



Mark Berman is a Partner in all of the firm's Litigation Practices, as well as in its Cooperatives and Condominiums, Professional Liability, and Employment Law Practices. He heads the Technology Counseling Practice and co-heads the Title Litigation Practice.

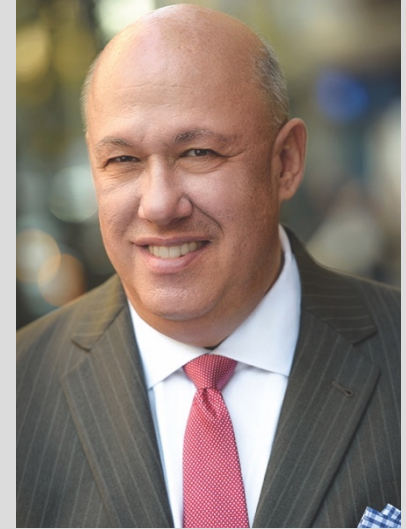
A well-rounded litigator and dynamic communicator, Mr. Berman represents both plaintiffs and defendants in commercial disputes, ediscovery conflicts, real estate, employment and securities litigation. Mr. Berman is a seasoned appellate attorney and has been a court appointed discovery master in a significant business litigation. His broad experience gives him a comprehensive perspective, which allows him to quickly assess the options, spot obstacles, develop creative solutions, and position clients for successful outcomes.

A substantial part of Mr. Berman's practice focuses on business, real estate and title litigation. 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, insurance, construction, licensing, and trespassing. He also resolves conflicts between shareholders, boards and managing agents. A leader in sophisticated title litigation, Mr. Berman represents title insurance companies, their insured owners and lenders, and agents.

A prominent thought leader nationally on technology issues, Mr. Berman often educates judges and lawyers on ediscovery, social media, professional ethics, and cybersecurity. He has authored a regular column on ediscovery in *The New York Law Journal* since 2005, and his articles have been quoted in both appellate and trial court decisions. He currently is on the Executive Committee of the New York State Bar Association (NYSBA) as a "Member-At-Large" and is 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 currently co-chairs its Commercial Division Committee.

Mr. Berman has lectured on cybersecurity, social media, professional responsibility and electronic discovery issues at the Appellate Division, First and Second Departments, the New York Judicial Institute, the American Bar Association, the New York State Bar Association, the New York City Bar Association, the New York County Lawyers' Association and the Asian American Bar Association of New York.

Mr. Berman designed and taught the first law school course on technology and the law in the United States through a bar association at CUNY School of Law. He will also be teaching a similar course at Syracuse University College of Law in the fall of 2019. Mr. Berman has also taught technology classes at the Maurice A. Deane School of Law at Hofstra University.



Practice Areas

- Business Litigation
- Real Estate Litigation
- Title Litigation
- Technology Counseling
- Cooperatives and Condominiums
- Professional Liability
- Employment Law

Education

- Benjamin N. Cardozo School of Law (J.D., 1990), magna cum laude
- Editor, Moot Court Board Order of the Barrister
- Columbia College (A.B., 1986)



Representative Cases

- 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
- 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 plaintiff, a world-renown trademark owner, against infringers
- 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.

Memberships

- Member, New York State Bar Association, Executive Committee "At Large" Representative, 2018-present
- Chair, New York State Bar Association, Committee on Technology and the Legal Profession, 2017-present
- Chair, New York State Bar Association, Commercial and Federal Litigation Section, 2016-2017
- Co-Chair, New York State Bar Association, Commercial and Federal Litigation Section, Commercial Division Committee, 2017-present
- Co-Chair, New York State Bar Association, Commercial and Federal Litigation Section, Social Media Committee, 2013-2016
- Board of Editors, New York State Bar Association Journal, 2016-present
- Fellow, The New York Bar Foundation, 2015-present
- Member, New York State Court System, Electronic Discovery Working Group, Education Subcommittee, 2010-present
- Member and former Secretary, New York State Bar Association, Commercial and Federal Litigation Section E-Discovery Committee, 2006-present
- Member, Federal Bar Council, Second Circuit Courts Committee, 2008-present
- Member, New York American Inn of Court, 2012-present.