BIRD MARELLA LLP

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Mark T. Drooks

Partner

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Practices:

Securities Litigation, Real Estate, Lawyers and Law Firms, Fraud, Qui Tam, Civil RICO, Complex Business Litigation

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Mark Drooks focuses his practice on civil litigation and arbitration. He has been lead counsel in more than 50 civil trials and arbitrations that have been litigated to final decision and has argued several appeals in state and federal courts, including the California Supreme Court and the United States Court of Appeals for the Ninth Circuit.

Mr. Drooks's practice runs the gamut of commercial litigation. He has substantial experience representing clients in breach of contract and business tort cases arising out of complex business transactions and he often represents co-owners of businesses in partnership disputes. He has represented defendants in several consumer protection class action cases. In securities matters, he has represented companies, investment advisers and investors in both individual and class actions. He also has represented broker-dealers in various lawsuits and in more than 200 customer dispute arbitrations.

Mr. Drooks is often retained to represent national and international law firms, lawyers and other professionals in connection with malpractice claims, partnership disputes and ethical issues. He has handled such cases through trial, summary judgment and appeals.

Throughout his career, Mr. Drooks has devoted substantial time to representing clients *pro bono publico*. He drafted the *amicus curiae* brief for the NAACP Legal Defense Fund in *Rojo v. Kliger*, a landmark case in which the California Supreme Court adopted the Defense Fund's analysis in holding that victims of workplace sexual harassment could bring common law tort claims against their abusers. He was lead counsel for the plaintiffs in the El Monte Thai Worker Slavery Case, in which he represented more than 100 undocumented persons who had been held in virtual slavery at a garment factory.

Mr. Drooks has been ranked by *Chambers and Partners* in the area of Commercial Litigation since 2019 and has been ranked Band 1 in the national category of Law Firm Defense since 2024. *Chambers* has shared that "he's like a world champion chess player when it comes to the hard issues and seeing ten moves ahead."

In addition, he has been recognized as one of *Los Angeles Business Journal*'s Top Litigators & Trial Lawyers and an Elite Boutique Trailblazer by the *National Law Journal*.

Education & Admissions

- Harvard Law School, J.D., magna cum laude, Harvard Civil Rights-Civil Liberties Law Review, 1981
- Cornell University, A.B., cum laude, Phi Beta Kappa, 1978

- California, 1986
- District of Columbia, 1981

Notable Matters

Successfully quashed service on a national law firm in a case alleging aiding and abetting of securities fraud, breach of fiduciary duty, and professional negligence in connection with a purported billion-dollar Ponzi scheme.

Obtained a complete defense victory for brokerage firm in a FINRA arbitration involving more than $40 million dollars in alleged damages. Although motions to dismiss are rarely granted in FINRA arbitrations, the three-arbitrator Panel unanimously granted Bird Marella's motion to dismiss the case at the close of the claimant's evidence.

Defended at trial one of the nation's largest homebuilders in federal court litigation and arbitration arising out of $500 million land acquisition and financing transaction.

Established at trial, on behalf of a departing law firm principal, the lawyer's right to share of law firm accounts receivables. The decision was affirmed on appeal.

Represented at trial a partnership comprised of doctors in dispute over ownership interest in a hospital. Prevailed in first phase of bifurcated trial, resulting in a favorable settlement.

Represented publicly traded company through final arbitration hearing in a multi-million dollar

accounting malpractice case.

Obtained summary judgment on behalf of national law firm accused of negligence and misrepresentation in connection with issuance of opinion letters in a loan transaction. Secured affirmance of the decision before the Ninth Circuit Court of Appeals.

Successfully obtained dismissal with prejudice on behalf of two British agencies that regulate the practice of law in the United Kingdom against broad-ranging RICO, defamation, and other claims brought by two disbarred British solicitors in federal court. The decision was affirmed on appeal and followed by a memorandum decision by the Ninth Circuit Court of Appeals, completing an appellate sweep.

Successfully moved a federal district court to dismiss the complaint filed against an international law firm in a putative class action arising out of a tax shelter investment.

Obtained final approval of a class action settlement on behalf of a major multinational nutritional and personal care product corporation, defeating objections made collectively by several class members, as well as a motion for reconsideration brought by these same objectors.

Defended a multinational cell phone manufacturer in a putative class action involving product liability allegations. Successfully enforced arbitration clause and class action waiver, leading to favorable resolution of the individual claim.

Represented the special litigation committee of a Fortune 500 semiconductor company in resolution of a derivative action for stock options backdating claims.

Represented co-president and COO of a large, publicly traded health care company in government investigations arising out of alleged submission of false claims for government reimbursement and related securities claims. Litigated and eventually reached a favorable settlement of securities class action and shareholder derivative litigation.

Defended a national law firm in a malicious prosecution lawsuit arising from a copyright infringement matter. Obtained dismissal of all claims and award of attorney's fees on anti-SLAPP motion; dismissal was upheld on appeal.

Represented the special litigation committee of a hospital chain in class action arising out of a going private transaction.

Served as lead counsel for a major on-line brokerage firm in more than a hundred binding arbitrations before the NASD and FINRA.

Represented multinational law firms in claims arising out of their representation of clients in securities matters.

Represented individuals at trial in action against a bank over forged check endorsements, reaching favorable settlement before case went to jury.

Associations

- Member, Bet Tzedek Legal Services, President's Council, 2020
- Member, Chancery Club of Los Angeles, 2019
- Lawyer Representative and Ex Officio Lawyer Representative, Ninth Circuit Judicial Conference, 2017-present
- Member, United States District Court Merit Selection Panel for Magistrate Judges, Central District of California, 2012-2017
- Member, Executive Committee, Los Angeles County Bar Association, Litigation Section, 2009-2012
- Member, Securities Industry Association, Compliance & Legal Division, 1999-present
- Chairman, Bet Tzedek Legal Services, Board of Directors, 2005-2006; Member, Board of Directors, 1996-2019

Awards & Recognitions

- Ranked Band 1 for Law Firm Defense (USA-Nationwide), *Chambers USA*, 2024 - present
- Ranked, Litigation: General Commercial, *Chambers and Partners USA*, 2019 - present
- Ranked, Los Angeles City Elite: Commercial Disputes, *Legal 500*, 2026 - present

- Litigation Star, *Benchmark Litigation*, 2023
- Leading Litigators in America, *Lawdragon*, 2023 - present
- Top Litigators & Trial Lawyers, *Los Angeles Business Journal*, 2019
- Elite Boutique Trailblazers, *National Law Journal*, 2018
- Best Lawyers in America, Commercial Litigation; Litigation: Securities, Best Lawyers®, 2016 - present
- Southern California Super Lawyer, *Super Lawyers Magazine*, 2004 - present

Articles & Publications

- Co-Author, "'Isn't that Special: The Limited Powers of Special Masters," *California Litigation*, Vol. 34, No. 3, 2021
- Co-Author, "Showing Lack of Probable Cause: Plaintiff's Burden of Proof in Opposing an Anti-SLAPP Motion Attacking a Malicious Prosecution Claim," *The Journal of the Litigation Section of the California Lawyers Association*, July 2020
- Co-Author, "Calif. Ruling Dings Engagement Letter Arbitration Clauses," *Law360*, November 26, 2018
- Interviewee, "Rainmaker Q&A: Bird Marella's Mark Drooks," *Law360*, August 2016
- Co-Author, "Judicial Discretion Advised: A Critique of California's Per Se Disqualification Rule in Concurrent Representation Cases," *California Litigation*, November 2013
- Co-Author, "Summary of Online Brokerage Awards in Internet Trading," 1996-2001, presented at the Fifth Annual National Institute on Securities Trading on the Internet, New York, New York. September 2001
- Author, "Environmental Liability, Concurrent Causation and Insurance Coverage: Some Practical Experience," *Mealey's Litigation Reports*, December 1, 1993
- Co-Author: "Preserving Confidentiality in Corporate Internal Investigations," *Corporate Criminal Liability Reporter*, Vol. 1, No. 2, Spring, 1987
- Author, "Amending the Federal Tort Claims Act," 17 *Harvard J. Legis.* 357, 1980