



Mark A. Kornfeld

Partner

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A seasoned commercial litigator, Mark is a trusted legal adviser with over 30 years of experience successfully aiding clients in resolving complex, high-stakes disputes involving a broad range of asset recovery, business, contract, corporate, enforcement, entertainment and sports law, intellectual property, regulatory, securities, and tort matters, both domestically and internationally.

Mark quickly analyzes multidimensional variables and how they will impact clients, delivering multilayered, pragmatic and thoughtful counsel across a broad range of businesses, including *Fortune* 500, private equity, mid-size and emerging companies. His clients span an array of industries such as construction, education, entertainment, financial services, hedge funds, investment management, media, real estate development, sports and technology. He also represents boards of directors, corporate officers and senior executives.

Mark has vast, diverse professional experience, including with:

- Asset recovery.
- Bankruptcy litigation.
- Business torts.
- Class Action litigation.
- Commercial litigation.
- Contract disputes
- Corporate divorces.
- Corporate governance.
- Crypto and digital assets.
- Equity receiverships.
- Financial fraud.
- FINRA.
- Internal investigations.
- Mediation.
- Multi-district litigation.
- Ponzi schemes.
- State and federal regulatory and securities enforcement litigation.
- Whistleblowers.

Mark appreciates and recognizes that each client and matter is unique and never subject to a "one-size-fits-all" approach. He provides comprehensive, customized service, counsel and proposed solutions by really knowing and working alongside his clients "in the trenches" to craft fulsome legal strategies to advance their many objectives.

Mark efficiently assesses disputes in real time, provides advice that fully manages risks and rewards and proactively drives tangible results (and often litigation avoidance) for the most complicated problems. Mark takes immense pride in being a forward-thinking, proactive, business-centric and savvy attorney, whose standard is the provision of first-class legal service delivered at platinum value, through a "what's best for business" foundation.

Beyond his litigation practice, Mark has served as a court-appointed federal equity receiver in connection with the In Re Kinetics action, charged with returning assets to claimants and victims of the alleged malfeasance and fraud in that matter.

Services

- Litigation
- Entertainment & Sports Law
- Financial Services Industry
- Financial Services Litigation
- Securities Industry
- International

Before Fox Rothschild

Mark joined us from an AmLaw 200 firm. He has previously practiced at national and global AmLaw 100 law firms. Mark has also worked as General Counsel for a media and technology company and Deputy General Counsel for an investment management firm.

Mark was one of the few attorneys in the world to interview the late Bernard Madoff in prison as part of the Trustee's investigation into the largest known Ponzi scheme in history. Mark also served the Recovery Initiative as the first Chair of both the Expert and Settlement Committees, as well as personally leading multiple teams involved in billions in settlements and litigation against managers, investment advisors, domestic and international feeder funds and other institutions.

After earning his law degree, Mark held a judicial clerkship for the Honorable Joseph Longobardi, Chief Judge of the U.S. District Court for the District of Delaware.

Bar Admissions

- Florida
- New York

Court Admissions

- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York

Education

- Brooklyn Law School (J.D., *magna cum laude*, 1992)
- Vassar College (B.A., 1989)

Memberships

- New York State Bar Association
 - Commercial Section
 - Alternative Dispute Resolution Section

- International Section
- Hillsborough County Bar Association
- Tampa Circle of Influence
- National Association for Federal Equity Receivers (NAFER)
- Securities Industry and Financial Markets Association (SIFMA)

Honors & Awards

- Selected to the "Best Lawyers in America" list for Commercial Litigation, (2022-2026)
- Selected to "The Legal 500" list for the United States (2015-2017)
- Selected to the "Super Lawyers - Rising Stars" list for in the New York Metro (2011-2018)

Significant Matters

- Represents a global marketing and advertising agency in multi-district class action arising out of the FTX cryptocurrency collapse.
- Represents an individual owner/investor in connection with nine-figure, parallel federal and state enforcement action arising out of debt settlement services provided to consumers.
- Helped secure an eight-figure settlement for a global broker-dealer in connection with a first-of-its-kind "trailing commissions" lawsuit out of customer purchases of certain, variable insurance products.
- Senior counsel who helped secure, a pre-complaint, \$500 million settlement against a feeder fund, and financial institution in connection with the Madoff Ponzi scheme.
- Appointed Federal Equity Receiver by the Middle District of Florida in connection with an SEC enforcement action arising out of an alleged \$40+ million fraudulent investment management scheme with eight figures in recoveries, and distributions back to investors.
- Led a Financial Industry Regulatory Authority (FINRA)-regulated broker-dealer and its parent (and executives) to a successful, pre-complaint settlement after receipt of Wells Notices of charges by FINRA arising out of a multimillion-dollar minimum-maximum offering and the breaking of escrow related to it. The matter was resolved with no charges against the individuals.
- Successfully defended a securities class action arising out of a \$4.5 billion acquisition and the merger consideration paid thereunder, including substantial motion practice before the U.S. District Court, Eastern District of New York, and winning a motion to dismiss and litigation of class certification issues before the 2nd Circuit. This post-merger securities fraud class action related to the calculation of merger consideration in connection with the post-closing conditions precedent and ultimately was settled for a fraction of the demand in the complaint.
- Represented a global financial services firm in connection with discovery arising out of and in connection with the Caesars Operating Co. multibillion-dollar bankruptcy proceedings.
- Represented a market-maker in connection with a regulatory investigation and civil class actions seeking upward of \$800 million in damages relating to allegations against the company involving false marks for illiquid securities.
- Represented an investment manager in connection with a Securities and Exchange Commission inquiry into alleged improprieties in supervisory and other trading practices. The client was successfully absolved of any wrongdoing.
- Represented \$1 billion environmental and water rights investment funds in a series of domestic and international commercial litigation, arbitrations and mediations. Provided advice and representation on contract, tortious interference, employment litigation, private equity, bankruptcy and other transactional matters, as necessary. Successfully had dismissed a tortious interference with business relationship claim against a company and its principal.
- Represented a major owner and commercial real estate developer in construction cross-litigation for errors and omissions against subcontractors and a construction manager. The case was settled for the client for a fraction of the initial demand following aggressive litigation in discovery and mediation efforts demonstrating that the client was not liable for the alleged damages.
- Represented a major media publication in construction litigation brought against a design-builder, as well as commercial litigation against equipment and system vendors and a landlord. Obtained settlement recoveries of more than eight figures for the client through demonstrated understanding of issues and diligence.
- Represented a major accounting firm in a professional malpractice case related to subprime lender audit practices. The case was settled favorably for the client after years of litigation due in part to the executed litigation strategy and key admissions that were elicited during the deposition process.

- Represented a company and its executives in securities class actions and regulatory investigations arising out of allegations of false financial statements, backdating revenues and other revenue recognition allegations. Successfully resolved the case after years of litigation for a fraction of the initial demand.
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Results may vary depending on your particular facts and legal circumstances.

Publications

May 6, 2026

The GAO Report on the CFPB Reorganization: What Banks and Financial Services Providers Should Know

June 25, 2020

Madoff Recovery's Next Steps After Justices' Petition Pass

Law360

December 18, 2018

Banks' Exposure to the Enron Fraud Lives: 17 Years Later

Business Law Today

November 19, 2018

The Legacy of Madoff, A Decade Later

Law360

April 21, 2016

What CFTC's Record-Breaking Whistleblower Bounty Tells Us

Law360