

Wayne J. Mark

Wayne's litigation practice consists of representing companies involved in commercial and complex civil litigation. Wayne also regularly represents owners, contractors, subcontractors, and design professionals in the litigation of construction disputes. In addition, Wayne is regularly engaged by insurance carriers to defend individuals and corporations sued for damages due to personal injuries and property damage including product liability claims.

A significant part of Wayne's practice involves the representation of owners, contractors, subcontractors, and design professionals in the negotiation of construction-related contracts and the counseling of owners, contractors, subcontractors, and design professionals respecting claims arising out of their performance of construction-related contracts.

Wayne is a member of the national panel of construction arbitrators of the American Arbitration Association and is regularly appointed to serve as the arbitration neutral in construction-related cases. Wayne has for several years served as the mediation neutral in construction, commercial, and complex civil cases as well as in cases involving personal injuries and property damage including product liability claims.

Honors and Awards

- Rated AV[®] Preeminent by Martindale-Hubbell
- Fellow in the Nebraska State Bar Association Foundation
- Listed in *The Best Lawyers in America* in Bet-the-Company Litigation, Commercial Litigation, Construction Law, and Litigation - Construction (peer nominations)
- Named Best Lawyers' "Omaha Litigation - Construction Lawyer of the Year" for 2014
- Listed in *Chambers USA, America's Leading Business Lawyers* (Litigation: General Commercial, 2004-present) (peer review)
- Selected to Super Lawyers 2007-2009, 2011-2013 in the practice areas of Business Litigation, Construction Litigation, and Alternative Dispute Resolution

Professional Affiliations and Memberships

- American Bar Association, 1972
- Nebraska State Bar Association, 1972, Fellow, Past President, past Member of the House of Delegates, Member and past Chairman of the Judiciary Committee, and current Member of the Committee on Professionalism
- Omaha Bar Association, 1972, Past President, and Member of the Executive Counsel

- American College of Trial Lawyers - Fellow, past State Chairman (October 2000-October 2002), and Member of the ACTL Alternative Dispute Resolution Committee
- Nebraska Association of Trial Attorneys - Director (1986-1988)
- Defense Research Institute and Trial Lawyers Association - Area Chairman (1986-1992) and State Chairman (1992-1995)
- Nebraska Association of Defense and Corporate Counsel - Member and President (1990-1991)
- The Robert M. Spire American Inn of Court -- Charter Member and Master

Legal Experience

- Successfully represented General Contractors, Subcontractors, and Material Suppliers in litigation arising out of construction projects both private and public including cases arising under the Miller Act.
- Defended manufacturers of motorcycles (American Honda Motor Company); grain augering systems (Butler Buildings); commercial fryers (Vulcan Hart); power table saw (Otto Martin Maschinenbaum); asbestos related products (Flintkote); latex gloves (Becton Dickinson and Company) in product liability matters.
- Panel Counsel for Black and Decker, Inc.
- Represented DeKalb in an environmental coverage claim against its liability carrier Hartford Insurance Company.
- Represented Potash Corporation of Saskatchewan, Inc. ("PCS") in two commercial cases involving damage to manufacturing vessels and lost profits - one involving a fire in a high temperature shift furnace caused by the ignition of a slug of liquids which passed through a natural gas pipeline, and the other involving the failure of a support medium in a vessel used in the manufacture of urea for commercial sale.
- Successfully defended attorneys in legal negligence actions and a dentist in a dental negligence action.
- Together with counsel from San Francisco, California, successfully arrested a retired military vessel moored in the navigable waters of the Missouri River on behalf of a military historical museum client under the rules governing Admiralty and Maritime Claims and successfully reacquired possession of the vessel so it could be moved to a marine related museum on the east coast. In a separate maritime matter undertook as local counsel to attach funds in the hands of a garnishee in a maritime related claim under the rules governing Admiralty and Maritime Claims.
- Regularly represent owners, contractors and subcontractors in the negotiation of construct and design agreements.

- Represented MECA in the negotiation of the design and construction contracts for the construction of T.D. Ameritrade Park which was completed without the filing of any litigation involving MECA.
- Represented MECA in the negotiation of the design and construction contracts for the construction of the CenturyLink Center Omaha Convention Center and Arena which has been completed without the filing of any litigation as of this time.
- Represented the Omaha Zoological Society in the negotiation of the design and construction agreements for all of its major construction projects undertaken over the last 15 years.
- Represented Children's Hospital in the negotiation of the design and construction contracts for the construction of its new hospital facility.
- Represented Durham Resources, Inc., in the negotiation of the design and construction contracts for the construction of the new HDR, Inc., building.
- Represented Level (3) in the negotiation of the design build contract for the construction of the Level (3) headquarters campus in Broomfield, Colorado, and their Omaha Nebraska, office building.

Other

- *Nebraska Law Review* - Staff Member (1970-1971) and Associate Editor (1971-1972)
- Delta Theta Phi - Member
- United States Supreme Court Historical Society - State Chair (2002-2004)
- St. Pius X/St. Leo School Board - Former Member and past President
- Knights of Columbus - Member St. Leo the Great Council