



Mark F. Foley

Attorney

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Mark Foley has more than 40 years experience meeting the complex business and legal needs of clients ranging from individual business owners to industry trade associations and Global 500 companies.

Mark has successfully tried cases before judges and juries in federal and state courts, represented debtors and creditors in bankruptcy courts throughout the United States, and arbitrated matters before AAA and NASD panels. He has directed and conducted the nationwide defense of recurring product litigation, conducted recalls, and negotiated standards with regulatory agencies. Mark has successfully argued appeals to the Wisconsin Supreme Court and the U.S. Courts of Appeals for the Seventh and Eighth Circuits.

Mark has established data privacy, security, SOX whistleblower, and data retention policies and procedures for multinationals operating in dozens of countries; negotiated information technology licenses, and acquisition and development agreements; developed effective product warning and litigation avoidance programs; created software applications to manage and report on litigation; and designed and implemented e-discovery processes. Mark authored the eBook "What Every CEO Needs to Know About Data Security", part of the Digital Thought Leadership Series.

Mark's practice encompasses four primary areas:

COMMERCIAL AND BUSINESS LITIGATION

Mark has extensive experience in general business and commercial litigation, including: breach of contract and business torts cases; distributorship terminations; joint venture dissolution; secured and unsecured debt collection and defense; breach of sale and acquisition agreement warranties and representations; probate; executive separation and non-competition; commercial warranty, fraud, and fraudulent conveyance claims; Uniform Commercial Code disputes; domain name, trademark, unfair competition, and patent disputes.

Mark has particular expertise in matters related to electronic discovery and computer forensics, having both litigated and consulted for major corporations on how to prepare for and meet e-discovery challenges and directed forensic investigations of computer systems.

INFORMATION TECHNOLOGY, DATA PRIVACY AND SECURITY

Mark has successfully litigated software and hardware purchase/sale disputes, software developer contract disputes, and micro-chip patent infringement claims. Mark has also counseled, negotiated, and/or litigated computer technology-related matters for a variety of domestic and international clients, counseled multinational companies on global data privacy and security compliance and policy implementation, and directed data breach investigations and response.

FINANCIAL AND BANKRUPTCY

Mark has represented debtors and every creditor type in bankruptcy, insolvency and other financial matters such as reorganizations, liquidations, workouts, and foreclosures, in federal bankruptcy cases, state insolvency proceedings, and civil courts. Mark was lead counsel on the first pre-packaged bankruptcy reorganization in Wisconsin.

PRODUCT LIABILITY

Mark has handled both plaintiff and defense tort and warranty litigation for products as diverse as recreational vehicle generators, automobiles, trucks, packaged foods, cook tops, personal watercraft, industrial coatings, gasoline tanks, computer hardware and software, electric fans, ladder hinges, manufacturing equipment, hazardous materials containers, highway markers, go-carts, tanker trucks, fuel tanks, camping equipment, and high-end refrigeration and cooking equipment.

Mark was national product defense counsel for a manufacturer of compressed gas cylinders and gasoline cans. He has handled or supervised hundreds of cases involving injuries, property damage, or deaths associated with fires, explosions, and carbon monoxide exposure.

As an adjunct to product litigation, Mark counsels individual business clients and trade associations on: product liability prevention; the development of effective and defensible warnings and instructions; recalls; warranty limitations and defense; Consumer Product Safety Commission reporting obligations; national product standards development; and related matters.

Areas of Practice

- Appellate

- Restructuring and Insolvency
- Commercial and Business Litigation
- Fiduciary Litigation and Inheritance Disputes
- Litigation and Risk Management
- Product Liability
- Strategic Risk and Crisis Management
- Information Technology, Data Privacy and Security
- Trademarks

Education

- University of Michigan, J.D., *cum laude*, 1981
- Yale University, B.A., *magna cum laude*, 1975

Bar Admissions

- Wisconsin
- U.S. District Court, Eastern and Western Districts of Wisconsin, Eastern District of Michigan
- U.S. Court of Appeals, 7th and 8th Circuits
- U.S. Supreme Court
- *Pro hac vice* admissions in State, U.S. District, and U.S. Bankruptcy Courts throughout the United States

Professional and Civic Associations

- Eastern District of Wisconsin Bar Association (EDWBA)

Honors and Accomplishments

- *The Best Lawyers in America*®, Information Technology Law (2007-2026), Litigation - Bankruptcy (2011-2026), Litigation - Intellectual Property (2013-2026)
- AV Preeminent® Peer Review Rated by *Martindale-Hubbell*®