



Rachel P. Kaercher

Shareholder

3424 Peachtree Road NE
Suite 1200
Atlanta, GA 30326
main: (404) 233-0330
direct: (404) 443-3509
fax: (404) 233-2361
rkaercher@littler.com



Focus Areas

Discrimination and Harassment
Unfair Competition and Trade Secrets

Overview

Rachel P. Kaercher represents benefit plans and their fiduciaries throughout the country in litigation matters arising under the Employee Retirement Income Security Act (ERISA) litigation. She has particular experience defending against matters alleging improper denial of benefits and breach of fiduciary duties, and also matters pertaining to the enforcement of ERISA plan subrogation and reimbursement rights. She also represents employers in defense of ERISA section 510 (retaliation) claims.

In addition to her ERISA litigation practice, Rachel represents employers in a wide variety of employment-related claims, including those based on age, race, color, national origin, disability, harassment, sexual discrimination, leave status, and retaliation. She handles these claims in both the litigation and administrative charge phases, including a particular focus in defending against whistleblower retaliation claims under the Sarbanes-Oxley Act of 2002 (SOX) and other statutes administered by the Occupational Safety and Health Administration (OSHA).

Prior to joining Littler, Rachel was a litigation associate with a regional mid-sized law firm, where her practice included complex commercial litigation, white collar criminal defense, and employment litigation.

After law school, she completed a judicial clerkship for the Hon. Russell G. Vineyard at the U.S. District Court for the Northern District of Georgia. In law school, Rachel served as senior managing editor for the *Vanderbilt Journal of Entertainment & Technology Law*.

Professional and Community Affiliations

- Member, Young Lawyer's Division and Labor & Employment Section, Atlanta Bar Association
- Member, Kirkwood Neighbors' Organization

Recognition

- Named, Ones to Watch, *The Best Lawyers in America*®, 2021-2022

Education

J.D., Vanderbilt University Law School, 2011

B.A., Davidson College, 2008, *magna cum laude*

Bar Admissions

Georgia

Courts

U.S. Court of Appeals, 4th Circuit

Georgia Supreme Court

Georgia Superior Courts

Georgia Court of Appeals

U.S. District Court, Northern District of Georgia

Languages

French

Publications & Press

Littler Elevates 33 Attorneys to Shareholder

Littler Press Release

January 6, 2022

Best Lawyers in America® 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

True Progress: Female Lawyers as Multi-Dimensional Characters in the Media

Law school transparency podcast

November 2016

Is That Really Me? Social Networking and the Right of Publicity

Vanderbilt Journal of Entertainment & Technology Law

Spring 2010

Speaking Engagements

ERISA Breach of Fiduciary Duty Claims Challenging Retirement Plan Investments and Fees

March 3, 2022