

Mark T. Berhow

Minneapolis, MN

He/Him

📞 612-334-2604

✉️ mberhow@hinshawlaw.com



About Mark

Mark represents employers nationwide in complex disputes, including collective, class, and hybrid actions under the Fair Labor Standards Act (FLSA), state wage and hours laws, Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), and state human rights acts. With two decades of experience, he also defends officers, directors, and corporations in commercial and shareholder disputes, including class-based claims.

Mark strives to provide clients with creative, practical solutions that align with their best interests and business goals. He advises senior executives, business owners, physicians, lenders, and both for-profit and nonprofit corporations in complex litigation involving covenants not to compete, severance agreements, trade secrets, professional and construction liability, and breach of fiduciary duty claims.

His experience also extends to construction law, employment law, insurance coverage, and products liability litigation.

Mark serves on Hinshaw's Executive Committee.

Areas of Focus

Industries: Construction; Insurance; Professional Services; Real Estate

Services: Complex Commercial Litigation ; Consumer & Class Action Defense;
Employment Advice & Counseling; Employment Litigation;
Insurance Coverage Litigation & Counseling; Labor & Employment; Litigation & Trial;
Real Estate Transactions & Lending

Experience

- Defended officers and directors in a \$200 million breach of fiduciary duty claim, resulting in a dismissal.
- Obtained a \$10 million summary judgment award for a commercial lender in a 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 a dismissal on behalf of an insurer in the federal district of Minnesota on the basis of *forum non conveniens*.
- Obtained a dismissal on behalf of an investment firm in an action for fraud on the basis of personal jurisdiction, which was affirmed on appeal.
- Obtained a successful appeal of a state trial court order that had granted class certification in a putative wage and hour class action. The appellate court vacated the order and instructed the trial court to provide a more detailed order with an analysis of each prerequisite for class certification.

Recognition

- *Minnesota Super Lawyers*, Rising Star, 2009 – 2015
- University of Minnesota Law School, Dean's List; *Journal of Law and Inequality*, Writer

Credentials

Education

University of Minnesota Law School, JD, *cum laude*, 2001

University of Minnesota, BA, *summa cum laude*, 1998

Bar Admissions

Minnesota

Court Admissions

US Supreme Court

US Court of Appeals for the Eighth Circuit

US District Court for the District of Colorado
US District Court for the Eastern District of Michigan
US District Court for the District of Minnesota
US District Court for the District of North Dakota
US District Court for the Eastern District of Wisconsin

Interests

Community/Civic Activities

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

Thought Leadership

Blog Posts

- Attention Minnesota Employers: Duluth Set to Implement New Earned Sick and Safe Time Leave Requirements, Nov 14, 2019
- Minneapolis and St. Paul Sick and Safe Time Ordinances Set to Take Effect July 1st, Jun 26, 2017