



# The Law of Employee Pension and Welfare Benefits

*Lawrence A. Frolik, Kathryn L. Moore*

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This book introduces the student to how ERISA and the IRC protect and regulate employee pension and welfare benefit plans. The authors wrote this book mindful of the following concerns:

- **Coverage.** With the intent to create a book that is both comprehensive and teachable, the authors carefully selected cases and secondary materials and wrote concise commentary to illuminate both the forest and the trees. The approach to coverage was determined by topic; the authors relied on case law for issues like preemption, and focused on statutory and regulatory material for topics that are rarely litigated such as qualified plan nondiscrimination requirements. Although the book relies on primary cases and the analysis of statutes and regulations, the authors also excerpted material from many fine articles to introduce the policy implications of employee benefits law.
- **Case Selection.** The authors selected cases that illustrate the judicial interpretation and application of ERISA, with a bias towards Supreme Court decisions. Only cases that aid the understanding of the statute were included. For the most part, the authors avoided squib cases in favor of commentary that explains the law in greater detail.
- **Questions and Problems.** Believing that the best way to involve students is through questions and problems that require them to actively engage the material, the authors included numerous questions and problems that require close examination of the relevant case or applicable statute.
- **Adaptability.** Recognizing that courses in employee benefits can vary considerably based on differing professorial interests and student needs, the authors designed the book to be adaptable. This flexibility reflects the very different types of courses taught by Professors Frolik and Moore.
- **Teachers Manual.** The detailed Teachers Manual provides a summary of every reprinted case, answers each one of the Questions and Problems, provides additional commentary, gives citations to helpful articles, and describes how the authors approach the material.
- **Updates.** In recognition of the changing nature of employee benefits, the authors plan to supplement the book annually with an update of the relevant case law and statutory and regulatory changes.

The new Third Edition includes:

- Expanded coverage and discussion of 401(k) plans with a discussion of their potential, why they are popular and what problems they present.
- Coverage of the Patient Protection and Affordable Care Act and how it relates to ERISA welfare plans.
- Complete and detailed coverage of recent Supreme Court ERISA decisions, including *Cigna Corporation v. Amara* and *Conkright v. Frommert*
- Expanded coverage of cases dealing with fiduciary duties in connection with 401(k) plans including *Hecker v. Deere & Company*, *Jeremy Braden v. Wal-Mart Stores, Inc.*, and *Difelice v. U.S. Airways*.
- Updated and expanded explanations of ERISA preemption of state law.

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