



Meaghan VerGow

Partner

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Meaghan VerGow is a highly regarded litigator who assists clients with complex commercial litigation and class actions at the trial and appellate levels. She also counsels clients on legal, policy, and regulatory matters. In recommending Meaghan, *Chambers USA* reports that clients consider her “impressive” and “very smart and strategic,” with a knack for thinking through “the best arguments.”

A member of the firm’s Financial Services and Appellate practices, Meaghan has briefed and argued cases in federal and state trial and appellate courts across the US, and has obtained multiple unanimous Supreme Court victories. Meaghan’s strategic insights have supported a long record of judgments in her client’s favor.

Meaghan’s areas of focus include ERISA, health care, administrative law, insurance law, federal jurisdiction and preemption, constitutional law, and securities law. Meaghan also maintains an active First Amendment practice.

Experience

Supreme Court

- Obtained a unanimous Supreme Court victory on the interpretation of a statute funding services for capital inmates
- Obtained significant criminal defense victory addressing the proper interpretation of the honest services fraud statute
- Represented a large utility client in Supreme Court and on remand in ERISA litigation challenging 401(k) plan offerings

Admissions

Bar Admissions

District of Columbia
New York

Court Admissions

US Supreme Court
US District Court, Colorado, District of Columbia, and Southern District of New York
US Courts of Appeals, First, Second, Third, Fifth, Sixth, Eighth, Ninth, Tenth, Eleventh, District of Columbia, and Federal Circuits
US Court of Federal Claims

Education

Harvard University, J.D.: *magna cum laude*; Articles Editor, *Harvard Law Review*

Columbia University, B.A.:
Biochemistry and History

- Obtained a unanimous ruling in the client's favor regarding the scope of the Controlled Substances Act

Constitutional and Administrative Law

- Representing a housing finance company in multi-forum shareholder litigation advancing constitutional, APA, and securities claims
- Representing a consumer product company in litigation challenging agency action infringing First Amendment interests
- Counseled a bank through a politically sensitive regulatory negotiation
- Advised a consumer goods company in a high-stakes administrative law challenge
- Authored many briefs on behalf of leading First Amendment scholars in Supreme Court and court of appeals litigation addressing the protection of expressive activity

ERISA and Health Care

- Defending an asset manager against class claims challenging the fees and performance of affiliated funds offered in the manager's in-house plan
- Representing a health services company in the defense of claims challenging the retention of company stock through and after a merger
- Representing a financial services company against claims that its compensation of financial advisors is ERISA-governed
- Representing a health care payor in the defense of a lawsuit challenging the sufficiency of its claims adjudication processes
- Secured arbitration of putative class claims against an investment consulting company regarding its advice to a multi-employer plan
- Advised a hedge fund regarding its management of ERISA-subject assets
- Represented a financial services company in the district court and on appeal in a class action challenging the investment management of a stable value fund under ERISA
- Represented a health care company in the district court and on appeal in defending putative class claims challenging investment choices in the wake of the financial crisis
- Represented an ESOP fiduciary in the district court and on appeal in a "stock drop" class action
- Represented a global aerospace & defense client against claims challenging 401(k) plan fees, structure, and investment choices
- Obtained significant precedential appellate victory on behalf of a health services corporation resulting in dismissal of a suit implicating Medicare Part D preemption and exhaustion

Consumer Protection and Other State Litigation

- Representing a national health care payor in multi-forum trial-level and appellate litigation challenging a popular insurance program under state law
- Obtained the dismissal of state-law claims against a health care company regarding the direct reimbursement of members for out-of-network services
- Defended a consumer finance company in state court appellate proceedings defeating a putative class action challenging nationwide leasing practices

- After securing reinstatement of the client's claims on appeal, developed the legal strategy for a contract and fraud action that concluded with a multi-million dollar settlement in the client's favor

Professional Activities

Clerkships

- Honorable David H. Souter, US Supreme Court
- Honorable Merrick B. Garland, US Court of Appeals for the District of Columbia Circuit

Moot Court Panelist

- Georgetown Supreme Court Institute

Advisory Council Member

- American Benefits Council

Member

- DC Circuit Advisory Committee on Admissions and Grievances
- ERISA Litigation Reporter Editorial Board

Podcast

- "Episode 35: Law and Order with Meaghan VerGow," American Benefits Podcast (2020)

Speaker

- "ERISA Supreme Court Cases Webinar," U.S. Chamber of Commerce (2020)
- "Supreme Court Practitioners Panel: The Next Wave of ERISA Cases Seeking Cert., New Trends, Procedural Outcomes, and the Impact on Advising Clients," ACI 17th National Forum on ERISA Litigation (2019)
- "Defined Contribution Plan Investments in Private Funds," DC Bar (2019)
- "Addressing Article III Standing Challenges "Addressing Article III Standing Challenges in the ERISA Context," ACI 16th National Forum on ERISA Litigation (2018)
- "Pension Risk Management for Retirement Plans: Establishing Risk Management Protocols for Defined Benefit Plans and Defined Contribution Plans," Professional Risk Managers' International Association (2017)
- "Recent Supreme Court Decisions Affecting Employee Benefits," American Benefits Council Benefits Law Briefing (2016)
- "ERISA Class Actions Post-Dukes and Comcast," ACI 8th National Forum on ERISA Litigation (2014)
- "Women in Appellate Law," Ms. JD and the Military Spouse JD Network (2014)

Representative Publications

- "New Dawn: The Second Circuit Breathes Life Into Stock Drop Claim in *Jander v. Retirement Plans Committee of IBM*," *ERISA Litigation Reporter* (2019)
- "The False, Honest Opinion: Is There Really Such a Thing? The Supreme Court's Coming Review of *Omnicare v. Laborers*," Practising Law Institute (2014), with co-authors Jeffrey Kilduff and Brad Garcia

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- “401(k) Service Providers Beat Back the Functional Fiduciary Campaign with a Third Circuit Victory,” *ERISA Litigation Reporter* (2014)
 - “Sixth Circuit Affirms Disgorgement of Profits on Retained Benefits in Dramatic Expansion of Section 502(a)(3),” *ERISA Litigation Reporter* (2014), with co-author Brian Boyle
 - “Supreme Court 2008-2009 Review,” *The Champion* (2010)
 - “Supreme Court 2007-2008 Review,” *The Champion* (2008)
 - “Start Talking – Or Else,” *Legal Times* (2008), with co-author Steve Bunnell

Honors & Awards

- Ranked by *Chambers USA* for ERISA Litigation (2021)
- Ranked as a “Next Generation” lawyer for ERISA Litigation; Recommended for Labor and Employment - ERISA Litigation by *The Legal 500 US* (2018-2021)
- Received the “John Paul Stevens Guiding Hand of Counsel Award” from the ABA Death Penalty Representation Project (2020)

Languages

- French