

Mark L. Johnson *Attorney*



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Overview

Mark Johnson is lead counsel in complex commercial litigation and arbitration matters for sophisticated businesses and individuals.

Mark has been named one of the Top 100 Minnesota Super Lawyers and a Minnesota Attorney of the Year. He represents clients in cases involving enforcement of contractual, fiduciary, and tort duties; trade secrets, trademarks, and other intellectual property; professional liability; finance and securities; construction; cross-border business disputes; and related appeals. Clients trust him to provide timely, business-sensitive advice, and to resolve difficult matters—through litigation and otherwise.

Before becoming an attorney, Mark taught philosophy to undergraduates at Purdue University. He learned to explain complicated material in a clear, concise, and entertaining manner. He brings those skills to bear every time he represents a client in court or before an arbitration panel.

When he is not assisting clients, Mark can often be found attempting to repair old cars or spending time with his family.

Education

J.D., University of Chicago Law School, *with honors*; Articles Editor, University of Chicago Legal Forum

M.A., Purdue University, Philosophy

B.A., Purdue University, with distinction, Philosophy

Visiting Student, Oxford University, Mansfield College

Experience

Kirkland & Ellis LLP, Associate

U.S. Court of Appeals for the Eighth Circuit, The Honorable Diana E. Murphy, Law Clerk

Representative Experience

Vendor and Customer Disputes

Mark regularly represents businesses in disputes with vendors and customers. For example, he helped a Fortune 100 Company in litigation against a German supplier of defective printed circuit boards, achieving a favorable settlement at the close of fact and expert discovery. Mark also represented a major manufacturer when a former customer sued for \$22 million claiming an implied contract to create custom security equipment and related software. There, the federal court granted summary judgment on the plaintiff's claims and awarded our client \$1.6 million on a counterclaim.

Trade Secrets, Non-Competition, and Non-Solicitation Disputes

Mark regularly represents clients in matters seeking to protect clients' intellectual property rights, customer and vendor relationships, and its rights under various commercial contracts. He has sought and obtained preliminary injunctive relief requiring the return or destruction of confidential information by departing employees and agents.

Shareholder Litigation

Mark regularly represents shareholders in closely-held companies in disputes involving alleged breach of fiduciary duties, waste of company assets, and enforcement of buy-sell agreements. Mark also represents publicly held corporations in shareholder class actions challenging significant mergers and acquisitions, including Golden Gate Capital Corporation in defense its acquisition of Lawson Software for \$2 billion, and Baxter International Inc. in its acquisition of Synovis Life Technologies, Inc. for \$325 million.

Construction and Design Disputes

Mark has represented owners, builders, and design professionals in disputes over alleged construction defects, construction warranties, mechanics liens, and damage done to neighboring properties by in the course of construction and excavation. Mark regularly advises architects on their rights and obligations under AIA and other design contracts. He obtained dismissal for an architect who designed a prison facility in a suit alleging that faulty construction enabled one prisoner to kill another. And he represented the owner of an historic apartment building damaged beyond repair by excavation and construction activities on a neighboring parcel.

Admissions

- U.S. Courts of Appeals for the Third, Fifth, and Eighth Circuits
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Northern District of Illinois
- State Bar of Minnesota
- State Bar of Illinois

Professional & Community Affiliations

PROFESSIONAL AFFILIATION

- Federal Bar Association

COMMUNITY INVOLVEMENT

- Advocates for Human Rights, Volunteer Attorney
- Minneapolis Rowing Club

- President (2010-2013)
- Board of Governors (2008-2010)
- FAA Certificated Private Pilot

Thought Leadership

PUBLICATIONS

- "Legislate First, Ask Questions Later: Post-Enactment Evidence in Minority Set-Aside Litigation," 2002 *U. Chi. Legal Forum* 303
- Co-Author of "Judge Diana E. Murphy: Memories from the District Court," Minnesota Chapter of the Federal Bar Association: Bar Talk, Vol. II, Issue 4, (May 19, 2009)

TEACHING AND LECTURING

- *Smart Sampling in e-Discovery: Reducing Document Review Costs without Compromising Results*, Women in eDiscovery, Panelist (April 11, 2013)

Recognition

- Listed in *The Best Lawyers in America* (2020-2022)
- Selected to Super Lawyers list, *Minnesota Super Lawyers* (2015-2021)
 - Named as one of the "Top 100 Super Lawyers," Minnesota Super Lawyers (2013-2018; 2020)
- Honored as Attorney of the Year, *Minnesota Lawyer* (2012)
- Selected to Rising Stars list, *Minnesota Super Lawyers* (2011-2014)
- Recognized as Up and Coming Attorney, *Minnesota Lawyer* (2011)