



Mark Fahleson

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Mr. Fahleson serves as an attorney and advisor to businesses, organizations, insurers, governmental bodies/officials, and individuals, providing strategic advice and practical counsel on the issues they face. When litigation becomes unavoidable, Mr. Fahleson's zealous yet cost-effective representation has resulted in numerous successful verdicts from federal and state court judges and juries. Whether it involves employment law, agriculture or government relations, Fahleson's expertise and skill has earned him recognition, including being named as the Employment Law (Management-Side) Attorney 2021 "Lawyer of the Year" for Lincoln, Nebraska by The Best Lawyers in America®.

PRACTICE AREAS

- Agriculture
- Employment, Labor and Benefits
- Government and Lobbying
- Litigation
- Telecommunications and Utilities

ADMISSIONS

- Nebraska
- U.S. District Court (D. Neb.)
- U.S. Court of Appeals (6th, 8th & 10th Circuits)
- U.S. Supreme Court

EDUCATION

- University of Nebraska – Lincoln, B.S., 1989
- University of Nebraska College of Law, J.D., with high distinction, 1992
- Order of the Coif
- Editor-in-Chief, Nebraska Law Review

SUCCESSES

- State ex rel. Wagner v. Evnen, 307 Neb. 142, 948 N.W.2d 244 (2020)(successfully challenged ballot measure to prevent inclusion on November 2020 statewide ballot)
- Mills v. Hastings Utilities, No. 4:18-CV-3149, 2020 WL 30589 (D. Neb. Jan. 2, 2020) (successfully obtained summary judgment for employer in ADEA case)
- Nebraska Ass'n of Public Employees et. al v. State of Nebraska, Nebraska Dept. of Correctional Services, CIR Case No. 1448 (Oct. 26, 2018)(successfully defended state agency's unilateral implementation of body-worn camera requirement for corrections staff);
- Rasby v. Pillen, No. 8:15CV226, 2017 WL 11485725 (D. Neb. Sept. 29, 2017), aff'd, 905 F.3d 1097 (8th Cir. 2018)(successfully obtained summary judgment on former employee/owners claims of duress/undue influence, fraudulent misrepresentation, securities fraud, loss of corporate opportunities, and breach of fiduciary duty)
- Strode v. City of Ashland, 295 Neb. 44, 886 N.W.2d 293 (2016)(successfully defended action alleging inverse condemnation/constitutional taking).
- Nebraska Association of Public Employees, Local 61 of the American Federation of State, County and Municipal Employees v. the State of Nebraska, Nebraska Department of Correctional Services, 2016 WL 536686, January 25, 2016 (No. 1399) (successfully defended State against prohibited practice charge filed by Union).
- Freeman v. GNS Corp., No. 4:14-CV-3203, 2015 WL 4622609 (D. Neb. July 30, 2015) (successfully obtained summary judgment on former employee's race discrimination claims)
- Barnhardt v. Open Harvest Cooperative, 742 F.3d 365 (8th Cir. 2014) (successfully obtained and defended summary judgment on ERISA, FMLA, ADA and age claims)

SUCSESSES CONTINUED

- Rosberg v. Johnson, 284 Neb. 104, 815 N.W.2d 867, 2012 WL 2865598, Neb., July 13, 2012 (NO. S-11-734)(successfully defended incumbent Nebraska Public Service Commissioners in election challenge)
- Washington v. Resort Lifestyle Communities, 2012 WL 1884901, W.D.Tex., May 23, 2012 (NO. A-11-CV-407 LY)(successively obtained summary judgment on claims of race and color discrimination)
- City of Waverly v. Hedrick, 283 Neb. 464, 810 N.W.2d 706, 2012 WL 752314, Neb., March 09, 2012 (NO. S-11-333)(successfully defended municipality on nuisance lien issue arising out of condemnation proceeding)
- Ginsburg v. Concordia University, 2011 WL 839393 and 2011 WL 41891, 111 Fair Empl.Prac.Cas. (BNA) 441, D.Neb., 2011 (NO. 4:10CV3064)(obtained summary judgment and attorneys' fee award against plaintiff on religious discrimination claim)
- Nebraska Public Advocate v. Nebraska Public Service Com'n, 279 Neb. 543, 779 N.W.2d 328, 2010 WL 744285, Util. L. Rep. P 27,094, Neb., March 05, 2010 (NO. S-09-600)(successfully defended utility against ratemaking challenge)
- Aon Consulting, Inc. v. Midlands Financial Benefits, Inc., 275 Neb. 642, 748 N.W.2d 626, 2008 WL 2004273, 27 IER Cases 1029, Neb., May 09, 2008 (NO. S-06-1256, S-07-034)(obtained directed verdict on claims of tortious interference by new employer involving noncompetition agreement)
- Herrera v. Midwest Medical Transport Co., 2007 WL 1725270, D.Neb., June 12, 2007 (NO. 7:06CV5016)(obtained summary judgment on claims of sex discrimination, harassment and retaliation)
- City of Ashland v. Strode, 2007 WL 1276944, Neb.App., May 01, 2007 (NO. A-05-467)(obtained judgment and injunctive relief against use of real property in violation of municipal code)
- City of Ashland v. Ashland Salvage, Inc., 271 Neb. 362, 711 N.W.2d 861, 2006 WL 903587, Neb., April 07, 2006 (NO. S-04-1365) (successfully defended municipality in challenge over cleanup of nuisance and disputed property)
- In re Brown, 270 Neb. 891, 708 N.W.2d 251, 2006 WL 73588, Neb., January 13, 2006 (NO. S-34-050002)(represented Nebraska State Bar Commission on appeal of issue of first impression involving application for admission to Nebraska bar by Canadian attorney)
- Bon Homme County Com'n v. American Federation of State, County, and Mun. Employees (AF-SCME), Local 1743A, 699 N.W.2d 441, 2005 WL 1415027, 177 L.R.R.M. (BNA) 2990, 2005 S.D. 76, S.D., June 15, 2005 (NO. 22721, 22720)(defended South Dakota counties in unfair labor practice cases arising out of collective bargaining)
- Haight v. Katch, L.L.C., 2005 WL 1221205, 177 L.R.R.M. (BNA) 2570, 151 Lab.Cas. P 10,499, D.Neb., May 20, 2005 (NO. 4:04CV3363) (obtained summary judgment in USERRA failure-to-reemploy case)
- Jensen v. Insur, Inc., 2004 WL 2216486, Neb.App., October 05, 2004 (NO. A-02-1411)(obtained summary judgment on claims by former employee/shareholder alleging tortious interference and wrongful termination)
- Martin v. Bonneville Homes, 2003 WL 21496607, Neb.App., July 01, 2003 (NO. A-02-1173)(successfully defended self-insured employer on catastrophic workers' compensation claim)
- Huber v. High Plains Corp., 2001 WL 34808711, D.Neb., July 16, 2001 (NO. 4:00-CV-3242)(successfully obtained summary judgment on sexual harassment claim)
- N.L.R.B. v. Cook Family Foods, Ltd., 47 F.3d 809, 1995 WL 66943, 148 L.R.R.M. (BNA) 2513, 129 Lab.Cas. P 11,285, 1995 Fed.App. 0062P, C.A.6, February 21, 1995 (NO. 94-5386, 93-6488)(represented employer in unfair labor practice proceeding arising out of representation election)

PROFESSIONAL/COMMUNITY

- Defense Research Institute
 - Law Institute (2015 to 2018)
 - Employment & Labor Law Committee (1998 to present) Chair (2010-2012)
 - Davis Carr Outstanding Committee Chair Award (2012)
 - Annual Meeting Steering Committee (2015)
 - Nebraska Liaison, National Foundation for Judicial Excellence (2005 to 2006)
 - Planning Committee, NFJE Judicial Symposium (2017 to present)
- International Association of Defense Counsel
 - Employment Law Committee, Chair (2014 to 2016)
- Nebraska Defense Counsel Association
 - Board of Directors (2011 to 2016)
- Nebraska State Bar Association - Labor Relations & Employment Law Section
 - Executive Committee, (2001 to 2008)
 - Chair (2007 to 2009)
 - Vice Chair (2005 to 2007)
 - Program Chair, Employment Law Seminar (2003)
- Robert Van Pelt Inns of Court (2015 to present)
- American Agricultural Law Association (2016 to present)
- Lincoln Bar Association, Board of Trustees
- Nebraska State Fair Board
 - Board Member (2014 to 2017)
- Madonna Rehabilitation Hospital
 - Board of Directors (2014 to present)
 - Executive Committee (2016 to present)
 - Chairman (2017 to present)
 - Secretary (2016 to 2017)
- Midland University
 - Secretary (2019 to present)
- Lutheran Education Foundation
 - Board of Directors (2000 to present)
 - Executive Committee (2010 to present)
 - President (2011-2013)
- Lincoln Rotary Club 14
 - Secretary (2000-2001)
 - Board of Directors (2000-2003)

PROFESSIONAL/COMMUNITY CONTINUED

- Nebraska Republican Party - Chairman (2009-2013)
- Republican National Committee (2009-2013)
- Adjunct Professor – Employment Law and Employment Discrimination, University of Nebraska College of Law
- Leading Individual – Employment & Labor Lawyers in Nebraska, Chambers USA: American's Leading Lawyers for Business (2006-present)
 - Labor & Employment: ERISA – Nebraska – Band 1 (2017)
- The Best Lawyers in America®, Employment Law – Management, Labor Law – Management, Litigation – Labor & Employment (2007-present)
- The Best Lawyers in America®
 - "Lawyer of the Year," Lincoln, Nebraska, Employment Law – Management (2014, 2017, 2019, 2021)
 - "Lawyer of the Year," Lincoln, Nebraska, Labor Law – Management (2015, 2018, 2020)
- Great Plains Super Lawyers, Employment & Labor/General Litigation (2007-present)
- Super Lawyers Corporate Counsel Edition, Employment & Labor (2007-present)
 - Top 10 Nebraska Super Lawyers List (2012)

PUBLICATIONS

- Fahleson, M. A. (2000, October). Attention Practitioners: Employment Noncompetition Provisions are Enforceable in Nebraska—Sort Of. *The Nebraska Lawyer*, 2-14.