

MVP: Mayer Brown's Nancy Ross

By **Caleb Drickey**

Law360 (October 3, 2023, 1:02 PM EDT) -- Nancy Ross of Mayer Brown LLP persuaded a Connecticut jury that Yale University did not squander benefits plan funds on recordkeeping fees, cementing her spot among Law360's 2023 Benefits MVPs.

Her biggest accomplishment over the past year:

Ross represented Yale University against retirement plan participants who claimed that the university breached duties under the Employee Retirement Income Security Act by allowing plan administrators to charge unreasonable recordkeeping fees and failed to monitor investment options offered to plan participants.

Although the jury ruled that recordkeeping fees were excessive, it awarded the plaintiffs \$0 in damages and otherwise granted the university victory on all counts.

Complex benefits cases rarely go before juries, Ross said. Because jurors often lack the legal and technical expertise of judges, Ross said that the decisions of juries are often colored not only by strict interpretation of written law, but also by moral judgments.

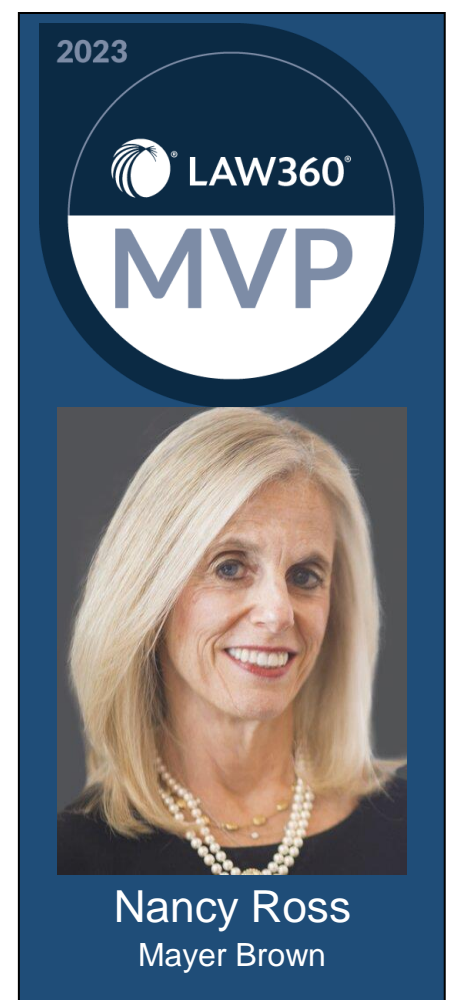
"When you're getting a decision from a jury, you're really getting a heartfelt decision about what is right and what is wrong," Ross said.

To guide a jury to the conclusion that Yale's behavior was not only legally permissible but morally correct, Ross said, was a matter of great pride.

"Hearing the jury come back and read its verdict to us in the courtroom, nothing comes close to that," Ross said.

Why she is a benefits attorney:

Ross credits her career-long affair with ERISA litigation to a partner's mistake and good timing. Having worked as a legal assistant for an employment law practice before entering law school, Ross says she always assumed she would pick up where she left off after graduating.



However, she says that ERISA litigation became more common at the start of her career as an attorney. Looking for help on a case, she says a partner at the firm where she worked asked her for help on the mistaken assumption that her knowledge of employment law would carry over neatly to ERISA work.

"I was fortunate to have a partner come to me and ask me to work on an ERISA lawsuit with him, probably because [the law] has the word 'employee' in it," Ross said. "It's an entirely different practice area."

Nonetheless, Ross says that she found, and still finds, satisfaction in defending employers who she says must straddle the line between preserving the benefits earned by retirees and staying solvent enough to keep current employees on payroll.

"It was a very exciting time to be helping companies figure out how they could keep benefits going for retirees while being able to preserve jobs and stay out of bankruptcy court," Ross said of the early stages of her career in ERISA. "The subject matter really interested me."

What motivates her:

Ross, who says that as a woman she is an outlier among senior trial attorneys in the United States, says that she is driven to provide a positive model to both younger colleagues at Mayer Brown and across the industry.

"I pride myself in being one of the few senior women trial attorneys in the country," Ross said. "It's even more narrow when it comes to the particular area of ERISA, and so I know there are others coming up the ladder who are looking at me and at my career."

Simultaneously, she says that her colleagues at Mayer Brown drive her to work harder, think more deeply, and serve her clients better.

"What motivates me, hands down, is the remarkable, brilliant and dedicated team that I work with at Mayer Brown," she said. "The people that I work with are so bright, are such deep thinkers ... I want to be part of that."

Her advice for junior attorneys:

According to Ross, an attorney's reputation is their most valued professional asset. The legal industry is small and insular, she says, and word of unprofessional conduct travels fast and lingers long.

She therefore urged young lawyers to always think of their reputation and act accordingly. Cutting corners or allowing a professional dispute to spill into interpersonal rivalry even once, she said, can permanently damage a career.

"Whether it's in the halls of the courthouse or among your fellow lawyers, word travels quickly with respect to your reputation," Ross said. "Even in the fiercest battle, whether inside or outside of the courtroom, keep it professional. Do not let it become personal, because your career will go sideways."

--As told to Caleb Drickey

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 2023 MVP winners after reviewing more than 900 submissions.

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