

Erin Weber Quoted in Law360 Article Spotlighting Five High-Profile Benefits Cases in January

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Winston & Strawn partner Erin Weber was quoted in a Law360 article that shines a spotlight on five benefits cases coming before the U.S. Supreme Court and the U.S. Court of Appeals for the Fourth, Ninth, and Eleventh Circuits in January.

The first of two closely watched U.S. Supreme Court cases involves the Americans with Disabilities Act and whether it protects against post-employment bias, and the second stems from a case first brought in 2016 against Cornell University, whose workers are looking to revive a retirement plan mismanagement suit. The Ninth and Eleventh Circuit Court cases involve gender-affirming care, and a three-judge panel in the Fourth Circuit will weigh in on an appeal from Duke University involving pension annuity payments.

In the Duke University case, Erin Weber, partner in the firm's Employee Benefits and Executive Compensation Practice Group, said she's monitoring the appeal. In particular, Erin said she's watching for any discussion of how state law applies to the dispute, given that the district court referenced North Carolina state contract law prohibiting unilateral agreements to arbitrate when it denied Duke's motion to compel.

"I think it'll be important for the Fourth Circuit to shed light on its view on the interplay between the FAA, ERISA and even the state law piece."

The case—Franklin v. Duke University et al—will be heard on January 31. Joy Franklin, a Duke employee, first sued on behalf of a proposed class of retirement plan participants in 2023.

[Read the full article here.](#)

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