

Publications

2020 ERISA Litigation Trends Hint At What's Ahead This Year

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By any measure, 2020 was a record-setting year for litigation under the Employee Retirement Income Security Act. The U.S. Supreme Court issued four ERISA decisions, more than it has issued in a single year in the 45-year history of the statute.

And just over 200 new ERISA class actions were filed, an all-time record that represents a 80% increase over the number of ERISA class actions filed in 2019 and more than double the number filed in 2018.

As 2021 begins, this trend shows no sign of slowing down, with important developing issues related to fee and performance litigation for smaller retirement plans, COBRA notices, arbitration clauses and class action waivers, actuarial assumptions, cyber theft, and employee stock ownership plans, or ESOPs — among others.

In the *Law360* article, “2020 ERISA Litigation Trends Hint At What’s Ahead This Year,” Groom’s [Lars Golumbic](#), [William Delany](#) and [Samuel Levin](#) provide an outlook for 2021.

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