



J. Mark McKinzie Attorney

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Biography

Litigation is more time-consuming and expensive than most business professionals ever anticipate and should be avoided if possible. However, sometimes litigation becomes necessary/inevitable: Recently, a long-term client, business owner and entrepreneur, Joseph Radcliff and his Fishers-based construction company, C.P.M. Construction, were sued by State Farm based upon unfounded accusations of wrongdoing. In addition to defending Mr. Radcliff and his company's interests, attorney Mark McKinzie assembled the trial team and was lead counsel with Will Riley of the law firm Price Waicukauski & Riley, in a six week jury trial. The jury rejected State Farm's allegations in their entirety and returned a verdict for Mr. Radcliff and C.P.M. in the amount of \$14,500,000.00 for the damages caused to his business and to him. Following the trial, the jury's verdict in its entirety was confirmed by the Honorable Judge Steven R. Nation of the Hamilton County Superior Court. Subsequently, State Farm brought the matter before the Court of Appeals. Once again, Mark McKinzie and his team were successful and the verdict was unanimously upheld in a 61 page opinion handed down on April 11, 2013, highlighting State Farm's wrongdoing. The award is one of the largest defamation awards in United States history. Read the opinion here.

From his law office in Indianapolis, attorney Mark McKinzie utilizes his Insurance experience to provide counsel to and advocacy on behalf of his clients, both in litigation and general business matters.

It is Mark's privilege to represent several major insurance companies and their insured in commercial litigation, as well as in various regulatory and enforcement matters, including working with the Indiana (and numerous other states') Department of Insurance, the Indiana Attorney General's Office, the Indiana Department of Finance and various other state regulatory bodies.

In addition to counseling and advocating for business owners and insurers, Mark also assists a number of clients in defending premises, construction, and product liability defendants in Marion County's Mass Tort Litigation (MTL) Court and he has worked with the Court's administrative team and select Plaintiffs' counsel to streamline extricating his clients from litigation at an early juncture and/or without the expense of full trial work-up, as the facts may allow.

Community Activity

- Our Lady of Mount Carmel Parishioner, Member (1988 - Present)
- President of Valleybrook Homeowners' Association, Member (2007 - Present)
- Woodland Country Club, President (2006); Board Member (2004 - 2006)

Seminars/Presentations

- "Weighing the Costs and Benefits of Insurance Litigation," 60th Annual Central Indiana Chapter of the Chartered Property Casualty Underwriter Conferment Luncheon (October 2006)

- “Potential Benefits of Self-Insurance,” Indiana Association of School Business Officials (IASBO) (Fall 2009)
- Indianan Continuing Legal Education Forum, Indiana Insurance Law Symposium (November, 12 2015)

Practice Area Experience

- Mark has been lead counsel in over twenty-five (25) jury trials and has represented clients in numerous hearings in front of various regulatory bodies.
- Defended gentlemen’s club in dram shop action involving multiple fatalities.
- Defended insurance company’s interests in regulatory dispute over whether the Department of Insurance or the Department of Finance had primary regulatory jurisdiction in regulating the client’s product.
- Developed innovative process for restoration contractor: sought and secured numerous Court Ordered Appraisal Process Orders, working with contractor and insurance company, when there was a failure to reach an agreed amount of damages for property claim where coverage and causation were not in dispute.
- Guided an investor in publicly traded insurance company to receive necessary regulatory approvals in five (5) states.
- Defended a municipal water company in personal injury action alleging tainted water supply.
- Defended insurance company in targeted Insurance Department Market Conduct Examination and negotiated a significantly reduced Agreed Settlement from initial Order.
- Defended insurance company in 1st party bad faith claim and secured Summary Judgment for client.

Rankings and Awards

- Martindale-Hubbell AV Rated (2012)
- Outstanding Support & Commitment to the Indiana Insurance Institute (2003)
- Outstanding Leadership Award for four years as Chairman of Indiana Insurance Guaranty Association’s Board of Directors (1996 - 2000)
- Leadership Award for serving as Chairman of Insurance Institute of Indiana Legislative Study Committee (1992 - 1994)
- Distinguished Fellow of the Indy Bar Foundation (2015)

Associations

- Indianapolis Bar Association
- Indiana State Bar Association
- American Bar Association, Tort and Insurance Practice and Business Law Sections
- Illinois State Bar Association
- Defense Research Institute
- Defense Trial Counsel of Indiana
- Insurance Institute of Indiana Committees, including past Chairman of both Legislative Steering and Amicus Curiae Committees
- Member Alliance of American Insurers Legal Committee
- Member National Association of Mutual Insurance Companies Legal Committee
- Member National Association of Independent Insurers Laws Committee
- Founding Director of the Urban Insurance Partners Foundation
- Member of the Indiana Insurance Guaranty Association Board of Directors, Chairman (1996-2000)

Education

- University of Illinois, B.S., Finance with high honors 1974; M.B.A. with highest honors(1976)
- Indiana University Maurer School of Law, J.D., cum laude (1978)

Bar Admission

- Indiana (1989)
- Illinois (1979)
- U.S. District Courts for the Southern and Northern Districts of Indiana.
- United States Court of Appeals, Seventh Circuit