



KERNS FROST & PEARLMAN, LLC



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Experience Highlights

Mark is a seasoned commercial litigator with significant courtroom and arbitration skills. He also maintains an active transactional practice, including secured lending and leasing.

Experience Summary

Formerly Of Counsel and Head of Banking Litigation in the Chicago office of a large English firm, Mark's litigation practice includes a wide range of commercial matters with a focus on financial institutions and financing companies, insurance coverage and reinsurance. Mark has represented banks, savings associations and other depository institutions and lenders in federal and state trial and appellate courts around the country. His commercial litigation practice includes checking and deposit disputes, wire transfer disputes, loan disputes, problem credit matters, commercial torts, breach of fiduciary duty claims, partnership and limited liability company disputes, eminent domain, consumer class action defense and regulatory matters. Mark heads the American Bar Association task force charged with drafting pattern jury instructions for Articles 3, 4 and 4A of the Uniform Commercial Code, and is the Chair of the American Bar Association's Uniform Commercial Code Litigation Subcommittee.

Mark also represents lenders and borrowers for secured transactions and real estate transactions. He has been retained to handle many multi-million dollar commercial financing transactions presenting multiple security and perfection issues, a \$70 million sale-leaseback transaction for a large industrial parcel, equipment leases and real property leases.

Mark also represents insurers, excess insurers and reinsurers. He has represented insurers for fidelity and surety claims and professional liability claims, including many complex, high-dollar matters. Mark is a recognized authority on fidelity insurance coverage, having given multiple presentations to industry groups.

Education and Achievements

Mark received a J.D. *cum laude* from the University of Minnesota Law School in 1988, where he was a member of the *Minnesota Law Review*. After graduation Mark served as law clerk to Justice M. Jeanne Coyne of the Minnesota Supreme Court. Mark received his Bachelor of Arts degree from Kalamazoo College in Michigan in 1985.

He is a member of the bars of the state of Illinois, the U.S. Supreme Court, the Seventh Circuit, the Northern District of Illinois (including the federal trial bar) and the Central District of Illinois. Mark is active in the American Bar Association and the Chicago Bar Association, serving on a number of committees. Mark has also published several articles, including "Fidelity Coverage for E-Commerce Fraud" and "How to Prepare and Present a Fidelity Claim: Advice for the Insured," both in *The Brief*.