

**MARK A. BRITTINGHAM**  
ATTORNEY AT LAW  
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EDUCATION & LICENSURE

J.D. Southern Illinois University School of Law  
1982 Magna Cum Laude

B.A. Southern Illinois University Carbondale  
1978 Political Science & English (Honors)

A.A. Danville Jr. College  
Danville, Illinois  
1977

Licensed to practice in Illinois & Missouri, 7th & 8th U.S. Circuit Courts of Appeals,  
U.S. District Courts, Central & Southern Districts of Illinois, Eastern & Western Districts  
of Missouri

EMPLOYMENT HISTORY

2007 – Present  
Visiting Assistant Professor  
Southern Illinois University School of Law

Teaching Intellectual Property Law, Trial Advocacy (Basic & Advanced), Evidence, Business  
Planning, Labor Law, Agency & Partnership, Corporations, and Sports Law (including anti-  
trust).

2009 - Present  
Faculty Liaison to Student Development

Overseeing all functions of the Office of Student Development, particularly Career Services.  
Duties include counseling students on job placement, job search strategies, and  
externship opportunities; meeting with prospective employers; organizing career air and  
on-campus interviews; overseeing collection and reporting of employment data; organizing  
awards banquet and graduation.

2002 – 2007  
Senior Associate General Counsel  
Southern Illinois University

*Labor and Employee Relations:* Responsibilities included negotiating collective bargaining  
agreements with unions representing tenure-line faculty, term faculty and graduate  
assistants in Carbondale, assisting with negotiation and administration of labor contracts  
on all campuses, representing the University in grievance arbitration proceedings and  
unfair labor practice proceedings; representing the University in matters before the EEOC

and Illinois Department of Human Rights; representing management in all internal and civil service/merit board hearings, providing day-to-day advice and counseling with respect to all employment related issues.

*Litigation:* Primary responsibility for representing University in federal and state court and court of claims proceedings. Also supervised outside counsel in their representation of the University.

*Federal agencies:* Provided representation to the University in investigations by federal agencies such as the Department of Justice, the Department of Labor and the Department of Education Office of Civil Rights.

*Academic Affairs:* Advise the Provost and Chancellor on all matters relating to collective bargaining, promotion and tenure decisions; represent the Provost before the Faculty Senate's Judicial Review Board with respect to matters of promotion and tenure.

*Board of Trustees:* Assist General Counsel in conducting executive session of the Board of Trustees and evaluating proposed Board action. Attend the Carbondale Chancellor's pre-Board meetings to prepare matters for Board consideration.

*Athletics:* Negotiate and prepare coaches' contracts; assist Athletic Director in resolution of scholarship and eligibility disputes.

*General:* General real estate and annexation matters; student affairs and FOIA disputes; policy review and development; federal grant administration. Handle Ethics Act issues.

2004

Interim General Counsel  
Southern Illinois University

After the retirement of Peter Ruger as General Counsel and during the search for his permanent replacement, President Walker appointed me Interim General Counsel to supervise the SIU system's six other staff attorneys and provide primary legal representation to the Board of Trustees. This included conducting the closed session of the Board's meetings and providing day-to-day counsel to the President, the Board chairman, and the Board's executive committee. During my service as Interim General Counsel, I also continued to perform my regular duties (described above), and I served as the University's first liaison to the Office of Inspector General with responsibility for insuring that the University complied with the Illinois Ethics Act.

1988-2002

Partner, Lueckenhoff & Brittingham, f/k/a Casserly, Jones & Brittingham, f/k/a Biggs & Hensley, St. Louis, Missouri

General law practice, with emphasis on employment and business litigation in state and federal courts, public interest litigation, and general business counseling. Represented employers in labor contract negotiations, grievance arbitrations, and employment litigation. This representation included SIU as lead trial counsel in Title VII and Title IX lawsuits, and in select real estate and medical malpractice lawsuits. Also general representation of public fire protection districts.

1986-1988

Associate, Blumenfeld, Sandweiss, Marx, Tureen, Ponfil & Kaskowitz  
St. Louis, Missouri

Principal responsibility was representation of regional electrical contractor in a nationwide anti-trust lawsuit. Also handled employment, real estate, zoning and shareholder lawsuits.

1982-1986

Associate, Kohn, Shands, Elbert, Gianoulakis & Giljum  
St. Louis, Missouri.

General business practice with emphasis on labor and employment matters; anti-trust, securities and shareholder litigation; and public school law (including desegregation).

#### BAR-RELATED SERVICE

Member, Inns of Court, Southern Illinois Chapter (2002-Present); Secretary (2010-Present)  
Chair, Missouri Bar Civil Practice & Procedure Committee (1990-92)  
Chair, Bar Association of Metropolitan St. Louis, Small Business Section (1984-85)  
Member, Illinois Bar Association Civil Practice Steering Committee (1985-86)  
Jackson County Bar Association (2003-Present)  
National Association of College & University Attorneys (2000-2007)  
Association of Academic Personnel Administrators (2004-2007)

#### PUBLIC & PROFESSIONAL SERVICE

2006-Present

Board of Directors, Shawnee Health System

Federally-funded program that has provided health care services throughout southern Illinois for more than thirty years. Currently owns and operates three large facilities and other smaller sites, and employs approximately twelve physicians and many other health care professionals.

2004 - 2007

National Association of College & University Attorneys

Participated as a panel member at the 2005 annual meeting on "Dealing With Organized Faculty on a Daily Basis."

2004-2009

Illinois Educational Labor Relations Advisory Board

I believe that I was the only representative of Illinois Higher Education on this Board. I attended IELRB meetings and participate in Advisory Board meetings as scheduled to discuss issues affecting educational employers and employees statewide.

2004-2007

Association of Academic Personnel Administrators

Organization of administrative personnel in higher education who deal with unionized faculty.

2000-2004

Alderman, City of Eureka, Missouri (2 terms)

1990-1994

Land Clearance for Redevelopment Authority

St. Louis, Missouri

Chairman: 1994

Quasi-governmental agency responsible for public re-development projects in the City of St. Louis such as The Scott Trade Center, the Edward D. Jones Dome, and the St. Louis Marketplace (the first TIF project in Missouri).

1990-1994

Planned Industrial Expansion Authority

City of St. Louis

Quasi-governmental agency responsible for industrial and commercial redevelopment projects in the City of St. Louis.

1994

Vice-Chairman, St. Louis Development Corporation

Quasi-governmental agency responsible for operating the City of St. Louis's development and re-development agencies, including those listed above.

1997-1999

Board of Directors, Eureka Sports Association

Operate the community children's sports programs in Eureka, Missouri.

## SIGNIFICANT CASES/MATTERS

### A. Appellate Cases

1. *State ex rel. Public Defender Commission v. County Court of Greene County*, 667 S.W.2d 409 (Mo. 1984)(State constitution/government funding).
2. *Estate of Mary L. Boder v. Albrecht Art Museum*, 850 S.W.2d 76 (Mo. 1993)(estate tax apportionment).
3. *Bill Edward Simmons, Maxine Dorothy Simmons, Steven J. Shaffner, Kathleen R. Shaffner, Laurel P. Touissant, Thomas Bik & Martha Crothers v. U.S. Army Corp of Engineers & City of Marion, IL*, 120 F.3d 664 (7<sup>th</sup> Cir. 1997)(National Environmental Policy Act & Clean Water Act).
4. *Philip Rosemann v. Roto-Die, Inc.*, 276 F.3d 393 (8<sup>th</sup> Cir. 2002)(minority shareholder action).
5. *John Manion, Jr. v. William J. Freund, Mark J. Halloran, Morgan Pate, Thermal Belt Cable Television, Inc, U.S. Cablevision Corp., Caddo CATV, Inc., Stephen P. Donaldson, and TFG Properties*, 967 F.2d 1183 (8<sup>th</sup> Cir. 1992)(RICO action).
6. *Albert R. Hill v. Alice R. Wildebrandt*, 991 S.W.2d 193 (Mo. App. 1999)(constructive trust/probate fraud).
7. *John Brawley, Eldridge Lovelace, David Schlessing & Patricia Martin v. Gene McNary, County Executive of St. Louis County, Missouri*, 811 S.W.2d 362 (Mo. 1991)(taxpayer suit).
8. *Alphonse Castaldi v. United States*, 783 F.2d 119 (8<sup>th</sup> Cir. 1986)(*habeas corpus*/unit of prosecution)
9. *J.D. Castellano v. Marion Partners, L.P. & Wal-Mart Stores, Inc.*, 960 F.2d 635 (7<sup>th</sup> Cir. 1992)(mortgage default & collateral impairment).
10. *Jo Tedesco, Norman E. Koelling, Jr., Donna L. Koelling, & West Central Financial Corp. v. Vladimir O. Bekker, Nina Bekker, James J. Kirchoff & Carol J. Kirchoff*, 741 S.W.2d 896 (Mo. App. 1987)(real estate investment fraud).

### B. Trial Matters

In addition to most (but not all) of the cases cited above, I have handled many, many cases at the trial court. The following is a list of some of the more significant (in my opinion):

1. *Dr. Jack Kayes v. Bernard Klippel*, Case No. 90-C-37, District Court of Wilson County, Kansas (1993)(*see In re Klippel*, 183 B.R. 252 (Bkrptcy. D. Kan. 1995)(investment fraud).
2. *Delores Wilson v. Southern Illinois University*, Case No. 96-CV-4272 (S.D. Ill. 1998)(employment discrimination).

3. *Scott Whatcott v. Southern Illinois University*, Case No. 97-CV-4015 (S.D. Ill. 1997-98)(Title IX).
4. *Victorian House, Inc. v. Fisher Camuto Corp.*, (E.D. Mo. 1984)(antitrust)(See 769 F.2d 466).
5. *Associated Electric Cooperative v. Sachs Electric, et al.* (W.D. Mo. 1986-87)(antitrust).
6. *Larry Reed & Priscilla Reed v. St. John's Hospital*, Circuit Court for Greene County, Missouri (1995)(wrongful death/medical malpractice).
7. *Travis Stewart v. Southern Illinois University*, (S.D. Ill. 1999-2001)(Title IX).
8. *Stratman, et al. v. Leary, et al.*, Circuit Court for the City of St. Louis, MO (1999)(medical malpractice/student CRNA at SIUE).
9. *Deborah Lewis v. Graphics Packaging Corp.*, Case No. 00-738-DRH, (S.D. Ill. 2000)(wrongful termination).
10. *Meko Tools, Inc. v. Ackrit Tool, Inc.*, Circuit Court of St. Louis County, Missouri (Approx. 1990)(breach of contract/corporate dissolution).

### **C. Business Matters**

1. Sale of Netlink, Inc. to Primestar, Inc.
2. Sale of Gray Nursery, Inc.
3. §334 spin off of Eureka Oil & Gas, Inc. from Truitt-Campbell, Inc.
4. Handled Chapter 11 reorganization for real estate limited partnership.

### **D. Government**

In addition to representing SIU, I represented a number of fire protection districts in Missouri, I prepared and obtained approval of tax abatement redevelopment projects in St. Louis, I assisted in the representation of two public school districts, and I participated in the St. Louis Public School Desegregation lawsuit.

### **E. Labor**

I handled all contract negotiations and grievance arbitrations for an employer in the machine tool industry and for an industry trade group in the clothing manufacturing industry. I handled employment matters and lawsuits for a number of employers whose work forces were not organized. I have also negotiated a number of collective bargaining agreements for SIU, handled numerous grievance arbitrations, and tried many unfair labor practice charges before the Illinois Educational Labor Relations Board and the Illinois Public Labor Relations Board.

## **F. Miscellaneous**

Tried a rate case against Southwestern Bell Telephone before the Missouri Public Service Commission in 1988.

Formed numerous corporations and other business entities.

Administered many probate estates and prepared estate plans.

Handled and tried a number of divorces.