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UNCERTAINTY CLOUDS THE FUTURE OF FEDERAL VACCINE MANDATE

A topic of raging debate is whether such action is legal and will withstand the scrutiny that will be applied to it in the courts.

In September of 2021, President Joe Biden directed the Occupational Safety and Health Administration ("OSHA") to write rules requiring private companies with 100 or more employees to vaccinate their staff against COVID-19, or test those who are not at least once a week. More than 130,000 businesses across the U.S. are bracing for the new rules, which will apply to roughly two-thirds of the private sector workforce. A topic of raging debate is whether such action is legal and will withstand the scrutiny that will be applied to it in the courts. The answer to that question is far from certain, and commentators portraying its foregone acceptance or rejection may be in for a surprise. The reason for this lack or certainty one way or another is largely a product of the method by which the vaccine mandate is being implemented by the Biden Administration.

The constitutionality of a State's ability to pass laws mandating vaccines has been settled for quite some time. The validation for such rules came in 1905, when the United States Supreme Court upheld States' authority to protect their populations against epidemic disease. That ruling came after a minister named Henning Jacobson refused to comply with a Cambridge, Mass., vaccine mandate or pay a $5 fine. After losing his challenges to this law in Massachusetts courts, Jacobson appealed to the United States Supreme Court. In rejecting the challenge on constitutional grounds, Justice John Marshall Harlan explained, "the liberty secured by the Constitution . . . does not import an absolute right in each person to be, at all times and in all circumstances, wholly freed from restraint. . . . On any other basis, organized society could not exist with safety to its members." But the Court's approval of the Massachusetts law was clearly tied to the State's police powers which are reserved to the States through the Tenth Amendment to the United States Constitution. The vaccine mandate which is being implemented through OSHA's regulatory power is a fundamentally different situation implicating different questions.

This is because the Federal Government lacks a true police power generally, which opens the door to a host of constitutional challenges. The Cato Institute, a Libertarian think tank based in Washington, D.C., has observed that there are three arguments that can be raised based on the vaccine mandate instituted by the Federal Government. First, there is a separation-of-powers issue with new regulation being imposed directly by the President, which raises the question of whether Congress can delegate such broad power to the executive branch. Second, even if the executive branch is permissibly interpreting the relevant federal laws, there is a question of whether it is a permissible regulation of interstate commerce. Third, there is an argument that forcing private businesses to do the government's dirty work isn't a "proper" means of effectuating the goal of limiting the pandemic, which is an idea that draws support from the Supreme Court's decision on the Obamacare individual health mandate. However, a reviewing court can simply find that the mandate is a permissible regulation of commerce, and it will stand.

There is also a means by which a reviewing court can invalidate OSHA's new rules without touching these difficult constitutional questions. The Federal Government has the constitutional authority to regulate interstate commerce, and OSHA's mandate to regulate workplaces is based on that principle. The Occupational Safety and Health Act gives the Labor Department authority to protect workers' health and safety. Under the Act, the Secretary of Labor may issue regulations to implement the statute. One such method is for OSHA to issue what is known as an "emergency temporary standard" ("ETS") which can only remain in place for six months. OSHA can enact an ETS if exposure to the virus constitutes a "grave danger" and is "necessary to protect employees from such danger." This is the mechanism by which the Biden Administration has chosen to implement the vaccine mandate for private employers initially. Eventually, OSHA will have to make the ETS the subject of a permanent rule, but the most immediate hurdle is validation of the ETS.

The reason to question whether the present ETS on vaccines will stand is that Court approval of an OSHA ETS is not automatic. OSHA has only issued 10 ETS's in its entire 50-year existence. The last OSHA emergency temporary standard, issued this summer, required health care facilities to mitigate the spread of COVID-19. The next most recent such rule came 38 years ago. However, courts have blocked several of the emergency temporary standards over the years (see below.)

Reviewing courts have stated that the validity of an ETS will depend upon a balance between the protection afforded by the requirement and the effect upon economic and market conditions in the industry. There is subjectivity in this analysis, and the weights a reviewing court assigns to these countervailing interests could change the result. As the last year and a half has shown, there is a wide degree of variability in people's opinions on the dangers posed by COVID-19, what populations are affected and in what way, and what should be the appropriate response considering the risks. Judges bring their own opinions and biases to this analysis.

The only thing that is 100% clear concerning the fate of the vaccine mandate for private employers is that it will have to clear all these hurdles before there is any finality on the subject. The urgency of the need to resolve these matters is even more stark in states such as Montana, where state legislatures are affirmatively banning vaccine mandates as a condition of employment. As a result, compliance with both the federal and state law is impossible. On the one hand, if the vaccine mandate through OSHA passes judicial review, the federal law will supersede any state laws to the contrary. On the other hand, if the federal law does not withstand scrutiny, individual states will be free to pass laws free from federal interference. The answers to these questions is set to play out in the Federal Courts in the coming months and will have a great impact on what the workplace of the future will look like.

OSHA EMERGENCY TEMPORARY STANDARDS (ETS)

YEAR	SUBJECT OF ETS	RESULT OF JUDICIAL REVIEW	JUDICIAL REVIEW CASE CITATION
1971	Asbestos	Not challenged	—
1973	Organophosphorous pesticides	Vacated	*Florida Peach Growers Ass'n v. United States Department of Labor,* 489 F.2d 120 (5th Cir. 1974)
1973	Fourteen carcinogens	Twelve upheld, two vacated	*Dry Color Mfrs. Ass'n v. Department of Labor,* 486 F.2d 98 (3d Cir. 1973)
1974	Vinyl chloride	Not challenged	—
1976	Diving operations	Stayed	*Taylor Diving & Salvage Co. v. Department of Labor*, 537 F.2d 819 (5th Cir. 1976)
1977	Benzene	Stayed	*Industrial Union Dep't v. Bingham*, 570 F.2d 965 (D.C. Cir. 1977)
1977	1,2 Dibromo-3-chloropropane (DBCP)	Not challenged	—
1978	Acrylonitrile (vinyl cyanide)	Stay denied	*Vistron v. OSHA*, 6 OSHC 1483 (6th Cir. 1978)
1983	Asbestos	Stayed	*Asbestos Info. Ass'n v. OSHA*, 727 F.2d 415 (5th Cir.) 1984)

IRS ISSUES GUIDANCE-ENHANCING PLAN CORRECTION PROGRAMS

The Employee Plans Compliance Resolution System ("EPCRS") offers three programs for correcting plan errors.

On July 16, 2021, the Internal Revenue Service ("IRS") issued Revenue Procedure 2021-30, which updated its Employee Plans Compliance Resolution System ("EPCRS"). As background, plan sponsors use EPCRS to correct retirement plan qualification failures in a way that allows the plan to preserve the tax benefits associated with properly maintained retirement plans. The EPCRS offers three programs for correcting plan errors: (1) the Self Correction Program ("SCP"), which allows plan sponsors to self-correct certain failures using pre-approved methods without contacting the IRS or paying a fee; (2) the Voluntary Compliance Program ("VCP"), which allows plans that are not eligible for SCP to correct failures through a written submission to the IRS and payment of a fee; and (3) the Audit Closing Agreement Program ("Audit CAP"), where a retirement plan that has significant problems discovered by an IRS audit can enter into a Closing Agreement with the IRS, make corrections, and pay a sanction.

IRS 2021-30 includes several significant updates to the EPCRS correction programs, the most noteworthy of which are discussed below.

First, the updated EPCRS provides new corrective methods for overpayments paid from defined benefit plans. Effective July 16, 2021, plan sponsors of defined benefit plans that meet certain requirements can correct overpayments using (a) the Funding Exception Correction Method or (b) the Contribution Credit Correction Method. These new correction options supplement the existing guidance under EPCRS.

(a) Under the Funding Exception Correction Method, if a plan is not in critical, critical and declining, or endangered status, it is not necessary to recover overpayments from the plan sponsor or the individual who received the overpayment. For multiemployer plans, the plan's most recent annual funding certification will indicate the Plan's status at the time of correction.

(b) Under the Contribution Credit Correction Method, the amount of the overpayment may be reduced by a "contribution credit." The "contribution credit" is calculated by referencing the cumulative increase in the plan's minimum funding requirements attributable to the overpayment and additional employer contributions, in excess of minimum funding requirements, made to the plan after the initial overpayment.

If the amount of the overpayments is reduced to zero after the contribution credit is applied, no action is required to recover excess amounts already paid to the participant. If, however, a net overpayment remains after the application of the contribution credit, the plan sponsor must take further action to reimburse the plan for the remainder of the overpayments. If the plan chooses to seek recovery from the participant, it must provide written notice and three repayment options must be offered: installment agreement, adjusting future benefit payments, or single sum payment.

Second, effective July 16, 2021, the new EPCRS increased, from $100 to $250, the threshold for corrective distributions and for recovery of overpayments. Under this change, a plan sponsor is no longer required to correct benefit overpayments of $250 or less (or notify recipients of such overpayments that the overpayments are not eligible for favorable tax treatment, including tax-free rollover). Plan sponsors will also not be required to distribute or forfeit excess contribution amounts of $250 or less.

The IRS is currently receiving comments and feedback on the changes implemented by IRS 2021-30. Accordingly, there may be additional updates in the future. In the meantime, plan sponsors should continue to work closely with their plan professionals to self-audit, ensuring that their plans are being administered properly and that their plans remain compliant with all rules and regulations. If you have any questions, please contact our office.

RULING MAY MAKE IT CHEAPER FOR EMPLOYERS TO EXIT PENSION PLANS

The Court of Appeals rejects a commonly-used method of calculating pension withdrawal liability.

On September 28, 2021, the Court of Appeals for the Sixth Circuit rejected a commonly used method of calculating pension withdrawal liability.[1] The holding, which upheld a lower court decision that ERISA prohibits a multiemployer plan from using the "Segal Blend" to determine liability to the plan of a withdrawing employer, could encourage contributing employers who normally would be hit with a big withdrawal liability bill to sue for relief.

As a background, when a contributing employer withdraws from or partially exits a multiemployer pension plan, it usually will trigger "withdrawal liability" if the plan's actuary determines that the plan does not have sufficient assets to pay for the vested benefit liability. The amount of withdrawal liability charged to the employer can range from millions of dollars to almost nothing, and it depends on the method the plan's actuary uses to calculate the withdrawal liability. Generally, the critical factor determining the amount of withdrawal liability that the withdrawing employer owes is the interest rate used to calculate the present value of plan liabilities. The lower the interest rate, the more liability an employer may owe at withdrawal because the money they were expected to contribute theoretically would not have grown as much had the interest rate been higher.

So, what is the Segal Blend? The Segal Blend is a method of calculating withdrawal liability and it has been around since the 1980s. It is a "blend" of the "plan funding rate" (i.e. the plan's expected return on plan assets, a higher rate usually around 7.25%) and the PBGC rates (usually between 1.5% and 2.5%). Oftentimes, actuaries will determine the withdrawal liability using the "Segal Blend," which results in a much lower interest rate than the plan normally uses to calculate its liabilities for ongoing funding purposes.[2] Use of the Segal Blend usually results in a larger withdrawal liability bill for the employer.

In its ruling, the pension fund charged the withdrawing employer more than $800,000 in withdrawal liability, which had been assessed using the Segal Blend. The Court found that the pension fund could not rely on the Segal Blend because ERISA requires that the interest rate used for withdrawal liability be based on the "actuary's best estimate of anticipated experience under the plan."[3] The panel of judges opined specifically that by using the Segal Blend, the actuary was factoring in an interest rate which was intended for plans that go out of business. Here, the pension plan in this case was not going out of business or required to purchase assets such as annuities to cover the withdrawing employer's share of the vested benefits. The judges stated the Segal Blend is based on a hypothetical scenario, rather than the fund's actual portfolio, and the pension fund was mandated to recalculate the employer's liability based on the 7.25% funding interest rate.

This case is important because it is the first time a federal court of appeals ruled against a pension plan's methodology of calculating withdrawal liability. In the past, litigating actuary methodology was expensive and uncertain.[4] With this ruling, withdrawing employers may be encouraged to challenge a pension plan's withdrawal liability calculations based on a rate that is lower than the plan's funding assumption, including but not limited to, the Segal Blend.

[1] *Sofco Erectors, Inc. v. Trustees of the Ohio Operating Engineers Pension Fund, et, al.* Nos. 20-3629/2671 (6th Cir. September 28, 2021).
[2] *Multiemployer plan withdrawal liability: Sixth Circuit strikes down "Segal Blend."* October Three.com. October 4, 2021.
[3] Ramsey, Austin R. *6th Cir. Opens Door to Wave of Pension Plan Exit Liability Suits.* Bloomberg Law. September 30, 2021.
[4] *Id.* at 2.

THE RECENT RISE IN 401(K) PLAN LITIGATION

Worried about your 401(k) plan being sued by plan participants? There is ample reason to believe that you should be.

Worried about your 401(k) plan being sued by plan participants? There is ample reason to believe that you should be. In 2019, there were only 19 cases filed. In 2020 and 2021, that number has exploded to 140. Some commentators attribute this rise to the pandemic. Whatever the cause, it is costly. According to Forbes, most plans have agreed to multimillion-dollar settlements in response to these class actions. And it isn't just against the huge plans either. Rhonda Prussack, the Senior Vice President and Head of Fiduciary and Employment Practices Liability at Berkshire Hathaway, says, "We're seeing cases go more down market. Instead of just being big multibillion-dollar 401(k) plans, these cases are now spreading to smaller plans . . . Instead of being plans of big corporations, we're seeing the spread to private companies and not-for-profit organizations."

To some degree there is an aspect of "copycat" litigation at play here. Stacey C.S. Cerrone, a principal at Jackson Lewis, believes "if you took 90% of the complaints that [were] filed last year . . . they would be very similar." Some commentators take Ms. Cerrone's comments further and contend that many filings are simply cut and paste jobs.

The types of cases vary from allegations of poor fund choices to poor plan designs and underperformance. Most cases, however, involve excessive fees. This is even though, as a whole, 401(k) fees have decreased overall from 1.02% in 2009 to 0.92% in 2017. Furthermore, the plaintiffs' bar has become exceedingly sophisticated and ambitious. One firm, Capozzi Adler, is responsible for bringing nearly half of the cases.

A recent case out of the Central District of California shows how these cases can play out – though in this case the court ruled for the plan. AT&T offered a 401(k), defined contribution plan to its employees. In turn, AT&T contracted with Fidelity to serve as the plan's recordkeeper beginning in 2005. The participants sued the plan as a class, or group of similarly situated plaintiffs. The Plaintiffs complained of breaches of the fiduciary duties of prudence, candor and prohibited transactions in violation of Section 404(a) of ERISA and prohibited transactions under ERISA Section 406. The claims all centered on the, as the plaintiffs described them, "excessive fees" charged by Fidelity. Although the Plaintiffs and Defendants differed as to the exact numbers, the Plaintiffs estimated that the plan

was paying around $15 million per year in fees to Fidelity.

The case proceeded through several motions to dismiss, discovery and ultimately summary judgement. The Court granted the plan's motion and entered a finding in favor of the Defendants, resolving the lawsuit in their favor. However, a great deal of expense had already been undertaken.

THE DUTY OF PRUDENCE

The duty of prudence requires a fiduciary to discharge their duties with respect to the plan with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. In determining that the plan acted with prudence in keeping fees low, the Court noted that the AT&T Services Benefits team periodically reviewed 408(b)(2) disclosures and invoices from Fidelity to make sure the compensation was reasonable. They also retained outside experts to evaluate the reasonableness of Fidelity's compensation, in this case Deloitte. Deloitte was able to confirm that AT&T had a lower recordkeeping rate than other plans–and when the contract was renegotiated in 2017, AT&T received an even lower rate.

Most importantly, AT&T's contracts with Fidelity contained a clause called a "Most Favored Customer" clause. In essence, this ensured that Fidelity's fees were "not less favorable than those extended to other 'similarly situated customers'."

DUTY OF CANDOR

ERISA imposes liability when fiduciaries make a misstatement that they know "lacks a reasonable basis in fact." Plaintiffs alleged that AT&T violated this duty of candor when it knowingly reported information on the Form 5500. Specifically, they claimed that Defendants were obligated to report on Form 5500 all direct and ***indirect*** compensation received by Fidelity in connection with the provision of recordkeeping and administrative services but failed to do so. Despite the fact that Fidelity received indirect compensation from a third-party financial firm and Defendants did not list this on the Form 5500, the judge nevertheless found in favor of the Defendants. That is because you may exclude eligible indirect compensation. In this case, because AT&T sought and reviewed the 408(b)(2) disclosures, the compensation was qualified indirect compensation and could be properly excluded. If it could be excluded, then there could be no violation of the duty of candor. This is a case that ERISA attorneys say is the first time a judge has gone into this level of detail describing the lengths to which a party must go to when filling out the Form 5500.

PROHIBITED TRANSACTIONS

Plaintiffs also argued that Defendants, in certain dealings with Fidelity and third-party finance consultants, engaged in prohibited, non-exempt transactions with Fidelity in violation of Section 406(a). The Court sided with the Defendants on this point as well. The Court found that the Plaintiffs failed to show a triable issue of fact that Defendants failed to obtain disclosures of indirect compensation, or the inadequacy of those disclosures.

401(k) class actions aren't new, but as the recent dramatic uptick in filings demonstrates, they are getting popular. Both plaintiffs and employers' attorneys agree this pace is likely to remain high in the future. A prudent plan administrator is best advised to stay on top of this trend.

The types of cases vary from allegations of poor fund choices to poor plan designs and underperformance.

ESG RETIREMENT INVESTING UNDER THE BIDEN ADMINISTRATION

In November of 2020, former President Donald Trump issued regulations on the use of environmental, social and governance ("ESG") factors in retirement investments. Under Trump's regulations, investments were limited to "pecuniary" factors, requiring retirement plan fiduciaries to make investment decisions based solely on financial factors.

Shortly after former President Trump's rules took effect, President Joe Biden signed an Executive Order that directed the Secretary of Labor to consider "suspend[ing], revis[ing] or rescind[ing]" Trump's rules on this matter.[1] As such, it was only a matter of time before the Biden administration took action to revise his predecessor's rules regarding ESG investment.

On October 14, 2021, the U.S. Department of Labor published a proposed rule that would allow retirement plans to consider ESG factors in their investment decisions. The proposed rule goes even further to state that the projected return of a portfolio relative to the funding objectives of the plan may even *require* an evaluation of the economic effects of climate change and other ESG factors on the particular investment or investment course of action.[2]

The proposed rule differs from Trump's regulations in several ways, the most notable of which are outlined below.

First, the proposed rule specifically uses ESG language. The proposed rule makes it clear that retirement plan administrators are permitted to consider such factors, specifically stating, "climate change is particularly pertinent to the projected returns of pension plan portfolios that, because of the nature of their obligations to their participants and beneficiaries, typically have long-term investment horizons."

Second, under Trump's rules, plans were prohibited from adding any investment as a qualified default investment alternative ("QDIA") if the investment objectives or principal investment strategies included, considered or indicated the use of non-pecuniary factors. The proposed rule eliminates this standard, making it possible for funds with ESG focuses to become QDIAs.

Third, under Trump's rules, a "tie breaker" test was established for situations in which a plan fiduciary needed to choose between or among investments the fiduciary was unable to distinguish on the basis of pecuniary factors alone. The rule essentially required these funds be economically indistinguishable before a fiduciary could consider any non-pecuniary factor such as ESG factors. On the other hand, under the proposed rule, if a fiduciary prudently concludes that competing investment choices equally serve the financial interests of the plan, a fiduciary can select the investment based on collateral benefits other than investment returns.

The proposed rule has been formally published, and the Labor Department is currently inviting public comments until December 13, 2021.

[1] 86 F.R. 27967 (2021)
[2] 86 F.R. 57272 (2021)

WILL COLLEGE ATHLETES BE CONSIDERED EMPLOYEES?

WHAT'S NEXT AFTER *NCAA V. ALSTON*

On the heels of the *NCAA v. Alston*, 141 S. Ct. 2141 (2021) ruling, many are asking what the next step is for college athletes. Will they be compensated directly by the NCAA or by their universities? And if so, will it be as employees or in some other manner? After the Supreme Court's decision, the NCAA immediately adopted a policy allowing athletes to profit off their own name, image and likeness. Since the NCAA adopted the policy over the summer, many athletes have already taken advantage, monetizing their personal brands and social media presences. This includes both traditional big sport athletes like Alabama quarterback Bryce Young, but also athletes like LSU gymnast Olivia Dunne who has over 5 million followers across her social media platforms.

After the NCAA passed the policy, many schools worked with their athletes to make rules on what types of products could be promoted, the use of the school's logo and ensuring compliance with state laws. But no college or university is, as of yet, directly compensating their athletes as employees, nor are they allowed to do so under current NCAA rules. While the question of direct compensation was not at issue in *Alston*, many have pointed to the concurrence of Justice Kavanaugh that if such a challenge was before the Supreme Court, it may very well be struck down, quoting Justice Kavanaugh, "Nowhere else in America can businesses get away with agreeing not to pay their workers a fair market rate on the theory that their product is defined by not paying their workers a fair market rate..." *Id.* at 2168.

The question may very well be when, not if, athletes are paid as employees, and there are already several legal avenues being pursued in addition to the Sherman Act/anti-trust issues addressed in *Alston*. On September 29, 2021, newly confirmed National Labor Relations Board (NLRB) General Counsel, Jennifer Abruzzo, issued a memo confirming her position that athletes should be considered employees under the National Labor Relations Act (NLRA). Ms. Abruzzo's memo noted that she chose not to use the term "student-athletes" in her memo because the term was specifically coined by the NCAA's attorneys to promote the myth that the athletes are amateurs and deny them worker protections. This is not the first time this issue has been before the NLRB. In 2017, football players at Northwestern University attempted to form a Union. While the NLRB declined to extend jurisdiction over the athletes at Northwestern, the Board specifically declined to answer the question as to whether the athletes were employees under the National Labor Relations Act. Ms. Abruzzo has declared her position that they are employees under the Act. Any action by the NLRB in this context could have interesting consequences given that the NLRA does not apply to employees (or athletes) employed at public institutions. This could end in the situation where students at Notre Dame University are classified as employees under the Act who can collectively bargain for wages and benefits playing against students at Indiana University who cannot.

In addition to the NLRA, there is a lawsuit currently pending in the Third Circuit Court of Appeals under the Fair Labor Standards Act (FLSA). Unlike the NLRA, the FLSA does apply to public employees. The lawsuit entitled *Johnson v. NCAA* is a proposed class action lawsuit filed against the NCAA and 25 universities. The athletes crossed the first hurdle when the District Court Judge ruled against the Defendant universities' Motion to Dismiss in which the Defendant universities argued that the students did not have standing because they are not employees. District Court Judge Padova was not persuaded by a previous Ninth Circuit Decision. In *Dawson v. NCAA*, the students sued the PAC 12 Conference and the NCAA, but not their own individual universities. *Dawson v. National Collegiate Athletic Association*, 935 F. 3d 905 (9th Cir. 2019). The Ninth Circuit ruled that the athletes were not employees of the NCAA or the PAC 12 under the FLSA, but it did not address the question of whether they are employees of their own universities. Five of the university defendants have already asked the Third Circuit Court of Appeals to intercede in the *Johnson* case. Unless the NCAA and the universities are proactive and change their own rules to allow for direct compensation, the issue is likely to end up in front of the Supreme Court before long.

[1] Memorandum GC 21-08, issued September 29, 2021.
[2] *Northwestern University*, 362 NLRB 1350 (2015).
[3] *Johnson v. NCAA*, 2021 U.S. Dist. LEXIS 1600488 (E.D. Pa. August 25, 2021).

JOHNSON + KROL'S NEWEST MEMBER: WILLIAM M. BLUMTHAL, JR.

We are proud to announce that William (Bill) Blumthal has been named the newest Member of Johnson + Krol. This promotion within the firm is in recognition of his experience and tireless work on behalf of our clients.

Bill is part of Johnson + Krol's Litigation Department, where he focuses on ERISA and Labor Litigation. Bill is well versed in all aspects of litigation. Since joining Johnson + Krol in 2018, Bill has distinguished himself by securing hard-earned victories in various litigation matters, including denial of benefits cases, withdrawal liability cases and fact intensive lawsuits involving alter-ego, single-employer, and successor liability. Bill has also handled countless claims for unpaid contributions on behalf of Taft-Hartley plan clients, including post-judgement collection matters.

Prior to joining Johnson + Krol, Bill served as an Assistant State's Attorney in Cook County for eight years. Upon leaving the State's Attorney's Office, he served as a Deputy Director and Chief Administrative Prosecutor at Illinois Department of Insurance, where he oversaw criminal and regulatory investigations for the next seven years.

When asked about becoming a Member and what he hopes to accomplish in his new role, Bill shared, "I came to Johnson + Krol three and a half years ago not knowing what to expect. What I found was a firm made up of people I enjoyed working with and led by attorneys who not only care deeply about the firm's clients and the clients' members, but who are truly hard working professionals." He went on to say, "I couldn't be happier and hope to continue assisting our clients to obtain the best possible outcomes in litigation matters and become more involved in benefits matters."

Johnson + Krol is honored to welcome Bill as a Member and looks forward to his continued contribution to the firm's success. Congratulations, Bill!

"I couldn't be happier and hope to continue assisting our clients to obtain the best possible outcomes in litigation matters and become more involved in benefits matters."
– William Blumthal

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