

Robert Rachal's work focuses on complex class action and ERISA litigation, and he also advises employers on ERISA benefit and fiduciary issues. Robert has assisted clients in the defense of numerous class actions under ERISA. Some recent examples include:

- *Overall v. Ascension* – representing company and plan fiduciaries against claim the pension plan did not qualify for “church plan” status under ERISA
- *Osberg v. Foot Locker* – representing company against claim it misled employees regarding a pension plan conversion to a cash balance plan.
- *Hans v. Tharaldson* – representing trustee fiduciary against claim ESOP paid more than fair market value for company's stock
- *Allen v. Honeywell* – representing company and plans against claims plan merger illegally cutback benefits, and that plan terms entitled class of participants to greater benefits
- *In re EDS ERISA Litigation* – represented company and its officers and plan fiduciaries against claims they breached their fiduciary duties regarding investments in employer stock
- *Hastings v. Wilson et al.* – represented group of pilots against claim they breached their fiduciary duties regarding investments in the company's stock

Robert is a prolific writer and lecturer on cutting-edge ERISA and related healthcare litigation issues. He was a contributing author for BNA's EMPLOYEE BENEFITS LAW (3d Ed. 2012), and most recently co-authored BNA's ERISA Litigation (5th ed 2014) Chapter 24 “*The Affordable Care Act and ERISA Litigation*,” Chapter 34 “*Fees and Expenses Litigation in Defined Contribution Plans*,” Chapter 39 “*Violation of Fiduciary Duty by Misrepresentation and Nondisclosure*” and Chapter 41 “*Fiduciary Duties Regarding 401(k) and ESOP Investments in Employer Stock*.” He also co-authored the articles “*Labor and Employment and ERISA Class Actions After Wal-Mart and Comcast: A Defense Perspective*” in 22 ABA JOURNAL LABOR & EMPLOYMENT LAW 319 (Winter 2014) and “*Cigna Corp. v. Amara and ERISA's Equitable Remedies: Revolutionary Overthrow or Doctrinal Clarification?*” 25 *Benefits law Journal* 37 (Spring 2012). Recent writing on healthcare litigation includes:

- Chapter 24 “*The Affordable Care Act and ERISA Litigation*” in BNA ERISA LITIGATION, (5th Ed 2014).
- “*Developing Issues and Litigation Arising Under the Federal Mental Health Parity Act and the Affordable Care Act*” (Bloomberg BNA Benefits Practice Resource Center July 7, 2014)
- “*How ACA Modifies ERISA's Benefit Claims Procedures*,” in Law 360's Employment, Health, Insurance and Public Policy Newsletters (October 2012).
- “*The Affordable Care Act and Its Coverage Mandates for Employers: A Potent Recipe for ERISA Class Actions*,” in Bloomberg BNA, Pension & Benefits Daily (August 7, 2012).

Robert is a former management co-chair of the ABA Labor Section's Employee Benefits Committee, and speaks regularly for the ABA and the JCEB on ERISA fiduciary, complex litigation, and healthcare litigation issues.