



**Mark E. Schmidt**

Attorney

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Mark Schmidt is a Shareholder focusing on high-stakes and aggressively contested litigation. He is Co-Chair of the Commercial & Business Litigation Section and the Construction Law and Litigation Section.

Mark helps clients resolve their most challenging and complex problems by focusing on practical solutions and efficient business results. He partners with clients at each phase of the litigation process including negotiation, strategic planning, risk assessment, arbitrations, mediations and court and jury trials in state and federal court.

Mark's practice concentrates on four main areas:

**Business and Commercial Law and Litigation**

- Contract disputes
- Shareholder and LLC member disputes
- Non-compete litigation
- Strategies for avoiding litigation and liability

**Business Torts**

- Fraud and misrepresentation
- Breach of fiduciary duty
- Interference with contractual relationships
- Misappropriation of confidential information and theft of trade secrets

**Construction and Real Estate**

- Represent property owners, contractors and developers in disputes involving commercial, residential and public projects
- Construction defects
- Theft by contractor
- Options to purchase
- Leases
- General Contractor, subcontractor and material supplier agreements

**Independent Sales Representatives/Manufacturer Representatives**

- Contract negotiation
- Customer and territory issues
- Wrongful termination
- Commission disputes

Mark is a member of the firm's Practice Management Committee, which coordinates professional development of the firm's attorneys and firm strategic initiatives.

**Areas of Practice**

- Commercial and Business Litigation
- Construction Law and Litigation
- Land Use, Development and Zoning
- Real Estate Litigation
- Litigation and Risk Management

- Insurance Coverage and Risk Management
- Tax
- Real Estate
- Independent Sales Representatives
- Appellate
- Strategic Risk and Crisis Management
- Health Industry Real Estate and Construction
- Government Law

## Education

- George Mason University, J.D., *magna cum laude*, 2004
- University of Virginia, M.A., 1998
- State University of New York at Binghamton, B.A., *magna cum laude*, 1995

## Bar Admissions

- Wisconsin
- U.S. District Court, Eastern and Western Districts of Wisconsin, Western District of Michigan, Southern District of Ohio, Northern District of Illinois, Western District of Arkansas
- U.S. Court of Appeals, 7th Circuit
- U.S. Tax Court

## Presentations and Publications

- "Don't Get Caught in the Crossfire: Ethical considerations when owners of closely held businesses feud," WICPA The Bottom Line, July 2021
- "Commercial and Business Litigation Stemming from COVID-19," von Briesen Legal Update, April 2020
- "Damages Available in Real Estate Transactions," von Briesen Real Estate Group presentation, October 2019
- "When Your Client Asks: 'Can I Recover Attorney Fees?'," State Bar of Wisconsin Construction Blog, December 2018
- "Real Estate Case Law Update," von Briesen Real Estate Section presentation, October 2018
- "Blanket Orders – Are They Commissionable?" and "Application of Statute of Frauds to Oral Rep Agreements," MANA Attorney Forum presentation, October 2018
- "Seven Things to Know About Changes to Wisconsin Civil Procedure," von Briesen Litigation Law Update, June 2018
- "Supreme Court Affirms Attorney Fees Are Recoverable for Theft by Contractor," State Bar of Wisconsin Construction Blog, March 2018
- co-Author, "Three Best Practices for Reps", *Agency Sales* (published by Manufacturers Agents National Association), Vol 47, Number 8, August 2017
- "Ethical Considerations for Corporate Fiduciaries," Wisconsin Institute of Certified Public Accountants Financial Institutions Conference, May 2017
- "Supreme Court's Decision on Whether Attorney Fees Are Recoverable Will Impact Theft by Contractor Cases," State Bar Construction & Public Contract Law Section Blog, April 2017

## Representative Matters

- Won dismissal of misrepresentation claims in federal court action involving alleged joint business venture.
- Obtained buyout of shares for minority shareholder in closely-held company after bringing claim for oppression and judicial dissolution of company.
- Dismissal of million-dollar claim against property owner arising out of sprinkler system failure at high-rise condominium tower.
- Counsel for plaintiff in multimillion-dollar construction defect case regarding HVAC, roof systems, site drainage, pavements, and foundation.
- Prevailed in federal court trial on behalf of employer and former employee accused of misappropriating confidential information.
- Prevailed in arbitration on behalf of subcontractor that supplied labor and materials for retail store at regional shopping center.
- Successfully represented seller of assets in federal court action alleging \$10 million in damages arising out of purported breach of asset purchase agreement.

## Professional and Civic Associations

- Eastern District of Wisconsin Bar Association (EDWBA)
- State Bar of Wisconsin
- Milwaukee Bar Association

## Honors and Accomplishments

- 2025 Powerlist - Construction Law and Real Estate Attorney, *Wisconsin Law Journal*
- Construction Lawyers Society of America (CLSA), Fellow
- *The Best Lawyers in America*®, Litigation-Real Estate (2015-2026), Litigation-Construction (2019-2026), Commercial Litigation (2024-2026)
- Best Lawyers® Insurance Law "Lawyer of the Year", Milwaukee (2022)
- Wisconsin Super Lawyers® (2018-2025)
- Wisconsin Law Foundation, Fellow
- Wisconsin Rising Stars (2014)

## Community Involvement

- Wisconsin Make-A-Wish Foundation, Committee Member
- Rotary Club of Milwaukee