



Danielle K. Herring

Shareholder
Co-Chair, ERISA and Benefit Plan Litigation
Practice Group

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Focus Areas

ERISA and Benefit Plan Litigation
Discrimination and Harassment
Wage and Hour
Healthcare
Financial Services
Energy
Home Health and Home Care

Overview

Danielle K. Herring focuses her practice on a variety of employment litigation matters as well as client counseling. She is board certified in labor and employment law by the Texas Board of Legal Specialization.

As co-chair of the firm's Employee Benefits Litigation Practice Group, Danielle's litigation practice includes specific experience defending plan sponsors, fiduciaries and claims administrators in a wide range of ERISA cases across the country, with a particular focus on fiduciary breach and denial of benefits claims filed under ERISA.

Danielle's ERISA litigation and counseling experience includes the successful counseling and defense of benefit plans, their sponsors, their administrators and attendant fiduciaries with regard to:

- Claims that the plan and its fiduciaries improperly denied benefits
- Claims that the plan and its fiduciaries breached fiduciary duties in the management, operation and administration of benefit plans, including failure to properly and correctly communicate with plan participants regarding terms of a plan

- Claims that the plan and its fiduciaries inappropriately excluded certain periods of service and certain types of compensation in benefit calculations and determinations under the benefit plan
- Challenges to modifications and termination of plan benefits
- Enforcement of ERISA plan subrogation/reimbursement rights
- State law claims against employers that are preempted by ERISA

Danielle also vigorously represents employers in defending cases filed in federal and state courts. Danielle's representation extends to proceedings before administrative agencies, such as the Equal Employment Opportunity Commission, the Texas Workforce Commission, the Department of Labor, and the Occupational Safety and Health Administration. Danielle litigates cases and counsels employers on issues involving federal, state and local statutes and regulations, as well as the common law. Her representation of employers in administrative charges, litigation and disputes extends to:

- Race/color, sex, national origin, religion, disability, and equal pay discrimination
- Harassment
- Retaliation
- Wage and hour disputes
- Employment torts
- The Family and Medical Leave Act
- Workers' compensation
- The Employee Retirement Income Security Act

Danielle serves as co-chair of 'Ohana, the firm's affinity group for attorneys of Asian, South Asian, Pacific-Islander, Middle Eastern, and North African descent. In addition, she is on the steering committee for the firm's Women's Leadership Initiative and a member of the firm's Diversity & Inclusion Council.

Professional and Community Affiliations

- Member, American Bar Association
- Member, Houston Bar Association
- Member, Asian American Bar Association of Houston
- Member, State Bar of Texas
- Fellow, Texas Bar Foundation
- Member, National Asian Pacific American Bar Association
- Dean, Delta Theta Phi Law Fraternity International, Baylor University School of Law
- Council member, Labor & Employment Section, Houston Bar Association, 2012-2015

Recognition

- Named, Rising Star, Texas, *Super Lawyers*, 2016-2017

- Named, Rising Star, *Texas Monthly Magazine*, 2012-2015
- Named, Top Lawyer, *Houstonia Magazine*, 2015

Education

J.D., Baylor University School of Law, 2003

B.A., Baylor University, 1998, *With Honors*

Bar Admissions

Texas

Courts

U.S. District Court, Northern District of Texas

U.S. District Court, Eastern District of Texas

U.S. District Court, Southern District of Texas

U.S. District Court, Western District of Texas

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 9th Circuit

Publications & Press

Congress Considers Banning Discretionary Clauses in ERISA Plans

Little ASAP

May 19, 2022

What are you? A Conversation with Littler's "Other" Attorneys

Little Podcast

May 17, 2021

Littler Appoints New Leadership to Its Affinity Groups and Diversity & Inclusion Council

Little Press Release

March 22, 2021

Circuit Courts Grapple With the Permanence of Retiree Health Benefits Under Collective Bargaining Agreements

Little Insight

August 12, 2019

Another Post-Dudenhoeffer 'Stock Drop' Casualty

Law360

May 1, 2018

A Uniform Standard of Review in ERISA Benefit Denial Cases: The Fifth Circuit Overrules Itself to Fall in Line with Other Courts

Little ASAP

March 16, 2018

Little's 'Ohana Affinity Group Names Danielle Herring as Co-Chair

Little Press Release

January 30, 2018

Two Little Shareholders Named as Practice Group Co-Chairs

Little Press Release

June 2, 2017

Workplace Equity: Striving to Become Gender-Neutral in the Office

Texas Lawyer

November 1, 2016

Claims Review Procedures Must Be in Plan Document (Not Just SPD) Post-Amara, District Court Holds

Little ASAP

January 11, 2012

Little Mendelson Announces 13 Newly-Elevated Shareholders

Little Press Release

January 19, 2010

Speaking Engagements

2022 Houston Regional Employer Conference

Houston, TX

October 6, 2022

Federal Employment Law Update

The University of Texas School of Law, 29th Annual Labor and Employment Law Conference; Austin, TX

May 5, 2022

2021 Houston Employer Conference

Houston, TX
October 26, 2021

Federal Employment Law Update

The University of Texas School of Law, 28th Annual Labor and Employment Law Conference; Austin, TX
May 6, 2021

2020 Texas Employer Conference

Houston, TX
August 13, 2020

Federal Employment Law Update

The University of Texas School of Law, 27th Annual Labor and Employment Law Conference; Austin, TX
May 7, 2020

Federal Employment Law Update

The University of Texas School of Law, 26th Annual Labor and Employment Law Conference; Austin, TX
May 9, 2019

2018 Houston Employer Conference

Houston, TX
August 8, 2018

Closed Due to Inclement Weather - Best Practices for Addressing Employment Issues Following Natural Disasters

Houston, TX
October 24, 2017

Human Resource Law from A to Z

NBI Seminar, Houston, TX
May 2, 2017

2016 Houston Employer Conference

Houston, TX
August 11, 2016

Chutes and Ladders: Tips for Winning When Faced with Wage/Hour Challenges Under the FLSA

October 22, 2015

2015 Houston Employer Conference

Houston, TX
August 13, 2015

Hiring, Performance Management and Termination

Labor & Employment Webinar Series - Littler Mendelson and BB&T
September 18, 2014

The 2014 Houston Employer Conference

Houston, TX
August 14, 2014

Ethical Issues for Corporate Counsel

Littler Mendelson, Houston, TX
August 22, 2013

The Shifting Landscape of Employee Benefits – Imperatives for 2012 and Beyond

Los Angeles, CA
October 11, 2012

Controlling Employee Personal Behavior in the Age of Social Media and Personal Technology

Littler Mendelson, Houston, TX
August 2, 2012

The 2012 Houston Employer Conference

Houston, TX
August 2, 2012

Top Ten Mistakes Employers Make, and How to Avoid Them

2012 Annual Meeting - State Bar of Texas
June 14, 2012

The 2011 Houston Employer Conference

Houston, TX
August 11, 2011

Retaliation: How Do You Stop It, What Does It Mean and Why Are Claims Still Growing?

Littler Mendelson, Houston, TX
August 12, 2010

The Lilly Ledbetter Fair Pay Act: How to Walk the Minefield

Houston, TX
June 30, 2009

Federal Discrimination Update – Recent Decisions of Interest from the Supreme Court and Fifth Circuit

Advanced Employment Law CLE - University of Houston, Houston and Dallas, TX
March 2009

Avoiding Employment Law Claims: Top Ten Ways to Avoid Getting Sued by Employees

University of Houston Law Foundation, Houston and Dallas, TX
June 2008

Don't Say FMLA Unless You Mean It

Legal Update, Labor and Employment Section - Houston Bar Association
June 2006

Managing Human Resources: A Legal Perspective

University of Houston Continuing Education, Houston, TX
2006

Legal Fundamentals for Employers

Houston, TX
November 16, 2005

Top Ten HR Issues

Nonprofit Law Institute, Houston, TX
March 3, 2005

Books & Book Chapters

- *Employee Benefits Law, Third Edition, 2015 Cumulative Supplement*, Contributing Author