



## Russell D. Chapman

Special Counsel

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## Focus Areas

Employee Benefits  
ERISA and Benefit Plan Litigation  
Executive Compensation  
Littler Fiduciary Toolkit

## Overview

For more than 30 years, Russell D. Chapman has represented clients in all areas of employee benefits and Employee Retirement Income Security Act matters. Prior to joining Littler, he founded the labor and employment section of a well-known Dallas firm, focusing on employee benefits, labor and employment law, employment discrimination, and wrongful termination, including related litigation. He regularly appears before the Internal Revenue Service, the Department of Labor, and other agencies regarding:

- Pensions
- Profit sharing
- Employee Stock Ownership Plans
- 401(k) plans
- Group health and welfare plans

He is board certified in labor and employment law by the Texas Board of Legal Specialization.

Russell also has specific experience in focused areas of health and welfare benefit plans, including:

- Group health plans (both ERISA-covered and non-ERISA covered)
- Affordable Care Act
- Employer-provided mandatory wellness programs
- On-site medical facilities

With a broad spectrum of notable litigation experience, Russell has represented:

- A major national employer at district court and on appeal, where the court affirmed summary judgment for the client in a class action lawsuit to clarify an employer's right to amend terms of its retiree health plan
- A major employer in a Texas workers' compensation retaliation case involving violence in the workplace
- The trustee of a multi-million dollar employee benefit plan in pursuing former fiduciaries of plan for alleged fiduciary breaches and improprieties
- A large employer in complex defined-benefit plan distress termination proceedings before the Internal Revenue Service, the Department of Labor and the Pension Benefit Guaranty Corporation

He has obtained a successful outcome in a suit for wrongful termination and sexual harassment and negotiated a favorable settlement in a racial bias Title VII claim, among other cases. He has obtained favorable rulings in U.S. District Courts and at the U.S. Fifth Circuit Court of Appeals in ERISA and other employment litigation cases.

Additionally, Russell provides legal consulting on ERISA, employee benefits and labor and employment matters. He works with a diverse group of clients, including the following industries:

- Telecommunications
- Real estate
- Heavy manufacturing
- Financial
- Retail
- Tax-exempt charitable organizations
- National defense employers
- High technology
- Hospitality industry, including hotels, restaurants and casinos

Prior to entering private practice, Russell served as in-house counsel with a Fortune 20 energy company where he handled all areas regarding employee compensation and benefits. Formerly an adjunct professor of law at Oklahoma City University Law School and College of Business, Russell taught ERISA compliance and litigation as an adjunct professor of law at Southern Methodist University, Dedman School of Law for nine years. He also is an instrument-rated private pilot.

## Professional and Community Affiliations

- Member, Texas Bar Association
- Member, Oklahoma Bar Association
- Member, Labor and Employment, Employee Benefits and Executive Compensation and Litigation sections, American Bar Association
- Member, Dallas Bar Association
- Former Member, Board of Directors, Co-Chair of Education Committee, SouthWest Benefits Association

## Recognition

- Named, Super Lawyer, *Texas Monthly Magazine*, 2006-2008 and 2010 and 2011
- Named, Best Lawyers in Dallas in Labor and Employment Law, *D Magazine*, 2013
- Awarded, AV<sup>®</sup> Peer Review Rating, *Martindale-Hubbell*

## Education

LL.M. in Taxation, Southern Methodist University, Dedman School of Law, 1983

J.D., University of Tulsa, 1978, *With Honor*

B.A., University of Oklahoma, 1975

## Bar Admissions

Texas

Oklahoma

## Courts

U.S. Court of Appeals, 5th Circuit

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

## Publications & Press

### **The Uncertain Future of Texas Paid-Sick-Leave Ordinances**

*SHRM Online*

June 23, 2020

### **Silence from on High: The Uncertain Future of Texas Paid Sick Leave Ordinances**

*Littler ASAP*

June 16, 2020

### **Dallas Paid Sick Leave Ordinance is Enjoined**

*Littler ASAP*

March 31, 2020

**Student Loan 401(k) Matches Could Still Trigger IRS Ire**

*Law360*

September 20, 2018

**DOL Issues Proposal Governing Association Health Plans**

*Littler ASAP*

January 5, 2018

**EEOC Must Reconsider its Wellness Regulations**

*Littler ASAP*

August 23, 2017

**EEOC Settlement of Wellness Suit Leaves Unresolved Issues**

*SHRM Online*

April 27, 2017

**Future Of Wellness Program Regs Murky After Block Denied**

*Law360*

January 19, 2017

**Battle Line Drawn on Wellness Incentives**

*Human Resource Executive Online*

January 17, 2017

**Half a Loaf: Court Rejects ADA "Safe Harbor" But Approves Pre-Regulations Wellness Program as "Voluntary"**

*Littler Insight*

September 23, 2016

**EEOC Issues Final Rules on Wellness Programs**

*Littler Insight*

May 20, 2016

**The Wellness Program Awakens: District Court Rejects EEOC Challenge in Flambeau**

*Littler Insight*

January 8, 2016

**New Year, New ACA Provisions, Court Cases and More**

*California Healthline*

January 6, 2016

**ACA Outlook: What Will 2016 Hold for the Affordable Care Act and Employers?**

*Littler Insight*

December 31, 2015

**The EEOC Issues Proposed Rule on GINA and Wellness Programs**

*Littler Insight*

November 17, 2015

**EEOC: Incentives for Health Assessments of Spouses Permitted**

*SHRM*

November 3, 2015

**EEOC Issues Long-Awaited Proposed Rule on Employer Wellness Programs**

*Littler Insight*

May 14, 2015

**Labor & Employment Legislation, Regulation To Watch In 2015**

*Law360.com*

January 2, 2015

**The Affordable Care Act and Staffing: One Size Does Not Fit All**

*Society for Human Resource Management (SHRM)*

December 30, 2014

**ACA Outlook: What Will 2015 Hold for Employers?**

*Society for Human Resource Management (SHRM)*

December 23, 2014

**The Affordable Care Act and Staffing: One Size Does Not Fit All**

*Littler Insight*

December 19, 2014

**ACA Outlook: What Will 2015 Hold for the Affordable Care Act and Employers?**

*Littler Insight*

December 18, 2014

**3 Tips For Avoiding EEOC Suits Over Wellness Programs**

*Law360.com*

October 10, 2014

**EEOC Directly Challenges Wellness Program for the First Time**

*Littler ASAP*

August 29, 2014

**EEOC Will Square Financial Inducements to Wellness Programs with ADA**

*Society for Human Resource Management (SHRM)*

June 10, 2014

**Double Whammy, Part II: EEOC Stance and ACA Final Regulations Impose New Burdens on Wellness Programs**

*Littler Insight*

August 8, 2013

**Unsolicited and Informal ERISA Complaints May Be the Basis for ERISA Section 510 Retaliation Claims, Seventh Circuit Holds**

*Littler ASAP*

September 10, 2012

**New Life: The Eleventh Circuit Turns Back ADA Challenge to Employer's Wellness Program**

*Littler Insight*

August 23, 2012

**Health Care Reform Stands & Employers Must Now Take Action**

*Littler Insight*

June 28, 2012

**Once Bitten, Twice Shy: COBRA Excise Tax Audits May Add to COBRA's Bite**

*Littler Insight*

April 12, 2012

**IRS Issues New COBRA Audit Guidelines**

*Littler ASAP*

April 11, 2012

**Supreme Court Hears Oral Arguments on Health Care Reform: Will the Affordable Care Act Survive?**

*Littler Insight*

April 6, 2012

**Federal Funds for Workplace Wellness Programs**

*Littler ASAP*

July 7, 2011

**2011 Deadlines Loom for Plan Amendments for Health FSA Over-the-Counter Medication and Other Health Care Reform Requirements**

*Littler Insight*

June 16, 2011

**Proposed Legislation to Provide Tax Relief for Domestic Partner Health Coverage**

*Littler ASAP*

June 13, 2011

**Wellness Program Survives Class Action Challenge**

*Littler ASAP*

April 21, 2011

**Legislating Wellness: Proposed Bills to Support Workplace Wellness Programs**

*Littler ASAP*

February 8, 2011

**New Class Action Wave Against Wellness Programs?**

*Littler ASAP*

December 10, 2010

**Nondiscrimination Requirements for Insured Group Health Plans**

*Littler ASAP*

September 28, 2010

**Safe Harbor (Of Sorts) on Federal External Review Procedures for Self-Insured Plans**

*Littler ASAP*

August 30, 2010

**New Health Care Claims and Appeal Rules Will Include a Tax Bite**

*Littler Insight*

August 12, 2010

**New Health Plan Regulations: Internal & External Review for Denied Claims**

*Littler ASAP*

July 26, 2010

**Not a Hard Case: Supreme Court Resolves Conflict on Awarding Attorney Fees in ERISA Cases in *Hardt v. Reliance Standard Life***

*Littler Insight*

May 28, 2010

**New PPACA Dependent Child Regulations**

*Littler ASAP*

May 13, 2010

**IRS Provides Guidance for Applying New Coverage Rules for Children Under Age 27**

*Littler ASAP*

April 28, 2010

**On-Site Clinics Resurface as Latest Healthcare Trend**

*Littler ASAP*

March 30, 2010

**Recent Survey Confirms Employers Complying with Mental Health Parity and Addiction Equity Act (MHPAEA)**

*Littler ASAP*

March 15, 2010

**Double Whammy – EEOC ADA Opinion Letter and GINA Interim Final Regulations Restrict Health Risk Assessments in Wellness Initiatives**

*Littler Insight*

December 2, 2009

**Recent Legislation and Regulations Require Changes to Health and Welfare Benefit Plans**

*Littler Insight*

July 16, 2009

**The Emerging New Workforce: Employment and Labor Law Solutions for Contract Workers, Temporaries, and Flex-Workers**

*Littler Report*

May 11, 2009

**Effective Date of New Special Enrollment Period Under CHIPRA Arrives**

*Littler Insight*

April 1, 2009

**Wellstone Act's Effective Date For New Mental Health and Substance Use Disorder Parity Rules Clarified**

*Littler Insight*

January 7, 2009

**Equal Mental Health and Substance Use Benefits Realized**

*Littler Insight*

October 16, 2008



**The Supreme Court Considers Conflicts of Interest in Benefit Claims Procedures**

*Littler Insight*

June 27, 2008

**IRS Releases Final HSA Comparability Regulations for Catch-Up and Accelerated Contributions**

*Littler Insight*

May 30, 2008

**Employer Mandated Wellness Initiatives: The Continuum from Voluntary to Mandatory Plans**

*Littler Report*

April 25, 2008

**Proposed Rule Clarifies Prohibition on Employer Incentives to TRICARE Beneficiaries**

*Littler Insight*

April 24, 2008

**Supreme Court Addresses the Remedies Available for Fiduciary Breach Under ERISA**

*Littler Insight*

February 26, 2008

**Coordination of Retiree Health Benefits with Medicare and State Health Benefits**

*Littler Insight*

January 18, 2008

**IRS Extends 409A Compliance Deadline and Provides Guidance on 409A Reporting**

*Littler Insight*

November 7, 2007

**IRS Extends Section 409A Documentation Deadline – Action Still Required By December 31, 2007**

*Littler Insight*

September 19, 2007

**Section 409A Broadly Impacts Employment Agreements, Severance Arrangements and Settlement Agreements**

*Littler Insight*

August 9, 2007

**401(k) Plan Fees Litigation: Is The Dam Breaking? A Slew of Class Action Lawsuits Alleging Shady Fee Practices Rolls**

**401(k) Sponsors**

*Littler Insight*

April 5, 2007

**Reeves v. Sanderson Plumbing Products: The Emperor Has No Clothes -- Pretext Plus Is Alive and Kicking**

*St. Mary's Law Journal*

December 2005

**Much Ado About Nothing - Why Desert Palace Neither Murdered McDonnell Douglas Nor Transformed All Employment Discrimination Cases to Mixed-Motive**

*St. Mary's Law Journal*

2005

**Navigating Through the Devil's Triangle – Leave Issues Under ADA, FMLA and Texas Workers' Comp**

*Compensation and Benefits Journal*

2002

## **Speaking Engagements**

**IRS and DOL Audits Explode – How to Avoid Penalties**

February 2018

**Avoiding IRS and DOL Penalties**

September 2017

**Utilizing On-Site Medical Clinics to Reduce Health Care Costs**

July 2017

**Ethics Issues for Benefits Practitioners**

June 2017

**EEOC Wellness Program Regulations: What Do They Say, and How Will They Impact Your Wellness Programs?**

June 29, 2016

**ACA Frequently Asked Questions**

August 22, 2013

**What Does The New Omnibus HIPAA/HITECH Final Rule Really Mean For Employers And Their Service Providers?**

February 19, 2013

**Health Care Reform: Compliance Issues Which Require Employers' Immediate Attention**

October 2, 2012

**U.S. Supreme Court Upholds Health Care Reform – What Does This Mean for Your Company?**

July 11, 2012

**U.S. Supreme Court Upholds Health Care Reform – What Does This Mean for Your Company?**

June 29, 2012

**The Religious Freedom Protection and Illinois Civil Union Act: What Does It Mean for Employers?**

Audio Conference - Briefings Media Group: State Law Training

April 14, 2011

**The ADA Final Regulations, EEOC Enforcement Initiatives and GINA**

Dallas, TX

April 12, 2011

**Utilizing Mobile and On-Site Medical Clinics to Reduce Health Care Costs**

Audio Conference, Lorman Education Services

March 24, 2011

**The Illinois Civil Union Act: What Does It Mean for Employers?**

Chicago, IL

March 16, 2011

**Wellness Programs and Healthcare Reform: The 'Cadillac' Effect**

Lorman Education Services

November 2010

**Health Care Reform: Employers Brace for Impact**

Women's Financial Exchange of Dallas

August 2010

**Whose Business Is It Anyway? New Workplace Privacy Rules Under GINA, HIPAA and Other Laws**

Amarillo Bar Association

May 2010

**On the Cutting Edge of Workplace Privacy**

Dallas, TX

February 4, 2010

**Wellness Initiatives: How Far Can the Employer Go?**

Houston Wellness Association

January 2010

**Dependent Audits of Employer Health Plans**

Dallas WEB  
August 2009

**Privacy Issues in Employer Wellness Initiatives**

International Association of Privacy Professionals  
June 2009

**You're Gonna Miss Me When I'm Gone: ERISA Fiduciary Tricks, Traps and Downright Tragedies**

Dallas WEB  
August 2008

**Wellness Initiatives: How Far Can an Employer Go?**

South Texas College of Law  
July 2008

**Privacy and Data Protection of Employee Health Information**

Texas Bar Association  
May 2008

**ERISA Section 502(a)(2) Claims After LaRue: Deluge or Drizzle?**

Texas Bar Association  
May 2008

**ERISA Update for Corporate Counsel**

Dallas Bar Association  
April 2007

**Identity Theft: Issues For Employers**

Oklahoma City Human Resources Roundtable  
March 2007

**ERISA Basics for the Uninitiated**

Dallas Women Lawyers Association  
1997

**Fiduciary Issues In Managing Investments In Participant Directed Accounts: How Do I Avoid Being Sued?**

Dean Witter Reynolds Seminar  
1996

**DOL Position On 'Investment Advice' and ERISA 404(c) Participant Directed Investment Plans**

Dallas Human Resource Association

1996

**ERISA's Greatest Hits: Selected Developments in ERISA and Employee Benefits During the Last Twelve Months**

Institute of Business Law, California State University, Los Angeles

1993-1996

**67 Questions: An Overview of the Final Regulations Under the Family and Medical Leave Act of 1993**

Dallas/Fort Worth Chapter of International Society of Certified Employee Benefits Specialists

1994-1995

**Flying Blind: COBRA, QMCSO's and the Alphabet Soup of OBRA 93**

Dallas/Fort Worth Chapter of International Society of Certified Employee Benefits Specialists

1994