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EMPLOYMENT

July 2013 – present – *DeBofsky, Sherman & Casciari, P.C.* (formerly *DeBofsky & Associates, P.C.*). Civil and Appellate Litigation; Employee Benefits Litigation (ERISA), Disability Insurance and Other Insurance Claims and Coverage

April 2002 – June 2013 – *Daley, DeBofsky & Bryant, P.C.*. Civil and Appellate Litigation --Concentration in Employment and Employee Benefits Litigation, Disability Insurance and Other Insurance Claims and Coverage, Social Security Law and Practice

1984-2002 -- *DeBofsky & DeBofsky*. Civil and Appellate Litigation -- Concentration in Employment and Employee Benefits Litigation, Insurance Claims and Coverage, Social Security Law and Practice

1980-1984 -- *Stack & Filpi*, 140 S. Dearborn, Chicago, Illinois 60603. Associate Attorney. Concentration in Civil Litigation

COURT ADMISSIONS

United States Supreme Court (1984); Supreme Court of Illinois (1980); Supreme Court of Hawaii (2005); United States Court of Appeals for the Third Circuit (2014); United States Court of Appeals for the Seventh Circuit (1980); United States Court of Appeals for the Eighth Circuit (2006); United States Court of Appeals for the Ninth Circuit (2006); United States Court of Appeals for the Eleventh Circuit (2009); United States Court of Appeals for the Federal Circuit (1983); United States District Court for the Northern District of Illinois and Trial Bar; United States District Court for the Central District of Illinois; United States District Court for the Southern District of Illinois; United States District Court for the District of Arizona; United States District Court for the Eastern District of Wisconsin; United States District Court for the Northern District of Indiana; United States District Court for the District of Hawaii; United States District Court for the Eastern District of Michigan; United States District Court for the District of

Nebraska; United States District Court for the Western District of Wisconsin; United States Claims Court; United States Court of International Trade; United States Tax Court; Certified Arbitrator -- Circuit Court of Cook County

EDUCATION

University of Illinois College of Law, Champaign, Illinois, Juris Doctor - 1980

University of Michigan, Ann Arbor, Michigan, Bachelor of Arts with High Distinction and Honors in History - 1977

ADDITIONAL TRAINING/CERTIFICATIONS

Arbitrator-American Arbitration Association – Fundamentals in Arbitration – September 2010

Mediator-United States Arbitration and Mediation, Inc.—Basic Mediator Training, November 1994; Refresher Training—March 1997

PROFESSIONAL ORGANIZATIONS

American Bar Association, Employee Benefits Committee (Committee Co-Chair-2007-2010); Association of Trial Lawyers of America; Illinois State Bar Association; National Organization of Social Security Claimants' Representatives; Chicago Bar Association (1986-1987, 1995-1996 -- Chairman, Lawyer Referral Service Committee; 1990-1991 -- Chairman, Social Security Law Committee; 1994-1995 -- Chairman, Insurance Law Committee); Federal Bar Association (Director 2007-present); American Constitution Society for Law and Policy; Appellate Lawyers Association (Director - 1992-1994); Illinois Trial Lawyers Association (Insurance Committee); Seventh Circuit Bar Association; Hawaii State Bar Association; Scribes-American Society of Writers on Legal Subjects

TEACHING

The John Marshall Law School, Center for Employee Benefits and Taxation (LL.M. Program); Adjunct Professor: “Employee Benefits Litigation,” 2000-present

“ERISA Overview,” Chicago-Kent College of Law (course on Employment Relationships taught by Professor Richard Gonzales) Chicago, Illinois, March 22, 2018

“The Shifting Boundaries of ERISA Preemption,” Chicago-Kent College of Law (course on Employment Relationships taught by Professor Mary Rose Strubbe), Chicago, Illinois, April 9, 2014

Small Firm Practice – How to Market a Small Firm, University of Illinois College of Law, March 28, 2013 (with Richard Hanus); March 12, 2014 (with Richard Hanus, Bradley Nahrstadt, and Michael Rathsack)

“ERISA Caselaw Update,” John Marshall Law School, Fundamentals of Retirement Plan Issues (taught by Professor Kathryn Kennedy), Chicago, Illinois, November 22, 2010

“Supreme Court and Appellate Court Update,” John Marshall Law School, Fundamentals of Retirement Plan Issues (taught by Professor Kathryn Kennedy), Chicago, Illinois, November 23, 2009

“ERISA Preemption,” Chicago-Kent College of Law (course on Employment Relationships taught by Professor Laurie Leader), Chicago, Illinois, March 22, 2004.

“ERISA Fiduciary Liability,” University of Michigan (course on ERISA law taught by Professor Dana Muir), Ann Arbor, Michigan, November 19, 2002

“An Introduction to ERISA Law and Practice,” Loyola University School of Law, Health Care Institute, Chicago, Illinois, February 1997, 1998, 1999, 2000, 2001

VOLUNTEER ACTIVITIES

University of Michigan College of Literature Science and the Arts – Honors Advisory Council

Center for Disability and Elder Law (volunteer since inception)

National Parkinson’s Foundation

Chicago and National Multiple Sclerosis Society

Chapter Editor and Associate Senior Editor *Employee Benefits Law* (BNA)

Equip for Equality – 20th Anniversary Gala Planning Committee (2005); Gala Planning Committee (2006); Gala Planning Committee Co-Chair (2007); Gala Planning Committee (2008)

Illinois Institute for Continuing Legal Education – Labor and Employment Law Advisory/Planning Committee

AWARDS AND RECOGNITION

Award of Excellence for teaching as an adjunct faculty member at John Marshall Law School – 2018

Recognition as a Top 10 lawyer in the State of Illinois by Illinois Super Lawyers – 2017

Recognition as a Top 100 lawyer in the State of Illinois by Illinois Super Lawyers - 2009 to present

Recognition as an Illinois Super Lawyer – Employee Benefits/ERISA (2005-present)

2013 Top Rated Midwest Lawyer, American Lawyer Media and Martindale-Hubbell

2013 Top Rated Lawyer in Insurance Law, American Lawyer Media and Martindale-Hubbell

The National Trial Lawyers: Top 100 Trial Lawyers – 2012 to present

American Academy of Trial Attorneys – Premier 100

Finance Monthly – Law Awards 2011 - ERISA Firm of the Year, USA

Recognition as a “Leading Lawyer” by Leading Lawyers Network (Illinois) – Top Ten Plaintiff’s Employment Lawyer and Top Ten Social Security Disability Lawyer – 2012 to present

Finalist – LEXIS/NEXIS Insurance Law Center Person of the Year (2008) – Policyholder Attorney of the Year

Martindale-Hubbell “AV” rating (Highest)

Fellow of the American College of Employee Benefits Counsel – Inducted 2005

Life Fellow of the American Bar Foundation

Recipient of Pro Bono Leader Award – Equip for Equality

Center for Disability and Elder Law – Volunteer Recognition

PUBLICATIONS

“Court Oks disability claim by attorney with chronic pain,” *Chicago Daily Law Bulletin*, Workplace Issues, January 22, 2019

“Insurer’s bid to use videotape to halt disability benefits finds no takers,” *Chicago Daily Law Bulletin*, Workplace Issues, January 9, 2019

“Scope of ERISA and occupation-specific disability” and “Third Circuit works through occupation-specific disability definition,” *Chicago Daily Law Bulletin*, Workplace Issues, December 5 and 6, 2018

“Disability due to pain is difficult to prove,” *Chicago Daily Law Bulletin*, Workplace Issues, November 15, 2018

“Federal court argues for right to jury to pursue ERISA claims,” *Chicago Daily Law Bulletin*, Workplace Issues, November 8, 2018

“Increased Transparency,” *TRIAL* September 2018 (American Association for Justice)

“Misuse of occupational titles dictionary draws judge’s ire,” *Chicago Daily Law Bulletin*, Workplace Issues, July 18, 2018

“Amputation cause is case law worth reading,” *Chicago Daily Law Bulletin*, Workplace Issues, June 11, 2018

“Judge takes insurer to task for denying claimant with MS,” *Chicago Daily Law Bulletin*, Workplace Issues, May 17, 2018

“If doubts arise, in-person exam needed,” *Chicago Daily Law Bulletin*, Workplace Issues, April 16, 2018

“Court parses difference between residual disability and total disability” (Part 1) and “Diminished work ability does not have to be total for total disability finding,” (Part 2) *Chicago Daily Law Bulletin*, Workplace Issues, March 19 and 20, 2018

“Examining when a plaintiff can remain anonymous and when he/she can’t,” *Chicago Daily Law Bulletin*, Workplace Issues, March 8, 2018

“Insurer loses out on effort to capture chunk of med-mal settlement,” *Chicago Daily Law Bulletin*, Workplace Issues, February 7, 2018

“Insurer’s flip-flop on disability claim causes a finding for plaintiff,” *Chicago Daily Law Bulletin*, Workplace Issues, January 10, 2018

“Seventh Circuit,” in ERISA Survey of Federal Circuits 2018, B. Magratten editor (ABA) (with Mark Schmidtke)

“Richard Posner, ERISA, and Me,” American Bar Association, Section of Labor and Employment Law, Employee Benefits Committee Newsletter (Fall 2017)

“Court grounds claims by insurer in airline pilot’s case,” *Chicago Daily Law Bulletin*, Workplace Issues, December 5, 2017

“Insurer sent packing with travel argument,” *Chicago Daily Law Bulletin*, Workplace Issues, November 8, 2017

“Montana ruling may bridge gap between physical, mental disability,” *Chicago Daily Law Bulletin*, Workplace Issues, September 28, 2017

“When a chain has too many links,” *Chicago Daily Law Bulletin*, Workplace Issues, September 7, 2017

“Contract clause strong enough to upend ERISA forum provisions,” *Chicago Daily Law Bulletin*, Workplace Issues, August 16, 2017

“Offset statutes put brakes to insurer’s effort to half disability benefits,” *Chicago Daily Law Bulletin*, Workplace Issues, August 2, 2017

“ERISA exception ruling may bring wider interpretation in the future,” *Chicago Daily Law Bulletin*, Workplace Issues, July 25, 2017

“Court questions insurer’s about-face on paying disability insurance,” *Chicago Daily Law Bulletin*, Workplace Issues, June 8, 2017

“If sufficient medical evidence absent, consider vocational skill level,” *Chicago Daily Law Bulletin*, Workplace Issues, May 24, 2017

“Georgia disability case gives weight to functional capacity evaluations,” *Chicago Daily Law Bulletin*, Workplace Issues, April 13, 2017

“Case guidelines not meant as rigid formula that dictates outcome,” *Chicago Daily Law Bulletin*, Workplace Issues, March 30, 2017

“Question of disability for pharmacist on narcotics doesn’t halt insurer,” *Chicago Daily Law Bulletin*, Workplace Issues, March 15, 2017

“New Wine in an Old Bottle-The Department of Labor’s Revised Regulations Applicable to Disability Benefit Claims,” *Bloomberg BNA Tax Management Compensation Planning Journal* (March 3, 2017)

“Court throws back red herring in fibromyalgia disability case,” *Chicago Daily Law Bulletin*, Workplace Issues, February 16, 2017

“Good intentions lead to less than positive outcome for plaintiff,” *Chicago Daily Law Bulletin*, Workplace Issues, January 11, 2017

“New ERISA disability rules look to level playing field for all,” *Chicago Daily Law Bulletin*, Workplace Issues, January 4, 2017

“Inconclusive medical tests should not undermine benefits claim, court rules,” *Chicago Daily Law Bulletin*, Workplace Issues, December 14, 2016

“Appeals court takes stand on sitting, opts for Labor Department ruling,” *Chicago Daily Law Bulletin*, Workplace Issues, December 7, 2016

“Judge delivers sobering message to wine rep’s disability insurer,” *Chicago Daily Law Bulletin*, Workplace Issues, October 19, 2016

“Doctors’ sizable income from insurer raises big question of neutrality,” *Chicago Daily Law Bulletin*, Workplace Issues, September 21, 2016

“Discretion and pre-emption: Unraveling ERISA, state insurance law,” *Chicago Daily Law Bulletin*, Workplace Issues, September 14, 2016

“Proving intoxication caused injury more difficult than simple tests,” *Chicago Daily Law Bulletin*, Workplace Issues, August 22, 2016

“Insurer lambasted for ‘misleading’ court and claimant in disability case,” *Chicago Daily Law Bulletin*, Workplace Issues, July 13, 2016

“Disability insurer taken to task for delayed action on disability claim,” *Chicago Daily Law Bulletin*, Workplace Issues, June 21, 2016

“One disability claim case brings several common themes together,” *Chicago Daily Law Bulletin*, Workplace Issues, May 26, 2016

“Health insurer’s three-word denial brings cold shoulder from 2nd Circuit,” *Chicago Daily Law Bulletin*, Workplace Issues, April 27, 2016

“Man finds his claim narrow enough to avoid ERISA pre-emption provisions,” *Chicago Daily Law Bulletin*, Workplace Issues, April 18, 2016

“Ruling sheds light on reimbursement claims,” *Chicago Daily Law Bulletin*, Workplace Issues, March 29, 2016

“Ruling pushes needs of the individual,” *Chicago Daily Law Bulletin*, Workplace Issues, March 22, 2016

“Disability insurer taken to task over vocational assessment,” *Chicago Daily Law Bulletin*, Workplace Issues, February 25, 2016

“California ERISA case makes attorney’s success (and fees) one in the same,” *Chicago Daily Law Bulletin*, Workplace Issues, February 18, 2016

“ERISA does not stand for equitable relief in ‘swollen assets,’” *Chicago Daily Law Bulletin*, Workplace Issues, January 28, 2016

“Court casts questioning eye on whether doctors’ review was fair, independent,” *Chicago Daily Law Bulletin*, Workplace Issues, January 21, 2016

“Pension obligations vs. religious exemptions: Does this make sense?” *Chicago Daily Law Bulletin*, Workplace Issues, December 23, 2015

“Role pain plays in disability spotlighted,” *Chicago Daily Law Bulletin*, Workplace Issues, December 2, 2015

“Discretionary clauses and choice of law in ERISA cases,” *Chicago Daily Law Bulletin*, Workplace Issues, November 16, 2015

“Court looks at calculating credit and taxes in disability benefits case,” *Chicago Daily Law Bulletin*, Workplace Issues, October 19, 2015

“ERISA preemption and state bans on discretionary clauses,” *Chicago Daily Law Bulletin*, Workplace Issues, September 17, 2015

“In 11th Circuit case, disabled worker not disabled enough,” *Chicago Daily Law Bulletin*, Workplace Issues, August 3, 2015

“Discretionary Clauses in ERISA Health and Disability Plans – Are They Still Viable?” (Bloomberg BNA Benefits Practice Resource Center)(initially authored by Jo-El Meyer and updated by Mark DeBofsky), July 1, 2015

“Objective medical information for claims,” *Chicago Daily Law Bulletin*, Workplace Issues, June 23, 2015

“Court takes weekends into account in extending ERISA deadlines,” *Chicago Daily Law Bulletin*, Workplace Issues June 11, 2015

“Crime, punishment, and paying restitution to victims,” *Chicago Daily Law Bulletin*, Workplace Issues, May 20, 2015

“What an occupation assessment entails,” *Chicago Daily Law Bulletin*, Workplace Issues, April 30, 2015

“Insurers should not conflate risk factors with pre-existing conditions,” *Chicago Daily Law Bulletin*, Workplace Issues, April 15, 2015

“In ERISA, removal of deterrence incentivizes negative behavior,” *Chicago Daily Law Bulletin*, Workplace Issues, March 23, 2015

“Nature of pain doesn’t diminish it as evidence,” *Chicago Daily Law Bulletin*, Workplace Issues, March 4, 2015

“In an insurance policy, don’t ignore a term — each and every one matters,” *Chicago Daily Law Bulletin*, Workplace Issues, February 5, 2015

“Standards of review vary for an ERISA civil action,” *Chicago Daily Law Bulletin*, Workplace Issues, January 14, 2015

"A Critical Appraisal of the Current State of ERISA Civil Procedure -- An Examination of How Courts Treat 'Civil Actions' Brought under the Retirement Income Security Act," 18 *Chicago-Kent Employee Rights & Employment Policy Journal* 203 (2014)

“4th Circuit considers ERISA’s full and fair review requirement,” *Chicago Daily Law Bulletin*, Workplace Issues, December 31, 2014

“Employment releases and disability,” *Chicago Daily Law Bulletin*, Workplace Issues, November 25, 2014

“Federal panel determines loss of license does not equal ‘disabled,’” *Chicago Daily Law Bulletin*, Workplace Issues, October 27, 2014

“2nd Circuit rules ERISA remand orders non-final, non-appealable,” *Chicago Daily Law Bulletin*, Workplace Issues, October 8, 2014

“Appearance of reasonableness is not enough,” *Chicago Daily Law Bulletin*, Workplace Issues, September 24, 2014

“When it comes to ‘or,’ context matters, *Chicago Daily Law bulletin*, Workplace Issues, August 27, 2014

“Should veterans’ benefit payments reduce private long-term disability?” *Chicago Daily Law Bulletin*, Workplace Issues, August 4, 2014

“Churches, Pensions, and ERISA,” *Chicago Daily Law Bulletin*, Workplace Issues, July 7, 2014

“Life insurance and beneficiary intentions,” *Chicago Daily Law Bulletin*, Workplace Issues, June 3, 2014

“Can an expired limitations period be revived?” *Chicago Daily Law Bulletin*, Workplace Issues, May 12, 2014

“Federal court revives disability claim for schizoaffective disorder,” *Chicago Daily Law Bulletin*, Workplace Issues, April 16, 2014

“Bad faith’ not required in awarding fees,” *Chicago Daily Law Bulletin*, Workplace Issues, April 3, 2014

“Disability benefits cannot be terminated without an explanation,” *Chicago Daily Law Bulletin*, Workplace Issues, March 7, 2014

“Does being able to work part time cut the right to disability benefits?” *Chicago Daily Law Bulletin*, Workplace Issues, February 12, 2014

“High court decision provides some guidance on ERISA limitations periods,” *Chicago Daily Law Bulletin*, Workplace Issues, January 29, 2014

"Court rules employee too disabled to work, entitled to benefits," *Chicago Daily Law Bulletin*, Workplace Issues, January 8, 2014

“A lesson in disgorgement,” *Chicago Daily Law Bulletin*, Workplace Issues, December 30, 2013

“Seventh Circuit,” in B. Magratten, ed., *ERISA Survey of Federal Circuits - 2014 Edition* (ABA)

“Should claimants be allowed to depose ERISA plan administrators?” *Chicago Daily Law Bulletin*, Workplace Issues, December 16, 2013

“Two points of view on offset for veteran and disability benefits,” *Chicago Daily Law Bulletin*, Workplace Issues, December 2, 2013

"Court report looks at issue of filing suits under pseudonyms," *Chicago Daily Law Bulletin*, Workplace Issues, November 13, 2013

“Remands as final judgments? Court dismisses ERISA case,” *Chicago Daily Law Bulletin*, Workplace Issues, November 4, 2013

“Court finds for insured in absence of examination,” *Chicago Daily Law Bulletin*, Workplace Issues, October 17, 2013

“Is there a duty to investigate,” *Chicago Daily Law Bulletin*, Workplace Issues, October 3, 2013

"Federal court rejects remand request, " *Chicago Daily Law Bulletin*, Workplace Issues, September 12, 2013

"Federal court explains why ERISA governs insurance benefit disputes," *Chicago Daily Law Bulletin*, Workplace Issues, September 4, 2013

“Clearing up questions left by DOMA ruling,” *Chicago Daily Law Bulletin*, Workplace Issues, August 26, 2013

“7th Circuit oks suits challenging benefit denials,” *Chicago Daily Law Bulletin*, Workplace Issues, August 15, 2013

“Court gives insurer another bite at the apple,” *Chicago Daily Law Bulletin*, Workplace Issues, August 2, 2013

“MetLife's 'cookie-cutter' diagnosis slammed,” *Chicago Daily Law Bulletin*, Workplace Issues, July 15, 2013

“Equity provides a way to right a wrong,” *Chicago Daily Law Bulletin*, Workplace Issues, June 27, 2013

“Court rejects claim that vitamin supplements are a medical treatment,” *Chicago Daily Law Bulletin*, Workplace Issues, June 24, 2013

“Florida case offers lesson on ERISA, good-faith duties and fair dealing,” *Chicago Daily Law Bulletin*, Workplace Issues, May 17, 2013

“High court looks at use of 'common-fund doctrine' for personal-injury settlements,” *Chicago Daily Law Bulletin*, Workplace Issues, May 3, 2013

“Federal court rules that showing up for work is a key to doing the job,” *Chicago Daily Law Bulletin*, Workplace Issues, April 18, 2013

“Disability pension blocked for working man,” *Chicago Daily Law Bulletin*, Workplace Issues, April 17, 2013

“7th Circuit addresses lump-sum pension distribution question,” *Chicago Daily Law Bulletin*, Workplace Issues, April 10, 2013

“Federal appellate court reinstates claim in ERISA dispute,” *Chicago Daily Law Bulletin*, Workplace Issues, April 3, 2013

“Enforceability of forum selection clause reviewed,” *Chicago Daily Law Bulletin*, Workplace Issues, March 20, 2013

“Choice of review standard often dictates outcome,” *Chicago Daily Law Bulletin*, Workplace Issues, March 6, 2013

“Federal court views risk of relapse upon return to work as a disability,” *Chicago Daily Law Bulletin*, Workplace Issues, February 20, 2013

“Federal court adds to list of rulings on mistaken overpayment of benefits,” *Chicago Daily Law Bulletin*, Workplace Issues, February 6, 2013

“Federal appellate panel addresses insured's disability insurance policy,” *Chicago Daily Law Bulletin*, Workplace Issues, January 23, 2013

“Federal court says language serves as the key in employment cases,” *Chicago Daily Law Bulletin*, Workplace Issues, January 9, 2013

Employee Benefits Law (3d ed. 2012)(Bloomberg BNA) – Board of Senior Editors

“Insurance ruling strays from precedent in drunken driving case,” *Chicago Daily Law Bulletin*, Workplace Issues, December 12, 2012

“Courts examine 24-month mental illness limitation in disability claims,” *Chicago Daily Law Bulletin*, Workplace Issues, November 28, 2012

“Court strays from rules of procedure,” *Chicago Daily Law Bulletin*, Workplace Issues, November 14, 2012

“Court affirms that plaintiff faces medical condition, not addiction” *Chicago Daily Law Bulletin*, Workplace Issues, October 24, 2012

“Court says surveillance an abuse of discretion in disability benefits case,” *Chicago Daily Law Bulletin*, Workplace Issues, October 3, 2012

“What is ERISA?” *Chicago Medicine* (September 2012)

“U.S. Supreme Court will consider issues over employee benefit plans,” *Chicago Daily Law Bulletin*, Workplace Issues, September 5, 2012

“Social Security issues fibromyalgia policy,” *Chicago Daily Law Bulletin*, Workplace Issues, August 22, 2012

“Court addresses employee benefits law with regard to misrepresentations,” *Chicago Daily Law Bulletin*, Workplace Issues, August 8, 2012

“A Brief Guide to Disability Insurance,” *Chicago Medicine* (July 2012)

“9th Circuit Ruling Shows Importance of ERISA Standard of Review,” *Chicago Daily Law Bulletin*, Workplace Issues, July 25, 2012

“Why the Supreme Court's Definition of "Civil Action" Should Lead to an Overhaul of ERISA Civil Procedure,” American Bar Association, Employee Benefits Committee Newsletter (Summer 2012)

“Appeals panel considers insurer’s rights to recover an overpayment,” *Chicago Daily Law Bulletin*, Workplace Issues, July 11, 2012

“Recent court rulings show difficulty in determining fee awards,” *Chicago Daily Law Bulletin*, Workplace Issues, June 20, 2012

“Ruling looks at professionals paying for two types of disability coverage,” *Chicago Daily Law Bulletin*, Workplace Issues, June 6, 2012

“Courts see more accidental death claims,” *Chicago Daily Law Bulletin*, Workplace Issues, May 23, 2012

“Supreme Court reviews ERISA litigation, opens door to overhaul,” *Chicago Daily Law Bulletin*, Workplace Issues, May 9, 2012

“Discovery proves useful in ERISA cases,” *Chicago Daily Law Bulletin*, Workplace Issues, April 25, 2012

“Case shows difficulty in assessing impact pain or fatigue has on job,” *Chicago Daily Law Bulletin*, Workplace Issues, April 11, 2012

“Court says Liberty made decision apparently devoid of reasoning,” *Chicago Daily Law Bulletin*, Workplace Issues, March 28, 2012

“Several circuits remain divided over remand orders in ERISA cases,” *Chicago Daily Law Bulletin*, Workplace Issues, March 14, 2012

“Circuit courts split over meaning of ERISA’s de novo standard,” *Chicago Daily Law Bulletin*, Workplace Issues, February 28, 2012

“Surprising ruling finds Unum’s interpretation capricious,” *Chicago Daily Law Bulletin*, Workplace Issues, February 15, 2012

“9th Circuit weighs statutory requirement failure,” *Chicago Daily Law Bulletin*, Workplace Issues, February 1, 2012

“Deferential review process needs fair standards,” *Chicago Daily Law Bulletin*, Workplace Issues, January 18, 2012

“Court reconsiders remanded benefit case,” *Chicago Daily Law Bulletin*, Workplace Issues, January 4, 2012

“Approach clarifies benefit claim determinations,” *Chicago Daily Law Bulletin*, Workplace Issues, December 21, 2011

“Seventh Circuit,” in B. Magratten, ed., *ERISA Survey of Federal Circuits* (2012 Edition)(with Mark E. Schmidtke and Michael Brown)

“Court looks at critical issues involving syndrome,” *Chicago Daily Law Bulletin*, Workplace Issues, December 7, 2011

“McCutchen may influence other court decisions,” *Chicago Daily Law Bulletin*, Workplace Issues, November 25, 2011

“Return to work can create benefits controversy,” *Chicago Daily Law Bulletin*, Workplace Issues, November 2, 2011

“Does insurer get offset from VA disability benefits?” *Chicago Daily Law Bulletin*, Workplace Issues, October 19, 2011

“Ruling addresses policy limitations,” *Chicago Daily Law Bulletin*, Workplace Issues, October 6, 2011

“A crucial distinction exists in the types of plans,” *Chicago Daily Law Bulletin*, Workplace Issues, September 21, 2011

“Determining when a cause of action accrues,” *Chicago Daily Law Bulletin*, Workplace Issues, September 7, 2011

“Court takes controversial position in Pettaway,” *Chicago Daily Law Bulletin*, Workplace Issues, August 24, 2011

“How do courts weigh conflicts of interest?” *Chicago Daily Law Bulletin*, Workplace Issues, August 10, 2011

“Contingency fee representation uncertain,” *Chicago Daily Law Bulletin*, Workplace Issues, July 26, 2011

“Courts consider who may be sued as the defendant,” *Chicago Daily Law Bulletin*, Workplace Issues, July 13, 2011

“Court standard of review can be determinative,” *Chicago Daily Law Bulletin*, Workplace Issues, June 22, 2011

“Converting to cash balance plans can be tricky,” *Chicago Daily Law Bulletin*, Workplace Issues, June 6, 2011

“A lesson: Don't overlook other sources of evidence,” *Chicago Daily Law Bulletin*, Workplace Issues, May 16, 2011

“The challenges in calculating disability benefits,” *Chicago Daily Law Bulletin*, Workplace Issues, May 2, 2011

“Claims within framework of federal civil procedure,” *Chicago Daily Law Bulletin*, Workplace Issues, April 18, 2011

“5 factors give courts help in reviewing ERISA claims,” *Chicago Daily Law Bulletin*, Workplace Issues, April 4, 2011

“Courts struggle with when limitations periods accrue,” *Chicago Daily Law Bulletin*, Workplace Issues, March 21, 2011

“‘Asymptomatic’ is not a synonym for ‘cured,’” *Chicago Daily Law Bulletin*, Workplace Issues, March 7, 2011

“Ruling points out difficulties of assessing disability,” *Chicago Daily Law Bulletin*, Workplace Issues, January 31, 2011

“What happens when ‘no good deed goes unpunished?’” *Chicago Daily Law Bulletin*, Workplace Issues, January 17, 2011

“Who decides whether treatment is appropriate,” *Chicago Daily Law Bulletin*, Workplace Issues, January 3, 2011

“Courts interpret disability insurance limitations,” *Chicago Daily Law Bulletin*, Workplace Issues, December 20, 2010

“ERISA ‘full and fair’ review of voluntary appeals,” *Chicago Daily Law Bulletin*, Workplace Issues, December 7, 2010

“Impact of fee-shifting awards for partial success,” *Chicago Daily Law Bulletin*, Workplace Issues, November 15, 2010

“How federal circuits use de novo standard of review,” *Chicago Daily Law Bulletin*, Workplace Issues, November 1, 2010

“ERISA: a litigant's toy and a judge's nightmare?” *Chicago Daily Law Bulletin*, Workplace Issues, October 18, 2010

“Court analyzes psychiatric illness and work,” *Chicago Daily Law Bulletin*, Workplace Issues, October 4, 2010

“Qualifying for disability benefits,” *Our Voice* (Newsletter of the National Spasmodic Dysphonia Association) Vol. 19, No. 2, 2010

“The duty to notify of post-employment benefit rights,” *Chicago Daily Law Bulletin*, Workplace Issues, September 20, 2010

“Using SSDI applications to screen disability claims,” *Chicago Daily Law Bulletin*, Workplace Issues, August 30, 2010

“The court wades through how a disability is defined,” *Chicago Daily Law Bulletin*, Workplace Issues, August 9, 2010

“A ruling that could protect thousands of claimants,” *Chicago Daily Law Bulletin*, Workplace Issues, July 26, 2010

“The standard of review can affect application of offsets,” *Chicago Daily Law Bulletin*, Workplace Issues, July 12, 2010

“Accidental death benefits to survivors of drunken drivers,” *Chicago Daily Law Bulletin*, Workplace Issues, June 21, 2010

“Considering a ‘prevailing party’ requirement,” *Chicago Daily Law Bulletin*, Workplace Issues, June 7, 2010

“What Every Dentist Needs to Know About ERISA,” *Hawaii Dental Journal*, Vol. 40, No. 5 (2009)

“What Process is Due in the Adjudication of ERISA Claims,” reprinted in *Employee Benefits and Executive Compensation – Proceedings of the New York University 59th Annual Conference on Labor* 685-721 (David J. Reilly ed.)(Wolters Kluwer 2010)

“Comparing an ERISA benefit to a payroll practice,” *Chicago Daily Law Bulletin*, Workplace Issues, May 17, 2010

“Do complaints of debilitating pain result in disability?” *Chicago Daily Law Bulletin*, Workplace Issues, May 3, 2010

“Courts face challenges with ERISA, limitations period,” *Chicago Daily Law Bulletin*, Workplace Issues, April 19, 2010

“Ninth Circuit Ruling Provides Greater Protection of Benefits,” American Association for Justice, Insurance Law Section Newsletter (Vol. 16, No. 1 2010)

“How the courts address ‘legal’ disabilities,” *Chicago Daily Law Bulletin*, Workplace Issues, April 5, 2010

“Court looks at deficiencies in determining disability,” *Chicago Daily Law Bulletin*, Workplace Issues, March 15, 2010

“How CIGNA handles or mishandles disability claims,” *Chicago Daily Law Bulletin*, Workplace Issues, March 1, 2010

“Who gets the last word in ERISA claim appeals,” *Chicago Daily Law Bulletin*, Workplace Issues, February 16, 2010

“A split in the circuits exists for ERISA benefits disputes,” *Chicago Daily Law Bulletin*, Workplace Issues, February 1, 2010

“Courts deal with issue of ERISA attorney fees,” *Chicago Daily Law Bulletin*, Workplace Issues, January 18, 2010

“ERISA: A Frankenstein made up of different laws,” *Chicago Daily Law Bulletin*, Workplace Issues, January 4, 2010

B. Magratten, editor, ERISA Survey of Federal Circuits, “Seventh Circuit” (2010 Edition)(with Michael Brown and Mark E. Schmidtke)

“Applying deferential standard of review in evaluating claims,” *Chicago Daily Law Bulletin*, Workplace Issues, December 21, 2009

“Get to the truth on the matter,” *Chicago Daily Law Bulletin*, Workplace Issues, November 30, 2009

“Court revisits difficult issue of ‘total disability,’” *Chicago Daily Law Bulletin*, Workplace Issues, November 16, 2009

“Battle over discretionary clauses likely to continue,” *Chicago Daily Law Bulletin*, Workplace Issues, November 2, 2009

“When a literal reading can be overridden,” *Chicago Daily Law Bulletin*, Workplace Issues, October 19, 2009

“9th Circuit ruling provides greater protection of benefits,” *Chicago Daily Law Bulletin*, Workplace Issues, October 5, 2009

“Clarity needed on contractual periods of limitations,” *Chicago Daily Law Bulletin*, Workplace Issues, September 21, 2009

“Ruling clarifies contractual limitations period,” *Chicago Daily Law Bulletin*, Workplace Issues, August 31, 2009

“Payment delays merely encourage denials,” *Chicago Daily Law Bulletin*, Workplace Issues August 3, 2009

“Claims require an ‘independent decision,’ not a ‘review,’” *Chicago Daily Law Bulletin*, Workplace Issues, July 6, 2009

“Efficiency, expediency need to give way to fairness,” *Chicago Daily Law Bulletin*, Workplace Issues, June 30, 2009

“Ruling provides thoughtful primer on discovery,” *Chicago Daily Law Bulletin*, Workplace Issues, June 15, 2009

“Claim decisions must be reasonable and accurate,” *Chicago Daily Law Bulletin*, Workplace Issues, June 1, 2009

“Ruling affirms Glenn’s impact on standard of review,” *Chicago Daily Law Bulletin*, Workplace Issues, May 18, 2009

“Settlement did not justify vacatur: U.S. court,” *Chicago Daily Law Bulletin*, Workplace Issues, May 4, 2009

“De novo review is not a rubber stamp,” *Chicago Daily Law Bulletin*, Workplace Issues, April 20, 2009

“Discretionary clauses under heavy fire,” *Chicago Daily Law Bulletin*, Workplace Issues, April 6, 2009

“Ruling shows courts must take more responsibility,” *Chicago Daily Law Bulletin*, Workplace Issues, March 23, 2009

“Ruling exposes defects in insurer’s determination,” *Chicago Daily Law Bulletin*, Workplace Issues, March 16, 2009

“Consider this before wrongfully denying a claim,” *Chicago Daily Law Bulletin*, Workplace Issues, March 2, 2009

“Court right to look at big picture in benefits case,” *Chicago Daily Law Bulletin*, Workplace Issues, February 2, 2009

“Ruling outlines scope of review in ERISA case,” *Chicago Daily Law Bulletin*, Workplace Issues, January 19, 2009

“Ruling puts Glenn to work,” *Chicago Daily Law Bulletin*, Workplace Issues, December 29, 2008

“Insurer functioned as administrator: court,” *Chicago Daily Law Bulletin*, Workplace Issues, December 15, 2008

“Ruling an indictment of Unum's operations,” *Chicago Daily Law Bulletin*, Workplace Issues, December 1, 2008

“An end to lenient regime of claim reviews,” *Chicago Daily Law Bulletin*, Workplace Issues, November 24, 2008

“Court finds conflict in review of claim,” *Chicago Daily Law Bulletin*, Workplace Issues, November 3, 2008

“Claimant not required to exhaust issues,” *Chicago Daily Law Bulletin*, Workplace Issues, October 13, 2008

“Insurer’s own guidelines dismissed as not binding,” *Chicago Daily Law Bulletin*, Workplace Issues, October 6, 2008

“Disability benefits adjudication: Attorney representing disability claimants,” Morgan & Sweet, eds., *Neuropsychology of Malingering Casebook* 476-487 (Chapter 38) (Psychology Press 2008)

“Court rethinks its approach after *Glenn* ruling,” *Chicago Daily Law Bulletin*, Workplace Issues, September 22, 2008

“Appeals court clarifies factors for fee awards,” *Chicago Daily Law Bulletin*, Workplace Issues, September 8, 2008

“Mediating in the Appellate Court,” *Litigation* (American Bar Association Journal of the Section of Litigation)(Summer 2008)

“Judge sees importance of discovery ruling,” *Chicago Daily Law Bulletin*, Workplace Issues, August 18, 2008

“Ruling underscores value of treating physician opinion,” *Chicago Daily Law Bulletin*, Workplace Issues, August 4, 2008

“Bankruptcy omission led to estoppel,” *Chicago Daily Law Bulletin*, Workplace Issues, July 21, 2008

“Ruling means end for lenient regime of reviews,” *Chicago Daily Law Bulletin*, Workplace Issues, June 23, 2008; reprinted in American Association for Justice, *Insurance Law Section Newsletter* (Summer-Fall 2008)

“Ruling shows problems with review system,” *Chicago Daily Law Bulletin*, Workplace Issues, June 9, 2008

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"When Good Deeds Go Unrewarded: Recording and Torrens Land Registration," 65 *Chicago Bar Record* 118 (1983)

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OTHER PUBLICATIONS

"Disability E-News Alert," Monthly electronic newsletter distributed to attorneys and claim managers—Publisher, Editor, and Author (2001-present)

"Workplace Issues," *Chicago Daily Law Bulletin* – Regular column on disability insurance law – 2004 to present

Employee Benefits (BNA), Former Senior Editor and Chapter Editor (ABA Section on Labor and Employment Law, Employee Benefits Committee)

PRESENTATIONS

"Slayer Laws and ERISA Preemption," Great Lakes Area TE/GE Council, Chicago, Illinois July 20, 2018

"In Re Mathias and ERISA Venue: What about the Statutory Language," American Bar Association Employee Benefits Committee Midwinter Meeting, Clearwater, Florida, February 10, 2018 (with Mark Casciari, Denise Clark and Al Holifield)

"Remedies," American Bar Association, Joint Committee on Employee Benefits, "ERISA Basics," Chicago, Illinois October 26, 2017 (with Marjorie Butler, Kimberly Bradley and Ian Morrison)

"Benefit Claims – Part II: Litigation Overview," American Bar Association, Joint Committee on Employee Benefits, "ERISA Basics," Chicago, Illinois October 26, 2017 (with Al Holifield, Richard Hopp, Peter M. Kelly and A. Chantelle Roberson)

"Recent ERISA Decisions and How to Use Them in Your Practice," American Association for Justice, Boston, Massachusetts, July 24, 2017 (with Mala Rafik and Eric Buchanan)

“ERISA for Employment Lawyers,” Chicago Bar Association, Labor and Employment Law Committee, January 11, 2017 (with Mark E. Schmidtke)

“Parkinson’s Disease – Disability, Health Insurance, and Employment Claims: The Basics,” Webinar presented to National Parkinson Foundation November 17, 2016 (with Glenn Kantor and Bonny Rafel)

“Select Topics in Employee Benefits,” Chicago-Kent College of Law 35th Annual Conference on Not-For-Profit Organizations, Chicago, Illinois, June 9, 2016 (with Andreason L. Brown)

“Recent Developments in Disability Claims,” American Bar Association Section of Taxation, Washington, D.C., May 7, 2016 (with Mark Schmidtke, Denise Clark, and Gabrel Marinaro)

“Benefits Litigation Hot Topics-Inside the Minds of Plaintiffs’ and Defense Counsel,” Ogletree Deakins Employee Benefits and Executive Compensation Symposium, Chicago, Illinois (May 4, 2016) (with Mark E. Schmidtke)

“Pitfalls to Avoid in Settling Employment Disputes,” Equip for Equality/Disability Rights Consortium, Chicago, Illinois, April 27, 2016

“New Developments and Nuances in Life, Health, Disability, Managed Care, and Benefit Claims Litigation,” American Conference Institute 11th National Forum on ERISA Litigation, Chicago, Illinois, March 1, 2016 (with William Patton and Anthony Shelley)

“Annual ERISA Litigation Update,” WEB, January 27, 2016 (with Chris Boran)

“Recent Developments in ERISA Litigation,” Chicago Bar Association Employee Benefits Committee, December 11, 2015 (with Michael Graham)

“Ethics: Who is My Client and Other Ethical Pitfalls in ERISA Cases,” American Bar Association, 9th Annual Labor and Employment Law Conference, Philadelphia, Pennsylvania (November 7, 2015) (with Marjorie A. Butler, Benjamin Eisner, and Erin M. Sweeney)

Similarities and Differences Between Social Security Disability and Private Disability – Using Your Knowledge of Social Security Disability to Win Private Disability Claims, National Organization of Social Security Claimants Representatives, Denver, Colorado (October 30, 2015)

“Benefit Claims Litigation,” American Conference Institute 9th National Forum on ERISA Litigation, Chicago, Illinois, April 14, 2015 (with William Patton, Denise Clark, and Stephen Rosenberg)

“Mark v. Mark – The Best and Worst of ERISA 2014 – So far. A Plaintiff and Defense Perspective, American Bar Association, Tort and Insurance Practice Section, 41st Annual TIPS Mid-Winter Symposium on insurance and Employee Benefits, Tucson, Arizona January 16, 2015 (with Mark Schmidtke)

“2013-2014 Year in Review: Top ERISA and Employee Benefit Cases,” Chicago Bar Association, Employee Benefits Committee, November 21, 2014 (with Marie Casciari)

“Benefit Claims – Litigation,” ERISA Basics National Institute, American Bar Association, Chicago, Illinois, October 16, 2014 (with Katherine Roe and Ada Dolph)

“ERISA Basics Concepts – Statutory Overview,” ERISA Basics National Institute, American Bar Association, Chicago, Illinois, October 16, 2014 (with Charles Wolf, Judith Broach, and Timothy Hauser)

“ERISA Litigation – Where It’s Been Recently and Where It’s Going,” Great Lakes Area TE/GE Council, Chicago, Illinois, July 18, 2014

“Benefit Claims Litigation: From Claims Review to Standard of Review and Discovery and Dispositive Motions,” American Bar Association ERISA Litigation National Institute, Chicago, Illinois, June 18, 2014 (with Lisa Gomez and Robert Rachal)

“ERISA Liens/New Lien Statute 770 ILCS 23/50,” Illinois Trial Lawyers Association, Settlements, Liens and Technology Seminar, Oak Brook, Illinois April 5, 2014

“How courts interpret the meaning of ‘civil action’ as applied to benefit disputes under ERISA,” Third Annual ERISA, Employee Benefits, and Social Insurance National Conference, Benefits Law at the Crossroads: Whither U.S. Employee Benefits and Social Insurance Law? Marquette University Law School, Milwaukee, Wisconsin, March 28, 2014

“Six Things You Need to Know About Employee Benefits Law,” 2014 National Employment Lawyers Association (NELA) Seventh Circuit Conference, “What Every Plaintiff’s Employment Lawyer Needs to Know About ...” Chicago, Illinois February 21, 2014

“Panel Discussion with the Honorable Edith Jones, Circuit Judge, United States Court of Appeals for the Fifth Circuit,” American Bar Association, Section of Labor and Employment Law, Employee Benefits Committee Midwinter Meeting,

New Orleans, Louisiana February 7, 2014 (with Karen Mock, Myron Rumeld and Lisa Gomez)

“2013 Year in Review: Take Note – 10 Key ERISA Decisions,” John Marshall Law School Lunch and Learn, February 12, 2014 (with Mark Casciari)

"ERISA Litigation Update: Fallout from Amara," WEB (Worldwide Employee Benefits) Network (Chicago Chapter), January 22, 2014 (with Mark Schmidtke)

“Benefit Claims: Litigation,” ,” 27th Annual National Institute on ERISA Basics, America Bar Association, Chicago, Illinois, October 16, 2013 (with Ada W. Dolph and Katherine Roe)

“ERISA Basics Concepts- Statutory Overview,” 27th Annual National Institute on ERISA Basics, America Bar Association, Chicago, Illinois, October 16, 2013 (with Lisa M. Gomez and Charles B. Wolf)

“Benefit Claim Litigation,” Thomson Reuters 26th Annual ERISA Litigation Conference, Chicago, Illinois, September 17, 2013 (with Howard Shapiro)

“Disability Insurance Overpayments – How to Handle ‘Other Income’ Payments, American Association for Justice, San Francisco, California, July 21, 2013

“Fiduciary Liability: What’s Hot/What’s Not,” Professional Liability Underwriting Society (PLUS) Professional Risk Symposium, Chicago, Illinois, April 10, 2013 (with Rhonda Prussack, Charles C. Jackson, and Christopher Williams)

"Five Things You Need To Know About Employee Benefits Law," 16th Annual Labor and Employment Law Institute, Illinois Institute of Continuing Legal Education, Chicago, Illinois, March 15, 2013

“2012 Year in Review: 10 ERISA and Employee Benefits Cases,” Chicago Bar Association, Employee Benefits Committee, November 16, 2012 (with Mark Casciari)

“ERISA Claim Litigation,” Illinois Institute of Continuing Legal Education, Chicago, Illinois, October 19, 2012. Moderator and presenter (with Ada Dolph)

“Long-Term Disability Claims,” American Bar Association, ERISA Litigation National Institute, Washington, D.C. June 7, 2012 (with James P. McElligott, Jr.)

“Benefit Claims Litigation: From Claims Review to Standard of Review and Discovery and Dispositive Motions,” American Bar Association, ERISA Litigation National Institute, Washington, D.C. June 7, 2012 (with Lisa M. Gomez and Martha Jo Wagner)

“ERISA – A Freakonomics Paradox,” Chicago-Kent College of Law, April 26, 2012

“Benefit Claims Update: Standard of Review, Discovery and Attorneys’ Fees: Where Are We After Glenn, Frommert & Hardt,” American Bar Association, Section of Labor and Employment Law, Employee Benefits Committee 2012 Midwinter Meeting, San Diego, California, February 16, 2012 (with Ada Dolph, Suzanne Metzger, and Lindsay Nako)

“2011 Year in Review: Top 10 ERISA Cases,” Chicago Bar Association, Employee Benefits Committee, Chicago, Illinois, January 20, 2012 (with Mark Casciari) – repeated on February 10, 2012 for Illinois State Bar Association Employee Benefits Committee

“SSDI and LTD – Differences and Similarities (Proving Disability, Onset, and Offsets), Chicago Bar Association, Social Security Law Committee, Chicago, Illinois, January 19, 2012

“Long Term Disability Claims,” American Bar Association, 21st National Institute on ERISA Litigation, Chicago, Illinois November 15, 2011 (with Elizabeth G. Doolin)

“Benefit Claims Litigation: Claims Standard of Review and Discovery and Dispositive Motions,” American Bar Association, 21st National Institute on ERISA Litigation, Chicago, Illinois November 15, 2011 (with Lissa J. Paris)

“In the Lion’s Den II – Surviving Cross-Examination,” 42nd Annual Meeting, American Academy of Psychiatry and the Law, Boston, Massachusetts, October 27, 2011 (with Roger Z. Samuel, M.D. and Marla Hemphill, M.D.)

“Legal Challenges in Disability Claims,” 7th Annual International DI Society Conference, Chicago, Illinois, October 16, 2011

“Pain and Disability,” American Association for Justice 2011 Annual Convention, New York City, New York, July 10, 2011

“Lessons to be Learned from Recent ERISA Cases,” Great Lakes Benefits Conference (American Society of Pension Professionals and Actuaries), Chicago, Illinois, June 23, 2011 (with Timothy Hauser and Mark Casciari)

“Are we lawyers or social workers?” Equal Employment Opportunity Commission, Chicago, Illinois, May 25, 2011 (with Jennifer Soule)

“COBRA and HIPAA,” ERISA Basics National Institute, American Bar Association, Chicago, Illinois, May 20, 2011 (with Lisa M. Gomez)

“Key Supreme Court and Seventh Circuit ERISA Decisions in 2010 and 2011,” John Marshall Law School Lunch and Learn, April 13, 2011 (with Mark Casciari)

“Representing Sick and Injured Employees and Employers Who Employ Them: Views from the Plaintiff’s and Defense Bar,” 14th Annual Employment Law Update, Illinois Institute for Continuing Legal Education, Chicago, Illinois, April 7, 2011 (with Joan Casicari and Kristin Case)

“Key Supreme Court and Seventh Circuit ERISA Decisions in 2010 and 2011,” Chicago Bar Association, Employee Benefits Committee, March 18, 2011 (with Mark Casciari)

“Litigating Long-Term Disability Claims,” 2nd Annual Employee Benefits Law Seminar, Institute of Continuing Legal Education in Georgia, Atlanta, Georgia March 17, 2011

“Long Term Disability Claims,” American Bar Association, 20th Annual National Institute on ERISA Litigation, Chicago, Illinois, November 12, 2010 (with Elizabeth Doolin)

“Benefit Claims Litigation: Claims Standard of Review, Discovery, and Dispositive Motions,” American Bar Association, 20th Annual National Institute on ERISA Litigation, Chicago, Illinois, November 11, 2010 (with Deborah Davidson)

“ERISA Civil Procedure, Discovery, Conflict of Interest, and Social Security and Other Offsets,” Eleventh Circuit ERISA Conference, Birmingham, Alabama, October 29, 2010 (with Honorable William Acker, Jr. and James Christie)

“How Do I Win My Client’s Disability Insurance Claim,” National Organization for Social Security Claimants’ Representatives, Chicago, Illinois, September 24, 2010

“ERISA Reimbursement and Offset Issues,” American Association for Justice, Teleseminar on Update on ERISA Reimbursement and Subrogation (with John Wood, Matt Garrison, and Linda Magruder), September 21, 2010

“Disability Issues Relating to Parkinson’s Disease,” Rush Parkinson’s Disease and Movement Disorders Symposium 2010, Rosemont, Illinois, May 21, 2010

“COBRA and HIPAA,” American Bar Association, Joint Committee on Employee Benefits, National Institute on ERISA Basics, Chicago, Illinois, May 21, 2010

“You’ve Won! Now What?” Payment Processing and Offsets from A to Z, NADR (National Association of Disability Representatives) Conference, Chicago, Illinois,

April 27, 2010 (with Caryn Montague (moderator), Paul Shumard, Nancy Martinez, Alan Goldstein, and Fred Daley)

“The EEOC and Your Client – Working With and Against the EEOC in Prosecuting and Defending Charges of Discrimination, Federal Bar Association, Chicago Chapter, April 21, 2010. Moderator (with Diane Smason and Nina Stillman)

“The Future of Discretionary Clauses in Health, Disability, and Life Insurance Plans,” BNA Webinar April 20, 2010 (with Mary Ellen Signorille, Charles Seemann III, and Mark Nielsen)

“Recent Case Law in ERISA,” American Association for Justice teleseminar - “A Survival Guide to ERISA Based Liens,” February 24, 2010 (with Caitlin S. Palacios (moderator), David Abney, and Scott Elkind)

“A Review of 2009 ERISA and Related Cases,” Chicago Bar Association Employee Benefits Law Committee, Chicago, Illinois, January 15, 2010

“Long Term Disability Insurance Claims,” American Bar Association, 19th Annual National Institute on ERISA Litigation,” Chicago, Illinois, November 17, 2009 (with Mark E. Schmidtke)

“ERISA Claims: Scope of Relief,” American Bar Association, 19th Annual National Institute on ERISA Litigation,” Chicago, Illinois, November 16, 2009 (with Charles C. Jackson)

“ADA Redux: Current Developments and the Impact of the Americans with Disabilities Act Amendments,” American Bar Association, Section of Labor and Employment Law, Third Annual CLE Conference, Washington, D.C. November 5, 2009 (with Peggy Mastroiani, Mary O’Melveny, Jeff Wray, and Patricia Slovak (Moderator)

“In the Lion’s Den: Surviving Cross Examination,” American Academy of Psychiatry and the Law 40th Annual Meeting, Baltimore, Maryland October 29, 2009 (with Roger Z. Samuel, M.D. and Henry Conroe, M.D.)

“ERISA Litigation Hot Topics,” American Bar Association Joint Committee on Employee Benefits (TeleConference/Live Audio Webcast), October 16, 2009 (with Howard Shapiro (moderator), Kay Kyungsun Yu, Richard C. Shea, and Teresa S. Renaker)

“Disability issues in patients and clients with multiple sclerosis,” Neurorehabilitation Symposium 2009, Rush University Medical Center, Chicago, Illinois, October 16, 2009

“Disability and Mental Illness – What it Means for You, Your Practice and Your Clients,” Defense Research Institute (DRI) 2009 Annual Meeting, Chicago, Illinois, October 9, 2009 (with Hon. Rebecca Pallmeyer, Warren von Schleicher, Hope T. Cannon and Barbara O’Connell)

“The Other Fork in the Road – Social Security Disability, Short-Term and Long-Term Disability,” Institute of Continuing Legal Education in Georgia, “Employment Law for the General Practitioner and the Pros,” Atlanta, Georgia, September 24, 2009

“Subrogation/Reimbursement Clauses in ERISA Plan Documents: When Can They Be Enforced and When Can the Make Whole Doctrine Prevail,” American Association for Justice Annual Convention, San Francisco, California, July 27, 2009

“Subrogation – Litigation at Sunrise,” American Association for Justice Annual Convention, San Francisco, California, July 27, 2009

“ERISA Basics Concepts,” “ERISA Claims: Standing, Jurisdiction, and Scope of Relief,” and “Benefit Claims: Litigation,” American Bar Association, ERISA Basics National Institute, Chicago, Illinois June 10 and June 11, 2009 (with Lissa Paris, Douglas Selwyn, and Mark Casciari)

“A Review of the Top 10 ERISA Cases in 2008 and to Date,” Illinois State Bar Association, Employee Benefits Section, Chicago, Illinois, April 17, 2009 (with Mark Casciari)

“Doing Well by Doing Good – Making a Social Security Practice Work for You,” Federal Bar Association, Chicago, Illinois, March 24, 2009, Moderator (with Honorable Arlander Keys, United States Magistrate Judge; Honorable Paul Lillios, Regional Chief Administrative Law Judge, Social Security Administration, and Frederick Daley)

“Mediation Skills and Strategies,” Illinois Institute for Continuing Legal Education 12th Annual Employment and Labor Law Update, March 20, 2009, Chicago, Illinois (with Honorable P. Michael Mahoney, United States Magistrate Judge and James D. Harbert); repeated on March 25, 2009, Champaign, Illinois (with Honorable Byron G. Cudmore, United States Magistrate Judge and Anthony E. Antognoli)

“An ERISA Potpourri,” American Bar Association, ERISA Litigation, November 7, 2008, Chicago, Illinois (with Douglas M. Selwyn)

“Benefit Claims Litigation: Claims Standard of Review and Evidence,” American Bar Association, ERISA Litigation, Chicago, Illinois, November 6, 2008 (with Lissa J. Paris)

“Detection of Malingering in Disability Evaluations,” American Academy of Psychiatry and the Law, 39th Annual Meeting, Seattle, Washington, October 25, 2008 (with Roger Z. Samuel, M.D., Henry Conroe, M.D., and Wendy Marlowe, Ph.D.)

“The Supreme Court Speaks on ERISA Litigation Issues,” John Marshall Law School, Chicago, Illinois, September 25, 2008 (with Professor Kathryn Kennedy and Elizabeth Hopkins)

“Are Courts Denying Employee Benefit Claimants Due Process of Law?” American Association for Justice, Insurance Law Section, Philadelphia, Pennsylvania, July 13, 2008

“Dissecting the US Supreme Court’s Decision in *Metropolitan Life Insurance Co. v. Glenn* Teleseminar,” July 10, 2008 (American Association for Justice)(With Eric Buchanan and Jonathan Feigenbaum)

“Caveat Emptor! Everything You Need to Know About Disability Insurance,” MDRT (Million Dollar Round Table), Toronto, Ontario, June 25, 2008 (with Joe A. Sierra)

“Subrogation, ERISA Basics, American Bar Association, Chicago, Illinois, June 6, 2008 (with Lissa J. Paris)

“ERISA Claims: Standing, Jurisdiction and Scope of Relief, ERISA Basics, American Bar Association, Chicago, Illinois, June 5, 2008 (with Lissa J. Paris)

“Insurance Coverage for Eating Disorders,” Chicago Bar Association, Mental Health Law Committee, June 3, 2008 (with Mary Elsner)

“Mental Illness Clauses in Disability Income Insurance Policies,” Teleconference, American Bar Association – Tort and Insurance Practice Section, May 21, 2008 (with Ian Smith and Vaughan Finn)

“The Top Ten Lessons I Have Learned as an Employment Lawyer,” McDermott, Will & Emery ERISA Symposium, Chicago Illinois May 5, 2008

“*Sereboff v. Mid-Atlantic – Implications and Case Law Update*,” American Association for Justice – ERISA Update on Reimbursement Claims Teleseminar, April 8, 2008

“A Review of the Top 10 Employee Benefits Cases Since January 2007,” Great Lakes Benefits Conference (Co-sponsored by IRS and ASPPA), Chicago, Illinois, April 3, 2008 (with Mark Casciari)

“Disability Insurance: Individual and ERISA Claims,” Illinois Trial Lawyers Association – Insurance and Bad Faith Actions Seminar, Chicago, Illinois, February 18, 2008

“ERISA Civil Procedure,” 11th Annual Labor Law and Employment Short Course, Chicago, Illinois, February 14, 2008

“Top 10 Benefits Cases in 2007,” Chicago Bar Association, Employee Benefits Committee, January 18, 2008 (with Mark Casciari)

“Pre-Suit Requirement and Procedural Aspects of Litigating ERISA Claims,” Illinois Institute of Continuing Legal Education, ERISA Fiduciary Litigation -- Procedures and Tips, Chicago, Illinois, December 3, 2007

“Scope and Standard of Review,” Illinois Institute of Continuing Legal Education, ERISA Fiduciary Litigation -- Procedures and Tips, Chicago, Illinois, December 3, 2007 (with Mark A. Casciari)

“Hot Topics in Employee Benefits Litigation,” American Bar Association, Section of Labor and Employment Law, Annual CLE Conference, Philadelphia, Pennsylvania, November 8, 2007 (with Lissa J. Paris and Kay K. Yu)

“Subrogation and Reimbursement,” 17th National Institute on ERISA Litigation, American Bar Association, Chicago, Illinois, November 1, 2007 (with Lissa J. Paris)

“Benefit Claims Litigation: Claim Standard of Review and Evidence,” 17th National Institute on ERISA Litigation, American Bar Association, Chicago, Illinois, November 1, 2007 (with Mark Casciari)

“Due Process and ERISA,” John Marshall Law School, Lunch and Learn, October 5, 2007

“Subrogation and Reimbursement,” ERISA Basics, American Bar Association, Chicago, Illinois, May 4, 2007

“ERISA Claims: Standing, Jurisdiction and Scope of Relief, ERISA Basics, American Bar Association, Chicago, Illinois, May 3, 2007 (with Lissa J. Paris)

“What Process is Due in the Adjudication of ERISA Claims?” John Marshall Law School Fifth Annual Symposium on Employee Benefits, Chicago, Illinois, April 25, 2007

“Insurance & Employment: Know Your Rights,” BMTInfonet (Bone & Marrow Transplant Information Network), Oak Brook, Illinois, April 14, 2007 (with Susan Loeb and Paul Drucker)

“The Convoluted World of ERISA,” Illinois Institute for Continuing Legal Education, 10th Annual Employment Law Short Course, Chicago, Illinois, February 22, 2007

“ERISA Law Update,” Chicago Bar Association, Employee Benefits Committee, Chicago, Illinois, January 19, 2007 (with Mark Casciari)

“Status of ERISA Litigation and Attorneys’ Fees,” Annual Midwinter Symposium on Insurance, Employment and Benefits, American Bar Association, Tort, Trial and Insurance Practice Section, Laguna Beach, California, January 13, 2007

“Severance and Early Retirement Litigation,” *ERISA Litigation*, American Bar Association, Chicago, Illinois, November 10, 2006 (with Lissa J. Paris)

“Detection of Malingering in Disability Evaluations,” American Association of Psychiatry and the Law, Chicago, Illinois, October 26, 2006 (with Henry Conroe, M.D., Roger Samuel, M.D., and Thomas McLaren, Ph.D.)

“Disability Insurance Claims Litigation Update – A Plaintiff Attorney Perspective,” Maine Event 2006 (Smith Group Disability and Reinsurance Consultants), Kennebunkport, Maine, September 19, 2006

“State Laws that Survive ERISA Preemption,” Association of Trial Lawyers of America, Seattle, Washington, July 15, 2006

“ERISA Remedies,” *ERISA Basics*, American Bar Association, Chicago, Illinois, May 12, 2006

“Enforceability of Discretionary Clauses Post-Diaz, Under New State Regulations, and After the UnumProvident Settlements,” American Conference Institute, *Litigating Disability Insurance Claims*, Miami, Florida, February 23, 2006 (with Mark Schmidtke and David Kalib)

“ERISA Developments – Point/Counterpoint,” with Mark Casciari, Chicago Bar Association, January 20, 2006

“ERISA Claim Appeals” and “Subrogation,” *ERISA Litigation*, American Bar Association, November 10, 2005

“Legal Aspects of Disability,” Midwest Pain Society, 29th Scientific Session, Chicago, Illinois, September 9, 2005

“ERISA Benefit Claims Procedures,” *ERISA Basics*, American Bar Association, Annual Meeting, Section of Labor and Employment Law, August 6, 2005

“Disability Insurance – Buying It and Securing It,” Post-Polio Health International, St. Louis, Missouri June 2, 2004

“ERISA Made Easy,” Illinois State Bar Association Law-Ed Series, Presented as part of “What’s New in Labor and Employment Law,” Chicago, Illinois (March 4, 2005); Bloomington, Illinois (March 11, 2005)

“Severance and Early Retirement Litigation,” ERISA Litigation, American Bar Association, Joint Committee on Employee Benefits, Chicago, Illinois, November 12, 2004 (with Evan Miller, Jeffrey Lewis and Lissa J. Paris)

“Subrogation and Reimbursement,” ERISA Litigation, American Bar Association, Joint Committee on Employee Benefits, Chicago, Illinois, November 11, 2004 (with Lisa Gomez)

“Benefit Claims Litigation: Claim Review and Exhaustion,” ERISA Litigation, American Bar Association, Joint Committee on Employee Benefits, Chicago, Illinois, November 11, 2004 (with Lisa Gomez)

“Ask an Attorney about Health Insurance Issues, Disability, Workplace Issues,” 7th International Thyroid Cancer Survivors’ Conference, Deerfield, Illinois, October 22, 2004

“What Every Lawyer Needs to Know About Disability Insurance, Consumer Lawyers of Hawaii, Honolulu, Hawaii, June 29, 2004

“Employee Benefits Update,” Personnel Law Update 2004, Council on Education in Management, Oak Brook Terrace, Illinois, May 25, 2004

“Insurance Issues,” International Waldenstrom’s Macroglobulinemia Foundation, Lincolnshire, Illinois, May 22, 2004

“Ethics,” ERISA Basics, American Bar Association, Chicago, Illinois, May 20, 2004 (Panel discussion with Mark Casciari, Gabriel Minc, and Denise Clark)

“The Relationship Between Long-Term Disability and Social Security Disability,” National Organization of Social Security Claimants’ Representatives, San Diego, California, May 12, 2004 (Panel discussion with Pamela Atkins, Frank Darras, Lawrence Rohlfing, and Elizabeth Lishner)

“The Shifting Boundaries of ERISA Pre-Emption,” ERISA for Trial Lawyers, North Carolina Academy of Trial Lawyers, Raleigh, North Carolina, April 30, 2004

“The Paradox of the Misuse of Administrative Law in ERISA Benefit Claims,” Symposium on Employee Benefits Law, John Marshall Law School, Chicago, Illinois, April 2, 2004

“Recent Developments in ERISA Litigation,” (With Mark Casciari) Illinois State Bar Association, Employee Benefits Section, February 20, 2004

“Seventh Circuit ERISA Update,” Seventh Circuit National Employment Lawyers Association, Chicago, Illinois, February 16, 2004

“What’s Right and Wrong About The Trends in Benefit Litigation,” (with Mark Casciari) Chicago Bar Association, Employee Benefits Law Committee, November 21, 2003

“Benefit Claims Litigation: Standard of Review and Evidence,” (with Martha J. Wagner), ERISA Litigation – National Institute (American Bar Association), November 13-14, 2003

“LTD (Long Term Disability) Benefit Claims,” (with Lissa J. Paris), ERISA Litigation – National Institute (American Bar Association), November 13-14, 2003

“Recent Developments in ERISA Benefits and ERISA Preemption,” Decalogue Society of Chicago, November 5, 2003

“ERISA Update 2003 – Preemption, The Treating Physician Rule, and Cash Balance Pension Plans,” Chicago Bar Association, Labor and Employment Law Committee, September 10, 2003

“Prosecuting and Defending the ERISA Disability Case After *Black & Decker v. Nord*, American Bar Association, Section on Labor and Employment Law/Center for Continuing Legal Education, Teleconference Moderator and Participant, July 28, 2003

“ERISA Update 2003-Hall of Fame versus Hall of Shame,” Section on Health Care and Disability Law, Association of Trial Lawyers of America, San Francisco, California, July 22, 2003

“Benefit Claims Appeals” (with Mark Nielsen), “Benefit Claims Litigation (with Mark Nielsen)” and “Ethics” (Panel Discussion with Mary Ellen Signorille and Lissa Paris), American Bar Association, “ERISA Basics,” Chicago, Illinois, June 5, 2003

“Handling Medicare and ERISA Rights of Reimbursement on Tort Recoveries,” (with Henry B. Vess III), Illinois Institute for Continuing Legal Education, April 1, 2003

“ERISA Developments,” Chicago Bar Association Labor and Employment Law Committee/Employee Benefits Committee (Panel Discussion), December 11, 2002

“ERISA Fiduciary Liability,” University of Michigan Law School (course on ERISA law taught by Professor Dana Muir), Ann Arbor, Michigan, November 19, 2002

“ERISA Subrogation” (with Thomas Lawrence) and “Long Term Disability and Retiree Health Insurance Claims” (with Erin Sweeney), American Bar Association, “ERISA Litigation” Chicago, Illinois, November 14-15, 2002

“Reversal of Fortune? The Department of Labor’s New Claims Review Regulations,” (with Greg Braden) LexisNexis/Mealey’s-ERISA: A Practitioner’s Guide, Boston, Massachusetts October 28, 2002

“ERISA and Long Term Disability Insurance-How We Got Here and Where We’re Going,” Smith Group Maine Event, Portland, Maine, September 24, 2002

“So You’re Stuck with ERISA...Now What?” Association of Trial Lawyers of America, Atlanta, Georgia July 2002

“Age Discrimination,” Presented at “EEO Basics,” American Bar Association, Chicago, Illinois, June 6-7, 2002

“Litigating Long Term Disability Insurance Cases,” National Organization of Social Security Claimants’ Representatives, Atlanta, Georgia, May 10, 2002.

“Update on Supreme Court ERISA Cases--2002,” Chicago Bar Association, Chicago, Illinois April 25, 2002

“Current Issues in Disability Insurance,” Chicago/Illinois State Medical Society, Midwest Clinical Conference, Chicago, Illinois, March 21, 2002

“The Ten Most Important Lessons Learned From This Past Year’s Employee Benefits Cases,” Chicago Bar Association, Chicago, Illinois, March 14, 2002

“Violation or Vindication—Patients’ Rights in the Workplace,” Crohn’s & Colitis Foundation of America, Symposium for Doctors, Patients and their Families, Rosemont, Illinois, November 17, 2001

“Subrogation,” American Bar Association, Seminar on “ERISA Litigation,” Chicago, Illinois, November 10, 2001 (With Thomas H. Lawrence, Esq.)

“Benefits Litigation,” Practising Law Institute “Employment Law,” Chicago, Illinois, October 30, 2001

“Long Term Disability,” FAME 2001, National Fibromyalgia Awareness Campaign, Chicago, Illinois, June 23-24, 2001.

“Benefit Claims Litigation,” American Bar Association, Seminar on “ERISA Basics,” Chicago, Illinois, May 3, 2001 (With Erin Sweeney, Esq.)

“An Update on ERISA Preemption,” Patient Advocate Foundation, National Legal Symposium, Loyola University School of Law (Chicago), April 7, 2001

“Recent Developments in Health and Disability Insurance,” Illinois State Bar Association, Seminar on “Insurance Coverage: An Update.” Chicago, Illinois April 5, 2001; repeated in Peoria, Illinois on April 18, 2001

“Current Issues in Disability Insurance,” Chicago Medical Society, Midwest Clinical Conference, February 22, 2001

“Obtaining Insurance Coverage,” RESOLVE (Infertility Support Group), Lutheran General Hospital, Park Ridge, Illinois, February 13, 2001

“Benefits Litigation,” Practicing Law Institute “Employment Law,” Chicago, Illinois October 23-24, 2000

“Recent ERISA Developments,” Association of Trial Lawyers of America, ATLA 2000 Annual Convention, August 1, 2000

“ERISA §510 Claims,” American Bar Association, ERISA Basics Seminar, Chicago, Illinois, March 24, 2000

“Estoppel Claims,” American Bar Association, ERISA Basics Seminar, Chicago, Illinois, March 24, 2000

“Ten Things Not to Do With ERISA Plans (or--How to Help the Plaintiff Win)”, Chicago Bar Association Employee Benefits Committee, March 17, 2000

“Benefits Litigation,” Practicing Law Institute “Employment Law,” Chicago, Illinois November 15-16, 1999

“Navigating the Claims Review Process and Review of the Proposed DOL Regulations”, American Conference Institute, “Advanced ERISA Litigation” Chicago, Illinois October 25-26, 1999

“ERISA and Subrogation,” Patient Advocate Foundation, September 17-18, 1999

“ERISA, ADA and Health Insurance: What is Your Client Entitled To?,” Illinois State Bar Association, “Nuts and Bolts for the Tort Practitioner,” Lake Geneva, Wisconsin, June 25, 1999

“The Magic of ERISA,” American Conference Institute, “Litigating Disability Insurance Claims”, Boston, Massachusetts, June 10-11, 1999

“The Current Hottest Issues in Disability Insurance Litigation,” National Organization of Social Security Claimants’ Representatives, Washington, D.C., April 23, 1999

“An Introduction to ERISA,” Chicago Attorneys’ Council of Hadassah, Chicago, Illinois, March 16, 1999

“Preemption of Consumer Protections Under ERISA,” Presented at “Patient Protections: A Missing Link in Health Care,” Missouri Consumer Health Care WATCH Coalition, St. Louis, Missouri, May 1, 1998

“Overview of Insurance Coverage Litigation,” and “ERISA Basic Procedures,” Presented at Annual National Legal Symposium, The Patient Advocate Foundation, Loyola University School of Law, Chicago, Illinois, April 24-25, 1998

“Life, Health, and Disability Insurance -- An Update,” Presented at “What’s Covered and What’s Not: An Insurance Law Update,” Illinois State Bar Association, Chicago, Illinois, March 2, 1998

“Disability,” The CFIDS (Chronic Fatigue Immune Dysfunction Syndrome) Chronicle Live, Pheasant Run Resort, St. Charles, Illinois, October 26, 1997 (With Nancy Klimas, M.D.)

“The Vocational Impact of Psychiatric Disabilities,” National Organization of Social Security Claimants’ Representatives (NOSSCR), Chicago, Illinois October 15-18, 1997 (With Michael Komie, Ph.D.)

“ERISA and Long Term Disability Insurance Claims,” Smith Group Reinsurance “Maine Event”, Northeast Harbor Maine, September 17, 1997

“Avoiding and Litigating the ERISA Claim”, WEB, Chicago, Illinois, August 27, 1997 (Panel Discussion with Mark Casciari, J.D.)

“The ADA and Disability Insurance” and “The ADA and Social Security Disability”, Presented to the Legal Services for People with Disabilities Committee, Young Lawyers Section of the Chicago Bar Association, June 18, 1997

“ERISA Benefit Claims -- A Plaintiff’s Perspective”, Defense Research Institute, Chicago, Illinois, May 15 -17, 1997

“Claiming Benefits Under Group Long Term Disability Plans,” National Organization of Social Security Claimants’ Representatives (NOSSCR), Washington, D.C., April 2-4, 1997 (Presented with Aba Heiman, J.D.)

“Avoiding Unintended Consequences -- Pitfalls Posed by the ADA and ERISA,” Presented to the Workers Compensation Lawyers Association Ltd., March 19, 1997

“ERISA and Insurance”, Presented to Chicago Bar Association, Insurance Law Committee, March 6, 1996

“Social Security Disability Claims and Awards--Their Relationship to Long Term Disability Insurance Claims and Benefits, Workers’ Compensation, and Discrimination Litigation”, Presented at NOSSCR Spring Conference, Washington, D.C., April 5-8, 1995.

"Motion Practice in the Chancery Division," Chicago Bar Association Seminar on Chancery and Special Remedies, January 19, 1994. Repeated January 17, 1995.

"Sexual Harassment in Employment", Chicago Bar Association Lunch and Lecture Program, October 15, 1993

"Postpartum Mental Illness and Insurance Claims--Strategy and Recent Developments," Seventh Annual Conference of Postpartum Support International, Rush-Presbyterian St. Luke's Medical Center, Chicago, Illinois, June 24- 26, 1993

"ERISA, Disability Insurance, and Social Security -- Practice and Procedure," National Organization of Social Security Claimants' Representatives, National Spring Conference, Washington, D.C., June 9-12, 1993; repeated at NOSSCR Fall Conference, San Francisco, California, October 20-22, 1993

"Social Security Disability and Substance Abuse," May 12, 1993, Chicago Bar Association, Legal Rights for the Disabled Committee (Young Lawyers Division); Seminar on "Alcohol, Drugs and Your Client: A Guide to Legal Aspects of Addiction."

"ERISA Claims and Extracontractual Damages," May 19, 1992, Chicago Bar Association, Insurance Law Committee, Seminar on Bad Faith and Extracontractual Damage Claims in Insurance Litigation

"Social Security Disability", April 15, 1992, The Decalogue Society of Chicago

"Social Security Disability", Chicago, Illinois, February 20, 1992, American Educational Seminars

"Social Security Disability", October 20, 1989, City of Chicago, Department on Aging and Disability, Southeast Regional Center

"Breaking Through the Blues", Oakbrook, Illinois, June 19, 1989, NI-ASPO/LaMaze Continuing Education Workshop; Presentation on insurance coverage for postpartum psychiatric illness,

Perspectives on Postpartum Depression and Criminal Responsibility -- May 28-30, 1987 -- The Pennsylvania State University, University Park, Pennsylvania --
"When a Postpartum Depression is Compensable Under an Insurance Policy That Limits or Excludes Coverage for Mental or Nervous Disorders"

TESTIMONY

ERISA Advisory Council, United States Department of Labor, August 28, 2012, Washington, D.C., Hearing on Managing Disability Risks in an Environment of Individual Responsibility

United States Senate, Committee on Finance, Washington, D.C., September 28, 2010, Hearing on "Do Private Disability Policies Provide the Protection They Promise?" (available at <http://finance.senate.gov/hearings/hearing/?id=1c1bd578-5056-a032-5237-4dd9283e52ed>)

National Association of Insurance Commissioners, Consumer Protections & Innovations Working Group, December 4, 2008, Dallas, Texas, Testimony: "Disability Insurance Claims Handling Best Practices"

ERISA Advisory Council, United States Department of Labor, July 7, 2005, Washington, D.C., Hearing on Communications Issues in ERISA Benefit Claims

National Association of Insurance Commissioners, Committee on Consumer Protection, Anaheim, California, December 8, 2003. Testimony: "Why Discretionary Clauses in Disability Insurance Policies Must Be Prohibited."

United States Department of Labor, Hearing on Proposed Amendments to ERISA Claim Processing Regulations, Washington, D.C., February 19, 1999

United States House of Representatives, Committee on Ways and Means, Subcommittee on Social Security, Washington, D.C., May 13, 1987, Hearings on Attorneys' Fees in Social Security Disability Claims

PERSONAL

Born: June 1956

Marital Status: Married, two children

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SIGNIFICANT REPRESENTATIVE CASES

Fontaine v. Metropolitan Life Ins. Co., 800 F.3d 883 (7th Cir. 2015). ERISA Claim – Court of Appeals found that Illinois Insurance Regulation 50 Ill. Admin. Code § 2001.3 was not subject to ERISA preemption and precluded applicability of arbitrary and capricious standard of review.

Raybourne v. CIGNA Life Ins. Co. of N.Y., 700 F.3d 1076 (7th Cir. 2012). ERISA Claim - Court of Appeals upheld district court ruling finding insurer improperly terminated disability benefits – The court found the Social Security disability benefit determination was not properly taken into consideration by the insurer, that the insurer was motivated by a financial conflict of interest, and that the insurer’s reliance on an independent medical examination was misplaced. The court also upheld an award of attorneys’ fees to Raybourne’s counsel.

Stephan v. Unum Life Ins. Co. of America, 697 F.3d 917 (9th Cir. 2012). ERISA Claim - Court of Appeals overturned district judgment in favor of insurer – The court found Unum’s interpretation of the term “earnings” was arbitrary and capricious; the court also applied the fiduciary exception to attorney-client privilege to permit discovery of communications between claim analyst and in-house counsel during course of claim administration.

Holmstrom v. Metropolitan Life Ins. Co., 615 F.3d 758 (7th Cir. 2010). ERISA Claim - Court of Appeals overturned district court denial of disability insurance benefits recognizing significance of pain in disability assessment and criticizing insurer for presenting claimant with “moving target” as to what evidence to submit.

Diaz v. Prudential Insur. Co. of America, 499 F.3d 640 (7th Cir. 2007) and 422 F.3d 635 (7th Cir. 2005). ERISA claim – Court of Appeals overturned district court rulings for insurer finding that court should not have given deference to insurer’s findings. Court overturned two prior rulings and set precedent regarding standard of review applicable to ERISA claims and method of adjudicating ERISA claims.

Feibusch v. Sun Life, 463 F.3d 880 (9th Cir. 2006). ERISA claim – Court of Appeals overturned district court ruling for insurer and ruled that lower court improperly applied discretionary standard of review. The court also ruled the district court improperly construed insurance contract.

Seitz v. Metropolitan Life Insur. Co., 433 F.3d 647 (8th Cir. 2006). ERISA claim – Court of Appeals overturned district court ruling for insurer and ruled that even if claimant can perform some job duties, he qualifies for disability benefits if he cannot perform all job duties.

Ruttenberg v. U.S. Life, 413 F.3d 652 (7th Cir. 2005). ERISA claim – Court of Appeals overturned benefit denial and established doctrine of *contra proferentem* and “reasonable expectations of the insured” in benefit claims brought under ERISA.

Herzberger v. Standard Insurance Company, 205 F.3d 327 (7th Cir. 2000). ERISA claim—court overturned prior precedent to issue sweeping ruling modifying standard of review applicable in employee benefit cases.

Ladd v. ITT Corp., 148 F.3d 753 (7th Cir. 1998). ERISA Claim - Summary judgment for defendant reversed on appeal based on inconsistency between position taken by insurer with respect to Social Security disability payments; benefits awarded to plaintiff.

United States v. Clarence McClain, 934 F.2d 822 (7th Cir. 1991). Criminal appeal-- Major public corruption case. Several grounds on which Defendant was convicted were reversed by the Court of Appeals.

Castillo v. XLO Micromatic (Ex-Cello Corporation), No. 83 L 18654 (Cir.Ct.Cook County, Illinois). Personal Injury/Products liability-- Die casting machine accident resulting in catastrophic injuries. Jury verdict: \$1.2 million