

# PREFACE TO THE FOURTH EDITION

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The world of employee benefits law is constantly changing. Since the third edition of this casebook was published in 2011, pension assets have increased to record levels as the equity markets have recovered from the 2008 crash. The Departments of Labor, Treasury, and Health and Human Services have printed thousands of pages in the Federal Register as part of the administrative implementation of the Affordable Care Act (ACA). Meanwhile, the Supreme Court has decided important new cases on the ACA, fiduciary duties under the Employee Retirement Income Security Act of 1974 (ERISA), and private claims and remedies under ERISA.

Today, more than ever, employee benefits law issues are part of the everyday practice of law. Although the subject matter can be daunting at times, the goal of this casebook is to make the study of employee benefits law exciting and enjoyable, both for the professor to teach, and for the student to learn.

Unlike a traditional casebook on pension law, this book provides a more extensive treatment of defined contribution plans (particularly 401(k) plans) and health care plans. To accommodate an expanded discussion of these topics, the casebook has a streamlined and simplified discussion of defined benefit plans and nonqualified plans. The casebook describes the current state of federal law as of August 1, 2014. The past history of the Internal Revenue Code requirements for qualified plans has been eliminated in an effort to simplify the material for the students.

The casebook relies heavily on real life illustrations and emphasizes solving hypothetical client problems. There are problems throughout each chapter to review and reinforce the subject matter. Discussion questions, found at the end of each chapter, require the student to draw upon material from throughout the chapter to analyze either a sophisticated client problem or a significant public policy issue.

The casebook generally relies on narrative text to introduce each new concept and to summarize the fundamental principles of employee benefits law. Where possible, the casebook reproduces ERISA's legislative history to explain the policy objectives and purposes of the law. The narrative text, problems and discussion questions in the casebook provide frequent opportunities for the students to rise above the technical details of the material and instead focus more broadly on the policy objectives and implications of the law. Often, these policy-oriented problems and questions do not have a "correct" answer. Rather, they are designed to engage the students in a lively discussion of the many significant public policy issues that underlie this field of federal law.

The presentation in the casebook is organized around the statutory structure of Title I of ERISA. Title I of ERISA has seven parts. The casebook generally follows ERISA's seven part structure. This order of presentation also naturally coincides with the typical student experience concerning employee benefit plans, and with the sequence of events that follow the establishment of an employee benefit plan by the employer.

Most students first encounter an employee benefit plan when their employer hands them a summary plan description. Chapter Two of the casebook introduces the concept of a plan that is subject to regulation under ERISA and discusses the reporting and disclosure requirements of Part 1 of Title I. Chapter Three of the casebook covers qualified retirement plans and incorporates both the requirements of Part 2 of Title I concerning employee pension plans and the Code requirements for qualified plans. Chapter Four covers welfare benefit plans, with a primary emphasis on health care plans. Chapters Five, Six and Seven of the casebook cover ERISA fiduciary responsibilities (Part 4 of Title I), civil enforcement actions (Part 5 of Title I), and preemption of state laws (Part 5 of Title I), all of which apply to both pension plans and welfare benefit plans.

The casebook reproduces or discusses in the narrative text all of the major modern Supreme Court opinions concerning ERISA. To accommodate the expanded scope of coverage and still keep the course to a manageable length, only a select number of lower federal court opinions are reproduced in the casebook. Many of the leading lower federal court precedents in the field are described in the narrative text or in the notes and questions following related judicial opinions.

In editing material for inclusion in the casebook, the overarching principle has been to avoid distracting the reader. Cases, statutes and footnotes referenced in judicial opinions reproduced in the book have been deleted without so indicating. Other deleted material in judicial opinions or in material written by others is indicated by “ \*\*\* ”. Citations have been conformed to the following standardized citation forms: ERISA § \_\_\_\_ (substituted for citations to Title 29 of the United States Code); DOL Reg. § \_\_\_\_ (substituted for citations to Title 29 of the Code of Federal Regulations); Code § \_\_\_\_ (substituted for citations to Title 26 of the United States Code); and Treas. Reg. § \_\_\_\_ (substituted for citations to Title 26 of the Code of Federal Regulations). When a footnote in a judicial opinion has been retained, the text contains the original footnote number from the opinion. Editor's footnotes are alphabetized and run consecutively from the beginning of each chapter. Rather than liberally using the [sic] editing convention, in reproducing the material of others I have occasionally made minor spelling or grammar changes to conform the text to Standard English.

The fourth edition of the casebook retains the general organizational structure of the third edition. Older Supreme Court cases have been edited to make room for the latest Supreme Court decisions. For those instructors who previously used the third edition, the accompanying Teacher's Manual contains a detailed chapter-by-chapter listing of the changes made in the fourth edition.

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