

## Danielle K. Herring

Shareholder  
Co-Chair, ERISA and Benefit Plan Litigation  
Practice Group

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## Focus Areas

ERISA and Benefit Plan Litigation  
Discrimination and Harassment  
Wage and Hour  
Healthcare  
Financial Services  
Energy  
Home Health and Home Care

## Overview

Danielle K. Herring focuses her practice on a variety of employment litigation matters as well as client counseling. She is board certified in labor and employment law by the Texas Board of Legal Specialization.

As co-chair of the firm's Employee Benefits Litigation Practice Group, Danielle's litigation practice includes specific experience defending plan sponsors, fiduciaries and claims administrators in a wide range of ERISA cases across the country, with a particular focus on fiduciary breach and denial of benefits claims filed under ERISA.

Danielle's ERISA litigation and counseling experience includes the successful counseling and defense of benefit plans, their sponsors, their administrators and attendant fiduciaries with regard to:

- Claims that the plan and its fiduciaries improperly denied benefits
- Claims that the plan and its fiduciaries breached fiduciary duties in the management, operation and administration of benefit plans, including failure to properly and correctly communicate with plan participants regarding terms of a plan

- Claims that the plan and its fiduciaries inappropriately excluded certain periods of service and certain types of compensation in benefit calculations and determinations under the benefit plan
- Challenges to modifications and termination of plan benefits
- Enforcement of ERISA plan subrogation/reimbursement rights
- State law claims against employers that are preempted by ERISA

Danielle also vigorously represents employers in defending cases filed in federal and state courts. Danielle's representation extends to proceedings before administrative agencies, such as the Equal Employment Opportunity Commission, the Texas Workforce Commission, the Department of Labor, and the Occupational Safety and Health Administration. Danielle litigates cases and counsels employers on issues involving federal, state and local statutes and regulations, as well as the common law. Her representation of employers in administrative charges, litigation and disputes extends to:

- Race/color, sex, national origin, religion, disability, and equal pay discrimination
- Harassment
- Retaliation
- Wage and hour disputes
- Employment torts
- The Family and Medical Leave Act
- Workers' compensation
- The Employee Retirement Income Security Act

Danielle is a member of Littler's Board of Directors. She previously served as co-chair of 'Ohana, the firm's affinity group for attorneys of Asian, South Asian, Pacific-Islander, Middle Eastern, and North African descent, and their allies. In addition, Danielle is on the steering committee for the firm's Women's Leadership Initiative, and a member of Littler's Inclusion, Equity & Diversity Council.

## Professional and Community Affiliations

- Member, American Bar Association
- Member, Houston Bar Association
- Member, Asian American Bar Association of Houston
- Member, State Bar of Texas
- Fellow, Texas Bar Foundation
- Member, National Asian Pacific American Bar Association
- Dean, Delta Theta Phi Law Fraternity International, Baylor University School of Law
- Council member, Labor & Employment Section, Houston Bar Association, 2012-2015

## Recognition

- Named, Rising Star, Texas, *Super Lawyers*, 2016-2017
- Named, Rising Star, *Texas Monthly Magazine*, 2012-2015

- Named, Top Lawyer, *Houstonia Magazine*, 2015

## Education

J.D., Baylor University School of Law, 2003

B.A., Baylor University, 1998, *With Honors*

## Bar Admissions

Texas

## Courts

U.S. District Court, Northern District of Texas

U.S. District Court, Eastern District of Texas

U.S. District Court, Southern District of Texas

U.S. District Court, Western District of Texas

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 9th Circuit

## Publications & Press

### **Littler Elects Five New Members to 2024 Board of Directors**

*Littler Press Release*

January 24, 2024

### **Congress Considers Banning Discretionary Clauses in ERISA Plans**

*Littler ASAP*

May 19, 2022

### **What are you? A Conversation with Littler's "Other" Attorneys**

*Littler Podcast*

May 17, 2021

### **Littler Appoints New Leadership to Its Affinity Groups and Diversity & Inclusion Council**

*Littler Press Release*

March 22, 2021

### **Circuit Courts Grapple With the Permanence of Retiree Health Benefits Under Collective Bargaining Agreements**

*Littler Insight*

August 12, 2019

**Another Post-Dudenhoeffer 'Stock Drop' Casualty**

*Law360*

May 1, 2018

**A Uniform Standard of Review in ERISA Benefit Denial Cases: The Fifth Circuit Overrules Itself to Fall in Line with Other Courts**

*Littler ASAP*

March 16, 2018

**Littler's 'Ohana Affinity Group Names Danielle Herring as Co-Chair**

*Littler Press Release*

January 30, 2018

**Two Littler Shareholders Named as Practice Group Co-Chairs**

*Littler Press Release*

June 2, 2017

**Workplace Equity: Striving to Become Gender-Neutral in the Office**

*Texas Lawyer*

November 1, 2016

**Claims Review Procedures Must Be in Plan Document (Not Just SPD) Post-Amara, District Court Holds**

*Littler ASAP*

January 11, 2012

**Littler Mendelson Announces 13 Newly-Elevated Shareholders**

*Littler Press Release*

January 19, 2010

**Speaking Engagements**

**2024 Houston Regional Employer Conference**

Houston, TX

September 26, 2024

**2023 Houston Regional Employer Conference**

Houston, TX

October 18, 2023

**Federal Employment Law Update**

The University of Texas School of Law, 30th Annual Labor and Employment Law Conference; Austin, TX  
June 1, 2023

**2022 Houston Regional Employer Conference**

Houston, TX  
October 6, 2022

**Federal Employment Law Update**

The University of Texas School of Law, 29th Annual Labor and Employment Law Conference; Austin, TX  
May 5, 2022

**2021 Houston Employer Conference**

Houston, TX  
October 26, 2021

**Federal Employment Law Update**

The University of Texas School of Law, 28th Annual Labor and Employment Law Conference; Austin, TX  
May 6, 2021

**2020 Texas Employer Conference**

Houston, TX  
August 13, 2020

**Federal Employment Law Update**

The University of Texas School of Law, 27th Annual Labor and Employment Law Conference; Austin, TX  
May 7, 2020

**Federal Employment Law Update**

The University of Texas School of Law, 26th Annual Labor and Employment Law Conference; Austin, TX  
May 9, 2019

**2018 Houston Employer Conference**

Houston, TX  
August 8, 2018

**Closed Due to Inclement Weather - Best Practices for Addressing Employment Issues Following Natural Disasters**

Houston, TX  
October 24, 2017

**Human Resource Law from A to Z**

NBI Seminar, Houston, TX

May 2, 2017

**2016 Houston Employer Conference**

Houston, TX

August 11, 2016

**Chutes and Ladders: Tips for Winning When Faced with Wage/Hour Challenges Under the FLSA**

October 22, 2015

**2015 Houston Employer Conference**

Houston, TX

August 13, 2015

**Hiring, Performance Management and Termination**

Labor & Employment Webinar Series - Littler Mendelson and BB&T

September 18, 2014

**The 2014 Houston Employer Conference**

Houston, TX

August 14, 2014

**Ethical Issues for Corporate Counsel**

Littler Mendelson, Houston, TX

August 22, 2013

**The Shifting Landscape of Employee Benefits – Imperatives for 2012 and Beyond**

Los Angeles, CA

October 11, 2012

**The 2012 Houston Employer Conference**

Houston, TX

August 2, 2012

**Controlling Employee Personal Behavior in the Age of Social Media and Personal Technology**

Littler Mendelson, Houston, TX

August 2, 2012

**Top Ten Mistakes Employers Make, and How to Avoid Them**

2012 Annual Meeting - State Bar of Texas

June 14, 2012

**The 2011 Houston Employer Conference**

Houston, TX

August 11, 2011

**Retaliation: How Do You Stop It, What Does It Mean and Why Are Claims Still Growing?**

Littler Mendelson, Houston, TX

August 12, 2010

**The Lilly Ledbetter Fair Pay Act: How to Walk the Minefield**

Houston, TX

June 30, 2009

**Federal Discrimination Update – Recent Decisions of Interest from the Supreme Court and Fifth Circuit**

Advanced Employment Law CLE - University of Houston, Houston and Dallas, TX

March 2009

**Avoiding Employment Law Claims: Top Ten Ways to Avoid Getting Sued by Employees**

University of Houston Law Foundation, Houston and Dallas, TX

June 2008

**Don't Say FMLA Unless You Mean It**

Legal Update, Labor and Employment Section - Houston Bar Association

June 2006

**Managing Human Resources: A Legal Perspective**

University of Houston Continuing Education, Houston, TX

2006

**Legal Fundamentals for Employers**

Houston, TX

November 16, 2005

**Top Ten HR Issues**

Nonprofit Law Institute, Houston, TX

March 3, 2005

## **Books & Book Chapters**

- *Employee Benefits Law, Third Edition, 2015 Cumulative Supplement*, Contributing Author