



Mark W. Bernlohr

Member

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Mark W. Bernlohr is a Member in the Construction, Energy, and Oil & Gas industry groups, focusing primarily on litigation and commercial litigation. Mark is a member of the Firm's Executive Committee, and he practices out of Jackson Kelly's office in Akron, Ohio.

Mark's experience and knowledge has allowed him to represent a wide swath of clients with great success, and his legal track record speaks volumes. He has more than 25 years of trial experience involving the litigation of commercial, oil and gas, and construction issues, and has extensive jury and bench trial experience throughout the state of Ohio.

Mark's business law experience includes litigating many cases involving commercial interests, such as the prosecution and defense of shareholder and partner disputes, non-compete and employment agreements, misappropriation of trade secrets, and fraud and injunction cases.

He also has represented the interests of equipment leasing and finance companies and banks, as well as several large oil and gas exploration companies in defense of oil and gas leasing rights. He routinely represents contractors, owners, developers, architects, and suppliers in the prosecution and defense of construction claims, which have ranged from public and private projects to breach of contract to bid disputes and liens.

Mark's enthusiasm for his work is undeniable, because when he isn't practicing the law, he's teaching it. He has served as an adjunct professor at the University of Akron since 2010, teaching a course about the legal aspects of construction.

Whether in the courtroom or in the classroom, Mark is a consummate professional who proudly represents the Jackson Kelly team. His experience and dedication to his areas of practice not only benefit Jackson Kelly, but also his clients and students who continue to learn from him every day.

Awards

- *Best Lawyers*® Akron Bet-the-Company Litigation "Lawyer of the Year" (2019)
- *Best Lawyers*® Akron, Ohio "Lawyer of the Year" - Litigation (2016-2017)
- *The Best Lawyers in America*® Bet-the-Company Litigation, Commercial Litigation and Litigation - Construction (2009-2022)

Notable Legal Experience

- Represented general contractor against public sewer district for claims for unpaid change orders, extras and delay damages involving waste water treatment plant
- Represented general contractor against municipality challenging the award of a multi-million-dollar public project to the second-lowest bidder

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- Defended zoo against claims by unsuccessful bidder relating to large improvement project
- Represented a prime mechanical contractor against a public university for claims relating to unpaid change orders and extras, interference and delay damages
- Defended a general contractor in claims asserted by the owner alleging defects involving the construction of a large public library
- Defended the owner and bonding company of a private shopping center from claims against the site excavator seeking damages for alleged unsigned change orders and/or extras, differing site conditions, etc.
- Represented general contractor against municipal housing authority contesting the bid procedure utilized by the public authority involving a large housing project
- Represented the public authority in claims against architect and sub-consultants relating to errors in the contract documents
- Represented owner against contractor, architect and structural engineer alleging defects in the design and construction pertaining to various zoo structures
- Defended general contractor in claims asserted by electrical contractor, which alleged unpaid change orders, delay and lost productivity
- Represented numerous homeowners with regard to defects in construction of residential homes
- Represented various contractors with respect to failure of various homeowners to make payment for changes in residential construction
- Represented numerous suppliers and subcontractors with regard to filing mechanic's liens and/or claims upon public funds (attested accounts) for materials furnished and/or work performed on private and public projects
- Represented various developers in connection with the development and construction of residential and townhome developments
- Represented homeowners' association against contractors, design professionals and insurance companies alleging defects in the design and construction of a large townhome community
- Represented electrical subcontractor with respect to claims for delay, acceleration and lost productivity relating to the construction of a large municipal swimming pool and fitness center
- Represented general contractor against a large municipality for change orders, extras, delay and lost productivity relating to the construction of a sewer and pump station

Work History

- Jackson Kelly PLLC (2014-Present)
- Bernlohr, Niekamp & Weisensell, LLP (1999-2014)
- Mark W. Bernlohr Co LPA (1989-1999)

Practices

- Construction Law
- Arbitration, Mediation & Alternative Dispute Resolution
- Class Action & Complex Litigation
- Commercial Litigation
- Litigation

Industries

- Construction
- Energy
- Oil & Gas

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Education

- Capital University (J.D., 1987)
- Pennsylvania State University (B.S. in Administration of Justice, 1984)

Admissions

- Ohio (1987)
- All Ohio State and Federal Courts

Professional Organizations

- Akron Bar Association
- American Bar Association

Speaking Engagements & Publications

Speaking Engagements

- Co-presenter with [Christopher F. Hoskins](#), "Why Do Jobs Go Bad: Do's and Don'ts for Project Managers & Superintendents?," ABCWV Winter Meeting, The Greenbrier, White Sulphur Springs, West Virginia, Jan. 11, 2020