



Contact

Russell L. Hirschhorn

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Russell L. Hirschhorn, co-head of the ERISA Litigation Group, represents plan fiduciaries, trustees, sponsors and service providers on the full range of ERISA and state law benefit and fiduciary issues. From single plaintiff to litigation and arbitration to complex class action litigation, he provides practical guidance, develops unique litigation defense strategies and, when appropriate, mediates successful resolutions.

Russell represents clients across a wide array of publicly-held, multi-national companies and privately owned companies across a multitude of industries including, banking, finance and investments, pharmaceuticals, retail products and construction, to name just a few. In addition, he also counsels benefit plan clients on a host of compliance and federal and state government agency enforcement matters, including complex and lengthy investigations and audits by the U.S. Departments of Justice and Labor.

Russell is management co-chair of the American Bar Association Employee Benefits Committee. He also writes on cutting-edge ERISA litigation issues, serving as the co-editor of the Firm's Employee Benefits & Executive Compensation Blog and as a contributing author and a past chapter editor to *Employee Benefits Law* (BNA Third Edition).

Deeply dedicated to pro bono work, Russell was a principal drafter of several

amicus briefs for the Innocence Project, a legal non-profit committed to exonerating wrongly convicted people. Russell has been recognized on several occasions for his commitment to pro bono work including by President George W. Bush in receiving the U.S. President's Volunteer Service Award.

Matters

Benefit Claims

- Honeywell International in an ERISA class action seeking additional pension benefits based on pension formulas available in numerous company locations and allegedly impermissible plan amendments.

Company Stock Fund Class Actions

- Amgen, Inc. in obtaining a favorable ERISA stock-drop ruling from the U.S. Supreme Court.
- Avon Products, Inc. in an ERISA stock-drop class action claiming that the 401(k) plan fiduciaries breached their fiduciary duties because there allegedly was false and misleading material information relating to alleged FCPA violations that was provided to plan participants. (S.D.N.Y.)
- Sanofi in an ERISA stock-drop class action claiming that the 401(k) plan fiduciaries breached their fiduciary duties by failing to disclose alleged corruption in its business, which plaintiffs allege artificially inflated the value of the company stock. (S.D.N.Y.)
- Wells Fargo & Co. in an ERISA stock-drop class action claiming that the 401(k) plan fiduciaries breached their fiduciary duties by concealing material adverse facts related to alleged sales practice issues and failing to take appropriate action with respect to the stock fund. (D. Minnesota)
- Wells Fargo Bank, N.A. in its capacity as the directed trustee of RadioShack's 401(k) plan, in an ERISA stock-drop class action claiming that the directed trustee should have taken action to prevent further investment in the

RadioShack stock fund. (N.D. Texas)

Foreign Exchange Litigation

- JPMorgan Chase & Co. in ERISA class actions alleging breach of fiduciary duty and prohibited transactions claims related to ERISA plan foreign exchange transactions. (S.D.N.Y.)

Government Plans

- Buck Consultants in a claim for indemnification arising out violations of the ADEA in a county pension plan. (D. Maryland)

Proprietary Funds

- Wells Fargo & Co. in an ERISA class action claiming breaches of fiduciary duty in connection with offering proprietary funds as investment options in the 401(k) plan. (D. Minnesota)

Amicus Briefs

- Co-authored an amicus brief that was filed in the U.S. Supreme Court on behalf of the U.S. Chamber of Commerce, ERISA Industry Committee, American Benefits Council, Plan Sponsor Council of America and National Association of Manufacturers in the ERISA stock-drop case of *Fifth Third Bancorp v. Dudenhoeffer*
- Co-authored an amicus brief that was filed in the U.S. Supreme Court on behalf of the ERISA Industry Committee and American Benefits Counsel in a retiree benefits case, *M&G Polymers USA, LLC v. Tackett*

Practices

Employee Benefits & Executive Compensation, ERISA Litigation, Class Actions

Industries

Financial Services

Education

Hofstra University School of Law, J.D., 2001

With Distinction

Research Editor, *Hofstra Law Review*, 2000-2001

Staff Member, *Hofstra Law Review*, 1999-2000

State University of New York at Oswego, B.S., 1998

University of Western Sydney, New South Wales, Exchange Student, 1996

Admissions & Qualifications

New York

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Second Circuit

U.S. District Court, New York, Eastern District

U.S. District Court, New York, Northern District

U.S. District Court, New York, Southern District

Memberships

American Bar Association

New York State Bar Association

Board of Directors of Justice in Aging

Awards & Recognition

New York Super Lawyers 2018-2019

New York Super Lawyers "Rising Stars" 2011-2016

The Legal 500 United States: Leading Lawyer 2020

The Legal 500 United States: Next Generation 2017-2019

The Legal 500 United States: Labor & Employment: Labor & Employment Litigation
2016-2018

The Legal 500 United States: Labor & Employment: ERISA Litigation 2019-2020

New York State Bar Association's President's Pro Bono Award 2013

Urban Justice Center Social Justice Award 2013

The Becket Fund for Religious Liberty Inaugural Legal Service Award 2013

Hofstra University School of Law Emerging Leader Award 2007

Proskauer Rose Pro Bono Golden Gavel Award 2007

The U.S. President's Volunteer Service Award 2004