

# Mark Cooper

PARTNER

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## Practice Areas

- Insurance
- Litigation & Dispute Resolution
- Construction & Development

## Education

- Michigan State University  
College of Law  
J.D., *cum laude*
- University of Missouri  
B.A.

## Bar Admissions

- Michigan

## Court Admissions

- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Central District of Illinois

## Overview

Mark Cooper is an attorney in our Litigation & Dispute Resolution, Construction & Development, and Insurance practice groups. He is also a member of our Board of Directors and serves as the Firm's Risk Management Counsel.

Mark specializes in commercial and general liability matters that include construction defect, development and contract issues, real estate litigation, business torts, and contract disputes, professional liability, and all aspects of insurance coverage, for both insurer and policyholders, including comprehensive opinion recommendations. He also focuses on overall client risk management consultation and has extensive experience defending general liability matters.

A trained mediator, Mark regularly litigates, tries, and arbitrates complex disputes nationwide. He has considerable first-chair experience in all facets of litigation, including numerous trials, arbitrations, and other methods of alternative dispute resolution. He provides overall risk management and insurance-related consulting services to businesses in varied industries throughout the country.

## Significant Matters

Mark administers overall risk management and insurance programs for publicly-traded owner and operator of manufactured home and recreational vehicle resorts throughout North America. He manages a team that analyzes and resolves general liability claims throughout the U.S. and Canada on a daily basis, litigates and coordinates the defense of such cases in many states, and manages the company's overall property and general liability program.

- Served as lead trial counsel in Michigan and Massachusetts in product liability actions involving claims regarding the improper manufacture and design of bullet-resistant vests
- Served as insurance coverage counsel to several law firms in coverage disputes arising out of professional liability matters for multi-million dollar claims
- Represented a national underground contractor in an American Arbitration Association proceeding in a multi-million dollar dispute with the City of Montgomery, Alabama concerning a sewer rehabilitation project claiming scores of manholes and miles of linear pipe was defective while the contractor claimed that the project was improperly designed and specified by the owner
- Represented an underground contractor in a claim action for personal injuries and other damages brought by a group of homeowners near the Macomb Interceptor project and 15 Mile Road sinkhole
- Professional design claim against an architect on behalf of the owner of multi-floor, 300-plus unit senior living complex for multiple design deficiencies, including failure to meet ADA compliance
- Represented a contractor in multiple claims by federal government alleging defective work on several public buildings throughout Michigan
- Lead defense counsel in lawsuit by condominium association against national residential builder alleging numerous defects in construction of several hundred condominium units

- ▶ Defended regional and national residential home builders in numerous lawsuits by homeowners alleging defects in construction of homes resulting in moisture infiltration and mold issues
- ▶ Represented homeowner of the first LEED-certified home in Michigan – project value of roughly \$7M — in construction defect claim against construction manager and architect
- ▶ Represented the surety in matters associated with the dispute over further construction of the Ambassador Bridge
- ▶ Tried to verdict an arbitration matter in Atlanta, Georgia on behalf of a national contractor alleged by a subcontractor that it improperly specified and supervised the project and failed to appropriately manage a member-protégé development agreement sponsored by the county
- ▶ Served for many years as national coordinating counsel for mid-sized insurer for all construction-related insurance coverage matters and handled several class actions involving building materials in multiple states
- ▶ Lead counsel in construction and insurance coverage matters related to the collapse of a high profile structure in downtown Flint while under construction
- ▶ Lead counsel nationally in multiple fire and water-related damage claims on behalf of large restoration contractor, including complete fire loss of a registered historical structure at the University of Michigan
- ▶ Handled and tried to verdict multiple construction site accident cases with serious injuries, including death
- ▶ Tried more than 50 bench trials, jury trials, and arbitration proceedings to verdict as lead counsel
- ▶ Lead counsel in matters in Michigan, Montana, Illinois, Ohio, Kentucky, Tennessee, Georgia, Alabama, Missouri, Colorado, Massachusetts, Texas, Washington, California, Florida and Kansas, among others
- ▶ Serves as a hearing panelist for Michigan Attorney Discipline Board

## Publications

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- ▶ Rioters Are Wrong to Say: Don't Worry, Insurance Will Bail Out Small Businesses, Forbes.com!, September 16, 2020
- ▶ "Will Business Interruption Insurance Cover Coronavirus-Related Losses? Experts Say the Future is Cloudy?," Corp! Magazine, July 14, 2020
- ▶ "Early Expert Evaluation, ADR in the Context Of Insurance Coverage And Indemnity," Mark G. Cooper and Hal O. Carroll, ADR Quarterly, Vol 19 No. 4, Jan 2012
- ▶ "The Whole Truth: Full Disclosure Essential When Completing an Application for Insurance," Michigan Lawyers Weekly (2010)
- ▶ "Most Contracts Have Indemnity Agreements," Michigan Lawyers Weekly (2009)
- ▶ "Adventures in Construction Joint Ventures: Insurance and Indemnity," The Journal of Insurance and Indemnity Law (2008)
- ▶ "Insurance Law, Survey of Michigan Law," Wayne Law Review (2001)
- ▶ "A New Approach to Medical Malpractice: The Liability of HMOs For Member Physician Negligence," Det. C.L. Review (1994)
- ▶ "Liability of the Physician in Charge," Michigan Bar Journal (1994)
- ▶ "When Doctors Go Bare: Compensation Beyond the Underinsured Physician," Michigan Bar Journal (1994)

## Affiliations

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- ▶ State Bar of Michigan
- ▶ State Bar of Michigan Insurance and Indemnity Law Section, Founding Member, Past Chairperson and Council Member
- ▶ Oakland County Bar Association
- ▶ Oakland County Bar Foundation, Fellow
- ▶ Defense Research Institute
- ▶ American Bar Association
- ▶ American Inns of Court, Master of the Bench

## Recognition

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- Best Lawyers in America, 2014, 2016 – 2022
- Best Lawyers in America 2016 and 2021 Lawyer of the Year – Insurance Litigation
- dBusiness Top Lawyer, 2014, 2015, 2016, 2019, 2020, 2021
- Michigan Super Lawyer, 2013 – 2021