

Mark Mifflin

Perfect Chemistry of Lawyer and Lobbyist

by Jason Nevel



SPRINGFIELD—It's hard to imagine R. Mark Mifflin in a lab coat.

Mifflin can easily rattle off names of people he works with at the Illinois statehouse as a lobbyist, judges and clerks he sees on a daily basis as a lawyer, or the clients he represented or prosecuted in a lengthy career as a lawyer and lobbyist. His last 32 years have been spent at **Giffin Winning Cohen & Bodewes, P.C** in Springfield.

It's a skill that David Levitt, president of the Illinois Association of Defense Trial Counsel, has witnessed firsthand for the past seven years working alongside Mifflin, 62.

Levitt says anytime the organization discusses legislation that would affect defense lawyers in Illinois, it relies on Mifflin's experience and encyclopedic knowledge of the legislature.

There aren't many people who have the background to mix the two fields and understand when to push a bill and explain how the legislation matters for lawyers, Levitt says.

To think, Mifflin enrolled at Western Illinois University in 1969 to major in chemistry. Levitt can't see it.

"It's a perfect match," Levitt says about Mifflin's career as both a lobbyist and lawyer. "He's one of the most experienced people

I've ever met. He knows everyone at the legislature and is able to get the best temperature on the legislature at any period of time."

Mifflin's Roots in Springfield

Mifflin was born in Champaign in 1951 while his father was finishing up at University of Illinois. The family settled in Springfield before Mifflin turned 1.

His father, John, was a civil engineer for the Illinois Department of Transportation before working for a handful of local companies. His mother, Barbara, was a stay-at-home mom who became an administrative assistant once the children got older. John Mifflin founded Mifflin Construction, and he and Barbara raised four children, two of whom became civil engineers.

Mifflin says he was the middle boy and never was interested in becoming a civil engineer like his father or older brother. He grew up enjoying sports, especially baseball, but never excelled athletically.

During his junior year of high school, Mifflin's father uprooted the family to Jacksonville, located about 30 miles west of Springfield. Mifflin graduated from Jacksonville High School and decided to enroll at

Western Illinois University in Macomb.

Mifflin says he picked Western because he didn't want to follow the same path as his father and older brother at University of Illinois. Western offered a fresh start, even if he had no idea what he wanted to do, hence his decision to major in chemistry.

"I liked chemistry in high school, but after my sophomore year, I realized it wasn't for me," Mifflin says.

By his junior year, Mifflin's views on what he wanted to do with his life started to take shape. In 1972, he became fascinated by politics after the Watergate scandal broke, cementing his decision to give up chemistry.

He started to bear down on his grades because he knew they needed to improve if he wanted to get into law school. Mifflin graduated from Western with honors but stayed there for a year and enrolled in graduate school while his wife, Marcia, finished her degree.

It was during that time he met former state Rep. Jim Nowlan, who was former Illinois Gov. Richard Ogilvie's running mate when he lost his bid for re-election in 1972 after passing a state income tax. If Ogilvie had won, Nowlan wouldn't have been teach-

(Continued on page 250)

(Continued from page 248)

ing at Western, and Mifflin's career may have taken a different path.

Mifflin says Nowlan was a great mentor who fostered his interest in politics and the law. Even more importantly, Nowlan helped him get a legislative internship at the Illinois capitol.

But that final year at graduate school was also memorable for other reasons. Mifflin and Marcia got married in 1973. Instead of renting an apartment, the two spent their first year as newlyweds as house parents for a sorority house. It wasn't always easy, but they managed to survive.

In Springfield, working as a legislative intern was a life-shaping event that facilitated Mifflin's journey back to the statehouse as a lobbyist a decade later. He learned the ins and outs of how legislation worked its way from a concept into a bill that could be signed by the governor.

His tenure also fell at the same time there was a transition from a Republican majority to a Democratic majority. The experience was fascinating, but Mifflin says he knew he didn't want to make a career there.

"It was very exciting, and I liked it, but I had always decided I was going to go to law school," he says.

After one year at the statehouse, he enrolled in Southern Illinois University's School of Law. Mifflin chose Southern because he had a scholarship that lasted one calendar year. Therefore, he went to school year-round to fit in as many credits as possible.

"I wasn't sure if I was going to get it again," he says.

The year-round approach allowed him to finish law school in 2½ years. The timing worked out well because as soon as he graduated from Southern *magna cum laude*, a clerkship opened up with former Illinois Supreme Court Judge Robert Underwood.

"I took the bar exam and started working for him a few days later," Mifflin says.

Mifflin worked with Underwood from February to October 1978 until he could start a federal clerkship in Springfield for Judge James Waldo Ackerman. Mifflin clerked for Ackerman for two years before he became an assistant U.S. attorney for the Central District of Illinois handling civil and criminal matters.

Working in the U.S. Attorney's Office brought Mifflin lots of exposure, including a major drug bust near the airport in Springfield that he helped prosecute and the conviction of a famous Springfield-based drug dealer, Edward "Cornbread" Horton. Horton's son, also named Ed, later played at the University of Iowa with Kevin Gamble and spent one year in the NBA.

Two years into his time as a U.S. district attorney, an opportunity that Mifflin couldn't resist opened up at his current law firm, Giffin Winning Cohen & Bodewes, P.C. Shortly after joining the firm, he also became a lobbyist.

"All prosecutors have to make the decision if they want to stay there for their career, because the longer you stay there, the harder it is to get out and start a career in private practice," Mifflin says. "I decided I didn't want to have a career as a federal prosecutor."

Takes a Cool, Steady Approach

In 1982, Mifflin joined the law firm, which

has been in existence in Springfield since 1911. Giffin Winning Cohen & Bodewes is a full-service firm that handles legal services to individuals, businesses and associations throughout central Illinois.

One area Mifflin focuses on and enjoys the variety of is insurance defense work. His largest client is Auto Owners Insurance Company. Over the years, he has handled numerous personal injury automobile accidents and even cases involving improperly designed boats, just to name a few.

"You never know what you're going to get," Mifflin says.

In 1985 after handling numerous civil cases, Mifflin represented judges in a lawsuit against the state of Illinois that concerned pensions. The case went to the Illinois Supreme Court, which sided with judges and concluded that the legislature's effort to alter their pensions was unconstitutional.

In 2011, the insurance provider, Health Alliance, reached out to Mifflin to defend it in another case against the state. Health Alliance argued the state could not exclude it from the bidding process for health care contracts for state employees, retirees and dependents.

Mifflin was able to get a preliminary injunction against the state. The two sides settled, with the state agreeing to allow Health Alliance to be part of the bidding process.

Lori Cowdrey Benso, general counsel for Health Alliance, says Mifflin was the clear-cut choice to represent the company based on his record. Throughout the process, Cowdrey Benso says, Mifflin was very thorough and able to keep his cool in very difficult situations.

If Health Alliance didn't prevail, it would have lost one-third of its clients and half of its revenue, she says.

"We were putting a lot of pressure on him," Cowdrey Benso says. "There was a lot at stake, and he remained steady throughout the process."

A Leader in the Community

Mifflin describes his approach to law as methodical. He says he's not boisterous and focuses on making the most thoughtful argument to the judge.

"I think that serves my clients better when I convince judges my position is right rather than just trying to push through and bully

my way through the whole case," he says.

Outside of work, he's proud to have served on the church council at St. John's Lutheran Church in Springfield, including as president. Mifflin is also a member of the Springfield Sports Hall of Fame board of directors and is in line to be president of the Illinois Association of Defense Trial Counsel.

He calls himself an avid sports fan, especially when it comes to his favorite team, the St. Louis Cardinals. He even successfully represented Cardinal great, Lou Brock, in a lawsuit brought by a sporting goods manufacturer.

Mifflin credits his success to his wife, Marcia, who was a stay-at-home mom with their children, which allowed him to spend more time on cases and at the statehouse. Similar to his mother, Marcia returned to work after raising children. She became a teacher in the Springfield School District.

"She worked in law school, so I didn't have to worry as much," Mifflin says. "Then she bore the brunt of the work that needed to be done at home when we had kids. I really do appreciate that."

Levitt says one of the other things he appreciates most about Mifflin is that he's honest and straightforward.

"What you see is what you get," Levitt says.

That's definitely not someone in a lab coat. ■



R. Mark Mifflin and his wife, Marcia



Illinois Association of Defense Trial Counsel officers at June 2014 gala. From left: Troy A. Bozarth, president elect; Mifflin, first vice president; David H. Levitt, president.