

## Rachel P. Kaercher

Shareholder

3424 Peachtree Road NE  
Suite 1200, Monarch Tower  
Atlanta, GA 30326  
main: (404) 233-0330  
direct: (404) 443-3509  
fax: (404) 233-2361  
rkaercher@littler.com



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### Focus Areas

Discrimination and Harassment  
Unfair Competition and Trade Secrets  
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*.

## Professional and Community Affiliations

- Member, Young Lawyer's Division and Labor & Employment Section, Atlanta Bar Association

## 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 Superior Courts

Georgia Court of Appeals

U.S. District Court, Northern District of Georgia

## Publications & Press

### Michigan Court Dismisses ERISA Class Action

*Littler Insight*

October 6, 2023

### Update in ERISA Litigation Involving Breaches of Fiduciary Duty Claims

*Littler Insight*

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**

*Littler Press Release*

January 6, 2022

**Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers**

*Littler Press Release*

August 19, 2021

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

*Littler 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

## **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