



Erin Weber Discusses Notable 2024 ERISA Decision from the First Half of 2024 with Law360

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Winston & Strawn partner Erin Weber was quoted in a recent Law360 article featuring four consequential Employee Retirement Income Security Act (ERISA) decisions from the first half of 2024. Erin discussed a Second Circuit decision upholding a lower court's refusal to compel arbitration of an ERISA claim.

In *Cedeno v. Argent Trust Co. et al.*, the plaintiff sought plan-wide relief on behalf of a class of ERISA plan participants. The plan contained a provision requiring claimants to arbitrate disputes and limiting them to recovering losses within their individual accounts. The court held that the so-called “effective vindication” doctrine applied, meaning that enforcing the arbitration provision would prevent plan participants from being able to vindicate their statutory rights—in this case, ERISA’s plan-wide remedies. Although several Courts of Appeals have used the effective vindication doctrine to invalidate arbitration clauses, the U.S. Supreme Court has never done so. The U.S. Supreme Court may be more likely to take up a case when a circuit split exists, and it’s not clear that a split exists on this issue.

Still, Erin said she’s hopeful the Supreme Court will take up an ERISA arbitration case, given that some judges have called into question the effective vindication doctrine. Erin highlighted what she said was “a really strong dissent” in the *Cedeno* opinion and noted, “Even if it’s maybe not a traditional circuit split, I think we have a split of opinion among a lot of courts right now.”

[Read the full article.](#)

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