



Mark Casciari

Partner

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Biography

Practices & Sectors

Labor & Employment

ERISA & Employee Benefits Litigation

Complex Discrimination Litigation

Health Care Employee Benefits & Executive Compensation

Employment Litigation

Labor Management Relations

Financial Services

Health Law

Specialty Teams

Health Care Reform Team

Health Care Fraud and Provider Billing Litigation Team

Pay Equity Group

Transportation and Logistics Team

Mark Casciari is a partner in the firm's Labor and Employment Department and its ERISA and Employee Benefits Litigation Practice Group. Mr. Casciari regularly represents employers, plan sponsors, plans, plan administrators, fiduciaries, and independent fiduciaries.

Mr. Casciari has extensive class action experience, having defended more than 20 class actions, in nearly all of which he has served as lead defense counsel. He also has represented defendants in many more multi-plaintiff cases. Mr. Casciari has experience with expert witness testimony, joint representation and joint defense agreements, and with all other aspects of complex litigation, including electronic discovery.

Mr. Casciari has practiced before the United States Supreme Court, Courts of Appeals, District Courts, the Department of Labor and Pension Benefit Guaranty Corporation, and state court and agencies. He has tried many cases before federal and state judges and juries, administrative law judges, hearing officers and arbitrators. He has taken or defended hundreds of depositions, including expert depositions. He has served as lead counsel for the defense in private mediations and settlement conferences.

Mr. Casciari has been long recognized as a leading lawyer for national ERISA Litigation Law in *Chambers USA: America's Leading Business Lawyers*. He is a frequent speaker on ERISA and employee benefits topics, and on the Federal Rules of Civil Procedure.

Mr. Casciari has an extensive history of *pro bono* representation.

Education

- J.D., Boston College Law School, *cum laude*
- B.A., University of Southern California, *magna cum laude*, Phi Beta Kappa studies at Universite' de Rouen, France

Admissions

- Illinois
- Arizona

Courts

- United States Supreme Court
- Courts of Appeals for the First, Third, Fourth, Sixth, Seventh, Eighth, Ninth and District of Columbia Circuits (successfully argued 11 of 13 appeals in the Seventh Circuit)
- District Courts for the District of Arizona, Central District of Illinois, Northern District of Illinois, Northern District of Indiana, Eastern District of Michigan, Western District of Michigan, District of Nebraska, Western District of Tennessee, Eastern District of Wisconsin, Western District of Wisconsin

Affiliations

- Fellow, American College of Employee Benefits Counsel
- Fellow, College of Labor and Employment Lawyers
- American Bar Association
- Labor and Employment Law Section, Employee Benefits Committee; Litigation Section
- Past Associate Senior Editor, Employee Benefits Law Treatise
- Federal Bar Association

Representative Engagements

Supreme Court ERISA Cases

- *LaRue v. DeWolff, Boberg & Assoc.*, 552 U.S. 248 (2008) (ERISA remedies) (*amicus* representation of the U.S. Chamber of Commerce and the Financial Services Roundtable)
- *Kentucky Association of Health Plans v. Miller*, 538 U.S. 329 (2003) (ERISA preemption) (*amicus* representation of Society of Human Resource Management (SHRM))

Class Actions

- Mr. Casciari has defended more than 20 class actions throughout the United States, and served as lead trial attorney in two employee benefits class actions that were tried to judgment.

Other Cases of Note

- Mr. Casciari has commenced or defended ERISA fiduciary, 401(k) fee, cash balance plan conversion, interpleader, ESOP, retiree medical, COBRA, benefit claim, ERISA preemption, collective bargaining agreement contribution cases, Administrative Procedure Act and U.S. Constitution, Mental Health Parity Act, Title VII, Pregnancy Discrimination Act, ADA, and ADEA cases. Many of his cases are reported decisions in the federal Courts of Appeal.

Withdrawal Liability

- Of particular note is that Mr. Casciari has represented contributing employers on more than 60 multi-employer withdrawal liability assessments or contemplated assessments, requests for review, arbitrations and federal Court litigation, involving 15 different multi-employer pension funds

Publications

- Co-Author, "Take Note: EEOC Vacates the Incentive Sections of its Final Wellness Regulations," *One Minute Memo*, Seyfarth Shaw LLP (January 28, 2019)
- Co-Author, "ERISA Litigation Defendants Take Note: Burdens of Proof Are Becoming More Weighty," *ERISA & Employee Benefits Litigation Blog*, Seyfarth Shaw LLP (January 10, 2019)
- Co-Author, "Texas Judge Rules That The Affordable Care Act (Obamacare) is Unconstitutional -- Without Consequence (For Now)," *Health Care Reform Management Alert* (Issue 118), Seyfarth Shaw LLP (December, 19, 2018)
- Co-Author, "Arbitration And The Increasingly Political Judiciary—Should Employers (And Employees) See Arbitration As The More Neutral Forum?," *Employment Law Lookout Blog*, Seyfarth Shaw LLP (July 26, 2018)
- Co-Author, "The Ninth Circuit Addresses Whether To Enforce An Agreement To Arbitrate ERISA Claims," *ERISA & Employee Benefits Litigation Blog*, Seyfarth Shaw LLP (July 26, 2018)
- Co-Author, "Seventh Circuit Says: Clear Error Standard Applies To Court Review Of Withdrawal Liability Arbitrator's Cba Interpretation," *ERISA & Employee Benefits Litigation Blog*, Seyfarth Shaw LLP (January 15, 2018)
- Co-Author, "The Supreme Court's Church Plan Decision," *ERISA & Employee Benefits Litigation Blog*, Seyfarth Shaw LLP (June 6, 2017)
- Co-Author, "Red State Preemption Of Local Pay Equity Laws? — Stay Tuned," *Employment Law Lookout Blog*, Seyfarth Shaw LLP (February 28, 2017)
- "Is EEOC Regulation of Wellness Plans Legal? — Seventh Circuit Declines to Say Yes," *ERISA & Employee Benefits Litigation Blog*, Seyfarth Shaw LLP (January 30, 2017)
- "ERISA Class Action Waivers and Mandatory Arbitration—Will The Supreme Court Start A Trend?," *ERISA & Employee Benefits Litigation Blog*, Seyfarth Shaw LLP (January 25, 2017)

Faculty Positions

- ACI National Forum on ERISA Litigation (2013–2017)
- Northwestern University School of Law, Adjunct Faculty, Trial Advocacy (2003–2015) and Civil Discovery (2007)
- University of Arizona, College of Law, Part-Time Professor of Practice, Contemporary Issues in Employment Law (2016–2017) and Negotiation of Employment Agreements and Separation Agreements (2017–2018)