shareholder, board and managing agent disputes;
- Indemnification and contribution claims; and
- Complex title insurance disputes.

Prior to joining Bond, Mark was a litigation partner with Ganfer Shore Leeds & Zauderer and before that was a commercial litigation associate with Skadden, Arps, Slate, Meagher & Flom in New York City. Mark also previously served as a Judicial Law Clerk for the Hon. Michael L. Orenstein, United States Magistrate Judge for the

Education

- Benjamin N. Cardozo School of Law (J.D., *magna cum laude*, 1990)
- Columbia College, Columbia University (A.B., 1986)

Bar/Court Admissions

- New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Supreme Court

Practices

- Litigation
- Cybersecurity and Data Privacy

Eastern District of New York. He has authored a regular column on e-discovery in *The New York Law Journal* since 2005 and now is the author of *The Virtual Lawyer* column. His articles have been quoted in both appellate and trial court decisions. Mark was awarded an Innovation Award in 2021 by *The New York Law Journal*. He is a Commissioner and co-chair of Technology on the Chief Judge's Commission to Reimagine the Future of the New York Courts. Mark also served on the Executive Committee of the New York State Bar Association (NYSBA) as a Member-At-Large and was the founding chair of its Committee on Technology and the Legal Profession. He is a former Chair of NYSBA's Commercial and Federal Litigation Section and co-chairs its Commercial Division Committee.

Representative Matters

- Represented a property owner in a multi-week breach of contract trial commenced by a broker that successfully resulted in a judgment in favor of the property owner
- Represented iconic condominium in breach of contract and insurance dispute
- Represented a major hotel in a Yellowstone injunction dispute with its tenant
- Represented plaintiff concierge company in an antitrust litigation and before the United States Surface Transportation Board
- Defended company in a class action alleging violation of the Fair and Accurate Credit Transaction Act
- Represented insured property owners and lenders in complex title disputes involving fraud
- Represented plaintiff beverage distributor against a multi-national drink manufacturer in a breach of contract arbitration
- Defended Fortune 500 company in a malicious prosecution litigation
- Represented condominium owners in disputes with their sponsor and architect in defective design and construction litigations
- Represented developer in an air rights dispute relating to a major New York City hotel
- Represented employees and employers in breach of contract actions
- Represented developers and building owners in licensing disputes relating to neighboring construction

Honors & Affiliations

- Listed in:
 - *New York Super Lawyers*®, Business Litigation, 2023
 - *Martindale-Hubbell*®, AV Preeminent Rated, Business Litigation
 - *The American Lawyer & Corporate Counsel*, Top Rated Lawyer in Commercial Litigation
- New York Chief Judge's Commission to Reimagine the Future of the New York Courts, Commissioner, 2021-Present
- New York State Bar Association

- Co-Chair, The Task Force on the Post-Pandemic Future of the Profession, 2022-Present
- Chair, Commercial and Federal Litigation Section, Commercial Division Committee, 2017-Present
- Member, Executive Committee "At Large" Representative, 2018-2022
- Chair, Committee on Technology and the Legal Profession, 2017-2020
- Chair, Commercial and Federal Litigation Section, 2016-2017
- Co-Chair, Commercial and Federal Litigation Section, Social Media Committee, 2013-2016
- The New York Bar Foundation, Fellow, 2015-Present
- New York State Court System, Electronic Discovery Working Group, Education Subcommittee Member, 2010-Present
- Federal Bar Council, Second Circuit Courts Committee Member, 2008-Present

Representative Publications

- Quoted, "Landlord Creditors Wiped Out in WeWork Collapse May Have Advantage in Bankruptcy Court," *New York Law Journal - Law.com*, November 14, 2023
- Co-Author, "Your Commercial Division 'Tool Kit,'" *New York Law Journal - Law.com*, August 17, 2023

Representative Presentations

- An Interview with Mark Berman, Commercial Litigation, Legally Bond Podcast, November 20, 2023