VANDERBILT LAW REVIEW

Langbein, Destructive Federal Preemption of State Wealth Transfer Law in Beneficiary Designation Cases: Hillman Doubles Down on Egelhoff

67 Vand. L. Rev. 1665 (2014)

SUMMARY

This law review article critiques the U.S. Supreme Court's decisions in *Egelhoff v. Egelhoff* (2001) and *Hillman v. Maretta* (2013), which held that ERISA and FEGLIA preempt state divorce-revocation statutes for beneficiary designations, even though the federal laws are silent on divorce revocation. The author argues that these rulings undermine the core state-law policy of implementing transferor intent and that the Court's extension of preemption to bar post-distribution unjust-enrichment claims against ex-spouses is unjustified. The article also highlights the tension with the universally recognized slayer rule and suggests that federal common law should preserve both divorce-revocation and slayer rules to prevent contradictory outcomes.

CASE DETAILS

COURT	Vanderbilt Law Review
JURISDICTION	Federal
DISPOSITION	other

TOPICS

preemption · statutory interpretation · family law · insurance · estate planning · probate · constitutional law · trusts · restitution · unjust enrichment

PRACTICE AREAS

Wealth Transfer · ERISA · Insurance Law · Family Law · Preemption

HOLDINGS

1. ERISA preempts state divorce revocation statutes because such statutes require plan administrators to pay benefits to beneficiaries chosen by state law rather than those identified in plan documents, interfering with nationally uniform plan administration.
2. Post-distribution state-law claims against ex-spouses are preempted under FEGLIA because Congress intended that insurance proceeds belong to the named beneficiary and that the beneficiary can use them.

DISPOSITION

other

CASES CITED

- Egelhoff v. Egelhoff, a minor, by and through her natural parent, Breiner, et al., Egelhoff v. Egelhoff, 532 U.S. 141 (2001)
- Hillman v. Maretta, 133 S. Ct. 1943 (2013)
- Wissner v. Wissner, 338 U.S. 655 (1950)
- Ridgway v. Ridgway, 454 U.S. 46 (1981)
- Kennedy v. Plan Administrator for DuPont Savings & Investment Plan, 555 U.S. 285 (2009)
- Estate of Kensinger v. URL Pharma, Inc., 674 F.3d 131 (3d Cir. 2012)
- Andochick v. Byrd, 709 F.3d 296 (4th Cir. 2013)
- Clymer v. Mayo, 473 N.E.2d 1084 (Mass. 1985)
- Mutual Life Insurance Co. v. Armstrong, 117 U.S. 591 (1886)
- De Sylva v. Ballentine, 351 U.S. 570 (1956)

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