

“ERISA Release of Claims Is No Match for Breach of Fiduciary Duty Allegations: Ninth Circuit Joins Seventh and Eighth Circuits in Requiring Consideration of Alleged Fiduciary Misconduct in Determining Enforceability of ERISA Releases,” *Employee Relations Law Journal*

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In an article for *Employee Relations Law Journal*, Partner Joseph Torres, Special Counsel Jennifer Beach, and Associate Jeff Salvadore discuss a recent Ninth Circuit Court of Appeals decision regarding enforceability of releases of ERISA claims, examining the Court’s holding and offering key takeaways for plan sponsors, fiduciaries, and ERISA practitioners.

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“From an ERISA litigation standpoint, Schuman may result in the addition of breach of fiduciary duty claims in cases where the plaintiff has signed a release of claims, even if the breach of fiduciary duty claim is weak,” the authors write. “Mere allegations of a breach of fiduciary duty may be enough under Schuman to move the case through the beginning stages of litigation notwithstanding the ERISA release at play, potentially driving settlement due to the possibility of higher litigation costs.”

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