

Balance Seems to Elude Justices In Northwestern ERISA Case

LAW360
12.13.2021

In this article, Dawn Murphy-Johnson discusses the December 6 oral argument held by the U.S. Supreme Court in *Hughes v. Northwestern University*, and what it might indicate in terms of a potential ruling. Whenever the Supreme Court tackles the complex and reticulated statute known as the Employee Retirement Income Security Act (ERISA), one thing is certain: The case will not be simple. The author writes "it came as no surprise when, after having stretched well past the time allotted, the oral argument ended without the justices providing much of a sense of how, exactly, the case might turn out." Despite ERISA's many complexities, *Hughes* presents a single procedural question concerning the pleading standard for a violation of ERISA's duty of prudence based on allegedly excessive fees. The author outlines the discussion during oral argument and questions asked by the justices, as well as the sticking point for many members of the court.