



Mark T. Berhow

Partner
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Mark Berhow represents employers in a wide range of complex disputes—from collective, class, and hybrid actions brought under the Fair Labor Standards Act (FLSA), and state wage and hours laws, to claims under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and numerous state human rights acts—across the country. Armed with extensive litigation experience spanning nearly two decades, Mark also defends officers, directors, and corporations in challenging commercial and shareholder disputes, which frequently include class-based claims.

Mark strives to provide his clients with creative and tangible solutions while keeping their best interests and business goals in mind. He is regularly called upon to provide legal counsel for senior level and c-suite executives, business owners, physicians, lenders, and corporations—both for profit and not for profit—in complex litigation including: covenants not to compete, severance agreements, trade secret disputes, professional and construction related liability, and breach of fiduciary duty claims.

Prior to joining Hinshaw & Culbertson LLP, Mark practiced with a Minneapolis-based law firm, where he handled litigation involving construction law, employment law, insurance coverage, and products liability.

After graduating from law school, Mark served as a law clerk to the Honorable H. Peter Albrecht, Fourth Judicial District Court. In addition to clerking for a workers' compensation firm while he was still a student, Mark wrote for the *Journal of Law and Inequality*.

Professional Affiliations

- Hennepin County Bar Association
- Minnesota State Bar Association
 - Rules of Professional Conduct Committee, Appointed Member

Honors & Awards

- Professional
 - Recognized on the Rising Stars list by *Minnesota Super Lawyers* magazine, 2009 – 2015

Practices

Commercial Litigation
Consumer and Class Action Defense
Directors & Officers Liability
Labor & Employment
Litigators for the Profession®
Professional Liability
Real Estate & Lending

Industries

Insurance & Reinsurance
Insurance Coverage

Education

J.D., *cum laude*, University of Minnesota Law School, 2001

B.A., *summa cum laude*, University of Minnesota, 1998

Admissions

Minnesota
U.S. Supreme Court
U.S. Court of Appeals for the Eighth Circuit
U.S. District Court for the District of Colorado
U.S. District Court for the Eastern District of Michigan
U.S. District Court for the District of Minnesota
U.S. District Court for the District of North Dakota
U.S. District Court for the Eastern District of Wisconsin



- Academic
 - University of Minnesota Law School
 - Dean's List

Representative Matters

- Defended officers and directors in \$200,000,000 breach of fiduciary duty claim, resulting in dismissal.
- Obtained \$10,000,000 summary judgment award for commercial lender in complex breach of guaranty action involving significant counterclaims.
- Defended numerous matters before the Minnesota Department of Human Rights, obtaining no probable cause determinations and successful predetermination resolutions.
- Defended and resolved a variety of Equal Employment Opportunity Commission claims against employers both prior to and during conciliation process.
- Obtained dismissal of insurer in the Federal District of Minnesota on the basis of *forum non conveniens*.
- Obtained dismissal of investment firm in action for fraud on the basis of personal jurisdiction, which was affirmed on appeal.

Community/Civic Activities

- Summit Hill Association, Vice President; Member of the Board of Directors
 - Zoning and Land Use Committee, Chair