

News, Events & Publications

James P. Baker

Publications

- Author, "[Epic End to ERISA Class Actions?](#)," Benefits Law Journal, Vol. 31, No. 3, Wolters Kluwer, Autumn 2018
- Co-author, "A Lesson In Perseverance: How Faith Led Three Church-Affiliated Hospitals To Victory At The Supreme Court," Benefits law Journal, Vol. 30, No. 3, Autumn 2017
- Co-author, "Annual Review of Developments in Business and Corporate Litigation," 2017 ERISA Chapter, ABA Recent Developments in Business and Corporation Litigation, 2017 Edition
- Co-author, "ERISA's Church Plans: In Supreme Court Limbo," Benefits Law Journal, Vol. 30, No. 1, Spring 2017
- Co-author, "The ERISA Conundrum - When Is A Plan, Not A 'Plan?'," Benefits Law Journal, Vol. 29, No. 4, Winter 2016
- Co-author, "Timing is Everything: New Rules for Enforcing Medical Plan Reimbursement Rights," Benefits Law Journal, Vol. 29, No. 2, Summer 2016
- Co-author, "'Plan Assets': The Dark Side of the ERISA Moon," Benefits Law Journal, Vol. 28, No. 4, Winter 2015
- Co-author, "The Dude Abides: ERISA Stock Drop Litigation After Dudenhoefffer," Benefits Law Journal, Vol. 28, No. 3, Autumn 2015
- Co-author, "The Nuts and Bolts of Severance Plans Under ERISA," Benefits Law Journal, Vol. 28, No. 2, Summer 2015
- Co-author, "ERISA's New Playground," Benefits Law Journal, Vol. 28, No. 1, Spring 2015
- Author, "Sea Change for ERISA Litigation," Employee Benefit Plan Review, Volume 68, Number 9, March 2014
- Co-author, "Time Is Not Relative For ERISA Statutes of Limitation," Law360, 21 January 2014

- Co-author, " 'Follow the Money!': Can Group Medical Plans Enforce Their Reimbursement Rights Under ERISA?" Benefits Law Journal, Volume 26, Number 3 Autumn 2013
- "Annual Review of Developments in Business and Corporate Litigation," ERISA Chapter, April 2013
- Author, "ERISA's Outer Limits-The Admissibility of Extrinsic Evidence in Denied Claims for Plan Benefits," Benefits Law Journal, Vol. 24, No. 4, Winter 2011
- Author, "ERISA's Lost and Found: The Abandoned Plan Rule," Benefits Law Journal, Volume 24, Number 3, Autumn 2011
- Author, "Rule 23 Skidoo," Benefits Law Journal, Volume 24, Number 2, Summer 2011
- Author, "ERISA's Better Mousetrap," Benefits Law Journal, Volume 24, Number 1, Spring 2011
- Author, "ERISA Litigation Chapter," 2011 Annual Review of Developments in Business and Corporate Litigation, ABA Business Law Section, 2011
- Author, "Obamacare's Claim Review Revolution," Benefits Law Journal, Vol. 23, No. 4, Winter 2010
- Author, "California's Canary in the Coal Mine: Public Pension Underfunding," Benefits Law Journal, Vol. 23, No. 3, Autumn 2010
- Author, "'ObamaCare' and the ABCs of 'Grandfathered' Plans," Law 360, 28 July 2010
- Author, "ERISA's Hotel California," Benefits Law Journal, Vol. 23, No. 2, Summer 2010
- Author, "New Bumps in the Road for the ERISA Stock Drop Juggernaut," Benefits Law Journal, Vol. 23, No. 2, Summer 2010
- Author, "The Magic Words," Benefits Law Journal, Vol. 23, No. 1, Spring 2010
- Author, "ERISA Litigation Chapter," 2010 Annual Review of Developments in Business and Corporate Litigation, ABA Business Law Section, 2010
- Author, "September 2009 Focus on 401(k) Plans: Legal Landmines for Employee Benefit Plan Sponsors During Bad Economic Times," Employee Benefit Plan Review, September 2009
- Author, "ERISA: Life After the Stock Market Shock," Benefits Law Journal, Volume 22, Number 3, Autumn 2009
- Author, "ERISA and the Ghost of Ken Lay," Benefits Law Journal, Volume 22, Number 3, Autumn 2009

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- Author, "The Jury Trial, the Magna Carta, and ERISA," Benefits Law Journal, Volume 22, Number 2, Summer 2009
- Author, "Only In San Francisco?," Commentary, April 2009
- Author, "San Francisco All Over?," Guest Column for Employment Law 360, April 2009
- Author, "A Fiduciary by Any Other Name... Thoughts on Properly Delegating Fiduciary Duties," Benefits Law Journal, Volume 22, Number 1, Spring 2009
- Author, "Retiree Medical Litigation's Dirty Little Secret—Location, Location, Location!," Benefits Law Journal, Volume 22, Number 1, Spring 2009
- Author, ERISA Litigation Chapter, Business Law Section, 2009 Annual Review of Developments in Business and Corporate Litigation, ABA, 2009
- Author, "The Decline and Fall of Temporary Stock Drop Claims," Benefits Law Journal, Volume 21, Number 4, Winter 2008
- Author, "A Constant State of Exhaustion? LaRue v. DeWolff Revisited," Benefits Law Journal, Volume 21, Number 3, Autumn 2008
- Author, "ERISA's Golden Handcuffs," PLI Seminar, October 2008
- Author, "Everything You Always Wanted to Know About a Public Employer's Ability to Modify Retiree Benefits but Were Too Afraid to Ask," Benefits Law Journal, Volume 21, Number 2, August 2008
- Author, "Metlife v. Glenn: How Much Did The Supreme Court Change the Standard of Review in ERISA?," Commentary, June 2008
- Author, "ERISA Section 404(c) Meets The Real World," Benefits Law Journal, Volume 21, Number 1, Spring 2008
- Author, "Analyzing Recent Cases from an ERISA Attorney's Perspective," Inside the Minds, The Impact of 2008 Supreme Court Employment Law Cases, Aspen Publishers
- Author, "Everything You Ever Wanted To Know About Group Medical Plans But Were Too Afraid To Ask," ABA Spring Meeting, Dallas, 10 April 2008
- Author, ERISA Litigation Chapter, ABA Business Law Section, 2008 Annual Review of Developments in Business and Corporate Litigation, 2008
- Author, "Fairy Tale Ending?," Benefits Law Journal, Winter 2007
- Author, "The EEOC Takes a Second Look at the ADEA and Retiree Medical Benefits," Benefits Law Journal, Volume 20, Number 4, Winter 2007

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- Author, "Another Texas Chainsaw Massacre: Did ERISA Section 404(c) Kill 'Stock Drop' Class Actions?," Benefits Law Journal, Volume 20, Number 3, Autumn 2007
- Author, "Medicare-Based Distinctions in Retiree Medical Plans are Exempted From Age Discrimination in Employment Act," Commentary, July 2007
- Author, "Brave New World? New Funding Pitfalls for UK Pensions," Commentary, June 2007
- Author, "Is Coordinating Medicare-Based Benefits with Retiree Medical-Plan Benefits a Form of Age Discrimination?," Commentary, June 2007
- Author, "Future Imperfect? Cash Balance Plans in the New Millennium," Benefits Law Journal, Volume 20, Number 2, Summer 2007
- Author, "How Much Is Too Much? A Primer on the 401(k) Feegate Litigation," Benefits Law Journal, Volume 20, Number 2, Summer 2007
- Author, "401(k) Fee Litigation: Review and Plan of Action," T. Rowe Price Fiduciary Source, Spring 2007
- Author, ERISA Litigation Chapter, ABA Business Law Section, 2007 Annual Review of Developments in Business and Corporate Litigation, 2007
- Author, "Equity's New Clothes?," Employment Law 360, 29 January 2007
- Author, "Making Employer Stock Safe for Your 401(k) Plan," Commentary, January 2007
- Author, "Who Killed Yard-Man?," Benefits Law Journal, Volume 19, Number 4, Winter 2006
- Author, "Finally Good News: Court Rejects Lawsuit Over Temp Drop in Employer Stock," Benefits Law Journal, Volume 19, Number 3, Autumn 2006
- Author, "Follow the Money," Benefits Law Journal, Volume 19, Number 3, Autumn 2006
- Author, "Can Maryland Make Employers Pay or Play?," Benefits Law Journal, Volume 19, Number 2, Summer 2006
- Author, ERISA Litigation Chapter, Business Law Section, 2006 Annual Review of Developments in Business and Corporate Litigation, ABA, 2006
- Author, "Company Stock Funds: A Strategy for Minimizing Liability," Commentary, January 2006
- Author, "Yikes! It's Alive! Supreme Court Rules Terminated Employee Benefits May Have Afterlife!," LegalWorks 18th Annual ERISA Litigation Conference, October 2005
- Author, "Another ERISA Fiduciary Duty Wake-Up Call," Commentary, July 2005

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- Author, "ERISA Litigation: The Law of Unintended Consequences," Commentary, June 2005
- Author, "Through the Looking Glass – PBMs, Lawsuits and Transparency?," Commentary, May 2005
- Author, "Pensioners Receive Protection from Retroactive Plan Change," San Francisco Daily Journal, 5 November 2004
- Author, "The Good, the Bad and the Ugly: Delegating Fiduciary Responsibility After Enron?," Employee Relations Law Journal, Volume 30, Number 1, Summer 2004
- Author, "A 'Provident' Ruling in the Ninth Circuit," Compensation & Benefits Update, 2004
- Author, "ERISA Litigation: A Practitioner's Guide. The Good, The Bad and The Ugly," An Eclectic Selection Of Seven Of The Last Year's Judicial Decisions, Mealey Publications and Conferences Group, 8-9 May 2003
- Author, "Did ERISA Kill Your HMO?," Compensation & Benefits Update, Spring/Summer 2003
- Author, "Posner Proposes ERISA Plan 'safe harbor' language," The National Law Journal, 29 January 2001
- Author, "Get Serious - 9th Circuit Announces New Doctrine Regarding Plan Amendments," Los Angeles Daily Journal, 11 November 1999
- Author, "Get Serious: 9th Circuit Announces New Doctrine Regarding Plan Amendments," Los Angeles Daily Journal, 11 November 1999
- Author, "Microsoft's Three Strikes," The National Employment Labor Law Firm, July 1999
- Author, "Microsoft's Misclassifications," Los Angeles Daily Journal, 6 July 1999
- Author, "Y2K and Employee Benefit Plans: How to Reduce Plan Liability," PTI Committee News, Summer 1999
- Author, "Temporary Twilight Zone," The National Employment Labor Law Firm, November 1998
- Author, "Double Down, Verdicts & Settlements," Special Issue: Employment Law, Los Angeles Daily Journal and San Francisco Daily Journal, 7 August 1998
- Author, "Equal Pay for Equal Work: The Law of Domestic Partner Benefits," ABA, The Labor Lawyer, Summer 1998
- Author, "Retired Care Still Cuttable," D.C. Legal Times, 16 February 1998

Presentations



- Speaker, "ERISA and Pension Litigation," 2015 ABA Spring meeting, 17 April 2015
- Speaker, "Annual California Employee Update," Webinar, 8 December 2014
- Speaker, "2014 Employee Ownership Conference," NCEO, Atlanta, Georgia, 8-10 April 2014
- Speaker, "Annual California Employee Update," Webinar, 12 December 2013
- Speaker, "Class Actions in the U.S. -- Employment, Wage & Hour and ERISA Litigation Updates," Webinar, 20 November 2013
- Speaker, "Five Things ERISA Fiduciaries Can Do Now to Reduce Their Exposure to ERISA Lawsuits," Webinar, 11 September 2013
- Speaker, "Five Things Taft-Hartley Trustees Can Do Now to Reduce Their Exposure to ERISA Lawsuits," 3 September 2013
- Speaker, "ERISA Litigation," American Conference Institute's Fifth National Advanced Forum, 29 October 2012
- Speaker, "ERISA Litigation and Compliance Webinar," FTI Consulting Webcast, 5 June 2012
- Speaker, "Things Employers Can Do Now to Reduce Their Exposure to Employee Benefit Plan Lawsuits," Santa Clara, 17 April 2012; San Francisco, 18 April 2012
- Speaker, "Everything You Ever Wanted to Know About Retirement Plan Problems, But Were too Afraid to Ask," 2011 Spring DOECOA Conference, Las Vegas, Nevada, 26-27 May 2011
- Speaker, "Legal Framework of Public Pension Plans," California Society of Municipal Analysts (CSMA), San Francisco, California, 31 March 2011
- Speaker, "ERISA Class Action Issues and Attorney Fees," 23rd Annual ERISA Litigation Conference, Orlando, Florida, 18 February 2011
- Speaker, "Noncompete Agreements," 22nd Annual All Hands Meeting 2010, Silicon Valley Association of General Counsel, Santa Clara, California, 7 December 2010
- Speaker, "Ten Things You Can Do Now to Prevent ERISA Lawsuits," WEB Chicago Chapter Meeting, Chicago, Illinois, 1 December 2010
- Speaker, "ERISA Class Action Issues and Attorney Fees," 23rd Annual ERISA Litigation Conference, New York, New York, 7 November 2010
- Speaker, "Ten Things You Can Do Now to Prevent Lawsuits," Batelle Laboratories' Annual Attorney Meeting, Columbus, Ohio, 1 November 2010
- Speaker, PSCA National Conference Fiduciary Best Practices, Amelie Island, Florida, 21-24 September 2010

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- Speaker, "Bankruptcy and Employee Benefit Plans: Clearing Hurdles and Developing Solutions," Commercial Law and Bankruptcy Section of the Bar Association of San Francisco, San Francisco, California, 10 August 2010
- Speaker, "ERISA and Pension Litigation," ABA 2010 San Francisco Annual Meeting, San Francisco, California, 9 August 2010
- Speaker, "Hot Topics in ERISA Litigation," ABA Business Law Section, Denver, Colorado 23 April 2010
- Speaker, "Hot Topics in ERISA Litigation," Webinar, 25 March 2010
- Speaker, PSCA Midwest Conference Fiduciary Best Practices, 24 March 2010
- Speaker, "Avoiding Employee Benefit Land Mines During Bad Economic Times," Webinar, 5 May 2009
- Speaker, 2009 Health Care Labor & Employee Relations Symposium, Scottsdale, Arizona, 2-4 March 2009
- Speaker, Health Insurance Boot Camp, Lorman Education Services, San Francisco, California, 4 December 2008
- Speaker, "Noncompete Agreements and Other Post-Employment Restraints in California: What Now?," Practising Law Institute, San Francisco, California, 29 October 2008
- Speaker, "The Rewritten Law of Group Health Plans," Atlanta, Georgia, 23 September 2008
- Speaker, "The Rewritten Law of Group Health Plans," Los Angeles, San Francisco, Palo Alto, 24-26 June 2008
- Speaker, "Five Things Public Employers can do to Protect Their Right to Make Changes to Retiree Benefit Programs," Los Angeles, Irvine, San Diego, Silicon Valley, April 2008
- Speaker, "Everything You Ever Wanted To Know About Group Medical Plans But Were Too Afraid To Ask," MCLE University, Silicon Valley, 18 January 2008
- Speaker, "ERISA Preemption of State Health Care Reform Efforts," National CLE Conference, Vail, Colorado, 9 January 2008
- Speaker, "10 Things Plaintiffs' Lawyers Won't Tell You About 401(K) Plan 'Excess' Service Fee Lawsuits," Webinar, 15 May 2007
- Speaker, "Making Employer Stock Safe for Your 401(k) Plan," ABA Spring Meeting, Washington, DC, 15 March 2007
- Speaker, "Vested Rights Doctrine: A Brief Overview of Its Application to Pension and Other Post-Retirement Benefits," MCLE University, Los Angeles, 25 January 2007

Baker McKenzie.

- Speaker, "ERISA stock drop cases after Enron" MCLE University, San Francisco, 25 January 2006
- Speaker, " Company Stock Funds: How to Minimize the Risks," Chicago, Illinois, 20 October 2005
- Speaker, Layoffs, Shutdowns and Benefit Cutbacks, Legalworks 18th Annual ERISA Litigation Conference, San Francisco, 29-30 September 2005
- Co-chair, Mealey's National ERISA Litigation Conference, Washington, DC, May 2004
- Co-chair, "An Eclectic Selection of Seven of the Last Year's Judicial Decisions," Mealey's National ERISA Litigation Conference, Boston, Massachusetts, 8-9 May 2003
- Speaker, "Revenge of the Nerds!," Employee Benefits Law, 2003 National CLE Conference, Snowmass, Colorado 2003
- Speaker, "Defending ERISA Class Actions," Employee Benefits Law, 2003 National CLE Conference, Snowmass, Colorado 2003
- Speaker, "Employee Benefits Law," National CLE Conference, Snowmass, Colorado, 2000
- Speaker, "Temporary Twilight Zone," National CLE Conference, Snowmass, Colorado, 2000
- Speaker, "Reporting and Disclosure in the New Millennium," National CLE Conference, Snowmass, Colorado, 2000
- Speaker, "Paperless Plan Administration," National CLE Conference, Snowmass, Colorado, 2000