FIDUCIARY INSTITUTE

November 6, 2017

Steptoe & Johnson LLP

1330 Connecticut Avenue, NW, Washington, DC

Early Bird Registration Deadline: **October 9th**
Hotel Registration Deadline: **Extended to October 23rd**

To Register On-line or For More Information: www.americanbar.org/jceb/ (202) 662-8641

Steptoe

6.50 CLE Credit Hours have been requested from 60-minute states and
7.80 CLE Credit Hours have been requested from 50-minute states
2017 FIDUCIARY INSTITUTE

AGENDA

MONDAY • NOVEMBER 6, 2017

8:00  REGISTRATION AND NETWORKING CONTINENTAL BREAKFAST

8:30  WELCOMING REMARKS

Co-Chairs: Joni L. Andrioff, Steptoe & Johnson LLP
           Peter M. Kelly, Blue Cross and Blue Shield Association

8:40  INTRODUCTION TO FIDUCIARY GOVERNANCE

This session will set the table for the day's discussions with an exploration of the role of Good Governance practices in assuring a committee or other ultimate fiduciary can meet the challenges of fiduciary litigation.
Speaker: Peter M. Kelly, Blue Cross and Blue Shield Association

9:10  UPDATE AND TRENDS IN FIDUCIARY CASES

This panel will discuss recent developments and trends in ERISA fiduciary cases involving plan fees, plan investments, company stock, and other issues. Join us for a lively discussion with experienced litigators from both the plaintiffs' and defendants' perspective.

Moderator: Joni L. Andrioff, Steptoe & Johnson LLP
Speakers: Sara R. Pikofsky, Jones Day
          Eric G. Serron, Steptoe & Johnson LLP
          Michael A. Wolff, Schlichter Bogard & Denton

10:00 BREAK

10:20  INVESTMENTS PART 1

This panel will focus on the importance of maintaining an Investment Policy Statement, tracking investment performance, allocating responsibility between all service providers, and issues associated with the maintenance of plan assets.

Moderator: Frank Palmieri, Palmieri & Eisenberg
Speakers: Peter M. Kelly, Blue Cross and Blue Shield Association
          David N. Levine, Groom Law Group, Chartered
          Allison Wielobob, Eversheds Sutherland (US)

11:10 SPECIAL CONSIDERATIONS IN 401(k) PLANS INVESTMENTS

This panel will discuss emerging issues associated with 401(k) investments, including white label investments; target date funds; alternative asset classes; and fund lineups and structures. The panel will also highlight fee arrangements associated with 401(k) investments from a plaintiff perspective.

Moderator: David A. Cohen, Newport Trust Company
Speakers: J. Matthew Calloway, Wells Fargo & Company
          Marie Swartzwelder, Newport Group
          Michael A. Wolff, Schlichter Bogard & Denton
12:00 **LUNCHEON ADDRESS**  
**Speaker:** Phyllis C. Borzi, *former Assistant Secretary of Labor, Employee Benefits Security Administration, U.S. Department of Labor, 2009-2016 (Invited)*

1:10 **IMPORTANCE OF VENDOR SELECTION PROCESS TO ENSURE REASONABLE FEES AND SERVICES FOR SECTION 401(k) RECORDKEEPING, ACTUARIAL AND INVESTMENT ADVISORS**  
This panel will review vendor selection considerations including Request for Proposal projects, the importance of benchmarking, common flaws in service agreements, service guarantees and general issues associated with monitoring and managing external vendors.  
**Moderator:** Frank Palmieri, *Palmieri & Eisenberg*  
**Speakers:**  
David N. Levine, *Groom Law Group, Chartered*  
Jania E. Stout, *Fiduciary Plan Advisors, HighTower Advisors, LLC*

2:00 **BENEFIT CLAIMS**  
The session will review the ERISA benefits claim and appeal process and explore recent case law and regulatory developments that demand more rigorous adherence to fiduciary’s “full and fair review” obligations.  
**Moderator:** Peter M. Kelly, *Blue Cross and Blue Shield Association*  
**Speakers:**  
Emily S. Costin, *Alston & Bird LLP*  
Martina Sherman, *DeBofsky Sherman & Casciari, PC*

2:50 **BREAK**

3:10 **FIDUCIARY RULE**  
Where Are We Now and Where Are We Going? This panel will provide an update on the status of the DOL Conflict of Interest, Definition of Fiduciary Regulations and related exemptions and discuss what the future of these regulations and exemptions may be. Our knowledgeable panelists will provide points of view of both consumer and industry groups, as well as providing pointers for plan sponsors, plan investment committees, advice providers, and advice recipients.  
**Moderator:** Joni L. Andrioff, *Steptoe & Johnson LLP*  
**Speakers:**  
Micah Hauptman, *Consumer Federation of America*  
Erin M. Sweeney, *Miller & Chevalier Chartered*

4:00 **ENFORCEMENT**  
This panel focuses on recent DOL investigation experience; changing DOL enforcement priorities; and increasing concerns about litigation exposure.  
**Moderator:** David A. Cohen, *Newport Trust Company*  
**Speakers:**  
George M. Sepsako, *Groom Law Group, Chartered*  
Erin M. Sweeney, *Miller & Chevalier Chartered*

5:00 **NETWORKING RECEPTION**

6:15 **ADJOURN**
FACULTY

Joni L. Andrioff, Program Co-Chair, Steptoe & Johnson LLP, Washington, DC

Phyllis C. Borzi, former Assistant Secretary of Labor, Employee Benefits Security Administration, U.S. Department of Labor, 2009-2016, Washington, DC (Invited)

J. Matthew Calloway, Wells Fargo & Company, Charlotte, NC

David A. Cohen, Newport Trust Company, Washington, DC

Emily S. Costin, Alston & Bird LLP, Washington, DC

Micah Hauptman, Consumer Federation of America, Washington, DC

Peter M. Kelly, Program Co-Chair, Blue Cross and Blue Shield Association, Chicago, IL

David N. Levine, Groom Law Group, Chartered, Washington, DC

John G. McGlynn, Charles Schwab and Company, Inc., Austin, TX

Frank Palmieri, Palmieri & Eisenberg, Princeton, NJ

Sara R. Pikofsky, Jones Day, Washington, DC

Eric G. Serron, Steptoe & Johnson LLP, Washington, DC

George M. Sepsakos, Groom Law Group, Chartered, Washington, DC

Martina Sherman, DeBofsky, Sherman & Casciari, PC, Chicago, IL

Jania E. Stout, Fiduciary Plan Advisors, HighTower Advisors, LLC, Phoenix, MD

Marie Swartzwelder, Newport Group, Lake Mary, FL

Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC

Allison Wielobob, Eversheds Sutherland (US), Washington, DC

Michael A. Wolff, Schlichter Bogard & Denton, St. Louis, MO

ATTEND THE PROGRAM, AND LEARN WHAT YOU NEED TO KNOW ABOUT:

- Introduction to Fiduciary Governance
- Update and Trends in Fiduciary Cases
- Investments
- Special Issues in Investments Involved with 401(k) Plans
- Vendor Arrangements
- Benefit Claims
- Fiduciary Rule
- Enforcement
TUITION
Attend the entire program, the breakfast, luncheon, and reception, and network with other registrants and faculty. Registrations must be postmarked, e-mailed or faxed by October 9th to receive the Early Bird discount.

**Early Bird Registration** — On or Before October 9th
- $695 General Public
- $645 ABA Member ($50 Savings—join a Section, and save even more!)
- $595 Sponsoring Section Member ($100 Savings)

**Full Tuition** — After October 9th
- $745 General Public
- $695 ABA Member ($50 Savings—join a Section, and save even more!)
- $645 Sponsoring Section Member ($100 Savings)

**On-Site Tuition**
- $795 General Public
- $745 ABA Member ($50 Savings—join a Section, and save even more!)
- $695 Sponsoring Section Member ($100 Savings)

ADDITIONAL SAVINGS
If three or more register from the same firm, one registrant will receive a $50 reduction in program tuition! Registrants will have access to the program website to download materials prior to the conference and any additional materials handed out on-site. Each registrant will also be eligible for MCLE accreditation within those states that require continuing legal education.

SCHOLARSHIPS
Scholarships to defray tuition expense for this program are available upon application, on a case-by-case basis. Preference will be given to full-time LL.B. candidates, public interest lawyers, government lawyers, full-time law professors, solo or small firm practitioners of limited means, and unemployed attorneys. To request an application or receive additional information, contact Karen Case at Karen.Case@americanbar.org or 202.662.8641. Scholarship applications must be received at least two weeks before the program start date. You will be notified prior to the program if your application is approved. A minimum fee may be charged on all approved scholarship applications to defray expenses. For programs with tuition costs over $500, qualifying attorneys will receive at least a 50% reduction in the course fees(s).

COMPLAINT RESOLUTIONS
Please call Karen Case at 202-662-8641.

CANCELLATIONS AND REFUND INFORMATION
Cancellations will be honored on the following basis:
- Until October 9th – 100% Refund minus $50 administrative fee*
- After October 9th ** – No Refund

*Day of Cancellation is the day the cancellation is received by the ABA. It is calculated based on the number of ABA business days remaining before the National Institute.
**No refund will be made for cancellations received after August 28th; written confirmation of refund requests must be received within 14 days following the National Institute presentation. Substitute registrants for the Fiduciary Institute are welcome. Please contact Karen Case at 202.662.8641.**

**MCLE**
The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 6.50 CLE credit hours in 60-minute states, and 7.80 credit hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, contact Karen Case at karen.case@americanbar.org or 202.662.8641 or visit [http://www.americanbar.org/cle/mandatory_cle.html](http://www.americanbar.org/cle/mandatory_cle.html).

**CPE**
The American Bar Association is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: [www.learningmarket.org](http://www.learningmarket.org).

Recommended CPE Credits and Fields of Study: Program attendees can earn up to 6.50 CPE credits in Specialized Knowledge and Applications fields of study.

Prerequisites: Previous experience in employee benefits law; Advanced Preparation: None; Program Level: Intermediate; Delivery Method: Group-Live

**HOTEL INFORMATION**
**DEADLINE FOR HOTEL RESERVATIONS: Extended to Monday, October 23rd**
You may make hotel reservations at the Mayflower Hotel, 1127 Connecticut Avenue, NW, Washington, DC 20036. A limited number of rooms have been set aside for the Fiduciary Institute registrants at $229 for single or double occupancy. All room rates are subject to city occupancy and sales tax. Unclaimed rooms will be released on October 23rd after which the hotel will accept reservations on a space and rate available basis only. All reservations must be guaranteed with a major creditcard.

To register at the hotel, log into the registration website: [https://aws.passkey.com/e/49505023](https://aws.passkey.com/e/49505023) or call reservations at 877-212-5752. Be sure to mention the ABA Fiduciary Institute to receive the special discounted rate.

**AIRLINE INFORMATION**
With ABA Egencia*, you can automatically obtain ABA negotiated airfare discounts for travel to the ABA Meetings. ABA Egencia enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination.

Reservations with ABA Egencia can be made online or offline. For offline reservations, call (877) 833-6285. ABA Egencia is available online via ABA Travel Services*.
ABA airfare discounts on some carriers may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent.

**American Airlines**
ABA Discount only available at ABA Egencia

**United Airlines**
*For ABA Meetings Only*
Via Phone: 800-426-1122
Agreement Code: 621691 / Z Code: ZXDR
Discount available at www.united.com
Online Discount Code: ZXDR621691

**Delta Airlines**
Via Phone: 800-328-1111
ABA File Global Meeting Code: NMP56

Discount available at www.delta.com
Online Meeting Event Code: NMP56

*A Travel Profile is required when booking airline reservations with ABA Egencia, [click for more information](#)*

**UNABLE TO ATTEND? CAN’T DECIDE WHICH SESSIONS TO ATTEND?**
The Digital Audio sets (course materials and downloadable recordings) will be available for purchase approximately 4-6 weeks after the program. To pre-order course books or digital audio sets, visit the ABA web store. Additional information is available by visiting the JCEB web site, [www.americanbar.org/jceb](http://www.americanbar.org/jceb) or calling 202.662.8641.

**SERVICES FOR PERSONS WITH DISABILITIES**
If special arrangements are required, please contact Karen Case at 202.662.8641. Reasonable advance notice is requested.

**ABA SPONSORING SECTIONS**
Join one of these dynamic Sections, and become active in one of their employee benefit committees. Join the ABA and one or more of the Sections when registering for this program and save up to $200 on this program tuition.

- I am interested in becoming a member of the American Bar Association. Please send me information and membership forms.
- I am an ABA member but want a further reduction on my tuition for this program. Please enroll me into the Section(s) listed below; I’ve enclosed a separate check made payable to the ABA.

---

**EMPLOYEE BENEFITS PASSPORT**
The JCEB is proud to offer you the Employee Benefits Passport - a new subscription service that will be your passport to access, for one low price, all the JCEB’s webinars and to attend any or all of the JCEB’s renowned in-person National Institutes with a 25% discount. Whatever your level of experience is - a seasoned ERISA/employee benefits practitioner, someone new to the practice area or someone in between - the Employee Benefits Passport gives you a new way to access JCEB programs to help you stay up-to-date on the ever-changing employee benefits landscape and get tips from the experts on compliance best practices. For more information call 202.662.8641 or see the JCEB’s website: [http://www.americanbar.org/jceb](http://www.americanbar.org/jceb)
REGISTRATION AND ORDER FORM

Fiduciary Institute
(202) 662-8641 • www.americanbar.org/jceb/

EARLY BIRD REGISTRATION – On or Before October 9
❖ $695 General Public
❖ $645 ABA Member
   ($50 Savings – join a Section, and save even more!)
❖ $595 Sponsoring Section Member ($100 Savings)
   ABA # __________________________

FULL TUITION – After October 9
❖ $745 General Public
❖ $695 ABA Member
   ($50 Savings – join a Section, and save even more!)
❖ $645 Sponsoring Section Member ($100 Savings)
   ABA # __________________________

ON-SITE TUITION
❖ $795 General Public
❖ $745 ABA Member
   ($100 Savings – join a Section, and save even more!)
❖ $695 Sponsoring Section Member ($200 Savings)
   ABA # __________________________

November 6, 2017
Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036
❖ Two or more people have registered with me; please apply the $50 tuition reduction to the tuition rate indicated.
❖ Send me the Fiduciary Institute Podcast Download
   (Podcast and course materials via download) at the special price of $620. Product Code: E8110617FIUD
❖ Send me the JCEB calendar for upcoming Employee Benefits Programs.

TO REGISTER:
Online: http://www.americanbar.org/jceb/ with credit card payment
Mail: American Bar Association
   Attn: Service Center—Meeting/Event Registrations Department
   Meeting Code: E8110617FI
   321 N. Clark Street, Floor 16
   Chicago, IL 60654

PAYMENT: Must include one of the following:
❖ Check made payable to: American Bar Association - JCEB
❖ Credit Card: MasterCard, VISA or American Express

Please check here if you need CLE/CPE Credit in one of the following states: ❖ DE ❖ IL ❖ NY ❖ PA ❖ TX ❖ CPE

Name __________________________ Organization __________________________

Address ______________________________________________________________

City __________________________ State __________ Zip __________ Phone __________

*Tax: DC residents add 5.75%, IL residents add 9.25% before including postage and handling charges. Price is subject to change after 11/6/2017.

CANCELLATION POLICY
Cancellations will be honored on the following basis:
❖ On or before October 9th — 100% Refund minus $50 administrative fee*
❖ After October 9th — No Refund**

Substitute registrants are welcome. Please email meetingcancellations@americanbar.org and karen.case@americanbar.org.

**“Day of Cancellation” is the day the cancellation is received in writing by the ABA.

*No refunds will be made for cancellations received after October 9th. Written confirmation of refund requests must be received within 14 days following the National Institute presentation.

ABA SPONSORING SECTIONS
Join one of these dynamic Sections, and become active in one of their employee benefit committees. Join the ABA and one or more of the Sections when registering for this program and save up to $100 on this program tuition.
❖ I am interested in becoming a member of the American Bar Association. Please send me information and membership forms.
❖ I am an ABA member, but want a further reduction on my tuition for this program. Please enroll me into the Section listed below;
   I’ve enclosed a separate check made payable to the ABA.
❖ Section of Business Law, $55 ❖ Section of Health Law, $50
❖ Section of Labor and Employment Law, $75 ❖ Section of Real Property, Trust and Estate Law, $70
❖ Section of Taxation, $75 ❖ Section of Tort Trial and Insurance Practice, $50