

Rachel P. Kaercher

Shareholder

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Focus Areas

Discrimination and Harassment
Unfair Competition and Trade Secrets
ERISA and Benefit Plan Litigation

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

Recognition

- Named, Ones to Watch, *The Best Lawyers in America*®, 2021-2024

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

Publications & Press

Michigan Court Dismisses ERISA Class Action

Littler Insight

October 6, 2023

Update in ERISA Litigation Involving Breaches of Fiduciary Duty Claims

Littler Insight

January 25, 2023

DOL Issues Final Rule for ERISA Fiduciaries Considering Socially Conscious Investments

Littler ASAP

December 12, 2022

Atlanta Amends Anti-Discrimination Ordinance to Include Protections for Gender Expression and Criminal Histories

Littler ASAP

November 10, 2022

Atlanta Amends Anti-Discrimination Ordinance to Include Protections for Gender Expression and Criminal Histories

SHRM Online

November 4, 2022

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

Don't Be The 401(k) Fiduciary with a Multi-Million Dollar Settlement - Learning from Recent ERISA Class Actions

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

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

March 3, 2022