

# Alerts & Publications



## American Benefits Podcast: Law and Order with Meaghan VerGow

December 8, 2020

### KEY CONTACTS

#### Meaghan VerGow

Washington, DC

D: +1-202-383-5504

O'Melveny partner Meaghan VerGow joined American Benefits Council president James Klein on the American Benefits [podcast](#) for a discussion on the fate of the Affordable Care Act, the nuances of ERISA litigation, and the current state of the US Supreme Court.

On November 10, the high court heard oral arguments in *California v. Texas*, the latest lawsuit challenging the constitutionality of the ACA. "I think one of the ways [the judges] use oral arguments is to sharpen their positions and their arguments with respect to each other," said VerGow, who clerked for Supreme Court Justice David Souter and for DC Appeals Court Judge Merrick Garland. "[P]erhaps the most interesting of all [the questions] were on severability, where both the Chief Justice and Justice [Brett] Kavanaugh pretty plainly revealed their views that the mandate had to be severable from the statute as whole, which I think really spells the result of the case."

The episode also touches on other significant benefits cases set to come before the high court in the coming months.

AMERICAN BENEFITS PODCAST  
**Episode 35: Law and Order with Meaghan VerGow**

30◀ 00:00:00 ▶30

⌵ ⌴ ⌵ ⌵ ⌵