

Media Covers Haynes and Boone Win on Behalf of Texas First Responder Pension Fund

April 29, 2020 Ben Mesches, Nina Cortell, Jason Jordan

PRACTICES Appellate

On April 27, the Fifth Circuit ruled that a Texas law changing the method by which Dallas firefighters and police officers withdraw deferred retirement benefits doesn't violate the U.S. Constitution.

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

Here is an excerpt from *Law360*:

A three-judge panel handed a win to the Board of Trustees of the Dallas Police and Fire Pension System, which was sued in 2017 by a group of first responders claiming the board's policy change — codified as H.B. 3158 — constituted an unlawful taking of property. The Fifth Circuit said it wasn't.

"Plaintiffs failed to state a takings claim because they do not have a property interest in the method of withdrawing [Deferred Retirement Option Plan] funds," the panel said in an opinion by U.S. Circuit Judge Catharina Haynes.

The decision affirmed a March 2018 decision by U.S. District Judge David C. Godbey, who ruled that H.B. 3158 did not violate either the U.S. Constitution or the Texas Constitution.

To read the full article, click [here](#). (Subscription required)

Bloomberg Law [also reported](#) on the case.