



Mark T. Koerner

Shareholder

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Whatever the legal question at hand, Mark Koerner has built a reputation of customizing his services to address the specific concerns of each client. He assists municipal entities (including transit authorities and drain commissioners), businesses and IT clients in achieving their legal goals, developing their organizations and minimizing risk.

Mark understands the unique challenges that clients face. On a daily basis, he works to find practical solutions to complex problems in areas that include:

- **Transit:** Mark has worked with many transportation authorities on a wide range of general operations matters, labor and employment issues, contract drafting, review and negotiation, policy drafting and review, public financing, construction of new transit facilities and compliance with state and federal laws.
- **Drain:** Mark has provided legal counsel for numerous projects concerning establishment, construction and maintenance of both county and inter-county drains. He has also represented Drain Commissioners in various flooding litigation matters. Additionally, several counties retain Mark to assist with the establishment of lake levels and creation of lake level special assessment districts.
- **General Counsel:** Mark has extensive experience handling "general counsel" legal matters for public entities. He regularly attends board meetings, prepares legal opinions, counsels on Freedom of Information Act and Open Meetings Act compliance issues and handles contract drafting, review and negotiations.
- **Labor Law:** Mark has counseled and represented clients in the negotiation and drafting of collective bargaining agreements, grievance defense, and mediation and arbitration.

PRACTICE AREAS

Business & Tax
Cybersecurity and Data Privacy
Employment Law
Environmental Law
General & Commercial Litigation
Municipal & Public Entity Law
Technology Law

EDUCATION

John Marshall Law School, J.D.,
2000
John Marshall Law School, LL.M.,
2000, Information Technology Law
Michigan State University, B.A.,
1996

BAR AND COURT ADMISSIONS

Illinois
Michigan
U.S. District Court for the Western
District of Michigan
U.S. District Court for the Eastern
District of Michigan



- **Employment Law:** Mark has experience helping employers understand their rights to exercise sound labor and employment practices, not only to protect the organization, but also the workforce. This includes but is not limited to drafting policy and procedure manuals and reviewing contracts.
- **General Litigation:** While the goal is to minimize risk, Mark takes an aggressive and proactive approach to resolving litigation while being mindful of his clients' desire for cost-effective representation. He has experience before the Michigan Court of Appeals and the Supreme Court of Michigan.
- **Business and Information Technology:** Many businesses have found Mark's knowledge of information technology and privacy law instrumental to helping them keep their assets secure. He has helped businesses with electronic discovery, e-commerce, software licensing, IT document drafting, health information privacy and many other areas of IT law. In addition to counsel regarding IT and privacy, he has assisted corporations in every stage of their development, from a start-up entity in need of general formation advice to an established corporation seeking advice on complex business matters.

REPRESENTATIVE MATTERS

Transit

- **Contract Drafting/Review/Negotiation;** Reviews and revises various contracts, including, but not limited to: Interagency Agreements, facilities repair and maintenance agreements, purchase of service agreements, MDOT and FTA agreements;
- **Defense of FTA Complaints:** Successfully defended an FTA complaint from a private charter operator as well as successfully defended an FTA complaint that a transit agency was providing school bus service in violation of the federal law;
- **Public financing for construction of new transit facilities;**
- **Contract review and development related to the construction of new transit facilities;**
- **Contract development for various transit-related issues including bus procurement, facilities repair, master plan development and vehicle service.**

Municipal

- **Issuing Legal Opinions:** Regularly issues legal opinions on various issues including use of public funds, disposal of public property, weapons and the right to carry, and issues surrounding millages;
- **Legislative Updates and Review:** Provides general legislative updates on a regular basis;
- **Freedom of Information Act Requests and Compliance:** Regularly assists in responding to FOIA requests;
- **Open Meetings Act Compliance:** Answers questions and assists with Open Meetings Act Compliance on a regular basis; and
- **Millage Issues:** Regularly provides legal guidance concerning millages including drafting Board resolutions and millage language for ballots.

Drain

- **Petitions drain projects pursuant to the Michigan Drain Code of 1956 as amended;**



- Establishes Lake Levels;
- Defense of flooding litigation; and
- Public financing for public Drain projects pursuant to the Michigan Drain Code of 1956 as amended.

Employment

- Labor/Employment Law: Handled grievances on behalf of a Charter Township; provided counseling during negotiations of a renewed collective bargaining agreement; negotiated and drafted new collective bargaining agreement for transit authority; Currently counsels with day-to-day employment issues for various transportation authority clients; and
- Policy Drafting and Review: Review and revise employee policy manuals, operations and managerial procedures manuals and employment/job descriptions for various transit authorities.

General Litigation

- Provides General Corporate Counsel including business formation, contracts, mergers and acquisitions and real estate matters;
- Litigation Avoidance Through Best Practices; and
- Litigation/Alternative Dispute Resolution.

Business

- Provide General Counsel; and
- Counsel on data security.

SPEAKING ENGAGEMENTS

Substance Use Policies and Your Township, *Michigan Township Association (MTA) Conference 2024*, April 23, 2024

Employee Drug Testing, *Fall 2023 Labor & Employment Law Update Webinar*, October 12, 2023

Fall 2023 Labor & Employment Law Update, *Foster Swift Going Forward Webinars*, October 12, 2023

ADA and FMLA Compliance and Regulation Issues, *Fall 2022 Labor & Employment Law Update Webinar*, October 12, 2022

What Employers Need to Prepare for in 2023, *Foster Swift Going Forward Webinars*, October 12, 2022

A Primer on Civil Litigation - How to Avoid Getting Sued and What to do if you do!, *Foster Swift Going Forward Webinar Series*, June 25, 2020

Contracting in Public Projects, *Construction Law for Public Projects Seminar: HalfMoon Education Inc.*, November 13, 2019

Advanced Fundamentals of Transit Management, *Michigan Public Transit Association*, August 1, 2019

Modules for Michigan Laws Concerning Public Transit, *Michigan Public Transit Association*, August 1, 2019

Modules for Michigan Laws Concerning Public Transit, *Michigan Public Transit Association*, June 6, 2019



Modules for Michigan Laws Concerning Public Transit, *Michigan Public Transit Association*, May 9, 2019

Understanding the General Law Village Act, *Michigan Municipal League (Capital Conference & Annual Expo)*, March 19, 2019

PUBLICATIONS

Compliance and Regulation Issues of the Family Medical Leave Act: A 2023 Update, *Foster Swift Labor & Employment Law News*, February 16, 2023

Court of Appeals Ruling Halts Pending Minimum Wage Increase and New Earned Sick Time Act – For Now, *Labor & Employment Law News E-blast*, January 27, 2023

Don't Forget! Michigan's Minimum Wage Increases on January 1, Additional Hike Expected, *Foster Swift Labor & Employment Law News E-blast*, December 28, 2022

Litigation 101 - What Happens in a Lawsuit?, *Foster Swift Business & Tax Law News*, June 3, 2022

MEMBERSHIPS & AFFILIATIONS

Legal Affiliations:

- Ingham County Bar Association
- State Bar of Michigan
- State Bar of Illinois

Community Affiliations:

- Sparrow Foundation
 - Dapper Dad Campaign
 - 2019, 2021

RECENT BLOG POSTS

Michigan Labor & Employment Law Blog

USDOT Approves Oral Fluid Drug Testing

An Employer's Introduction to the Americans with Disabilities Act