Robert W. Futhey

Partner

402.978.5267

rfuthey@fraserstryker.com

Using his practical business knowledge and extensive trial experience, Robert (Robb) Futhey delivers strategic advice and effective litigation counsel. Robb's law practice is made up of two major components: litigation and liquor licensing and compliance.

As an experienced litigator and trial attorney, Robb represents professional liability insurance carriers, industrial companies, and other large corporations against liability claims. Robb has litigated products liability and premises liability cases in the state and federal courts of Nebraska, Iowa, Kansas, Colorado, North Dakota, Montana, Illinois, Kentucky, Missouri, Texas, and Pennsylvania. Though he has tried over 20 jury cases and successfully defended verdicts won on appeal, Robb realizes taking a case to trial is not always in the client's best interest. A natural problem-solver, he takes time to understand the client's overall business and legal objective, then collaborates with clients to create a plan to meet and exceed their expectations.

Before law school, Robb managed a licensing team for a national restaurant chain, obtaining liquor licenses throughout the country. This first-hand industry experience gives him an insider's perspective as he assists clients with obtaining state liquor licenses and other required operational permits for restaurants and bars. The liquor license application process in Nebraska can be daunting, which is why Robb sits down with clients to gain

Legal Services

- Professional Negligence Defense
- Liquor License & Compliance
- Business & Commercial Litigation
- Products Liability
- Personal Injury/Wrongful Death
- Medical Malpractice
- Litigation
- Government & Regulatory

Who I Serve

- Retail & Consumer Products
- Energy & Natural Resources
- Individuals & Families
- Insurance & Financial Services
- Professional Service Providers

Admissions

- Nebraska
- Iowa
- Colorado
- U.S. District Court for the District of Nebraska
- U.S. District Court for the District of Colorado

a better understanding of their business, event, and usage requirements before submitting a liquor license application to the Nebraska Liquor control Commission (NLCC). If issues arise during the application process, he helps clients work through the issues to successfully obtain the license.

Robb is active in both the Omaha and legal communities. Robb is an Executive Editor of the PLD Quarterly, the Professional Lawyers Defense Fund's newsletter, an active member of the National Association of Licensing and Compliance Professionals, and previously served on the Board of Directors for the Nebraska Defense Counsel Association. Outside of the office, Robb enjoys volunteering at his children's school, watching movies, spending time with three kids, and cheering for the Pittsburgh Steelers.

Experience

- Successfully obtained summary judgment in a premises liability claim asserted against a national retailer that was affirmed by the Eighth Circuit Court of Appeals. *(U.S. Court of Appeals Order)*
- Lead trial counsel on $500,000.00 premises liability case tried to jury that was affirmed by the Nebraska Court of Appeals. *(Nebraska Court of Appeals Appellate Report)*
- Lead trial counsel on premises liability case against Omaha grocery store tried to a jury. *(Judgment)*
- Successfully obtained summary judgment on premises liability claim against Sarpy County grocery store that was affirmed by the Nebraska Court of Appeals. *(Nebraska Court of Appeals Memorandum Opinion and Judgment on Appeal)*
- Successfully defended commercial tort and contract claims asserted by competitor to client's apiary business and obtained $187,000.00 judgment on counter-claim filed against the plaintiff. *(Judgment)*
- Obtained judgment in trademark infringement case in excess of $900,000.00 that was affirmed by the U.S. Court of Appeals for the Eighth Circuit. *(U.S. Court of Appeals Order)*
- Obtained a defense verdict related to two train derailments on claims in

U.S. Court of Appeals for the Eighth Circuit

Education

J.D., *cum laude*, Creighton University School of Law, 2009

B.A., Political Science & History, *cum laude*, Colorado State University, 2004

Clerkships

Law Clerk to the Honorable Lyle E. Strom, Senior U.S. District Judge, U.S. District Court for the District of Nebraska, 2009-2011

Legal Intern to the Honorable Thomas D. Thalken, Magistrate Judge, U.S. District Court for the District of Nebraska, 2007

excess of $5,000,000.00 that was affirmed by the U.S. Court of Appeals for the Eighth Circuit. *(U.S. Court of Appeals Order)*

- Obtained summary judgment on defamation claims asserted against condominium association by a former resident. *(Summary Judgment Order)*

Honors & Awards

- Included in *Best Lawyers: Ones to Watch® in America* in the field of Commercial Litigation (since 2021) (peer nominations)
- Selected to the 2021-2022, 2024 Great Plains Super Lawyers® list
- Selected to the 2016-2019 Great Plains Super Lawyers® Rising Stars list

Professional Associations

- Professional Liability Defense Federation
- National Association of Licensing and Compliance Professionals
- Nebraska Defense Counsel Association
- American Bar Association
- Nebraska State Bar Association
- Omaha Bar Association
- Colorado State Bar Association

Community Involvement

- Executive Editor – *PLD Quarterly*, Professional Lawyers Defense Fund (2022-Present)
- Board of Directors – Nebraska Defense Counsel Association (2016-2022)
- Executive Editor – *Creighton Law Review* (2008-2009)
- Member – Phi Beta Kappa

Presentations & Publications

• Article, "Recorded Statements and Neb.Rev.Stat. § 25,125." *Nebraska Defense Counsel Association Newsletter*, vol. 10, no. 1, Winter/Spring 2019

• Article, “What a Piece of Junk(in): A Primer on Litigating Claims Under Neb.Rev.Stat. § 59-805.” *Nebraska Defense Counsel Association Newsletter*, vol. 9, no. 1, Winter 2018

• Presenter, “Americans with Disabilities Act: Current Issues Under Title III.” Nebraska Defense Counsel Association, Oct. 2018

• “The Family Educational Rights & Privacy Act Of 1974: Recommendations For Realigning Educational Privacy With Congress’ Original Intent.” 41 *Creighton Law Review* 277, 2008