

Mark R. Feldhaus

Attorney at Law

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Mark R. Feldhaus is a trial attorney with experience in both state and federal courts in Missouri and Illinois. He engages in civil litigation with an emphasis on medical malpractice defense, professional liability, insurance defense and coverage, product liability litigation and commercial litigation. He also advises clients in property management related matters that include risk management, landlord/tenant issues, and state and federal regulatory compliance for affordable housing complexes.



Mark has both pursued and defended his clients' interests in appeals before courts in both Missouri and Illinois and has tried cases before both juries and judges. His recent trial work successfully defended the care rendered by a hospital accused of causing a brain injury to a newborn during labor and delivery. His recent appellate work has helped assisted living facilities and skilled nursing facilities enforce arbitration clauses in their admission contracts, vindicated their budgets and justified requested rent increases before government regulators. For his work, Mark has been recognized three times by his peers as a *Missouri & Kansas Rising Star*. He earned his J.D. from Washington University School of Law.

Primary Practice Areas

- Professional Liability
- Medical Malpractice
- Personal Injury
- Insurance Defense
- Landlord/Tenant

Bar Admissions

- United States District Court, Eastern District of Missouri, 2009
- United States District Court, Western District of Missouri, 2013
- Supreme Court of Missouri, 2001
- Supreme Court of Illinois, 2007

Education & Academic Honors

- J.D., Washington University School of Law, 2000
- B.A., *cum laude*, Economics and History, University of Notre Dame, 1997

Professional Associations

- American Bar Association
- Illinois State Bar Association
- The Missouri Bar
- Bar Association of Metropolitan St. Louis
- Lawyers Association of St. Louis

Representative Cases

- *Nobles v. Mercy Hospital Jefferson, et al.*, Jefferson County Circuit Court (2017) – Secured an 11-1 defense verdict in a nearly four week jury trial for a hospital accused of causing brain injury to a newborn during labor and delivery.
- *In re: [affordable housing property]*, (2015) NAD Case No. 2015E000342 – Successfully argued to the Director of the National Appeals Division of the United States Department of Agriculture reversing an adverse decision of Rural Development’s Rural Housing Agency’s that denied the property’s budget and requested rental increase.
- *Fiala v. Bickford Senior Living Grp., LLC*, 2015 IL App (2d) 141160 (Ill. App. April 30, 2015). Successfully appealed trial court’s decision denying enforcement of an arbitration clause in an assisted living facility’s admission agreement signed by a resident’s health care attorney-in-fact.
- *In re: [several properties]*, (2014) NAD Case No. 2014E000474, NAD Case No. 2014E000475, NAD Case No. 2014E000476, NAD Case No. 2014E000477, NAD Case No. 2014E000478, NAD Case No. 2014E000479, NAD Case No. 2014E000480, NAD Case No. 2014E000481, and NAD Case No. 2014E000482. Successfully argued to the Director of the National Appeals Division of the United States Department of Agriculture reversing nine adverse decisions of Rural Development’s Rural Housing Agency’s regarding that agency’s failure to issue decisions concerning the properties’ proposed budgets.
- *Berra v. Pelikan*, Saint Louis County Circuit Court (2014). Secured a unanimous defense verdict in a jury trial for a physician accused of medical malpractice in the wrongful death of a firefighter.
- *In re: [affordable housing property]*, (2013) NAD Case No. 2013E000682. Successfully appealed to the National Appeals Division of the United States Department of Agriculture an adverse decision of Rural Development’s Rural Housing Agency’s that denied the use of a property’s reserve funds for an emergent water leak.
- *In re: [several properties]*, (2013) NAD Case No. 2012E000546, NAD Case No. 2012E000547, NAD Case No. 2012E000548, and NAD Case No. 2012E000549. Successfully argued to the Director of the National Appeals Division of the United States Department of Agriculture reversing four adverse decisions of Rural Development’s Rural Housing Agency’s that denied the properties’ proposed budgets for exceeding administrative expense ratios and including cellular telephone service as a property expense.
- *Carter v. SSC Odin Operating Co., LLC*, 976 N.E.2d 344, 348 (Ill. 2012). Successfully appealed a lower court’s decision denying enforcement of an arbitration clause in a skilled nursing facility’s admission agreement for claims brought under the Illinois Nursing Home Care Act.

- *Patton v. Woodcrest*, Lincoln County Circuit Court (2012). Hired by client after it endured an unfavorable \$300,000 verdict and order of ejectment and secured a Judgment Notwithstanding the Verdict on all claims before the trial court.
- *Carter v. SSC Odin Operating Company, LLC*, 927 N.E.2d 1207 (Ill. 2010). Successfully appealed a lower court's decision denying Federal Arbitration Act preemption of state laws regulating enforcement of an arbitration clause in a skilled nursing facility's admission agreement.
- *Winch v. Perry Oaks Manor*, 376 S.W.3d 708 (Mo. App. E.D. 2012). Secured summary judgment for a skilled nursing facility and successfully defended the judgment on appeal by arguing that the hospice nurse plaintiff's claims were barred because she was a statutory employee of the facility.
- *Roedder v. Callis*, 375 S.W.3d 824 (Mo. App. E.D. 2012). Argued in support of trial court's dismissal of legal malpractice case based upon the claims abating upon the plaintiff's death.
- *Davis v. Am. Optical Corp.*, 899 N.E.2d 506, 508 (Ill. App. 2008). Successfully defended trial court's decision finding good faith settlement for product liability defendant under the Illinois Joint Tortfeasor Contribution Act.
- *State v. Johnson*, 153 S.W.3d 352 (Mo. App. W.D. 2005). Secured a trial court ruling suppressing evidence of drug possession based upon Fourth Amendment violations and successfully defended the decision on appeal resulting in dismissal of the client's entire criminal case.

Lectures & Legal Publications

- Lecture, "The Elements of Risk Management," October 4, 2017 Property Manager Risk Management Seminar
- Lecture, "A Walk Down The Audit Trail," May 6, 2016 Professional Liability Claims Seminar
- Lecture, "Water Loss Prevention, Mitigation, and Restoration, From Start to Finish," April 12, 2016 Property Manager Risk Management Seminar
- Article, "Coverage for Attorneys on the Move, Changing Firms, and Retiring," The St. Louis Bar Journal, Fall 2014
- Lecture, "Risk Management: Reporting for Duty," November 12, 2014 Property Manager Risk Management Seminar
- Lecture, "Risk Management, A Show and Tell," December 4, 2013 Property Manager Risk Management Seminar
- Lecture, "Risk Management for Property Managers," April 30, 2013 Property Manager Risk Management Seminar
- Lecture, "Things That Keep A Lawyer Awake At Night," August 17, 2011 Property Manager Risk Management Seminar

Community Service & Awards

- *Missouri & Kansas Super Lawyers Rising Stars*, 2010 - Present
- Healthcare Services Group (HSG) Defense Counsel Client Service Award, 2022
- Washington University Scholar in Law Recipient
- University of Notre Dame Scholar Recipient

Employment History

- Lashly & Baer, P.C.
Member, 2010 - Present
Associate, 2006 - 2010
- Holtkamp, Liese, Childress & Schultz, P.C.
Associate, 2005 - 2006
- Carson & Coil, P.C.
Associate, 2005
- State of Missouri
Public Defender, 2002 - 2005