

## MVP: Mayer Brown's Nancy Ross

By Emily Brill

*Law360 (October 13, 2020, 11:06 AM EDT)* -- Mayer Brown LLP's Nancy Ross scored wins for George Washington University, Northrop Grumman Corp., AT&T and HSBC in Employee Retirement Income Security Act suits this year while leading the firm's ERISA litigation practice, earning her a place among Law360's 2020 Benefits MVPs.

### **HER BIGGEST ACCOMPLISHMENT:**

Over the past year, Ross' litigation work has led a number of big-name clients to victory in suits that could have cost them millions.

She helped Northrop Grumman and GWU beat proposed ERISA class actions challenging their retirement plan management practices, and she secured wins for AT&T and HSBC in suits challenging benefit denials.

Ross said she considers "putting to bed these unwarranted attacks on corporate America's benefit plans" her biggest accomplishment of the past year.

"This series of lawsuits — and this has really been going on now since 2006, when the first wave came in — is distracting, costly and frankly very upsetting to the fiduciaries whose names are often on the pleadings," Ross said. "They take it personally that how they conducted themselves is being challenged. Having the court vindicate them and say there is nothing behind these allegations is very rewarding."

The Northrop victory was particularly sweet, Ross said, because it beat back a part of a new trend in ERISA litigation: challenges to pension reductions that arise after a fiduciary corrects a calculation error.

That case sets a precedent that "innocent mistakes without a showing of true harm are not actionable," Ross said.

"That is critical in this day and age," she said. "When you have a plan that's the size of 100,000 participants, mistakes are going to happen."



#### **HER BIGGEST CHALLENGE:**

When asked to describe her biggest challenge this year, Ross said she might as well confront the "Goliath in the room": the COVID-19 pandemic.

The pandemic has challenged the practice of law in both large and small ways, Ross said. The smaller issues arise while getting used to conducting hearings and depositions remotely — i.e., "remembering to not be on mute" — and the larger issues come about when brainstorming needs to occur, she said.

"There's so much to be gained from sitting around a conference table and brainstorming and pulling people together, with somebody saying, 'Who knows this? John Smith knows this, let's get him up here,'" Ross said. "There are a lot of things that can be done remotely, but there's a lot lost when you're not getting people together in person."

#### **HER ADVICE FOR JUNIOR ATTORNEYS:**

Ross said her biggest advice to incoming attorneys is that "credibility and integrity matters."

"If you stay in this practice, you're only as good as your word, and word travels. It travels with your opponents, with the judges," Ross said.

For incoming benefits attorneys specifically, Ross recommended "rolling up your shirtsleeves and throwing yourself in" when presented with a complicated case, which benefits cases often are.

"This is not a superficial area of the law. I'm not sure if there is a superficial area of the law, but this is not your average contract dispute," Ross said.

For attorneys feeling daunted by the complexity, Ross recommended they immerse themselves in the details of the litigation they handle.

"There is no substitute for preparation of your case," Ross said.

#### **WHY SHE'S A BENEFITS ATTORNEY:**

Ross became a benefits attorney not long after ERISA was enacted, giving her the chance to become her first law firm's "resident expert on this new statute."

Gaining that expertise gave her the opportunity to transition away from employment law into benefits law at a time when benefits attorneys were hard to come by, she said. She's been doing benefits law ever since.

"It was hard, it was heady, it involved arcane tax issues and actuarial principles, and it never got boring," Ross said.

— *As told to Emily Brill*

*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 2020 MVP winners after reviewing more than 900 submissions.*