

American Conference Institute's 8th National Forum on



ERISA LITIGATION

Inquire about
in-house,
government,
and group rates



Expert strategies for leading in-house and outside counsel on litigating today's key issues involving benefit plans, plan investments, and fiduciaries

October 27 – 28, 2014 | DoubleTree Suites by Hilton New York City – Times Square | NYC

Learn from:



Hon. Roslyn O. Silver
U.S. Dist. Ct., D. Ariz.



Hon. Ruben Castillo
U.S. Dist. Ct., N.D. Ill.



Hon. Warren W. Eginton
U.S. Dist. Ct., D. Conn.



Hon. James L. Robart
U.S. Dist. Ct., W.D. Wash.



Hon. Anthony J. Battaglia
U.S. Dist. Ct., S.D. Calif.



Hon. John C. Coughenour
U.S. Dist. Ct., W.D. Wash.



Hon. Eric F. Melgren
U.S. Dist. Ct., D. Kan.



Hon. Ann Montgomery
U.S. Dist. Ct., D. Minn.



Hon. Richard A. Kramer
Super. Ct. of Calif.



Hon. Allen Goldberg (ret.)
Illinois Circuit Court

NEW THIS YEAR! Special Address:

Elizabeth Hopkins
U.S. Department of Labor

Faculty includes experienced in-house leaders from:

Honeywell	Prudential	Chubb
Humana	W.R. Grace	UTC
AIG	Canam Steel	Fidelity
ConEd	Blue Cross and Blue Shield	Unum
Wells Fargo	Dupont	

Senior in-house counsel, top law firm litigators and renowned jurists will provide you with up-to-the minute practical information on:

- *Fifth Third v. Dudenhoefter* and the Future of Stock Drop Cases and Litigation Involving Plan Investments
- **ERISA Class Actions** Post-*Dukes* and *Comcast*: Standing, Commonality, Releases and Arbitration Agreements, Monetary Classes, Issue Certification, Certification of "Class Of Plans", Class Action Experts and *Halliburton*, and More
- **The Affordable Care Act**, Health Care Reform and New Claims and Defenses in Workforce Realignment Litigation
- **401(k) Fee Cases**: Current Litigation Landscape and Recent Decisions, Evolving Defense Strategies, DOL Enforcement Initiatives, Impact of *Tussey* and *Tibble*, Excessive Fund Fees, and More
- **Retiree Health and Welfare Benefits**: *M&G Polymers USA, LLC v. Tackett* and the Yard-Man Presumption
- **Multiemployer Pension Plan Withdrawal Liability**
- **Independent Fiduciaries**: Latest Claims Involving Failure to Monitor Independent Fiduciaries and/or Keep Them Informed
- **ESOP**: Recent Decisions and the Latest on DOL Investigations and Enforcement Priorities
- **Benefit Claims Litigation**: ERISA-Specific Case Tracks Aimed at Discovery Disputes
- New Trends in **Church Plan Litigation** and **Top Hat Plan Risks**
- **Public Pension Developments and Trends**

As well as from:



Hon. Tonianna J. Bongiovanni
U.S. Dist. Ct., D.N.J.



Hon. Daniel E. Knowles, III
U.S. Dist. Ct., E.D. La.



Hon. Mildred Methvin
U.S. Dist. Ct., W.D. La.



Hon. James O'Hara
U.S. Dist. Ct., D. Kan.



Hon. Paul M. Warner
U.S. Dist. Ct., D. Utah



Hon. David J. Waxse
U.S. Dist. Ct., D. Kan.



Hon. Robert B. Collings
U.S. Dist. Ct., D. Mass.



Hon. Lisa P. Lenihan
U.S. Dist. Ct., W.D. Pa.



Hon. F.A. Gossett III
U.S. Dist. Ct., D. Neb.



Hon. Juan Ramirez (ret.)
3rd Dist. Ct. of Appeals (Fla.)

Associate Sponsors:

Sponsored By:



Here's just some of the companies and firms already participating:

Honeywell International Inc.	Jackson Lewis P.C.	Wells Fargo Insurance
Humana	Lewis Brisbois Bisgaard & Smith LLP	Keller Rohrback
AIG	Constangy, Brooks & Smith, LLP	Wiley Rein, LLP
Blue Cross and Blue Shield Association	Schlichter Bogard & Denton, LLP	Lane Powell PC
Consolidated Edison Inc.	Spencer Fane Britt & Browne LLP	Del Monte Corporation
Wells Fargo & Co.	Dupont	UTC
Prudential	Clark Law Group, PLLC	King & Spalding, LLP
W.R. Grace & Co.	Seyfarth Shaw LLP	Orrick, Herrington & Sutcliffe LLP
Canam Steel Corporation	Ulmer & Berne, LLP	Mirick, O'Connell, DeMallie & Lougee, LLP
DLA Piper LLP	Steptoe & Johnson LLP	The McCormack Firm, LLC
McGuire Woods LLP	Drinker Biddle & Reath LLP	Alston & Bird LLP
James E. Arnold & Associates, LPA	Eckert Seamans Cherin & Mellott, LLC	Groom Law Group, Chartered
Bailey & Glasser LLP	Nilan Johnson Lewis PA	Fidelity
Paul, Weiss, Rifkind, Wharton & Garrison LLP	Monnolly Pridgen LLC	Vinson & Elkins LLP
O'Melveny & Myers LLP	Lathrop & Gage LLP	McDermott Will & Emery
Fiduciary Counselors	Greenberg Traurig, LLP	Goodwin Procter LLP
Miller & Chevalier Chartered	Jenner & Block LLP	Barnes & Thornburg LLP
	Chubb	

Coming off of the success of the Mid-Year Chicago Installment in April of 2014, and in response to new risks and exposures, ACI has developed its 8th installment of its acclaimed ERISA Litigation conference. This is the highest-level ERISA event that goes the extra mile and brings you advanced judicial insights and maximum networking opportunities with in-house industry experts. And new this year is a special address by the Counsel for Appellate Litigation at the U.S. Department of Labor.

In addition to unparalleled networking opportunities, ACI's 8th ERISA Litigation will provide attendees with the latest information trends and expert advice from our exceptional faculty on:

- *Fifth Third v. Dudenhoeffer*: The Impact of the Decision on the Future of Stock Drop Case and Litigation Regarding Plan Investments
- ERISA Class Actions Post-*Dukes* and *Comcast*: Standing, Commonality, Releases and Arbitration Agreements, Monetary Classes, Issue Certification, Certification of "Class Of Plans", Class Action Experts and *Halliburton*, and More
- The Affordable Care Act, Health Care Reform and New Claims and Defenses in Workforce Realignment Litigation
- 401(k) Fee Cases: Current Litigation Landscape and Recent Decisions, Evolving Defense Strategies, DOL Enforcement Initiatives, Impact of *Tussey* and *Tibble*, Excessive Fund Fees, and More
- Retiree Health and Welfare Benefits: *M&G Polymers USA, LLC v. Tackett* and the Yard-Man Presumption
- Multiemployer Pension Plan Withdrawal Liability
- Independent Fiduciaries: Working with Them to Manage Plan Assets, Handle Administrative Functions and Authorize Transactions; and the Latest Claims Involving Failure to Monitor Independent Fiduciaries and/or Keep Them Informed
- ESOP: New and Emerging Trends in Private Company ESOP Litigation, Lessons Learned from Recent Decisions in ESOP Cases, and the Latest on DOL Investigations and Enforcement Priorities
- Benefit Claims Litigation: the Latest on ERISA-Specific Case Tracks Aimed at Discovery Disputes, Attorney Fees Post-*Hardt*, Limitation Periods in Plans, Addressing Requests for Evidence Outside of the Record in "Conflict" Situations, Judicial Review of Claims Decisions and the Battle Over Discretion, and More
- Fiduciary Liability Insurance: Assessing Current Coverage and Future Needs & Strategic Litigation and Settlement Considerations
- New Trends in Church Plan Litigation
- New Trends in Top Hat Plans: The Latest Litigation Risks
- Public Pension Developments and Trends
- Ethical Issues That Arise in ERISA Litigation: The Fiduciary Exception to Attorney-Client Privilege, the Question of Who Really Is Your Client, and More

This event will fill up quickly, so register now by calling 1-888-224-2480, faxing your registration form to 1-877-927-1563, or registering online at www.AmericanConference.com/ERISA

DAY ONE – MONDAY, OCTOBER 27, 2014

7:30 **Registration and Continental Breakfast**

8:00 **Chairs' Welcoming Remarks**



H. Douglas Hinson
Partner
Alston & Bird LLP



Amanda S. Amert
Partner
Jenner & Block LLP



Michael J. Prame
Principal
Groom Law Group, Chartered

8:05 **SPECIAL ADDRESS**

Elizabeth Hopkins
Counsel for Appellate Litigation
U.S. Department of Labor

8:25 **In-House Perspectives on Managing and Defending ERISA Claims and Class Actions in Today's Landscape**

Panel I

8:25 – 9:25 (break 9:25 – 9:30)

Allison R. Klausner
Assistant General Counsel – Benefits
[Honeywell International Inc.](#)

Lisa Hughes Cain
Counsel
[Humana](#)

Laura Tholen
Senior Legal Counsel
[FMR/LLC Fidelity Investments](#)

Peter M. Kelly
Chief Employee Benefits Counsel
[Blue Cross and Blue Shield Association](#)

Sharon Goldzweig
Associate Counsel
[Consolidated Edison Inc.](#)

Brad Schlichting
Senior Counsel
[Wells Fargo & Co.](#)

Panel II

9:30 – 10:30

Renata Pompa
VP & Corporate Counsel
[Prudential](#)

Rhonda Prussack
EVP and Product Manager, Fiduciary Liability
[American International Group, Inc.](#)

Wendy Schick Dougall
Associate General Counsel
[AIG](#)

John Forgach
Assistant General Counsel, Employment & Benefits
[W.R. Grace & Co.](#)

Ron Peppe
Vice President Legal & Human Resources
[Canam Steel Corporation](#)

Kristina H. Allaire
Assistant Vice President & Sr. Counsel
[Unum US Law Department](#)

Moderator:



Anne Pachciarek
Partner
DLA Piper LLP

Moderator:



Michael J. Prame
Principal
Groom Law Group, Chartered

Topics include:

- Managing Relationships With Plan Sponsors
- Plan Sponsor Liability
- Conflicts With Plan Sponsors
- Limiting Fiduciary Liability
- Plan Administration Fraud & Abuse
- Service Provider Liability
- New and Emerging Disclosure Requirements, Including by the DOL
- The Claims Review Process
- Bankruptcy Issues
- and more

10:30 ***Fifth Third v. Dudenhoeffer: The Impact of the Decision on the Future of Stock Drop Cases and Litigation Regarding Plan Investments***



Todd D. Wozniak
Shareholder
Greenberg Traurig, LLP



H. Douglas Hinson
Partner
Alston & Bird LLP



James P. McElligott Jr.
Partner
McGuireWoods LLP



Joseph M. Callow, Jr.
Partner
Keating Muething & Klekamp PLL

Robert M. Carmen
Complex Claims Director
AIG

This session will offer an in-depth examination of the Supreme Court's ruling. Discussions will include:

- The future of the *Moench* presumption in stock drop cases
- The impact of the decision at the pleading stage/motion to dismiss
- The impact on disclosure claims in ERISA stock drop litigation
- Whether employers should and/or will continue to offer retirement plans that invest in employer stock
- Statute of limitations issues in litigation regarding plan investments
- Recommendations for how ERISA professionals can update their strategies in response to recent trends and new developments

With ample time for questions, this session will set the tone for an interactive and insightful two days.

11:40 ***ERISA Class Actions Post-Dukes and Comcast: Standing, Commonality, Releases and Arbitration Agreements, Monetary Classes, Issue Certification, Certification of "Class Of Plans", Class Action Experts and Halliburton, and Beyond***



Gregory Y. Porter
Partner
Bailey & Glasser LLP



Lewis R. Clayton
Partner
Paul, Weiss, Rifkind, Wharton & Garrison LLP



Brian Boyle
Partner
O'Melveny & Myers LLP



René E. Thorne
Managing Shareholder
Jackson Lewis P.C.



Amanda S. Amert
Partner
Jenner & Block LLP

- Standing constraints of the scope of class litigation
- Settlement considerations
- Releases, arbitration agreements and other defenses
- Nuances on Rule 23, including Rule 23(b)(1)/(b)(2) monetary classes post-*Dukes* and Rule 23(c)4 and issue certification
- Monetary remedy classes after *Comcast*

- Expert testimony and class certification
- Certification of "class of plans" in ERISA actions against service providers
- Class action experts and *Halliburton*

12:50 **Networking Lunch for Delegates and Speakers**

1:50 ***The Affordable Care Act, Health Care Reform and New Claims and Defenses in Workforce Realignment Litigation***



Charles S. Birenbaum
Shareholder
Greenberg Traurig, LLP



Elise Klein
Partner
Lewis Brisbois Bisgaard & Smith LLP



James R. Napoli
Partner
Constangy, Brooks & Smith, LLP

- Employer Mandate: "Play-or-Pay"
 - Understanding how the mandate works
 - Learning the litigation risks associated with realignment
- Workforce Realignment Litigation Risks
 - Employee misclassification
 - ERISA § 502(a)(3) Actions to Enforce Substantive ACA Mandates
 - ERISA § 510 Claims
 - Traditional Labor Risks
 - ACA "Whistleblower" claims
 - EEO concerns and discrimination allegations
- Best Practices for Risk Mitigation
- Mental Health Parity and Addiction Equity Act

2:45 ***401(k) Fee Cases: Current Litigation Landscape and Recent Decisions, Evolving Defense Strategies, DOL Enforcement Initiatives, Impact of Tussey and Tibble, and Excessive Fund Fees***



James O. Fleckner
Partner
Goodwin Procter LLP



Michael A. Wolff
Counsel
Schlichter Bogard & Denton, LLP



Gregory L. Ash
Partner
Spencer Fane Britt & Browne LLP



Larry Fine
Global Head, Professional Liability Claims
AIG Property Casualty

- Current litigation landscape and outcomes from recent decisions
- Extension of the arbitrary and capricious standard of review in fiduciary actions by *Tibble*
- New SOL issues
- Impact on service providers
- DOL enforcement activity and initiatives
- Service provider and procedural process activities
- The use of proprietary funds as investment choices
- Lawsuits associated with offering target date funds and brokerage windows in 401(k) plans
- The impact of fees on defined contribution balances

- The Exclusive Benefit Rule and “reasonable” fees
- ERISA § 408(b)(2) Prohibited Transaction Exemption
- Fee models and revenue sharing
- Case law review
 - o Key issues and basic claims
 - o Fiduciary status of service providers
 - o Definition of plan assets

3:45 **Afternoon Break**

3:50 **Retiree Health and Welfare Benefits: *M&G Polymers USA, LLC v. Tackett* and the Yard-Man Presumption**



Howard E. Kochell
Partner
Barnes & Thornburg, LLP

Mary Jo Anderson
Corporate Counsel
Dupont



Denise M. Clark
Partner
Clark Law Group, PLLC

- Collective bargaining agreements in Labor Management Relations Act cases
- Forum shopping
- The presumption that silence concerning the duration of retiree health-care benefits means the parties intended those benefits to vest
- Whether courts should require a clear statement that health-care benefits are intended to survive the termination of the collective bargaining agreement
- Which standard should apply
- The need for a national standard

4:45 **Multiemployer Pension Plan Withdrawal Liability**



Mark Casciari
Partner
Seyfarth Shaw LLP



Ronald L. Kahn
Partner
Ulmer & Berne, LLP

- Disputing liability and applicable exemptions
- The intent to evade or avoid
- Change in form
- Restructuring of a company
- Mass withdrawal liability
- Reallocation and redetermination liability
- Auto-claw back v. presumption claw back
- Default and acceleration of liability

5:30 **Independent Fiduciaries: Working with Them to Manage Plan Assets, Handle Administrative Functions and Authorize Transactions; and the Latest Claims Involving Failure to Monitor Independent Fiduciaries and/or Keep Them Informed**



Stephen Caflisch
General Counsel
Fiduciary Counselors Inc.

- Appointment of “independent” fiduciaries without access to nonpublic information: Why you should hire an independent fiduciary and when you should retain their services?

- Roles and accountabilities they are responsible for when engaged:
 - o Qualified retirement plans
 - o Health and welfare plans
 - o Compliance reviews
 - o Liability audits
- Latest claims for failure to monitor independent fiduciaries and keep them informed
- Outside trustees getting information from the insider

6:15 **Conference Adjourns**

DAY TWO – TUESDAY, OCTOBER 28, 2014

7:30 **Continental Breakfast**

8:00 **View From the Bench on Litigating ERISA Claims and Class Actions**

Judges Panel 1 8:00 – 9:40 (Break: 9:40 – 9:45)	Judges Panel 2 9:45 – 11:25
<i>Hon. Roslyn O. Silver</i> U.S. Dist. Ct., D. Ariz.	<i>Hon. Tonianne J. Bongiovanni</i> U.S. Dist. Ct., D.N.J.
<i>Hon. Ruben Castillo</i> U.S. Dist. Ct., N.D. Ill.	<i>Hon. Daniel E. Knowles, III</i> U.S. Dist. Ct., E.D. La.
<i>Hon. Warren W. Eginton</i> U.S. Dist. Ct., D. Conn.	<i>Hon. Mildred Methvin</i> U.S. Dist. Ct., W.D. La.
<i>Hon. James L. Robart</i> U.S. Dist. Ct., W.D. Wash.	<i>Hon. James O'Hara</i> U.S. Dist. Ct., D. Kan.
<i>Hon. Anthony J. Battaglia</i> U.S. Dist. Ct., S.D. Calif.	<i>Hon. Paul M. Warner</i> U.S. Dist. Ct., D. Utah
<i>Hon. John C. Coughenour</i> U.S. Dist. Ct., W.D. Wash.	<i>Hon. David J. Waxse</i> U.S. Dist. Ct., D. Kan.
<i>Hon. Eric F. Melgren</i> U.S. Dist. Ct., D. Kan.	<i>Hon. Robert B. Collings</i> U.S. Dist. Ct., D. Mass
<i>Hon. Ann Montgomery</i> U.S. Dist. Ct., D. Minn.	<i>Hon. Lisa P. Lenihan</i> U.S. Dist. Ct., W.D. Pa.
<i>Hon. Richard A. Kramer</i> Super. Ct. of Calif.	<i>Hon. F.A. Gossett III</i> U.S. Dist. Ct., D. Neb.
<i>Hon. Allen Goldberg (ret)</i> Illinois Circuit Court	<i>Hon. Juan Ramirez (ret.)</i> 3rd Dist. Ct. of Appeals (Fla.)

Panel 1 Moderator:



Miriam (Dusty) M. Burke
Partner
Vinson & Elkins LLP

Panel 2 Moderator:



Nancy R. Ross
Partner
McDermott Will & Emery

11:25 **ESOP: New and Emerging Trends in Private Company ESOP Litigation, Lessons Learned from Recent Decisions in ESOP Cases, and the Latest on DOL Investigations and Enforcement Priorities**



Eric G. Serron
Partner
Steptoe & Johnson LLP



Joseph C. Faucher
Of Counsel
Drinker Biddle & Reath LLP



Scott J. Stitt
Partner
James E. Arnold & Associates, LPA



Richard N. Bien
Partner
Lathrop & Gage LLP

ESOP litigation is on the rise, in large part due to the DOL's enhanced scrutiny of these plans. This panel will focus on recent litigation trends, including related legal and fiduciary issues (including whether an ESOP fiduciary has a duty to act on the basis of material nonpublic information), as well as the DOL's increased attention to these plans. Topics include:

- DOL enforcement priorities
- "Hot button" issues that can come up in DOL audits and private litigation
- Insurance and underwriting issues

12:20 **Benefit Claims Litigation: The Latest on ERISA-Specific Case Tracks Aimed at Discovery Disputes, Attorney Fees Post-Hardt, Limitation Periods in Plans, Addressing Requests for Evidence Outside of the Record in "Conflict" Situations, Judicial Review of Claims Decisions and the Battle Over Discretion, and More**



Anthony F. Shelley
Chair, Executive Committee
Miller & Chevalier Chartered



John J. Myers
Partner
Eckert Seamans Cherin & Mellott, LLC



Bradley J. Betlach
Sharheolder
Nilan Johnson Lewis PA



Nancy B. Pridgen
Partner
Monnolly Pridgen LLC

- Assessing recent key cases in benefits litigation
- Discovery trends in ERISA benefit litigation
- The evolution of permissible discovery
- Conflicts of interest and the proper scope of discovery
- Avoiding ERISA penalties when responding to document requests
- Best practices for limiting discovery to the administrative record
- ERISA-specific case tracks aimed at discovery disputes
- Current status of the arbitrary and capricious standard of review
- Judicial review of claims decisions – how has the case law evolved?
- What deference should a court give to a plan administrator's decision denying a claim for benefits?
- The continuing evolution of attorneys' fee awards after *Hardt*
- Plan limitations period: Whether the claimant must receive actual notice of the limitation period
 - Whether the claim administrator must give notice of the plan limitations period in its benefit determination letters
 - Whether ERISA §502(a)(3) causes of action are also time-barred by Plan limitation of actions provisions
- Accidental Death & Dismemberment ("AD&D") cases, decided in the past year, that were brought under ERISA
- Disability claims: State prohibitions on discretionary clauses; Contractual limitations periods and accrual provisions; Implications and challenges of a court's decision to remand; Subrogation and recovery of overpayments
- New nuances on federal jurisdiction and the preemption of state law

1:20 **Networking Lunch for Delegates and Speakers**

2:20 **Fiduciary Liability Insurance: Assessing Current Coverage and Future Needs & Strategic Litigation and Settlement Considerations**



Wendy Katherine Von Wald
Assistant Vice President, Sr Specialist – Fiduciary
Chubb

Barbara Gubitose
Senior Vice President
Wells Fargo Insurance



Kimberly Melvin
Partner
Wiley Rein, LLP

- Strategic litigation considerations when fiduciary insurance is involved
- Settlement considerations when fiduciary insurance is involved
- Assessing your needs and ensuring proper coverage: Key terms and conditions and common coverage disputes; Key exclusions; Insurance issues that arise when service providers (TPAs, record keepers, etc.) are involved
- Typical policy provisions and the issues they raise, and strategic considerations that arise as a result
- Coverage issues under ERISA fiduciary liability insurance
- What's currently being covered and not covered in fiduciary liability policies? Coverage extensions?
- Indemnification and liability insurance coverage options for ERISA fiduciaries
- Lessons to learn from recent ERISA fiduciary liability insurance coverage cases
- ERISA fiduciary liability insurance negotiation, placement and underwriting issues

3:10 **New Trends in Church Plan Litigation**



Laura R. Gerber
Partner
Keller Rohrback



William Patton
Shareholder
Lane Powell PC

- Assessing recent actions brought against church plans
- Exclusion of such plans from ERISA requirements
- What are successes or failures of church plan litigation? Where does it go from here?
- What are the implications of this litigation in broader contexts?
- PBGC responsibility for the plans
- Nuances regarding same sex marriage, contraception, and social conscious investment decision-making
- Congressional action on the ERISA's church plan exemption?
- What steps should church plan sponsors take to protect their plans from a successful challenge?

3:50 **Afternoon Break**

3:55 **New Trends in Top Hat Plans: The Latest Litigation Risks**



Derek J. Windham
Associate General Counsel
Del Monte Corporation



Zachary Osborne
Assistant General Counsel
UTC



David Tetrick, Jr.
Partner
King & Spalding, LLP

- The relationship between ERISA claims and executive compensation claims
- Challenges under the clawback division of Dodd Frank
- Issues related to mergers and acquisitions
- What you need to know to prepare for these types of claims

4:45 **Public Pension Developments and Trends**



Elaine C. Greenberg
Partner
Orrick, Herrington & Sutcliffe LLP



H. Douglas Hinson
Partner
Alston & Bird LLP



Susan Mangiero
Managing Director
Fiduciary Leadership, LLC

- Overview of Public Pension Market
 - o Scope and Size
- Pension Funding
 - o Underfunding of Pension Obligations
- Pension Reform
 - o Changing from a Defined Benefit Plan to a Defined Contribution Plan
- Regulatory and Litigation Developments
 - o SEC Enforcement Action – State of Illinois
 - o Pension obligations and bankruptcy – Detroit case study
- New accounting and financial reporting standards
 - o Governmental Accounting Standards Board (GASB) Statements No. 67 and No. 68
- Risk mitigation and best practices
- Fiduciary breaches as they relate to due diligence
- The use of derivatives

5:35 **Ethical Issues That Arise in ERISA Litigation: The Fiduciary Exception to Attorney-Client Privilege, the Question of Who Really Is Your Client, and More (Featuring .5 hours of Ethics Credit)**



Joseph M. Hamilton
Partner
Mirick, O’Connell, DeMallie & Lougee, LLP



Stephen Rosenberg
Partner
The McCormack Firm, LLC

- The fiduciary exception to the attorney-client privilege
- How plaintiff’s counsel can exploit the fiduciary exception to the attorney-client privilege
- Privileged legal advice concerning a fiduciary’s own liability
- Who is your client? What hat are they wearing?
- Advice from outside counsel on a claim for benefits
- What does your engagement letter say?
- Who pays your bill?
- Pitfalls to avoid and other considerations

6:15 **Conference Ends**

© American Conference Institute, 2014

Who You Will Meet

- Attorneys handling litigation for:
 - ERISA fiduciaries
 - ERISA service providers
 - Benefit plan sponsors
 - Employee benefit plans
- In-house counsel for:
 - Plan sponsors
 - Service providers
 - Fiduciary liability insurance policy writers
- Employee pension and benefit attorneys
- Fiduciary liability insurance brokers

Continuing Legal Education/Ethics Credits



Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board in the amount of 14.5 hours, of which 0.5 is ethics.

ACI certifies that this activity has been approved for CLE credit by the State Bar of California in the amount of 12.25 hours, of which 0.5 is ethics.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Global Sponsorship Opportunities

As a member of our sponsorship faculty, your organization will be deemed as a partner. We will work closely with your organization to create the perfect business development solution catered exclusively to the needs of your practice group, business line or corporation.

For more information about this program or our global portfolio of events, please contact:

Wendy Tyler
Head of Sales, American Conference Institute
Tel: 212-352-3220 x5242
w.tyler@AmericanConference.com

Media Partners:



American Conference Institute's 8th National Forum on

ERISA LITIGATION

Expert strategies for leading in-house and outside counsel on litigating today's key issues involving benefit plans, plan investments, and fiduciaries

October 27 – 28, 2014 | DoubleTree Suites by Hilton New York City – Times Square | NYC

DOL Address this year!

Learn from and network with:

Honeywell International Inc. * Unum
* Humana * AIG * Blue Cross and
Blue Shield Association * Consolidated
Edison Inc. * Wells Fargo & Co. *
Prudential * W.R. Grace & Co. *
Canam Steel Corporation * Chubb *
Wells Fargo Insurance * Del Monte
Corporation * UTC * Fidelity

Plus, learn from 20 judges who have presided over employee benefits litigation

REGISTRATION FORM

PRIORITY SERVICE CODE

671L15.E

ATTENTION MAILROOM: If undeliverable to addressee, please forward to:
ERISA Litigation Attorney; Benefits Counsel; ERISA Claims Counsel



CONFERENCE CODE: **671L15-NYC**

YES! Please register the following delegate for **ERISA Litigation**

CONTACT DETAILS

NAME _____ POSITION _____

APPROVING MANAGER _____ POSITION _____

ORGANIZATION _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

TELEPHONE _____ FAX _____

EMAIL _____ TYPE OF BUSINESS _____

I would like to receive CLE accreditation for the following states: _____ . See CLE details inside.

FEE PER DELEGATE	Register & Pay by August 8, 2014	Register & Pay by September 30, 2014	Register after September 30, 2014
<input type="checkbox"/> Conference	\$1995	\$2095	\$2295
<input type="checkbox"/> Please reserve ___ additional copies of the Conference Materials at \$499 per copy.			

PAYMENT

Please charge my

VISA MasterCard AMEX Discover Card Please invoice me

NUMBER _____ EXP. DATE _____

CARDHOLDER _____

I have enclosed my check for \$ _____ made payable to

American Conference Institute (T.I.N.—98-0116207)

ACH Payment (\$USD)

Please quote the name of the attendee(s) and the event code 671L15 as a reference.

For US registrants:
Bank Name: HSBC USA
Address: 800 6th Avenue, New York, NY 10001
Account Name: American Conference Institute
UPIC Routing and Transit Number: 021-05205-3
UPIC Account Number: 74952405
Non-US residents please contact Customer Service for Wire Payment information

Registration Fee

The fee includes the conference, all program materials, continental breakfasts, lunches and refreshments.

Payment Policy

Payment must be received in full by the conference date. All discounts will be applied to the Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organization.

Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **American Conference Institute (ACI)** in writing up to 10 days prior to the conference date and a credit voucher valid for 1 year will be issued to you for the full amount paid, redeemable against any other ACI conference. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. **ACI** reserves the right to cancel any conference it deems necessary and will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **ACI** for changes in program date, content, speakers, or venue.

Hotel Information

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly and mention the "ACI ERISA Litigation" conference to receive this rate.
Venue: DoubleTree Suites by Hilton New York City – Times Square
Address: 1568 Broadway, New York, NY 10036
Reservations: (212) 719-1600 or (800) 325-9033

Incorrect Mailing Information

If you would like us to change any of your details please fax the label on this brochure to our Database Administrator at 1-877-927-1563, or email data@AmericanConference.com.

ACI reserves the right to deny admission to anyone, at any time, for any reason.

5 Easy Ways to Register

MAIL **American Conference Institute**
45 West 25th Street, 11th Floor
New York, NY 10010

PHONE 888-224-2480

FAX 877-927-1563

ONLINE
www.AmericanConference.com/ERISA

EMAIL
CustomerService@AmericanConference.com

Inquire about in-house, government and group rates.

MISSED A CONFERENCE – ORDER THE CONFERENCE MATERIALS NOW!

If you missed the chance to attend an ACI event, you can still benefit from the conference presentation materials. To order the Conference Materials, please call +1-888-224-2480 or visit: http://www.americanconference.com/conference_papers

SPECIAL DISCOUNT

We offer special pricing for groups and government employees. Please email or call for details. Promotional discounts may not be combined. **ACI** offers financial scholarships for government employees, judges, law students, non-profit entities and others. For more information, please email or call customer service.