

News

KATELYN HARRELL PUBLISHED IN JOURNAL OF PENSION BENEFITS

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Katelyn Harrell, a partner in BCLP's Class Actions and Mass Torts practice, was published in the Journal of Pension Benefits. In the article, titled "[Evading the Razor's Edge: The Deferential Standard of Review for Fiduciary Action](#)," Katelyn discusses how various Circuits have applied the *Firestone* deferential standard of review to claims outside the ERISA Section 502(a)(1)(B) context.

In *Firestone Tire & Rubber Co. v. Bruch*, the Supreme Court held that courts reviewing benefit claim determinations should apply the abuse of discretion review standard when the terms of the plan subject to the Employee Retirement Income Security Act of 1974 (ERISA) governing the claim grant the fiduciary all discretionary authority to construe uncertain terms or make eligibility determinations under the plan.

Many courts since *Firestone* have applied the "*Firestone*" deferential standard of review to fiduciary conduct outside the benefit claim context, Katelyn writes.

"On balance, courts across the country have been receptive to applying a deferential standard of review where plaintiffs bring breach of fiduciary duty claims against fiduciaries who made discretionary decisions. While there are nuances to the application of the deferential standard, there is strong support for the use of the deferential standard of review beyond benefits cases."

Related Capabilities

- Class Actions & Mass Torts

Meet The Team



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