



Marcia Washkuhn

Partner

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Employment Litigation

In her employment practice, Marcia defends clients in single-plaintiff actions, multidistrict litigation and class actions, and she has litigated claims filed in several state and federal courts across the country. She has had an exceptionally high degree of success obtaining summary judgment in discrimination and retaliation cases as well as no reasonable cause findings on charges filed with the Equal Employment Opportunity Commission and state and local regulating agencies.

Marcia's litigation experience includes matters asserted under Title VII, the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Equal Pay Act, the Pregnancy Discrimination Act (PDA) and the Fair Labor Standards Act (FLSA), as well as similar state discrimination and wage payment laws. She also focuses on cases involving noncompete agreements, corporate raiding, and misappropriation of trade secrets and breaches of fiduciary duties by employees, officers or directors. Marcia has defended clients in ERISA and employee benefits litigation, has experience arbitrating labor disputes and has handled employment arbitrations pending before FINRA, the AAA and the FMCS.

Advice and Counseling

Marcia also provides day-to-day advice to employers on a wide array of employment issues, including wage payment matters, workplace investigations, self-audits, interviewing, drug testing, background checks, record-keeping requirements, application of the ADA and the FMLA, equal pay issues, unemployment, workers' compensation and employee discipline. In addition, Marcia regularly conducts employment-related investigations, trains and speaks on employment law issues to employers and industry groups, provides advice on employment issues arising from reductions in force, mergers, acquisitions and reorganizations and regularly drafts and advises on employment-related policies, procedures and agreements.

Marcia Washkuhn, continued

Education

- J.D., University of Nebraska College of Law, with High Distinction
- B.A., University of Nebraska-Lincoln, with Distinction

Admissions

- Nebraska
- Iowa
- U.S. District Court for the Southern District of Iowa
- U.S. District Court for the District of Colorado
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Supreme Court

Memberships and Affiliations

- Defense Research Institute
- American Bar Association, Litigation and Employment Law Sections
- Nebraska Bar Association, Labor and Employment Sections
- Iowa Bar Association, Labor and Employment Sections
- United Who's Who Executive Registry

Awards and Distinctions

- *Chambers USA*®, Leading Labor & Employment Attorney, Nebraska, 2019-2020
- *Best Lawyers*®, Employment and Labor, 2021
- *Super Lawyers*®, Employment and Labor, 2016-2020
- *Benchmark Litigation*, Labor & Employment Star, 2019
- *Benchmark Litigation*, Litigation Star, 2018
- *Benchmark Litigation*, Future Star, 2013, 2016-2018
- *Benchmark Litigation*, Top 250 Women In Litigation in the United States, 2013