

MARK S. FENZEL

Member

500 West Jefferson Street, Suite 2400
Louisville, KY 40202
T: 502-783-6249
mfenzel@mcbrayerfirm.com

HONORS & AWARDS

- AV Preeminent® Peer Review Rated by Martindale-Hubbell®
- Chambers USA 2005 - 2018 as a leading lawyer in Kentucky in Litigation: Tort and Insurance Defense
- Kentucky Super Lawyers® 2007 - 2025, Professional Liability Defense, Schools & Education, Business Litigation
- Top 10: Kentucky Super Lawyers, 2015-2016
- Top 50: Kentucky Super Lawyers, 2012-2016
- The Best Lawyers in America®, 2011 - 2020, 2024-2027, Commercial Litigation, Education Law, Personal Injury Litigation - Defendants, Professional Malpractice Law - Defendants
- The Best Lawyers in America®, "Lawyer of the Year", 2025, Professional Malpractice Law -

As a malpractice and professional liability defense attorney, Mark Fenzel has two primary goals for his clients: to help them achieve positive outcomes, even in challenging situations, and to assist in rebuilding their confidence after facing these difficult experiences. Mark supports his clients through lawsuits, administrative hearings, mediations, and transactions related to professional liability matters, as well as in commercial and business litigation, education law, insurance defense, and business disputes.

Mark also represents several local and regional businesses. His strong accounting background helps him provide advice on various issues, including acquisitions, mergers, and estate and succession planning. Recently, he was involved in negotiating complex easements, property division, and the lease or purchase of commercial real estate. He assists his clients across all areas of his practice by identifying and prioritizing issues in even the most complex cases to achieve the most favorable outcomes available. Mark's knowledge and experience provide him with a unique approach to the law—his degree in accounting enables him to think analytically when working with numbers, and his military service in the Navy Judge Advocate General's Corps instills discipline, tact, and diplomacy into all his work.

Defendants

- 2019 Louisville Lawyer of the Year, Professional Malpractice Law - Defendants
- 2020 Louisville Lawyer of the Year, Education Law
- Louisville Magazine's Top Lawyers in Insurance Law, Personal Injury Defense, and Professional Malpractice Defense.

PRIMARY PRACTICE

Commercial and Business Litigation

Malpractice and Professional Liability Defense

Insurance Defense

Mediation Services

Accounting Malpractice Defense

ADDITIONAL PRACTICE EXPERIENCE

Education Law

ADMISSIONS

United States Supreme Court, 2000

U.S. Court of Appeals, Sixth Circuit, 1995

U.S. Court of Military Appeals

U.S. District Court, Western District of Kentucky, 1980

U.S. District Court, Eastern District of Kentucky, 1980

Kentucky, 1980

EDUCATION

University of Louisville Brandeis School of Law, J.D., 1980
University of Kentucky, 1977

With more than four decades of legal experience, much of which has been spent in the courtroom, Mark seeks every day to enhance his skills and abilities to become an even better advocate for his clients. He has defended numerous insurance companies and self-insured corporations in claims against attorneys, accountants, and other professionals. Mark's clients appreciate his consistent provision of quick feedback, a listening ear, and his ability to lift their spirits during challenging moments.

CAPABILITIES, SUCCESSES, AND ASSIGNMENTS

- Defends attorneys, accountants, other professionals, and school boards.
- Represents clients in jury trials, including those involving civil rights, personal injury, defamation, and malicious prosecution.
- Advises businesses regarding acquisitions, mergers, and succession planning.
- Assists litigants with mediation.
- Oversaw the sale of a 100-year-old family business.
- Represented over thirty individual school boards and personnel in Title IX, personal injury, special education, and various other claims, several of which resulted in significant opinions from state and federal courts, including the Kentucky Supreme Court and the Sixth Circuit Court of Appeals.
- Achieved summary judgment for a CPA firm in a $40 million malpractice case, with the Kentucky Supreme Court affirming the ruling.
- Argued or briefed over 20 published and unpublished state and federal court cases.

Published Cases:

- *Beckham v. Bd. of Educ. of Jefferson Cnty.*, 873 S.W.2d 575 (Ky. 1994)
- *Turner v. Nelson*, 342 S.W.3d 866, 868 (Ky. 2011)

- Major: B.S. Accounting

- *Blau v. Fort Thomas Pub. Sch. Dist.*, 401 F.3d 381 (6th Cir. 2005)
- *Ashton v. A. A. by & Through Ames*, No. 2020-CA-0224-MR, 2021 WL 942810, at *1 (Ky. Ct. App. Mar. 12, 2021)
- *Hartford Ins. Companies of Am. v. Kentucky Sch. Boards Ins. Tr.,* 17 S.W.3d 525, 526 (Ky. Ct. App. 1999)
- *K.G. v. Woodford Cnty. Bd. of Educ.*, No. CV 5:18-555-DCR, 2022 WL 17993127, at *1 (E.D. Ky. Dec. 29, 2022)
- *Cornette v. Com.,* 899 S.W.2d 502 (Ky. Ct. App. 1995)

Kentucky Leader

- Community Employment, Inc., Former President and Board Member
- University of Louisville Alumni Council, Former President
- Veterans Hospice Program

Professional Activities

Louisville Bar Foundation, Former President

News

IN THE MEDIA - Fifty McBrayer Attorneys Recognized by *Best Lawyers® for 2027*
August 20, 2026

Celebrating Excellence: 40 McBrayer Attorneys Recognized by Super Lawyers
December 16, 2025

McBrayer PLLC Achieves Record-Breaking Recognition in *Best Lawyers in America® 2026*
August 21, 2025

McBrayer Attorneys Earn Prestigious Band 1 Ranking in Chambers and Partners USA Guide 2025
June 10, 2025

Leading the Way in Legal Excellence: 38 McBrayer Attorneys Honored in 2025 Super Lawyers and Rising Stars Lists
December 17, 2024

New Record Set: 51 McBrayer Attorneys Honored in Best Lawyers 2025
August 15, 2024

Leading thoroughbred trainer Cherie DeVaux and the Belladonna Racing partnership take McBrayer's Summer Associates to the Winner's Circle at Churchill Downs
June 26, 2024

McBrayer Earns Record Number Named to Super Lawyers Lists for 2024
January 9, 2024

Another Record! 49 McBrayer Attorneys Named to Best Lawyers® 2024
August 17, 2023

McBrayer PLLC Sees Largest-Ever Expansion with Addition of Eight Former Middleton-Reutlinger Attorneys
December 30, 2022

Seminars & Speaking Engagements

McBrayer Attorneys Attend KET's February Fanfare
February 14, 2026