Rachel P. Kaercher

Shareholder

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Practice Areas

Discrimination and Harassment
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*.

Recognition

- Named, Ones to Watch, *The Best Lawyers in America*®, 2021-2025

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 Court of Appeals
U.S. District Court, Northern District of Georgia

Publications & Press

Michigan Court Dismisses ERISA Class Action
Littler ASAP
October 6, 2023

Update in ERISA Litigation Involving Breaches of Fiduciary Duty Claims
Littler ASAP
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
Press Release
January 6, 2022

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers
Press Release
August 19, 2021

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

Events & 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