



→ Mark G. Rackers

Partner

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Mark Rackers is a partner in the Business Trial practice group in the firm's San Diego office and a member of the firm's Mortgage Banking, Multi-Family and Food and Beverage Teams.

Areas of Practice

Mark is an experienced trial attorney who represents clients in a variety of business disputes, with a special emphasis on lender liability, real estate, multi-family litigation, consumer class actions, shareholder disputes, and unfair competition.

Mark's practice focuses on complex business litigation and class action defense. He has extensive experience in the financial services industry. Mark spent two years in Wells Fargo Bank's legal department, where he managed a portfolio of mortgage, student loan, bankruptcy, credit card, and auto finance matters in all areas of litigation, including trial. He also counseled the Bank on risk management and compliance with state and federal consumer protection regulations.

At Sheppard Mullin, Mark regularly counsels financial institutions, landlords and property management companies on compliance matters and has successfully represented clients in both state and federal court. His experience includes pre-trial practices, dispositive motions, and briefing before the California Courts of Appeal and the Ninth Circuit Court of Appeals. Mark also has experience as lead trial counsel, obtaining complete victories in bench and jury trials, and has successfully argued before the California Court of Appeal.

Mark serves on the firm's Pro Bono Committee and heads pro bono efforts for the San Diego office.

Honors

San Diego Rising Star, *Super Lawyers*, 2015, 2016, 2017

Experience

Recent Litigation Successes

- Lead trial counsel in jury trial relating to a property/easement dispute, where he won a favorable result for the client
- Obtained complete dismissals of over 100 mortgage-related complaints
- Obtained a favorable settlement in a data breach lawsuit

Other Experience

- Extern for the Honorable William Q. Hayes, United States District Judge for the Southern District of California
- Intern, California Attorney General's Office, Criminal Appellate Division arguing cases in the California Courts of Appeal
- Intern, San Diego Volunteer Lawyers Program, Elder Law & HIV/AIDS Clinics
- Assisted families with finalizing adoptions and requesting specialized care rate assessments through pro bono partnership with Public Counsel Adoptions Project
- Successfully argued pro bono immigration appeal with the Ninth Circuit Court of Appeals

Articles

Finance & Bankruptcy Law Blog Posts

- "California's DBO Updates its COVID-19 Guidance for Financial Institutions," March 30, 2020
- "Update for Mortgage Lender Operations in California," March 23, 2020

Financial Institutions Law Blog Posts

- "The Consumer Financial Protection Bureau Adopts New Rule Barring Class Action Waivers in Arbitration Agreements," July 14, 2017
- "The Ninth Circuit Holds That Enforcing A Security Interest Is Not Necessarily Debt Collection," October 27, 2016
- "California Homeowner Bill of Rights: A New Mortgage Law For The New Year," December 12, 2012
- "Dispelling the Myth of MERS as a 'Sham' Beneficiary," October 18, 2011
- "More Teeth For The Tender Rule," June 16, 2011

Speaking Engagements

Presenter, "Company Killers: Trends in Class Action Risk Factors and How to Mitigate," National Apartment Association Legal Symposium, Virtual, November 18, 2020

Presenter, Association of Business Trial Lawyers Trial Skills Seminar, San Diego, CA, October 2012.

Mr. Rackers has taught English and Persuasive Writing courses at the University of California San Diego and San Diego City College.

Memberships

Board Member, Legal Aid Society of San Diego, Inc.

Member, State Bar of California

Member, Louis M. Welsh Chapter of the American Inns of Court

Member, San Diego County Bar Association

Practices

Class Action Defense
Litigation

Industries

Cannabis
Food and Beverage
Mortgage Banking
Multifamily Housing

Education

J.D., University of San Diego, 2007, Executive Chair, *Appellate Moot Court Board; Moot Court National Team*
M.A., San Diego State University, 2003
B.A., University of California, San Diego, 1996

Admissions

California
U.S. District Court or of the Northern District of California
U.S. District Court for the Southern District of California
U.S. District Court for the Central District of California
U.S. District Court for the Eastern District of California
U.S. Court of Appeals for the Ninth Circuit

Languages

Spanish