

ERISA AND OTHER BENEFITS LITIGATION

Practice

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The ERISA Litigation Practice Group brings a collaborative, proactive approach to defending ERISA lawsuits—and can help clients identify and resolve concerns before they evolve into litigation.

Drawing from Haynes and Boone's strong culture of teamwork, the group combines lawyers from many disciplines, including trial and appellate litigators, benefits specialists, securities law and class-action practitioners, and members of the firm's [Labor and Employment](#) practice. This level of coordination distinguishes our group, which often is matched against firms with litigation or benefits expertise—but not both. By drawing on lawyers from many disciplines, Haynes and Boone is better able to resolve matters for clients in an efficient, cost-effective manner.

On behalf of a broad array of business clients, from small, private businesses to Fortune 500 companies, Haynes and Boone has represented employee benefit plans, plan sponsors, committees that select investments and make decisions for plans, and other benefits administrators as well as insurance companies.

Our depth of knowledge enables our team to provide prompt, responsive service on key areas of concern, including claims involving wrongful denial of benefits, breaches of fiduciary duty, prohibited transactions, anti-cutback allegations, ERISA preemption and benefit discrimination/retaliation allegations, among others.

Our ERISA Litigation Practice Group offers a wide range of services, including:

Class Actions

- Defend plans, employers and administrators in class actions alleging wrongful denial of benefits, breach of fiduciary duties, prohibited transactions, invalid top hat plans, improper funding, failure to disclose information and many other ERISA-related issues
- Serve as special pension counsel in class actions involving employee benefit plans

Wrongful Denial of Benefits

- Represent plans, employers and administrators in several states against claims that they wrongfully denied benefits
- Obtained summary judgment where plaintiffs sought several million dollars in damages for alleged wrongful denial of benefits based on various state law claims

Breach of Fiduciary Duties

- Possess extensive experience and knowledge in cases involving breach of fiduciary duties
- Represent plans, plan sponsors, committees that select investments and make decisions for plans, and individual committee members who, in some cases, may need independent counsel with respect to their individual fiduciary obligations
- Obtained summary judgments on alleged breach of fiduciary duty claims and have pursued breach of fiduciary duty claims on behalf of plans

Prohibited Transactions

- Defend both plans and individuals against allegations that fiduciaries or related entities engaged in prohibited transactions

Top Hat Plans

- Tried a class action case defending a top hat plan in a case of first impression

Failure to Disclose Information Against Investment Banks

- Represented investment banks for alleged failure to disclose information which allegedly resulted in damages to plan participants and beneficiaries

Anti-Cutback Claims

- Defended employers in actions by employees alleging that the employer defendants violated employees' rights under ERISA when employees were denied the opportunity to receive enhanced retirement benefits

Complex ERISA Preemption Issues

- Obtained summary dismissal or summary judgment in several cases involving ERISA preemption issues, including a case which involved discovery in several states and involved non-ERISA entities

Benefit Discrimination/Retaliation Claims

- Defended claims alleging that employers wrongfully interfered with an employee's right to obtain benefits

Consultant Services

- Act as special benefits counsel, working with other firms or lawyers within Haynes and Boone to help resolve ERISA issues in litigation
- Serve as expert witness on ERISA issues in litigation

- Advise clients on preventative techniques to avoid ERISA litigation
- Work with clients to make sure they are receiving maximum protection under their [insurance policies](#)

Litigation Avoidance

- Consult companies when a legal action has been threatened but not yet filed. We investigate allegations, determining whether clients have met their ERISA obligations, and seek to preemptively resolve any issues
- Offer companies preventative techniques to help them better avoid the threat of litigation
- Assisted a company in responding to an investigation regarding a potential lawsuit over a drop in the price of the company stock, which had been invested in the company's 401K plan
- Represented a client on a case involving recovery of benefit overpayments and issues of subrogation