

Haynes and Boone in Law360: Texas High Court OKs First Responder Pension Reform Law

February 3, 2020 Ben Mesches, Nina Cortell, Jason Jordan

PRACTICES Appellate

On Jan. 31, the Texas Supreme Court ruled that state lawmakers didn't violate the Texas Constitution when changing the method by which retired firefighters and police officers withdraw deferred retirement option plan benefits.

A Haynes Boone team, including Partners [Ben L. Mesches](#) and [Nina Cortell](#) and Associates Kelli Bills and [Jason N. Jordan](#), represented the Board of Trustees of the Dallas Police and Fire Pension System.

Below is an excerpt of a [Law360](#) article.

The lawsuit arrived at the Texas Supreme Court from the Fifth Circuit in March, after the federal appeals court determined that state court was a better venue for the case.

The suit has been around since January 2017, when seven first responder retirees sued the Board of Trustees of the Dallas Police and Fire Pension System in the U.S. District Court for the Eastern District of Texas. They claimed that H.B. 3158 violated Section 66 of the Texas Constitution, which protects against changes to first responders' retirement benefits.

The pension system won the case in March 2018, with U.S. District Judge David C. Godbey employing similar reasoning to the Texas Supreme Court majority when ruling that the law did not violate Section 66.

"The history of Section 66 demonstrates that the provision concerns changes in vested benefits themselves — not changes in the timing of when pensioners receive them," Judge Godbey wrote.

The case was appealed to the Fifth Circuit in April 2018.

[Bloomberg Law](#) also covered the ruling.