

# Patrick J. Barrett

Partner

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**Representing private and public sector clients, Mr. Barrett provides counsel on labor and employment matters, collective bargaining, EEO/affirmative action matters, FLSA, and OSHA matters.**

Mr. Barrett has represented the Firm's clients in a wide variety of proceedings, including federal court and agency proceedings involving employment, civil rights, and labor law litigation as well as state court and state agency actions, including jury trials and appellate work. He also drafts employment contracts including such provisions as noncompetition, nondisclosure, and confidentiality provisions.

Mr. Barrett also advises management on various issues, including, but not limited to, hiring, workplace investigations, discipline, terminations, leave of absence issues, human resource policies and procedures, wage and hour issues, traditional labor issues, and other various state and federal laws. He speaks regularly to management groups on various employment-related issues and provides employer training on maintaining nonunion status, anti-harassment, and anti-discrimination laws.

A native Nebraskan, Mr. Barrett joined Fraser Stryker in 2008 after practicing labor and employment law with another Omaha law firm for 25 years. In addition to spending time with friends and family, when outside of the office, Mr. Barrett enjoys traveling, golfing, hunting, and reading as well as attending sports events.

## Legal Services

- Labor & Employment
- Litigation
- Appellate
- Business & Corporate
- Mergers & Acquisitions
- Corporate Compliance & Administrative
- Real Estate

## Who I Serve

- Business Entities
- Construction
- Agribusiness & Production Agriculture
- Commercial Trucking & Transportation
- Retail & Consumer Products
- Healthcare & Pharmacies
- Nonprofit Organizations

## Admissions

- Nebraska
- U.S. District Court for the District of Nebraska
- U.S. District Court for the Central District of Illinois



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### Experience

- *Kenneth Marr v. West Corporation d/b/a West Customer Management Group, LLC*, 310 Neb. 21 (2021)
- *Cabela's LLC v. Wellman*, 2018 WL 5309954, 2018 IER; Cases 395719 (Del. Ch. Oct. 26, 2018)
- *Anderson v. The Nebraska Medical Center*, 989 F.Supp.793 (D.Neb. 2013)
- *Seim v. Three Eagles Communications, Inc.*, 25 AD Cases 85 (N.D. Iowa 2011)
- *Chao v. Barbeque Ventures LLC*, 547 F.3d 938 (8th Cir. 2008)
- *Al-Jabery v. Conagra Foods, Inc.*, 2007 WL 3124628 (D.Neb. Oct 24, 2007)
- *Ulmer v. Midwest Fitness Systems, Inc.*, 2007 WL 2003402 (D.Neb. Jul 05, 2007)
- *Tanner v. Nebraska Health System*, 2007 WL 1898560 (Neb.App. Jul 03, 2007)
- *Schmitt v. Conagra Foods*, 338 F.Supp.2d 1077 (D.Neb. 2004)
- *Williams v. ConAgra Poultry Co.*, 378 F.3d 790 (8th Cir. 2004)
- *E.E.O.C. v. Oilgear Co.*, 250 F.Supp.2d 1193 (D.Neb. 2003)
- *Polinski v. Sky Harbor Air Service, Inc.*, 640 N.W.2d 391 (Neb. 2002)
- *Mertz v. Pharmacists Mut. Ins. Co.*, 625 N.W.2d 197 (2001)
- *Polinski v. Sky Harbor Air Service, Inc.*, 2001 WL 118595 (Neb.App. Feb 13, 2001)
- *Robinson v. Valmont Industries*, 238 F.3d 1045 (8th Cir. 2001)
- *Cohen v. Nebraska, Dept. of Administrative Services, Div. of Central Data Processing*, 83 F.Supp.2d 1042 (D.Neb. 2000)
- *Burnside v. MJ Optical, Inc.*, 128 F.3d 700 (8th Cir. 1997)
- *Kerndt v. Rolling Hills Nat. Bank*, 558 N.W.2d 410 (Iowa 1997)
- *Jefferson v. Vickers, Inc.*, 102 F.3d 960 (8th Cir. 1996)
- *Sindelar v. Canada Transport, Inc.*, 520 N.W.2d 203 (Neb. 1994)
- *Millard Processing Services, Inc. v. N.L.R.B.*, 2 F.3d 258 (8th Cir. 1993)
- *State ex rel. Spire v. Beermann*, 455 N.W.2d 749 (1990)

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Eighth Circuit

U.S. Supreme Court

### Education

J.D., University of Nebraska College of Law, 1983

B.A., *magna cum laude*, Creighton University, 1980



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## Honors & Awards

- Rated AV<sup>®</sup> Preeminent by [Martindale-Hubbell<sup>®</sup>](#)
- Named [Best Lawyers<sup>®</sup>](#) Labor Law – Management “Lawyer of the Year” in Omaha (2011-2012) and Employment Law – Management “Lawyer of the Year” in Omaha (2014, 2018)
- Included in [The Best Lawyers in America<sup>®</sup>](#) since 2011 in the fields of Employment Law – Management, Labor Law – Management, and Litigation – Labor & Employment (peer nominations)
- Selected to 2012, 2017-2022 Super Lawyers<sup>®</sup> Top 10: Nebraska Super Lawyers
- Selected to the 2007-2023 Great Plains Super Lawyers<sup>®</sup> list
- Listed in *Chambers USA America’s Leading Business Lawyers* (Labor & Employment–Band 1) (peer review)
- Listed in Omaha Magazine’s “Top Lawyers in Omaha” for Labor and Employment (July/August 2021 Edition)

## Professional Associations

- American Bar Association
- Nebraska State Bar Association
- Omaha Bar Association
- Past Chair – Federal Practice Committee, District of Nebraska
- Nebraska Association of Trial Attorneys
- Fellow – The College of Labor and Employment Lawyers
- Fellow – Nebraska State Bar Foundation

## Presentations & Publications

- Author – “The Americans with Disabilities Act: Accommodating Psychiatric Disabilities.”, *The Nebraska Lawyer*, vol. 32, no. 6 November/December 2020
- Presenter, Nebraska State Bar Association:
  - “Business Lawyers – Do No Harm, Or At Least Don’t Make the Situation Worse – Advising Clients with Employees.” August 2019



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- “Damages in Employment Cases in Nebraska.” June 2018
- “ADA Developments/Qualified Individuals and Reasonable Accommodation.” September 2013
- “Wage Payment and Collection Act-Payment of Bonuses and Commissions.” Labor & Employment Law Section Seminar, June 2007
- “Trying Matters in Employment Law.” Continuing Legal Education Seminar
- “Discovery – Electronic and Otherwise.” May 2005
- “Corralling Unfair Competition: Covenants Not to Compete, Etc.” May 2000
- Human Resource Association of the Midlands:
  - “Conducting Effective Workplace Investigations.” February 2018
  - “These Aren’t Your Father’s Employees.” January 2008
- Frequent lecturer on employment and labor law issues to lawyer and nonlawyer groups
- Materials for various Continuing Legal Education seminars
- “Recent Section 7 and Other NLRB Decisions and Their Impact on Employment Law Strategies.” *Employment Law 2013*, 2013 Edition by Aspatore Thought Leadership
- “Essential Employment Agreement Provisions.” *Negotiating and Drafting Employment Agreements*, 2012 Edition by Aspatore Books