



TELEPHONE:

212-922-9250 x266

EMAIL:

mberman@ganfershore.com

PRACTICE AREAS:

- Commercial Litigation
- E-Discovery Counseling
- Real Estate Litigation
- Securities Litigation
- Cooperative and Condominium Housing
- Complex Title Litigation
- Arbitration/Mediation
- 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)

Mark Berman is a partner in Ganfer & Shore's litigation practice groups as well as in the firm's Cooperative and Condominium Housing Practice Group. He also heads the firm's E-Discovery Counseling practice.

He has extensive experience in representing private and public companies, as well as partnerships and individuals, as plaintiffs and defendants, in complex commercial matters, with an emphasis on real estate and securities disputes, electronic discovery conflicts and complex title insurance issues.

Mr. Berman is experienced in all phases of litigation in both state and federal courts as well as in arbitral forums. He is a seasoned appellate attorney, having argued many cases before both the First and Second Departments. Mr. Berman is also a trained mediator.

Prior to joining Ganfer & Shore, he was an associate in the litigation department at Skadden, Arps, Slate, Meagher & Flom LLP and clerked for United States Magistrate Judge Michael L. Orenstein for the Eastern District of New York.

Mr. Berman has written and lectured extensively on electronic discovery issues before the American Bar Association, the New York State Bar Association, the New York State Judicial Institute, and the First and Second Appellate Divisions of the New York Supreme Court. He has been appointed by the Chief Administrative Judge as a member of New York State E-Discovery Working Group advising the New York State Unified Court System.

Mr. Berman has been elected Chair-Elect of the Commercial and Federal Litigation Section of the New York State Bar Association for 2015-2016.

Since 2005, Mr. Berman has authored a column in *The New York Law Journal* addressing electronic discovery under New York State law. Mr. Berman's articles have been quoted in both appellate and trial court decisions.

Mr. Berman is rated "AV" by Martindale-Hubbell, the highest level in professional excellence and ethics, and has been selected as a "New York Super Lawyer" annually since 2008.

REPRESENTATIVE CASES

- 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 a condominium in a dispute with its sponsor and architect in a defective design and construction litigation.
- Represented a nationwide provider of maintenance services in indemnification actions.
- Defended developer in an air rights dispute relating to a New York City hotel.
- Represented employee in a breach of contract arbitration against an employer.
- Represented Assignee for the Benefit of Creditors in arbitrations seeking to recover loans made to brokers by a securities brokerage company.
- Represented developers and building owners in licensing disputes relating to neighboring construction.

ADMISSIONS

New York State (1991)

U.S. District Court, Southern District of New York (1993)

U.S. District Court, Eastern District of New York (1993)

U.S. District Court, Northern District of New York (2000)

U.S. Court of Appeals, Second Circuit (2004)

U.S. Supreme Court (1998)

MEMBERSHIPS

Chair-Elect, Commercial and Federal Litigation Section of the New York State Bar Association, 2015-2016.

Co-chair, Social Media Committee of the Commercial and Federal Litigation Section, New York State Bar Association, 2013 to present.

Member, Electronic Discovery Working Group for the New York State Court System, 2010 to present.

Member, Education Subcommittee, Electronic Discovery Working Group for the New York State Court System, 2010 to present.

Member, and former Secretary, E-Discovery Committee of the Commercial and Federal Litigation Section, New York State Bar Association, 2006 to present.

Member, Federal Bar Council, Second Circuit Courts Committee, 2008 to present.

Member, New York American Inn of Court, 2012 to present.

Member, Professional and Judicial Ethics Committee, Association of the Bar of the City of New York, 2008-2011.

LECTURING/TEACHING

Mr. Berman is an Adjunct Professor of Law at Benjamin N. Cardozo School of Law and has lectured on professional responsibility and electronic discovery issues at a variety of New York City law schools.