

## MVP: Mayer Brown's Brian Netter

By Emily Brill

*Law360 (November 27, 2019, 1:50 PM EST)* -- Mayer Brown LLP partner Brian Netter succeeded in winning dismissals of class action lawsuits against Georgetown University, George Washington University, Long Island University and the University of Rochester this year, earning him a spot among Law360's 2019 Benefits MVPs.

### ***HIS BIGGEST ACCOMPLISHMENTS:***

In a headline-making year for Employee Retirement Income Security Act class actions against universities, Netter helped Mayer Brown achieve dismissals of four such suits. Approximately two dozen ERISA class actions against universities have been filed since 2016, accusing schools of letting their retirement plans charge high fees and offering underperforming investments.

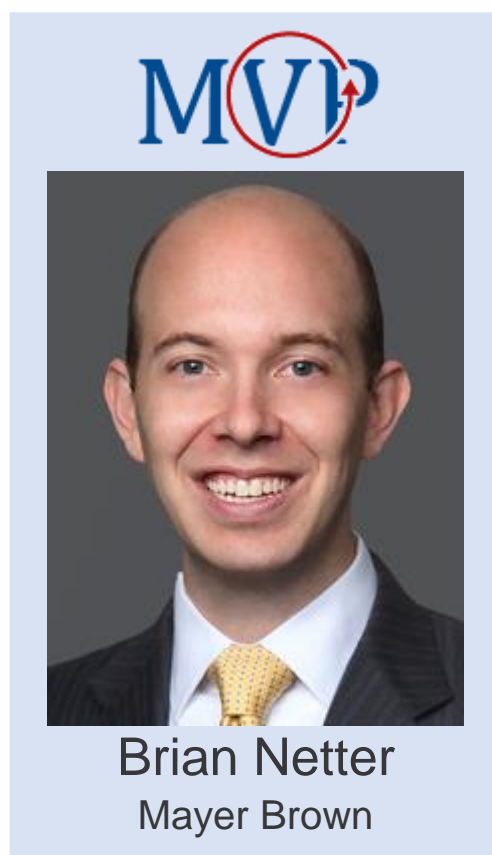
"The year was dominated by the class-action lawsuits filed by the university retirement plans," Netter said.

Defense attorneys say this litigation wave was fueled by "copycat suits," and Netter perhaps lent credence to that characterization when he identified falsities in two complaints filed in May 2018 that lifted language from previous lawsuits.

Netter presented this information to the plaintiffs' attorneys, comparing the complaints with public disclosures that proved the allegations did not apply to the University of Rochester and Long Island University. After serving a motion for sanctions against the plaintiffs for suing without vetting the accuracy of their complaints, the plaintiffs' attorneys agreed to drop their lawsuits.

Netter also scored dismissals of lawsuits against Georgetown University and George Washington University in January and July, respectively.

Asked if he had a sole game plan for attacking these suits, Netter said that the circumstances of each case require his firm to strategize different approaches. Winning dismissals in four of the suits this year, though, has been "rewarding," he said.



#### **WHAT MOTIVATES HIM:**

Netter said he's motivated by a desire to defend fiduciaries who acted in good faith from class action suits challenging their decision-making skills.

"The fiduciaries we end up defending are smart people who acted in good faith. We all have to make decisions in this environment of risk and uncertainty," Netter said.

He said he wants to vindicate clients whose decision-making is challenged even though it was solid, simply because a series of outcomes gave workers the ammo for a lawsuit based on "20/20 hindsight."

"If we punish people for taking smart, calculated risks that don't work out, then everyone has to take this defensive, risk-averse posture that isn't good for anyone," Netter said.

#### **HIS ADVICE FOR JUNIOR ATTORNEYS:**

Netter said he recommends that younger attorneys find a mentor. He said his own mentors at Mayer Brown — Nancy Ross and Bob Davis — helped him greatly in his career. He now helps lead Mayer Brown's benefits litigation practice alongside Ross.

"Historically, the legal profession was built on apprenticeship, and there's a good reason for that — having mentors and learning the trade from people who have excelled in it themselves is really the best way," Netter said. "So I always urge new lawyers to find mentors."

He also recommended that younger attorneys commit to the practice area that "makes it easier to go to work in the morning." If they're testing out a practice area during their first year and finding that everyone else is enjoying it way more, they should try something else.

"If you don't share that enthusiasm, you probably haven't found your niche yet," Netter said.

#### **HIS BIGGEST CHALLENGE:**

In addition to benefits defense work, Netter takes on pro bono cases for Mayer Brown. This year, he's part of the criminal defense team in a case he described as "emotionally wrenching."

In this case, he's helping represent Jessica Hill, a woman sentenced to life in prison after being convicted of killing a man 60 years her senior who she says raped her throughout her childhood. Hill was a juvenile when she received the sentence.

"Jessica's case presents difficult questions," Netter said, adding that some of the issues the case brings up are self-preservation and self-defense, juvenile justice, and "the many systems that failed to protect [Hill]."

"I greatly respect the attorneys who dedicate their careers to handling these difficult criminal cases," Netter added.

— *As told to Emily Brill*

*Clarification: The story has been updated to clarify the process that led to workers dropping their suits against University of Rochester and Long Island University.*

*Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2019 MVP winners after reviewing nearly 900 submissions.*

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