

MVP: Mayer Brown's Nancy Ross

By Kellie Mejdrich

Law360 (September 23, 2022, 2:02 PM EDT) -- Mayer Brown LLP's Nancy Ross won summary judgment rulings ending Employee Retirement Income Security Act suits against Northrop Grumman and AT&T, along with dismissals for several employers facing 401(k) challenges, all while leading her firm's ERISA litigation practice, landing her a spot among Law360's 2022 Benefits MVPs.

HER BIGGEST ACCOMPLISHMENTS THIS YEAR:

Two summary judgment rulings in separate ERISA class actions this past year against Northrop Grumman and AT&T stood out at a time when class action lawsuits from workers challenging retirement plan administration has "drastically increased," Ross told Law360.

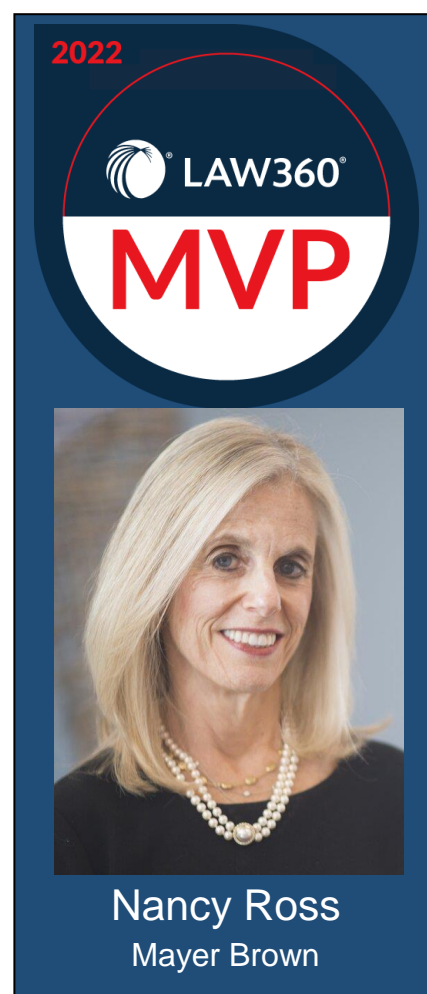
Ross was lead counsel representing AT&T in a class action first brought in 2017 by workers alleging mismanagement of an employee 401(k) plan with more than \$34 billion in assets and more than 240,000 participants.

"The judge gave us a run for our money," Ross said, noting that U.S. District Judge Virginia A. Phillips denied a motion to dismiss in 2018 and denied a motion for reconsideration in 2019 before she agreed to grant summary judgment on all remaining claims in favor of AT&T in September 2021.

"That was a terrific and a very meaningful decision to get because it was one of the first, if not the first of its kind, in the California federal courts," Ross said.

Ross described the summary judgment win ending an ERISA class action against Northrop Grumman over severance benefits — which went on for nine years — as a "hard-fought battle."

In March, U.S. District Judge Andrea R. Wood granted summary judgment to the aerospace and defense company on all three of the ex-workers' claims in a case initially certified as a class action in October 2019.



Ross said it was "really quite fulfilling" to get a detailed opinion in favor of Northrop Grumman after years of rulings that kept the case alive.

HER BIGGEST CHALLENGE THIS PAST YEAR:

Ross said her biggest challenge this year was "trying to guide and advise plan fiduciaries in the litigious environment," where actions of retirement plan managers are under the spotlight.

"So with each new lawsuit, it was not only a matter of defending the lawsuit and trying to get the courts to recognize that the allegations had no merit," Ross said. "At the same time, I felt a responsibility to guide the fiduciaries in their decisions while the case was pending. And in this day and age, it was somewhat difficult to determine — what decision would be risk-free?"

Ross explained that after and during the pendency of a lawsuit, plan managers need advice on a range of issues from how to decide which investments to offer to what investment advisers to engage.

"This area has become a real minefield," she said.

WHAT MOTIVATES HER:

Ross said she's motivated by how ERISA affects a large percentage of American workers and their retirements. "I've been doing nothing but ERISA litigation for 35 years. I wouldn't sustain it if I didn't feel passionate about it," she said.

"Even though I represent the employers, what I really believe I'm doing is preserving the retirement security of all of these workers, because I'm helping the employers to ... make prudent decisions, and ... continue to offer these plans," Ross said.

She said another major motivating factor was defending individuals named in these lawsuits who face allegations "because they have voluntarily agreed to take on responsibility" for employee retirement plans.

"You realize how concerning it must be, to all of a sudden be brought into a class action lawsuit that's getting press and requiring you to sit for depositions or to testify on the witness stand," Ross said.

HER ADVICE FOR JUNIOR ATTORNEYS:

Ross said it's crucial to "find an area of law that does excite you, that you can relate to."

Additionally, she said, attorneys need to treat adversaries cordially and courteously. "I think there is far too much incivility between attorneys in the practice of law," she said.

"The most important part of your professional life and personal life is your reputation. Your integrity is everything," Ross said.

— *As told to Kellie Mejdrich.*

Law360's MVPs of the Year 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 2022 MVP winners after reviewing more than 900 submissions.