

Local litigation firms

Highly recommended

Cassem Tierney Adams Gotch & Douglas

Cline Williams Wright Johnson & Oldfather

Fraser Stryker Law Firm

Husch Blackwell Sanders

Recommended

Baird Holm

Kutak Rock

Lamson Dugan & Murray

McGrath North Mullin & Kratz

Nebraska

While firms on the East and West Coasts may be experiencing the ups and downs of the economic status of the country, firms in the Midwest, Nebraska specifically, are not feeling the bumps as much, insiders say. An agricultural state, a lot of Nebraska's litigation stems from insurance work, particularly in Omaha.

Highly recommended firms

With an unbeatable insurance defense and coverage practice, the Omaha boutique **Cassem Tierney Adams Gotch & Douglas** handles an array of litigation with its current team of 17 attorneys. Formed more than a half a century ago, the shop provides representation in civil and commercial litigation, medical malpractice, professional negligence defense and products liability litigation. While the firm “tends to do more insurance defense work,” one peer says, “they are all very good lawyers.”

Michael Kenney is praised for his general practice, which encompasses aviation, drug and medical device litigation, legal and medical malpractice, but is especially commended for his insurance defense specialty. Partners **Charles Gotch** and **John Douglas** are singled out for their work in civil litigation. Gotch focuses his practice on products liability work, with know-how in drug and medical liability claims. Negligence is Douglas's specialty, especially within legal and medical capacities.

With offices in Lincoln, Omaha, Aurora and Scottsbluff, and a shop in Fort Collins, Colo., **Cline Williams Wright Johnson & Oldfather** has cemented its status as not only one of the oldest firms in the state, but one of the most established. The firm specializes in issues in Nebraska and neighboring states, but also handles disputes in other jurisdictions for clients. With most litigators situated in Lincoln and Omaha, firm attorneys attest there is significant office interaction given the short distances between the two cities. Clients include Lincoln and Omaha-based companies and institutions such as the University of Nebraska in technology transfer function issues. Other clients include the Nebraska Broadcasters Association, Nebraska Press Association, ConocoPhillips, Caterpillar Financial Services Corporation and Lincoln Federal Savings Bank of Nebraska.

The team of 28 trial lawyers is equipped to handle a variety of litigation from antitrust and securities to intellectual property and

products work. Cline Williams is especially equipped to handle work related to general commercial matters, intellectual property, products liability, insurance and securities. The recent lateral hire of Richard Jeffries from Kutak Rock improved the firm's litigation practice, specifically in regards to insurance and intellectual property.

With a practice encompassing general commercial, intellectual property and securities, Omaha partner **James Bausch** is repeatedly recognized as an important presence in the state's legal marketplace. A business litigator at heart, Bausch has seen a surge of securities litigation and arbitration, shareholder disputes and tax litigation. In a recent matter, he received summary judgment for his client arising out of a \$5 million bond matter his client issued. Aside from his work in complex commercial and business disputes, he also handles products liability matters on both the plaintiff and defense side and enjoys a hearty alternative dispute resolution practice. Andre Barry is also recognized for his work in complex commercial, intellectual property, insurance and agribusiness litigation and arbitration matters. He recently assisted in a patents case for the University of Nebraska and received summary judgment in federal court for his client in a separate issue.

Since its inception in 1898, the Omaha-based **Fraser Stryker** has been actively involved in the defense of civil litigation representing insurance carriers and self-insured entities. The firm's more than 20 litigation attorneys also represent domestic and international companies in products liability matters and bring and defend nationwide class action lawsuits in several jurisdictions. Similarly successful in commercial litigation matters, the firm has been involved in the defense of Racketeer Influenced Corrupt Organization Act claims against directors and officers of financial institutions and has defended attorneys in several malpractice suits.

Partner **Michael Coyle** has seen success in products liability and software work recently.

“Since its inception in 1898, the Omaha based Fraser Stryker has been actively involved in the defense of civil litigation representing insurance carriers and self insured entities.”



Local litigation stars

James Bausch
Cline Williams Wright Johnson & Oldfather

Michael Coyle
Fraser Stryker Law Firm

Thomas Dahlk
Husch Blackwell Sanders

John Douglas
Cassem Tierney Adams Gotch & Douglas

James Fitzgerald
McGrath North Mullin & Kratz

Charles Gotch
Cassem Tierney Adams Gotch & Douglas

Michael Kinney
Cassem Tierney Adams Gotch & Douglas

William Lamson Jr
Lamson Dugan & Murray

Wayne Mark
Fraser Stryker Law Firm

Bartholomew McLeay
Kutak Rock

Joseph Meusey
Fraser Stryker Law Firm

John Passarelli
Kutak Rock

He represents clients in matters relating to insurance defense, construction, professional negligence and other complex commercial litigation as well. In 2004, he represented FM Industries in a complex products liability action tried in Omaha. Aside from his current role as president of the Nebraska State Bar, **Wayne Mark**, is noted for his trial work, with regards to commercial, construction, products liability, professional negligence and insurance defense matters. He recently saw success in his representation of general contractors, subcontractors and material suppliers in litigation arising out of construction projects in cases under the Miller Act, a law requiring contract surety bonds on federal construction projects. Representative clients include American Honda Motor Company, Butler Buildings, Vulcan Hart, Black and Decker and DeKalb.

Processing, ConAgra Foods, Mutual of Omaha, Roberts Dairy Company and Waddell & Reed Financial.

Recommended firms

Known for its range of litigation expertise, **Baird Holm's** team of 28 litigators handle insurance, intellectual property, securities, construction and products liability. However, the firm may be best known for its "significant" hospital and education-related work, where clients include Methodist Health Systems and Omaha Public Schools. The firm currently represents the latter in the first major school funding case in the state. In 2003, a complaint was filed against state officials claiming that the Nebraska School Funding system violated the state's constitution by denying "at risk" students, including poor and minority students, an

"With a presence reaching across the country and both coasts, the Omaha-based Kutak Rock still holds onto its Midwestern roots and has been 'consistently strong,' according to sources."

In addition to his extensive litigation practice, Mark is also praised for his mediation work. With more than 40 years of trial experience, Nebraska "powerhouse" **Joseph Meusey** sees a varied practice. Representing clients in litigation pertaining to commercial matters, professional negligence, insurance defense and class action work, Meusey recently saw success in Nebraska State Court, representing State Farm on an insurance issue.

Since the merger of Husch & Eppenberger and Blackwell Sanders, **Husch Blackwell Sanders** has grown to be a particularly strong presence in the Midwest. Of its almost 300 litigators, only 19 practice from the firm's two Nebraska offices in Omaha and Lincoln. The firm handles a variety of business and commercial litigation, including insurance defense, construction disputes, toxic torts, intellectual property and class action work. Working closely with the Kansas City, Mo office, the two groups in the state also serve as national counsel to a series of organizations, including Home Instead Senior Care, based in Omaha.

From the legacy Blackwell Sanders, **Thomas Dahlk** holds a strong and broad commercial practice, with a flair for securities industry regulation and litigation work. He recently won a complete defense verdict for client TD Ameritrade in a federal jury trial involving an alleged breach of a stock option agreement. Dahlk has represented financial services corporations, investor groups, as well as individual plaintiffs and defendants in more than 30 cases and he has a wealth of experience representing defendants in SEC enforcement actions. Other clients include Ag

adequate and equal opportunity to obtain an education required under the Constitution, laws and regulations pertaining to the state. The declaratory action is currently in discovery.

Keeping busy with matters relating to complex commercial litigation and labor and employment matters is partner Kirk Blecha. He represented a plaintiff client in a case against infoUSA, with the plaintiff selling his business to the company and alleging he was given a multi-year employment contract and stock options. While trying to exercise the stock options before they expired, infoUSA disallowed the attempted exercise. The matter was arbitrated in favor of the plaintiff, with an award in excess of \$1.5 million. Blecha assisted in a number of matters recently as well, including a favorable settlement for defendants Woodmen of the World Insurance Society after a suit against the Equal Employment Opportunity Commission. William Dittrick is also noted for his business litigation practice encompassing complex commercial litigation, white-collar criminal defense and class action work. While his practice has grown to an almost exclusive arbitration practice, he assisted in the defense of Transaction Systems Architects in a suit claiming breach of contract among other allegations. A defense verdict was rendered in excess of \$892,000.

With a presence reaching across the country and both coasts, the Omaha-based **Kutak Rock** still holds onto its Midwestern roots and has been "consistently strong," according to sources. The firm's main office resides in the state, but other offices stretch



Future stars

Andre Barry
Cline Williams Wright Johnson & Oldfather

Ken Hartman
Baird Holm

Richard Jeffries
Cline Williams Wright Johnson & Oldfather

John Sharp
Baird Holm

Gretchen Twohig
Baird Holm

across the country with locations in Atlanta, Chicago, Los Angeles and the District of Columbia. Strength comes in the firm's general commercial, intellectual property, products liability and insurance groups.

Recently, Kutak Rock represented Southern Wine and Spirits of America as plaintiffs in a suit in US District Court of Nebraska to challenge the constitutionality of a liquor control statute interfering with the company's ability to act as a liquor wholesaler in the state. They sought a declaration that the statute violated the Constitution and sought to permanently enjoin its enforcement, with Southern Wine and Spirits prevailing on summary judgment. In a matter defending Mercy Medical Center in Sioux City, Iowa, the plaintiff, a physician, sued after the medical center permanently revoked the plaintiff's staff privileges and alleged breach of contract claims. A trial on damages returned a verdict in favor of the plaintiff. After an appeal, the judgment was vacated and the US Court of Appeals for the Eighth Circuit remanded for entry of judgment in favor of Mercy Medical Center. Other firm clients include MidAmerican Energy Holdings Company, First National of Nebraska, Union Pacific Railroad Company, Trinity Health, Tyson Fresh Meats and Geico Direct. The firm has done a lot of work recently for representative client American Family Insurance Group, successfully representing the company on behalf of its insured members, including automobile drivers, general contractors and subcontractors, as well as a hair salon accused of negligence.

Concentrating on complex commercial litigation, **Bartholomew McLeay** focuses his specialties on contractual disputes, securities, fraud, insurance, torts and class action work. McLeay recently represented The Members Group in a negligence claim that was dismissed during arbitral proceedings, the order was upheld by the Federal Court of Iowa.

Along with fellow partner **John Passarelli**, McLeay maintains a healthy working relationship with client First National Bank. Clients enjoy having Passarelli as lead counsel, calling him "great." With more than 25 years

of experience, he has acted as lead counsel in suits in federal and state courts throughout the country. With a strong focus on intellectual property advisement and litigation, he also has a firm grasp on antitrust, technology and franchise law.

The litigation department at **Lamson Dugan & Murray** is an expert in several subspecialties, including tort and product liability, employment, professional liability and commercial law. The firm may be best known for its strong insurance and medical malpractice work, with an equally brawny client base. Representative clients include First Mortgage Company, First National Bank of Omaha, Great Plains Communications, Union Pacific Railroad and Midwest Medical Insurance.

Litigation Department Chairman **William Lamson Jr** is praised for his practice spanning the areas of legal and medical malpractice, railroad litigation and insurance defense. Recently, he handled a range of commercial and insurance defense matters, including breach of contract and hostile takeover matters as well.

Boasting strength-in-numbers in commercial, complex, personal injury, products liability and insurance litigation specialties, the Omaha-based **McGrath North Mullin & Kratz** sees more than one-third of its attorneys focusing on litigation. Representative firm clients include ConAgra Foods, Blue Cross Blue Shield of Nebraska, Valmont Industries, Creighton University and First National Bank of Omaha. McGrath North litigators have experience in shareholder disputes, antitrust and trade regulation issues, securities fraud and RICO matters.

For more than 30 years, **James Fitzgerald** has represented corporate and individual clients in high-stakes commercial litigation, with experience in matters including shareholder disputes, security fraud claims and governmental investigations involving alleged violations of federal and state laws and regulations. Fitzgerald has also acted as lead counsel in complex multidistrict cases involving products liability and toxic contamination matters.



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Firm profile:

Created by the recent merger of two of the region's premier firms, Husch Blackwell Sanders LLP is a litigation and business services powerhouse with 675 attorneys and offices in 13 cities, including St Louis, Kansas City, Chicago, Denver, Washington D.C. and London, UK. Most recently, the firm merged with Welsh & Katz, Ltd, adding the nationally recognized Chicago-based intellectual property law firm to its ranks. With offices in Omaha and Lincoln, the firm's growing platform gives its Nebraska litigation practice an unparalleled advantage by drawing on the firm's impressive depth and experience in business and securities litigation, products liability, environmental and intellectual property litigation.

Key litigators:

Senior partner Thomas "Tom" Dahlk maintains a broad commercial and financial services litigation practice and enjoys a longstanding reputation among peers as an experienced trial lawyer. Tom is a respected bet-the-company litigator and is routinely trusted to guide companies through troubled waters. Tom serves as managing partner in the firm's Nebraska practice. His clients include ConAgra, Wadell & Reed, TD Ameritrade and Ag Processing.

Michael Degan is an experienced first-chair litigator specializing in commercial, product liability and insurance litigation. Mike has managed several national and regional litigation matters for clients, including Matrix Bancorp and the Nebraska Department of Insurance. Mike serves as national coordinating counsel for a welding trade association in mass tort litigation relating to welding fumes. Mike co-chairs the west division of the firm's general litigation department, which consists of over 120 lawyers in five cities. His clients include Las Vegas Sands Corp, PennField Oil Company and Remington Arms.

Trent Bausch deserves recognition for his business and commercial litigation abilities. His experience varies from intellectual property, torts and bankruptcy work to breach of contract and appellate matters and clients include American Honda Finance Corporation, Fannie Mae and The Gallup Organization, whom he represents in intellectual property litigation on an international basis.

KUTAK ROCK_{LLP}

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Chairman: David A Jacobson

Number of partners: 233
Number of counsel: 36
Number of associates: 131

Litigation profile:

Kutak Rock is a full service, corporate-based, national law firm operating from a 15-office network. More than 120 attorneys concentrate in complex civil litigation, with expertise in areas such as class actions, securities, general corporate and commercial litigation, employment and labor law, intellectual property, products liability, construction, business torts, environmental law, health care, banking, real estate, antitrust and insurance coverage. The firm prides itself on providing preeminent expertise and service at rates unmatched by other national law firms.

In addition to seeking successful resolution of disputes through pretrial motions, discovery and trial, Kutak Rock litigation attorneys recognize that the nonjudicial resolution of disputes often provides a beneficial alternative to protracted litigation. In virtually all of Kutak Rock's engagements for the firm's multistate clients, lawyers with appropriate expertise collaborate across the country to provide effective and efficient representation. The firm's use of the latest computer technology permits lawyers separated by vast distances to continually and closely work together. As one of the nation's first true national law firm partnerships, Kutak Rock has historically managed its rate structure to be far more competitive than other comparable law firms by successfully controlling overhead, consolidating administrative functions and mandating financial accountability from each of its professionals.

Kutak Rock has an experienced group of first-chair trial lawyers strategically located throughout the United States with an established track record of winning jury trials, bench trials and arbitrations. The firm's trial attorneys are also adept at developing a mediation or alternative dispute resolution plan, presenting the client's position through effective demonstrative evidence, and skillfully negotiating favorable settlements. Kutak Rock's trial team approaches each litigation matter with a specific strategy for success, not taking a "cookie cutter" approach to the issues. The firm has developed proven paradigms aimed at reducing risk and preventing litigation, drawing from all of its offices to ensure the application of balanced expertise. Kutak Rock's professional diversity and preeminent transactional practice in the areas of finance, lending workout, insurance coverage, mergers and acquisitions and real estate are always available to provide Kutak Rock's litigators and clients with a broad and deep pool of ability to draw upon for success.

Other US offices:

Atlanta, GA; Chicago, IL; Denver, CO; Des Moines, IA; Fayetteville, AR; Irvine, CA; Kansas City, MO; Little Rock, AR; Los Angeles, CA; Oklahoma City, OK; Richmond, VA; Scottsdale, AZ; Washington, D.C.; Wichita, KS

TRENTEN P BAUSCH**HUSCH BLACKWELL SANDERS LLP**

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Admissions

Nebraska, 1995, S District Court, District of Nebraska, 1995, US Court of Appeals, Eighth Circuit, 1997, US Supreme Court, 2004,

Education

JD, Creighton University, 1995
BA, Creighton University, 1992

Significant Accomplishments

Appellate – Represented parties before the Nebraska appellate courts and the Federal appellate courts

Bankruptcy – Represented creditors and debtors in Chapter seven and 11 bankruptcy filings, including involuntary proceedings and adversary proceedings

Business Torts and Breach of Contract – Represented plaintiffs and defendants in breach of commercial contract and related tort actions

Civil RICO – Assisted with prosecution of RICO claims in various Federal Courts

Franchising – Represented franchisors and franchisees in termination of franchise agreements

Intellectual Property – Represented plaintiffs and defendants in protecting intellectual property

Products Liability – Represented manufacturers in breach of warranty claims through mediation and trial

Public Service Commission – Represented investor-owned public utility in first eleven natural gas disputes before Nebraska's commission

Real Estate – Represented plaintiffs and defendants in commercial land disputes including partition Rated "Leading Individual" in Litigation: General Commercial (Nebraska) by *Chambers USA, 2008 The Client's Guide*

Representative Clients

American Honda Finance Corporation; Aquila; DRM Arby's Fannie Mae; Gallup; Gordmans; Home Instead; Hubbard Feeds; Kemin Industries; Pamida,

Professional Affiliations

Nebraska State Bar Association
Omaha Bar Association

Background

Trenten was named as partner, 2003 and the joined firm as associate in 1997.

He was law clerk to Nebraska Supreme Court Justice, 1995-1997 and a legal writing instructor, Creighton University School of Law, 1997-1998

Publications and Presentations

"Practical Legal Research and Analysis for the Paralegal in Nebraska," IPE, 1998

THOMAS H DAHLK**HUSCH BLACKWELL SANDERS LLP**

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Admissions

US Supreme Court, 1992, Supreme Court of Nebraska, 1977, US Court of Appeals, Eleventh Circuit, 1993, US Court of Appeals, Tenth Circuit, 1988, US Court of Appeals, Eighth Circuit, 1985, US District Court, District of Nebraska, 1977

Education

JD, Creighton University,
magna cum laude, 1977
lead articles editor,
Creighton Law Review
BA, University of Wisconsin,
with distinction, 1974

Significant Accomplishments

Business Litigation – Thomas is listed in The Best Lawyers in America and is rated a "Leading Individual" in Litigation: General Commercial (Nebraska) by *Chambers USA, 2008*. He is also listed in The Client's Guide ;and selected as a member of the *2007 Lawdragon 500 Leading Lawyers in America*; listed in *Super Lawyers* for Business Litigation; and listed in *Benchmark's Guide to Leading Litigation Attorneys* Securities Litigation – Thomas is named as one of *Lawdragon's 100 Lawyers You Need to Know in Securities Litigation*, April 2008 and has represented financial services corporations, numerous investor groups, individual plaintiffs and defendants throughout his career in over 30 cases. He represented defendants in SEC enforcement actions Civil RICO – successful verdict in two jury trials; obtained dismissal of RICO claims on behalf of defendants; representation of shareholder groups in derivative actions based upon civil RICO *Business Torts and Breach of Contract* - Thomas obtained jury verdict in stock option case; represented plaintiffs and defendants in fraud, interference with contract and breach of contract cases *Will Contest* – He also obtained \$4.2 million settlement for heir in estate litigation *Defamation* – obtained jury verdict for defendant *Breach of fiduciary duty* – obtained jury verdict for plaintiff *Covenant Not to Compete and Trade Secrets* – Thomas obtained jury verdict for employer and successfully handled preliminary injunction hearings in federal and state court *White Collar Crime* – obtained jury verdict of acquittal for bank president in bank fraud case *Professional Malpractice* – represented plaintiffs and defendants in accounting, legal and financial adviser malpractice cases *Aviation* – obtained summary judgment for helicopter operator in third party action *Appellate Arguments* – in United States Courts of Appeal for the Eighth and Tenth Circuits; Supreme Court of Nebraska and Nebraska Court of Appeals; Iowa Supreme Court and Iowa Court of Appeals *Multidistrict Litigation* – Thomas had significant participation in two securities cases consolidated for pretrial discovery by the Judicial Panel for Multidistrict Litigation

Representative Clients

Ag Processing Inc; ConAgra Foods; Mutual of Omaha; Roberts Dairy Company; TD Ameritrade; Waddell & Reed Financial, Inc.

Background

Thomas is a member and a partner from 2008-present and was office managing partner (Omaha) 2003-present. A Member of the Advisory Board, 2000-2003 and joined the firm as a partner, 1998 He was a partner at Lieben, Dahlk, Whitted, Houghton, Slowiaczek & Jahn, 1988-1998 and a partner at Fitzgerald, Brown, Leahy, Strom, Schorr & Barmettler, 1983-1988

MICHAEL S DEGAN**HUSCH BLACKWELL SANDERS LLP**

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Nebraska, 1994, US District Court, District of Nebraska, 1994, US Court of Appeals, Eighth Circuit, 1997, US Supreme Court, 2002, US Court of Federal Claims, 2003

Education

JD, Creighton University,

cum laude, 1994

Creighton Law Review, Student Articles

Editor, 1993-1994

BA, Creighton University, 1990

Significant accomplishments**Business & Commercial Litigation:**

Business & Commercial Litigation—Michael has represented businesses in a wide variety of industries in litigation and arbitration and in a wide array of commercial disputes, including breach of contract and breach of warranty, fraud, trade secret and unfair competition claims; corporate governance and shareholder disputes. Michael also managed a multi-million dollar multi-jurisdictional mortgage fraud litigation for financial services client.

Products Liability Litigation—Michael has defended product liability lawsuits involving pharmaceuticals, toxic chemicals, industrial equipment, ladders, railroad crossing signals, forklifts and firearms. He currently serves as national coordinating counsel for welding trade organization regarding welding fume litigation.

Insurance Litigation—Michael has represented insureds and insurance companies regarding coverage disputes, bad faith claims and insurance regulatory litigation and has represented insureds in defense of professional liability, property and casualty, and surety bond claims. He currently represents the Nebraska Department of Insurance in the liquidation of a national insurance company.

Michael currently serves as Co-Chair of the firm's General Litigation West Department.

His representative Clients include:

Chubb Group; CNA; Gases and Welding Distributors Association; GE Capital; Ingersoll-Rand Company; Las Vegas Sands Corp; No-Frills Supermarkets; Nebraska Medical Center; Novartis; Pfizer; PennField Oil Company, Remington Arms; Solutionary, Zurich Group.

Reported Decisions:

- Choice Financial Group v. Schellpfeffer, 712 N.W.2d 855 (N.D. 2006)
- Jones v. Gale, 405 F. Supp.2d 1066 (D.Neb. 2005)
- Farber v. Lok-N-Logs 701 N.W.2d 368 (Neb. 2005)
- Northern Nat. Gas Co v Iowa Utilities Board, 679 N.W.2d 629 (Iowa 2004)
- Quality Pork Int'l v Rupari Food Service, 675 N.W.2d 642 (Neb. 2004)
- Loontjier v Robinson, 670 N.W.2d 301 (Neb. 2003)
- Ross v. Railcar America, 285 F. 3d 735 (8th Cir. 2002)
- City of Lincoln v. Nebraska Public Power Dist., 614 N.W.2d 359 (Neb. Ct. App. 2000)
- National American Ins v. CenTra, 151 F. 3d 780 (8th Cir. 1998)
- AMISUB v. Allied Prop. & Cas. Ins 576 N.W.2d 493 (Neb. Ct. App. 1998)
- Norwest Crop v State, Dept of Ins, 571 N.W.2d 628 (Neb. 1997)