



**Mark A. Berman, Esq.**

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Mark Berman is a partner in Ganfer & Shore's litigation practice groups as well as in the firm's Cooperative and Condominium Housing Practice Group. He heads the firm's Discovery Counseling practice. He also co-heads the firm's Complex Title Insurance Litigation practice.

He has extensive experience in representing private and public companies, as well as partnerships and individuals, as plaintiffs and defendants, in complex commercial matters with an emphasis on real estate and securities disputes, electronic discovery conflicts, and complex title insurance issues.

Mr. Berman is experienced in all phases of litigation in both state and federal courts as well as in arbitral forums. He is a seasoned appellate attorney, having argued many cases before both the First and Second Departments. Mr. Berman is also a trained mediator.

Prior to joining Ganfer & Shore, he was an associate in the litigation department at Skadden, Arps, Slate, Meagher & Flom LLP and clerked for United States Magistrate Judge Michael L. Orenstein for the Eastern District of New York.

Mr. Berman has written and lectured extensively on electronic discovery and social media issues before the American Bar Association, the New York State Bar Association and the New York State Judicial Institute, the First and Second Appellate Divisions of the New York Supreme Court. He has been appointed by the Chief Administrative Judge as a member of New York State E-Discovery Working Group advising the New York State Unified Court System.

Mr. Berman was Chair of the Commercial and Federal Litigation Section of the New York State Bar Association (NYSBA) for 2016-2017. He is currently chair of NYSBA's newly formed Committee on Technology and the Legal Profession.



Since 2005, Mr. Berman has authored a column in The New York Law Journal addressing electronic discovery under New York State law. Mr. Berman's articles have been quoted in both appellate and trial court decisions.

Mr. Berman is rated "AV" by Martindale-Hubbell, the highest level in professional excellence and ethics, and has been selected as a "New York Super Lawyer" annually since 2008.

### **EDUCATION**

Benjamin N. Cardozo School of Law (J.D. 1990), magna cum laude, Editor, Moot Court Board Order of the Barrister  
Columbia College (A.B. 1986)

### **REPRESENTATIVE CASES**

Represented a major hotel in a Yellowstone injunction dispute with its tenant.  
Represented plaintiff concierge company in an antitrust litigation and before the United States Surface Transportation Board.  
Defended company in a class action alleging violation of the Fair and Accurate Credit Transaction Act.  
Represented insured property owners and lenders in complex title disputes.  
Represented plaintiff beverage distributor against a multi-national drink manufacturer in a breach of contract arbitration.  
Defended Fortune 500 company in a malicious prosecution litigation.  
Represented plaintiff, a world-renown trademark owner, against infringers.  
Represented condominiums in disputes with their sponsor and architect in defective design and construction litigations.  
Represented a nationwide provider of maintenance services in indemnification actions.  
Defended developer in an air rights dispute relating to a New York City hotel.  
Represented employees in breach of contract actions against employers.  
Represented Assignee for the Benefit of Creditors in arbitrations seeking to recover loans made to brokers by a securities brokerage company.  
Represented developers and building owners in licensing disputes relating to neighboring construction.

### **ADMISSIONS**

New York State (1991)  
U.S. District Court, Southern District of New York (1993)  
U.S. District Court, Eastern District of New York (1993)  
U.S. District Court, Northern District of New York (2000)  
U.S. Supreme Court (1998)



## **John Kogan**

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John Kogan is the Director of Managed Services of Kraft Kennedy and Chief Information Security Officer. Previously he was the Chief Operating Officer for ANSOR Software a Kraft Kennedy company. John has an extensive technology and business background which was developed over 30 years working in Financial Services, Consulting and Fortune 100 corporations. He received his Bachelor of Science in Computer Science from Bradley University in 1979.



**Michael S. Kraft, Esq.**

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Michael Kraft is the General Counsel of Kraft Kennedy. He founded the company with Peter Kennedy in 1988 and continues to provide guidance for the firm today, contributing his unique insight into the technology challenges that face businesses. An experienced lawyer, Michael was an Assistant Attorney General for the State of New York before joining Choate Doman Moore & Hahn, where he specialized in international litigation. He co-chaired the Technology and Privacy Committee, served on the Law Office Management Committee and was a member of the Board of the New York Chapter of the Association of Corporate Counsel. He is a frequent speaker on technology and its consequences for the practice of law, both for law firms and corporate legal departments. Prior to founding Kraft Kennedy, Michael was the Executive Vice President at a financial printing firm. He is a graduate of Brooklyn Law School.

## **Mike Mooney**

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Mike Mooney is the Senior Vice President and Professional Liability Practice Leader for USI Affinity. Mike's responsibility is to drive growth and provide strategic leadership in the area of professional liability. Mike's key focus is the management and development of existing programs, new programs, business development and marketing planning. Mike oversees the underwriting, operations, and sales departments that support the professional liability programs.

.Mike is also responsible for coordinating the program management for USI Affinity's endorsed insurance programs, including The New York State Bar Association, The New Jersey State Bar Association, DC Bar, Boston Bar, and Exponent Philanthropy.

With more than 10 years of industry experience, Mike has worked extensively on many facets of insurance programs for professional service firms. Prior to joining USI Affinity, Mike spent over 8 years with Aon in a variety of management roles. Most notably, Mike was the Assistant Vice President and National Sales Manager for Aon Affinity's Healthcare Division, and also spent time as the National Sales Manager for the AICPA Accountant's Professional Liability Program.

Mike currently sits on the Law Practice Management Services Committee of the DC Bar. Mike is a regular speaker and panelist for the Law Practice Sections of the NYSBA, NJSBA, and NJICLE regarding Insurance and Risk Management topics relative to the legal industry.

Mike holds a Property and Casualty Insurance License in New Jersey and many non-resident Producer Licenses in a variety of other states. He graduated from Rowan University in New Jersey with a Bachelors Degree in Business Management.

**Leeann Nicolo**

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Leeann Nicolo is a Senior Consultant in the Information Security and Governance practice of Kraft Kennedy, where she manages the forensic laboratory in New York. Leeann specializes in digital forensics and cyber investigations. Leeann is also well versed in information security and the eDiscovery workflow.

Her academic background includes:

- M.S. of Cyber Security from Pace University
- B.S. of Information Science University at Albany

Leeann has over 6 years of experience in information technology including over 4 years of specialized experience in digital forensics and security. Since joining Kraft Kennedy, she has helped to build the New York and Chicago forensic labs and develop internal standards and protocols. She is a member of the High Technology Crime Investigation Association (HTCIA) and Information Systems Audit and Control Association (ISACA). She is a SANS Lethal Forensicator Coin Holder.

Her professional certifications include:

- GIAC Certified Forensic Examiner (GCFE)
- GIAC Certified Incident Handler (GCIH)
- Access Data Certified Examiner (ACE)
- Nunix eDiscovery Specialist

**Marian C. Rice, Esq.**

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For more than 35 years, Ms. Rice has concentrated her practice on the representation of attorneys and risk management for lawyers. Ms. Rice holds the AV® Peer Review Rating from Martindale- Hubbell, its highest rating for ethics and legal ability, has been designated a Super Lawyer annually since 2008 and was assigned a “superb” AVVO rating. In 2012, Long Island Business News named Ms. Rice as one of the 50 most influential women on Long Island.

Ms. Rice is a Past President of the 5,000 member Nassau County Bar Association, the largest suburban bar association in the country, and is presently Chair of NCBA’s Judiciary Committee. In 2014, Ms. Rice was awarded the NCBA President’s Award for service to the Association and in 2015, she was honored by the St. John’s Law School Alumni Nassau Chapter. In addition to having authored a column for the American Bar Association Law Practice Management Magazine, Ms. Rice is the co-Chair of the New York State Bar Association Law Practice Management Committee and an alternate member of the NYSBA Nominating Committee.

Ms. Rice also served as an ABA Presidential appointee to the ABA Standing Committee on Lawyer's Professional Liability from 2009 through 2012 and was Chair of the New York State Bar Association - Committee for Insurance Programs from 2008 to 2013. Ms. Rice is a member of the Professional Liability Underwriting Society; the Defense Association of New York and the Defense Research Institute.

In addition to being a New York State Bar Association Presidential appointee to the Task Force on Non-Lawyer Ownership and the Special Committee on Legal Specialization, Ms. Rice has served on the Torts, Insurance and Compensation Law Section. Her prior roles at the Nassau County Bar Association include President 2012-2013, President Elect 2011-2012, First Vice President 2010-2011, Second Vice President 2009-2010, Treasurer 2008-2009, Secretary 2007-2008, Director 2004-2007, Judiciary Committee (Chair 2006-2007) Vice-Chair (2005-2006), Strategic Planning Committee (Chair 2005-2006) (Vice-Chair



2003-2005), Nassau Lawyer/Publications Committee (Editor in Chief 2006-2007) (Co-Managing Editor 2005-2006). She is also a member of Nassau Suffolk Trial Lawyers and the Suffolk County Bar Association.

Ms. Rice has authored materials for numerous publications and newsletters including the New York Law Journal, BNA publications, the New York State Bar Journal and Nassau Lawyer, and has lectured for the Professional Liability Underwriting Society, the ABA Standing Committee on Lawyer's Professional Liability, PLI, the National Legal Malpractice and Risk Management Conference, the Nassau and Suffolk County Bar Associations, the New York State Bar Association, the New York City Bar and the American Conference Institute, as well as for various law firms, insurers, law schools and trade associations, at seminars covering such diverse topics as Risk Management and Loss Prevention for Attorneys, The Elements of and Defenses to a Legal Malpractice Action, Legal Malpractice Principles and Trial Strategy, The Anatomy of a Disciplinary Proceeding, What Damages are Recoverable and What are the Limitations?, What Makes Lawyers Happy?, Representing the Client with Greater Concerns, Ethical Issues with Email, Cyber-Security and Law Firms, Federal Statutes Affecting Attorneys, Preparing, Defending and Preventing Claims Stemming From Tax Shelter Advice, Social Media and Ethics, Whither Privity?, Defending Attorneys with Psychological Difficulties, Can the Jury Award That? Beyond Out of Pocket Damages in Professional Liability Cases, Avoiding Malpractice and Client Grievances, Protecting Your Practice, Top Ten Traps (resulting in malpractice claims and grievances), Disqualification of Legal Malpractice Experts, Identification and Resolution of Conflicts of Interest, Risk Management for Defense Attorneys, Ethics in the Wake of the New Rules of Professional Conduct; Law Practice Management under the New York Rules of Professional Conduct; Ethics in the Profession, Anatomy of a Legal Malpractice Action, Don't Make Malpractice Your Nightmare, Improving Communication Skills with Clients, Legal Malpractice Issues and Trends, Risks Presented by Law Firm Mergers, Risk Management Techniques for Real Estate Attorneys, Risk Management Techniques for Matrimonial Attorneys, Risk Management Techniques for Trust and Estate Attorneys, Starting Your Own Law Practice, Ethical Issues Confronting Claims Attorneys in Handling and Evaluating Claims and Attorney Liability under the Fair Debt Collection Practices Act.

From 1999 to 2003, Ms. Rice administered the Attorney Loss Prevention Hotline Service for the broker responsible for the NYSBA sponsored professional liability insurer.

Ms. Rice received her Juris Doctorate from St. John's University School of Law, Jamaica, New York in 1979 and a Bachelor of Arts degree from Fordham College at Fordham University in 1976. She was admitted to practice before the Courts of the State of New York in 1980 and is also admitted before the United States District Courts for the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Second Circuit, as well as several other jurisdictions on a pro hac vice basis. From 1984 to 2000, Ms. Rice was a Governor-appointed member of the Council for the State University of New York Maritime College at Fort Schuyler.