

**Employee Benefits Law**  
**University of Houston Law Center**  
**Fall 2013**

**Instructor:** Stephen Wm. Smith  
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Southern District of Texas  
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**Office Hours:** By appointment

**Day/Time:** Th 4:00 pm – 5:50 pm

**Location:** Room 215 TU2

**Required Texts:** Pension and Employee Benefit Law (5<sup>th</sup> ed. 2010) by Langbein, Pratt, & Stabile; Pension and Employee Benefit Statutes and Regulations Selected Sections 2013, by Pratt.

**Course**

**Description:**

Employee Benefit Law is a two-credit hour course designed to provide an overview of the basic federal law governing employee benefits, the Employee Retirement Income Security Act (ERISA). Among topics covered will be the distinction between defined benefit and defined contribution plans; pension plan rules concerning accrual, vesting, and non-forfeiture; employer reporting and disclosure obligations; welfare benefit plan regulation, including COBRA and the Affordable Care Act; spousal and third party interests; fiduciary status and obligations; judicial review of benefit denials; scope of available remedies; and preemption. Emphasis will be placed on how ERISA impacts many other areas of law, such as family law, labor and employment, health law, trusts and estates, insurance, securities, corporate merger/acquisitions, bankruptcy, and tax.

**Grading:** Final letter grade will be based on the following:

Class participation	5%
Final exam	95%

**Attendance:** Class attendance will be monitored.

## EMPLOYEE BENEFIT LAW SYLLABUS

<u>Date</u>	<u>Topic</u>	<u>Readings</u> <sup>1</sup>
<b>Week 1</b> 8/29	<b>Introduction</b> General themes/ Historical background Legislative history/Structure of ERISA	Text, 1-17 78-104
<b>Week 2</b> 9/5	<b>ERISA Plans in General</b> What is a “Plan”? Defined benefit vs. defined contribution plans	108-27 44-77 <i>Musmeci v. Schwegmann</i> <i>Giant Super Markets</i> , 332 F.3d 339 (5 <sup>th</sup> Cir. 2003)
<b>Week 3</b> 9/12	<b>Pension Plans</b> Vesting, accrual, forfeiture rules Anti-reduction rule for pension plans	146-75 181-93
<b>Week 4</b> 9/19	<b>Welfare benefit plans</b> Amending welfare benefit plans Types/ COBRA coverage Health care plans/Affordable Care Act	194-214 127-45 Text Supp. 7-17
<b>Week 5</b> 9/26	<b>Spousal &amp; Third Party Interests</b> Anti-alienation rule/Spousal interests Wrongdoing participants	281-312, 320-29 329-43; <i>Brown v. Continental Air</i> , 647 F.3d 221 (5 <sup>th</sup> Cir. 2011)
<b>Week 6</b> 10/3	<b>ERISA Fiduciaries</b> Fiduciary status in general Medical providers as fiduciaries	541-73 573-89
<b>Week 7</b>	<b>Fiduciary duties</b>	

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<sup>1</sup> Page cites are to main text, Pension and Employee Benefit Law (5<sup>th</sup> ed.) by Langbein, et al.

10/10	In general	590-622; <i>Kujanek v. Houston Poly Bag</i> , 658 F.3d 483 (5 <sup>th</sup> Cir. 2011)
<b>Week 8</b>	<b>Benefit denials</b>	
10/17	Judicial review/ plan interpretation	692-725, 729-47
<b>Week 9</b>	<b>Guest Lecture</b>	
10/24	Attorney/client issues in ERISA litigation	TBD
<b>Week 10</b>	<b>Remedial scheme</b>	
10/31	Scope of available remedies	749-91
<b>Week 11</b>	<b>Remedial scheme (cont.)</b>	
11/7	Attorney fees, limitations, and exhaustion Equitable remedy of surcharge	803-817; Supp. 67-80
<b>Week 12</b>	<b>Preemption</b>	
11/14	Express preemption under ERISA § 514(a)	818-64
<b>Week 13</b>	<b>Preemption (cont.)</b>	
11/21	Conflict preemption under ERISA § 502(a) Complete preemption and removal	878-95 898-905
<b>Week 14</b>	<b>Holiday</b>	
11/28		
<b>Week 15</b>	<b>Review</b>	
12/5	Review for final exam	

**Final Exam: Dec.12, 2013 at 6 pm**

These assignments are subject to change during the semester.

S.W.S.  
Rev. 8/29/13