ERISA FIDUCIARY INSTITUTE: Know Your Responsibilities

April 4, 2019

Steptoe & Johnson LLP

1330 Connecticut Avenue, NW, Washington, DC

Early Bird Registration Deadline: March 7, 2019
To Register On-line or For More Information: www.americanbar.org/jceb/ (202) 662-8641

6.50 CLE Credit Hours have been requested from 60-minute states including 1 hour of Ethics Credit and 7.80 CLE Credit Hours have been requested from 50-minute states including 1.2 hours of Ethics Credit
2019 FIDUCIARY INSTITUTE

DRAFT AGENDA (As of February 21)

THURSDAY • APRIL 4, 2019

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
Gregory Y. Porter, Bailey & Glasser LLP

10:00  BREAK

10:20  CASE STUDY – 401(K) INVESTMENTS AND VENDORS
This Program will review 401(k) investments as done at typical investment committee meetings, with an analysis of current investments, share classes, revenue sharing, alternatives to reduce internal fees and to use fee levelization techniques, rather than asset charges, to cover plan expenses.
Moderator:  Frank Palmieri, Palmieri & Eisenberg
Speakers:  Gregory Marsh, Registered Investment Advisor, Bridgehaven Fiduciary Partners
Allison Wielobob, American Retirement Association

11:10  FIDUCIARY ISSUES FOR HEALTH AND WELFARE BENEFITS
This panel will discuss a variety of issues raised in the provision of health care benefits to employees, including potential prohibited transactions surrounding the use of affiliates and reimbursement of expenses to parties in interest, DOL enforcement, and considerations raised by the rise of Association Health Plans.
Moderator:  David A. Cohen, Newport Trust Company
Speakers:  Alan Lebowitz, Newport Trust Company (Invited)
Vivian Hunter Turner, Groom Law Group

12:00  LUNCHEON ADDRESS
Speaker:  TBD
1:10  CYBER SECURITY AND DATA PROTECTION (ETHICS CREDIT)
What attorneys need to do to protect their records as well as recordkeeping platforms, fiduciary and related issues.
Moderator: Frank Palmieri, Palmieri & Eisenberg
Speakers: Samuel A. Henson, Lockton Retirement Services (Invited)
Peter M. Kelly, Blue Cross and Blue Shield Association
Jessica Lutrin, Pillsbury Winthrop Shaw Pittman LLP

2:10  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
Susan E. Rees, The Wagner Law Group
Martina Sherman, DeBofsky Sherman & Casciari, PC

3:00  BREAK

3:20  HOT TOPICS IN ERISA FIDUCIARY REGULATION: SEC PROPOSED REGULATION BEST INTEREST
Where are we now, and where are we going? This panel will provide an update on the status of the DOL Fiduciary Regulations and related exemptions, as well as the proposed SEC Regulation Best Interest. The panel will discuss what the future of this guidance may be. Our knowledgeable panelists will provide points of view of representatives of the SEC, and consumer and industry groups, as well as providing pointers for plan sponsors, plan investment committees, and others.
Moderator: Joni L. Andrioff, Steptoe & Johnson LLP
Speakers: Lisa Bleier, SIFMA
Erin M. Sweeney, Miller & Chevalier Chartered

4:10  DB PLAN INVESTMENTS
This panel will discuss considerations involving DB plan investments in alternative asset classes including hedge funds, private equity, and other assets. Looking at things from both the fund and the plan investor perspective, the panelists will consider common concerns and how they can be resolved, as well as the perspectives of regulators on such investments.
Moderator: David A. Cohen, Newport Trust Company
Speakers: Linda J. Haynes, Seyfarth Shaw LLP
Patrick S. Menasco, Stroock & Stroock & Lavan LLP

5:00  NETWORKING RECEPTION

6:15  ADJOURN

FOR MORE INFORMATION OR FOR ASSISTANCE REGISTERING
Contact Karen Case at 202.662.8641 or karen.case@americanbar.org.
ATTEND THE PROGRAM, AND LEARN WHAT YOU NEED TO KNOW ABOUT:

- An Introduction to Fiduciary Governance
- Updates and Trends in Fiduciary Cases
- 401(k) Investments and Vendors
- Fiduciary Issues for Health and Welfare Benefits
- Cyber Security and Data Protection
- Benefit Claims
- Hot Topics in ERISA Fiduciary Regulation
- DB Plan Investments
**TUITION**
Attend the entire program and network with other registrants and faculty. Registrations must be post-marked, e-mailed or faxed by **March 7, 2019**, to receive the Early Bird discount.

**Early Bird Registration** — **On or Before March 7, 2019**
- **$695** General Public
- **$645** ABA Member (**$50 Savings — join a Section, and save even more!**)
- **$595** Sponsoring Section Member (**$100 Savings**)

**Full Tuition** — **After March 7, 2019**
- **$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**
Receive a **25% tuition discount** if you are a **JCEB Employee Benefits Passport** holder. Contact karen.case@americanbar.org to register with this discount.

OR

Receive a **$100 tuition discount** if you are also registered for the 2019 Employee Benefits Spring Update, scheduled for April 3rd, in Washington, DC.

OR

If two 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 the 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).

**CANCELLATIONS AND REFUND INFORMATION**
Cancellations will be honored on the following basis:
- **Until March 7th** — 100% Refund minus $50 administrative fee*
- **After March 7th** — 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 March 7th; 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**
This course is expected to qualify for 6.50 CLE credit hours (including 1.0 ethics hours) in 60-minute states, and 7.80 credit hours (including 1.2 ethics 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, visit [http://www.americanbar.org/cle/mandatory_cle.html](http://www.americanbar.org/cle/mandatory_cle.html) or contact Karen Case at 202.662.8641.

**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 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:** Monday, March 12th
If you are interested in booking a hotel room at the St. Gregory Hotel, 2033 M St NW, Washington, DC 20036, contact Karen Case at 202.662.8641 or karen.case@americanbar.org. A limited number of rooms have been set aside for the Employee Benefits Spring Update registrants at $289 for single or double occupancy plus a $20 facility fee. The facility fee includes a daily wine and cheese reception from 5:30 pm to 6:30 pm, water bottles in each room, premium internet, coffee service daily in lobby, and Peloton bikes in the Fitness Center. All reservations must be guaranteed with a major credit card.

**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 at [https://www.egencia.com/public/us/](https://www.egencia.com/public/us/).

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**
For ABA Meetings Only
Via Phone: 800-426-1122
Agreement Code: 8880300 / Z Code: ZFX6

Discount available at www.united.com
Click All Search Options and enter Online Discount Code: ZFX68880300 in the Promotions and Certificates box.
Not for Leisure Travel

Delta Airlines
Via Phone: 800-328-1111
ABA File Global Meeting Code: NMS9P

Discount available at www.delta.com
Click Advance Search and enter Online Meeting Event Code: NMS9P in the Meeting Event Code

Southwest Airlines
Southwest tickets can be booked on ABA Egencia. If not booking via ABA Egencia you can book via www.swabiz.com and use ABA SWABIZ Company ID 99422890.

*A Travel Profile is required when booking airline reservations with ABA Egencia, visit www.americanbar.org/travel for more information.

UNABLE 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 digital audio sets, visit the ABA web store. Additional information is available by visiting the JCEB web site, 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.

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

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.

- Section of Business Law, $55
- Section of Labor and Employment Law, $75
- Section of Taxation, $75
- Section of Health Law, $50
- Section of Real Property, Trust and Estate Law, $70
- Section of Tort Trial and Insurance Practice, $50
MARK YOUR CALENDAR AND CHECK OUR WEBSITE FOR UPCOMING PROGRAMS
www.americanbar.org/jceb/

April 3, 2019
EMPLOYEE BENEFITS SPRING UPDATE
Washington, DC

June 5-7, 2019
National Institute on
ERISA BASICS

October 2019
National Institute on
ERISA BASICS, Chicago, IL

October 28-29
National Institute on
HEALTH AND WELFARE BENEFIT PLANS, Washington, DC

November 7-8
National Institute on
EXECUTIVE COMPENSATION, Washington, DC

EMPLOYEE BENEFITS PASSPORT

The JCEB is proud to offer you the Employee Benefits Passport – an annual 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:
ERISA Fiduciary Institute
(202) 662-8641 • www.americanbar.org/jceb/

EARLY BIRD REGISTRATION – On or Before March 7
❑ $695 General Public
❑ $645 ABA Member ($50 Savings)
❑ $595 Sponsoring Section Member ($100 Savings)

FULL TUITION – After March 7
❑ $745 General Public
❑ $695 ABA Member ($50 Savings–join a Section)
❑ $645 Sponsoring Section Member ($100 Savings)

ON-SITE TUITION
❑ $795 General Public
❑ $745 ABA Member ($100 Savings–join a Section)
❑ $695 Sponsoring Section Member ($200 Savings)

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❑ I have also registered for the 2019 Employee Benefits Spring Update. Please apply the $100 tuition reduction.
❑ Please apply the 25% tuition discount for JCEB Employee Benefits Passport Holders.
❑ Two or more people have registered with me; please apply the $50 tuition reduction to the tuition rate indicated.
❑ Send me the ERISA Fiduciary Institute Digital Download (Digital recordings and course materials via download) at the special price of $620. Product Code: EB040419FIAUD

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: EB092718FI
321 N. Clark Street, Floor 19
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 _______

E-mail __________________________ Phone __________________________

*Canc: DC residents add 6%. IL residents add 10.25%, before including postage and handling charges. Price is subject to change after 04/05/2019.

CANCELATION POLICY
Cancellations will be honored on the following basis:
❑ On or before March 7th — 100% Refund minus $50 administrative fee*
❑ After March 7th — 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 March 7th. Written confirmation of refund requests must be received within 14 days following the National Institute presentation.

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❑ 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