

# “Supreme Court Addresses ERISA Prohibited Transaction Claims Based on Excessive Fees,” *Employee Relations Law Journal*

## News

July 1, 2025

By: Joseph Torres, Katherine Funderburg

In an article for *Employee Relations Law Journal*, Partner Joseph Torres and Associate Katherine Funderburg examine the US Supreme Court’s recent ruling in *Cunningham v. Cornell University*, which addressed the applicable pleading standard for prohibited transaction claims under the Employee Retirement Income Security Act of 1974 (ERISA) and resolved an existing three-way circuit split. The authors review prohibited transactions, the path to the court, the ruling, implications for employers, plan sponsors, and fiduciaries, and recommendations.

[Read More](#)

“In light of the Cunningham decision, plan sponsors should consider how best to mitigate the risk of litigation and better position themselves to defend against prohibited transaction claims if the need arises,” the authors write.

## Related Attorneys



**Joseph Torres**

Partner

[jtorres@jenner.com](mailto:jtorres@jenner.com)

+1 312 840 8685



**Katherine Funderburg**

Associate

kfunderburg@jenner.com

+1 312 840 7398

**Related Capabilities**

Business Litigation

ERISA

**Related Locations**

Chicago

© 2026 Jenner & Block LLP. Attorney Advertising. Jenner & Block LLP is an Illinois Limited Liability Partnership including professional corporations. This publication, presentation, or event is not intended to provide legal advice but to provide information on legal matters and/or firm news of interest to our clients and colleagues. Readers or attendees should seek specific legal advice before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number 615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact [dataprotection@jenner.com](mailto:dataprotection@jenner.com).

**Stay Informed**

