

American Conference Institute's 6th National Forum on



ERISA LITIGATION



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

October 24–25, 2013 | New York Marriott East Side | New York City

Hear from 10 renowned judges, representing courts located in 8 circuits:



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U.S. Dist. Ct., W.D. Pa.



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U.S. Dist. Ct., W.D. Mo.



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



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



Hon. Harold Baer
U.S. Dist. Ct., S.D.N.Y.



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



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U.S. Dist. Ct., W.D. Pa.



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Southern California Edison Company

American Airlines

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Segal

Fiduciary Leadership

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Obtain critical updates and strategic advice for:

- Emerging trends in ERISA litigation: **impact of the ACA**, actions against church plans, and more
- **Navigating the aftermath of *Cigna v. Amara***: the ongoing fallout from this landmark case and its progeny, and the impact on remedies in ERISA cases
- **ESOP litigation**: defending against new and emerging claims and assessing recent developments, with a focus on **DOL investigations and settlements**
- **Defined benefit plans and stock drop litigation**: new theories of liability arising from investment decisions, including **alternative investments**, the status of the 'presumption of prudence' standard, the trend towards **de-risking**, the issue of standing, and more
- **401(k) fee cases**: current litigation trends, evolving defense strategies, **new DOL disclosure rules and enforcement initiatives**, impact of *Tussey v. ABB, Inc.* and *Tibble v. Edison Int'l*, the issue of **service providers**, the viability of **float claims**, and more
- **Benefit claims litigation**: addressing requests for evidence outside of the record in 'conflict' situations, the viability of the arbitrary and capricious standard of review, attorneys' fees, and defeating the latest claims
- **ERISA fiduciary litigation**: new and emerging theories of liability, effective defense strategies, and minimizing exposure to fiduciary liability
- Class action update: managing and defending against **ERISA class actions** and defeating certification
- **Ethical issues that arise in ERISA litigation**: the fiduciary exception to attorney-client privilege, the question of who really is your client, and other considerations

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The nation's premier ERISA litigation conference devoted entirely to managing and defending complex ERISA-related claims returns for its sixth installment, led by an unparalleled faculty of leading in-house industry experts and renowned outside defense counsel, as well as federal judges from across the nation.

Increasingly complex theories of liability, heightened scrutiny by the DOL, church plan litigation, mounting requests for attorneys' fees, a continuing focus on and litigation arising from investment decisions, ACA compliance and litigation concerns, new and emerging regulations affecting disclosures from plan sponsors and service providers, a very sophisticated plaintiffs' bar, the ongoing fallout from *Cigna v. Amara*, the impact of *Tussey v. ABB, Inc.* and *Tibble v. Edison Int'l* on fee cases, and overwhelming discovery burdens – **these are just some of the issues facing plan sponsors, fiduciaries, service providers, insurance companies, and defense lawyers today.**

Building on the incredible success of our past ERISA events, and in response to demand from the market, ACI is pleased to announce its **6th National Forum on ERISA Litigation**. This advanced forum has been designed to bring together the nation's leading in-house experts and outside counsel to engage in a two-day seminar geared towards developing winning litigation strategies and exploring new and emerging theories of liability from the plaintiffs' bar. **Our unparalleled faculty, led by in-house industry experts, top outside counsel, and renowned federal judges, will provide you with the proven strategies, innovative tactics, and key insights needed to effectively litigate these complex claims.**

PLUS, add value to your attendance by also registering for the exclusive Pre-Conference ERISA Primer:

ERISA's Enforcement Scheme: The Procedural Nuances, Available Remedies, and Proper Parties Under 502(a)

October 24, 2013 | 7:45 a.m.–9:45 a.m.

Register now by calling **888-224-2480** or faxing your registration form to **877-927-1563**. You can also register online at www.AmericanConference.com/ERISA

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

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7:45 Pre-Conference ERISA Primer: ERISA’s Enforcement Scheme (see page 7 for details)

9:15 Main Conference Registration and Continental Breakfast

9:55 **Co-Chairs’ Opening Remarks**



H. Douglas Hinson
Alston & Bird LLP



Michael J. Prame
Groom Law Group, Chartered

10:00 **In-House Roundtables: Perspectives on Plan Sponsor Liability, Limiting Fiduciary Liability, Implications of the ACA, Plan Document Language, De-Risking, Managing Litigation, Service Provider Liability and Disclosure Requirements, Fiduciary Liability Insurance, the Claims Review Process, and More**

Panel I 10:00–11:00	Panel II 11:00–12:00 (refreshment break from 12:00–12:10)	Panel III (Insurers) 12:10–1:10
<p>Peter M. Kelly Chief Employee Benefits Counsel Blue Cross Blue Shield Association</p> <p>Laura Tholen Senior Legal Counsel FMR LLC/Fidelity Investments</p> <p>Renata Pompa VP & Corporate Counsel Prudential</p> <p>Michael Rosner Sr Legal Counsel The Goodyear Tire & Rubber Company</p> <p>Allison R. Klausner Assistant General Counsel - Benefits Honeywell International Inc.</p> <p>Margery Sinder Friedman Senior Vice President and General Counsel The Segal Company</p>	<p>Bradley J. Schlichting Senior Counsel Wells Fargo & Co.</p> <p>Vicki D. Blanton Senior Benefits Counsel American Airlines, Inc.</p> <p>Derek J. Windham Associate General Counsel Del Monte Corporation</p> <p>Sharon Goldzweig Associate Counsel Consolidated Edison Inc.</p> <p>Kevin E. Crowley Associate General Counsel – Americas Mercer</p>	<p>Rafael J. Droz Assistant Vice President Financial Lines Claims American International Group, Inc.</p> <p>Miles R. Afsharnik Senior Vice President National Claims Director Wells Fargo Insurance</p> <p>Hilda Batlle Senior Vice President – Team Leader Aon Financial Services Group</p> <p>Wendy Katherine Von Wald Assistant Vice President Sr Specialist – Fiduciary Chubb Group of Insurance Companies</p> <p>Carrie O’Neil Senior Vice President Aon Financial Services Group</p>
<p><u>Panel I Moderator:</u></p>  <p>Adrienne C. Publicover Wilson Elser Moskowitz Edelman & Dicker LLP</p>	<p><u>Panel II Moderator:</u></p>  <p>Michael J. Prame Groom Law Group, Chartered</p>	<p><u>Panel III Moderator:</u></p>  <p>Amanda S. Amert Jenner & Block LLP</p>

- Implications of the ACA for in-house counsel
 - How and to what extent must companies change in order to comply with the ACA?
 - Implementing changes required by the ACA
 - Integrating new reforms into plan designs: What changes must be made to the SPD?
- Due diligence in the selection of service providers
- Managing the blurring of lines (and liabilities) among different service providers
- Liability arising from alternative investments, such as hedge funds and private equity
- Minimizing the potential for litigation arising from DOL disclosure requirements
 - What steps have corporate counsel taken and what else should be done?
 - Plan sponsor liability arising from a service provider’s failure to properly disclose fees
 - Ensuring that service providers are in compliance with the new disclosure rules
- Overlap of independent contractor misclassification claims with ERISA fiduciary liability claims
 - Defenses; Microsoft inoculation provision
- Managing relationships with plan sponsors and best practices for overcoming conflicts
- Litigation arising between service providers and plan sponsors

- Assessing the potential liability of a plan sponsor for actions of the plan record keepers
- Making the decision to de-risk
 - Costs and benefits
 - Best practices for avoiding pitfalls
- Ensuring that the language in plan documents adequately protects the plan sponsor and minimizes exposure to litigation
 - Key language to include in plan documents
 - Lessons learned from *U.S. Airways v. McCutchen*
 - How far can the holding from this case be taken?
 - Incorporating statutes of limitations into plan documents
 - Forum selection clauses
- Fiduciary liability insurance
 - 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
- Claims handling considerations
 - Subjective versus objective evidence
 - Analyzing a claim

1:10 **Networking Luncheon for Speakers and Attendees**

2:10 **Navigating the Aftermath of *Cigna v. Amara*: The Ongoing Fallout From this Landmark Case and Its Progeny and the Impact on Remedies in ERISA Cases**



Lori A. Meaders
Senior Attorney
Southern California Edison Company



Evan Miller
Jones Day



Mark E. Schmidtke
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.



W. Bard Brockman
Bryan Cave LLP



Tess J. Ferrera
Schiff Hardin LLP

Denise M. Clark
Clark Law Group, PLLC

- Assessing the ongoing impact of *Amara* and its progeny on ERISA litigation
 - The developing case law
- The new remedies landscape
 - Equitable relief; plan reformation; detrimental reliance
- Impact of *U.S. Airways v. McCutchen* on remedies
- Best strategies for arguing against monetary damages as a form of 'equitable relief'
- Minimizing damages in the wake of *Amara*
- How have *Amara* and its progeny changed the remedies landscape from the plaintiff's viewpoint?
 - What must plaintiffs prove in order to obtain remedies?
 - How have the courts interpreted 'plan terms'?
 - Can you look to SPDs and other documents?
- Assessing whether *Amara* only applies to cases involving intentional misrepresentations or if it is also applicable to cases involving negligent misrepresentations
- Lessons learned from *Amara* and its progeny regarding disclosure issues

3:10 **Networking and Refreshment Break**

3:15 **Emerging Trends in ERISA Litigation: Impact of the ACA, Actions Against Church Plans, and More**

Rhonda Prussack
EVP and Product Manager, Fiduciary Liability
American International Group, Inc.



James M. Nelson
Greenberg Traurig, LLP



Anthony F. Shelley
Miller & Chevalier Chartered



Lynn Lincoln Sarko
Keller Rohrback L.L.P.



Daniel N. Janich
Greensfelder, Hemker & Gale, P.C.

The ACA and Its Impact on ERISA Litigation

- Assessing the likelihood of a surge of ACA litigation in the coming year
- The types of ERISA claims and new theories of liability that can be expected from ACA litigation
 - Evaluating the various provisions of the new healthcare law and anticipating the types of ERISA litigation that will result from them
- Developing effective defense strategies and minimizing exposure to such claims
- Assessing the potential for an increase in Section 510 cases due to the ACA
- Impact of the ACA on preemption issues

Church Plan Litigation

- Assessing recent actions brought against church plans
 - Exclusion of such plans from ERISA requirements
 - Who are the defendants?
 - What are the claims?
 - Merits of the claims
- Other potential defendants
- Potential for copycat cases

4:15 **ERISA Fiduciary Litigation: New and Emerging Theories of Liability, Effective Defense Strategies, Minimizing Exposure to Fiduciary Liability, and More**



D. Lee Heavner
Managing Principal
Analysis Group, Inc.

Ann Longmore
Executive Vice President
Willis

Mary Anne Mullin
Assistant Vice President, Strategic Claims
CNA Insurance



James O. Fleckner
Goodwin Procter LLP



Andrew L. Oringer
Dechert LLP



René E. Thorne
Jackson Lewis LLP

- *Tibble v. Edison Int'l*
 - Impact on the statute of limitations and the "continuing violation" theory
- Fiduciary status of service providers in the wake of *Leimkuehler v. American United Life Insurance Co.*
 - When does a service provider acquire fiduciary status under ERISA?
- Assessing claims of breach of fiduciary duty relating to proprietary funds
- Determining who the ERISA plan fiduciaries are and defeating plaintiffs' attempts to delineate the plan fiduciaries
- Countering the efforts of plaintiffs' counsel to expand ERISA fiduciary duties
- Winning dismissal of improperly-named defendants
- Assessing new and emerging theories of liability from the plaintiffs' bar
 - Overlap of independent contractor misclassification claims with ERISA fiduciary liability claims
 - Microsoft inoculation provision
- Developing effective defense strategies against new plaintiffs' theories
- Strategic litigation and settlement considerations when fiduciary insurance is involved
- Best practices for limiting fiduciary liability
 - Mitigating risk exposure and ensuring that actions and decisions are properly documented
 - Establishing procedural prudence in the selection of service providers and investment managers
 - Identifying and managing potential conflicts between plan sponsors and fiduciaries
- What to do when a fiduciary finds out that a plan trustee has made an investment that has suffered a loss
 - Obligations of the fiduciary
 - When to seek an independent fiduciary
- Assessing the available remedies and damages when fiduciary liability is determined
- Defending against a DOL investigation
 - What to expect
 - Dealing with the DOL
 - Pitfalls to avoid

5:45 **Class Action Update: Managing and Defending Against ERISA Class Actions and Defeating Certification**



Mark Casciari
Seyfarth Shaw LLP



Todd D. Wozniak
Greenberg Traurig, LLP



Brian T. Ortelere
Morgan, Lewis & Bockius LLP



Patrick W. Shea
Paul Hastings LLP



Jason J. Mendro
Gibson, Dunn & Crutcher LLP

- Class actions and certification in the wake of *Comcast v. Behrend*
 - The issue of damages
 - Applicability to ERISA cases
- The continuing fallout from *Wal-Mart v. Dukes* and *AT&T Mobility v. Concepcion* on ERISA class actions
- Assessing the impact of recent case law on ERISA class actions
- Determining whether and when a purported class of ERISA plaintiffs will be certified
- How the plaintiffs' bar has adapted to the new class action landscape
 - New and emerging strategies
- Defense strategies for defeating class certification in the new environment
- Unique issues pertaining to damages in an ERISA class action
- Circumstances in which class certification can be desirable for the defense

6:45 **Conference Adjourns**

Day Two – Friday, October 25, 2013

7:30 **Continental Breakfast**

8:00 **Views From the Bench: District Court and Magistrate Judges Weigh in on the Latest Plaintiff Theories, Emerging Defense Strategies, Evolving Case Law, Statute of Limitations Issues, Case Management, Discovery, and More**

Panel I (District Court Judges) 8:00–9:30	Panel II (Magistrate Judges) 9:30–10:50
Hon. Donetta W. Ambrose U.S. Dist. Ct., W.D. Pa. Hon. Fernando J. Gaitan, Jr. U.S. Dist. Ct., W.D. Mo. Hon. Roslyn O. Silver U.S. Dist. Ct., D. Ariz. Hon. Warren W. Eginton U.S. Dist. Ct., D. Conn. Hon. Harold Baer U.S. Dist. Ct., S.D.N.Y. Hon. Ruben Castillo U.S. Dist. Ct., N.D. Ill.	Hon. Lisa P. Lenihan U.S. Dist. Ct., W.D. Pa. Hon. Robert B. Collings U.S. Dist. Ct., D. Mass. Hon. James O'Hara U.S. Dist. Ct., D. Kan. Hon. Stephen Wm. Smith U.S. Dist. Ct., S.D. Tex.
Panel I Moderator: David Tetrick Jr. King & Spalding	Panel II Moderator: Caroline Turner English Arent Fox LLP

- Assessing the current state of ERISA case law
- Early defense considerations (motions to dismiss, preemption, summary judgment practice)
- Novel approaches to trial and case management
 - Pre-trial procedures
- Conflict of interest discovery
- Discovery limits
- Jury demands, motions to strike, motions to sever non-ERISA claims from ERISA claims
- New and emerging plaintiff theories and defense strategies
- Conveying to the court the complex and technical aspects of the ERISA statute and the procedural differences in ERISA cases
- Procedural and legal interpretative inconsistencies – how to handle inconsistent precedent and a lack of uniformity amid significant forum shopping
- When the ERISA limitations period begins to accrue
- Judicial perspectives on ERISA settlements

10:50 **Networking and Refreshment Break**

11:00 **ESOP Litigation: Defending Against New and Emerging Claims and Assessing Recent Developments, With a Focus on DOL Investigations and Settlements**



Charles M. Dyke
Trucker Huss, APC



Brian S. Cousin
Dentons US LLP



James P. Baker
Baker & McKenzie LLP



Howard Shapiro
Proskauer Rose LLP



Kimberly M. Melvin
Wiley Rein LLP



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

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, as well as the DOL's increased attention to these plans.

- Preparing for and responding to DOL audits and investigations
- Assessing recent DOL settlements
- Indemnification of company executives as fiduciaries
 - *Harris v. GreatBanc et al.*
- Emerging theories of liability against fiduciaries of closely-held corporations
- Assessing liability of fiduciaries for failure to divest stock when there is no public market
- Transaction-based claims
- Defending claims based on annual valuations
- Reasonableness of management projections
- Fair market value
- Indemnification of company executives as fiduciaries
- Issues relating to ESOP debt

12:00 **Defined Benefit Plans and Stock Drop Litigation: New Theories of Liability Arising From Investment Decisions, Including Alternative Investments, the Status of the 'Presumption of Prudence' Standard, the Trend Towards De-Risking, the Issue of Standing, and More**

Denise Sisk
Managing Director
State Street Global Advisors



Susan Mangiero
Managing Director
Fiduciary Leadership, LLC



H. Douglas Hinson
Alston & Bird LLP



Christian J. Pistilli
Covington & Burling LLP



Nancy G. Ross
McDermott Will & Emery LLP

- *David v. Alphin*
 - Impact on plaintiffs' breach of fiduciary duty challenges in defined benefit pension plans
 - Issue of standing
 - When does the statute of repose begin to run?
- Alternative investments (e.g. hedge funds, private equity, derivatives), funds allocation, and breaches of fiduciary duty
 - Due diligence
 - Risk management
 - Unique challenges resulting from these claims
 - Developing effective defense strategies
 - Liquidity and valuation issues
 - Weyerhaeuser case
- De-risking
 - What constitutes de-risking?
 - Factors to consider when looking to de-risk; cost-benefit analysis
 - Due diligence
- Litigation arising from de-risking
 - Questions relating to the who the fiduciaries are in these situations
 - Levels of care
- Stock drop cases in the wake of *Citigroup* and *McGraw-Hill*
- Assessing whether or not the Moench presumption applies at the pleading stage
 - *Dudenboeff v. Fifth Third Bancorp* and *Pfeil v. State Street Bank & Trust Co.*
- 404(c) safe harbor provisions
 - How have the courts interpreted the 404(c) requirements?
 - *Pfeil v. State Street Bank and Trust Co.*
 - Does the 404(c) defense apply where the claim is that a fiduciary imprudently selected an investment option?
 - Liability protection and 404(c) indemnification
 - 404(c) at the motion to dismiss stage
- Defending against litigation arising from "investment drag" complaints relating to cash buffers

1:10 Networking Luncheon for Speakers and Attendees

2:10 **401(k) Fee Cases: Current Litigation Trends, Evolving Defense Strategies, New DOL Disclosure Rules and Enforcement Initiatives, Impact of *Tussey v. ABB, Inc.* and *Tibble v. Edison Int'l*, the Issue of Service Providers, the Viability of Float Claims, and More**



Thomas P. Simonson
Vice President
Lockton Retirement Services



Shannon Barrett
O'Melveny & Myers LLP



Miriam (Dusty) M. Burke
Vinson & Elkins LLP



Joseph C. Faucher
Drinker Biddle & Reath LLP



Jeffrey D. Zimon
Zimon LLC



Gregory Y. Porter
Bailey & Glasser LLP

- New developments, evolving theories of liability, and emerging trends in fee cases
- Defending the procedural process record and the fiduciary's decision in choosing service providers
- Defending the service provider in fee litigation cases
- Assessing *Tussey v. ABB, Inc.*
 - What does this case mean for fee cases going forward?
- *Tibble v. Edison Int'l*
 - Impact on fee litigation cases
- Potential for *Tussey* and *Tibble* to create a roadmap for plaintiffs' breach of fiduciary duty and prohibited transaction lawsuits by opening the door for :
 - Float claims
 - Viability of these cases
 - Claims against employers for self-dealing for paying administrative services for both a 401(k) plan and a nonqualified plan out of the 401(k) plan fees
 - Claims for improper mapping and replacement of funds in order to benefit the employer
 - Claims for failing to affirmatively seek out share classes with lower expenses
- Assessing the DOL disclosure rules and their impact on ERISA litigation
 - Minimizing the potential for litigation
- DOL enforcement activity and initiatives
 - Investigations
 - Impact on service providers
 - Potential enforcement actions
- Assessing *Hecker v. Deere* and its offspring

3:20 Networking and Refreshment Break

3:30 **Benefit Claims Litigation: Addressing Requests for Evidence Outside of the Record in 'Conflict' Situations, the Viability of the Arbitrary and Capricious Standard of Review, Attorneys' Fees, Defeating the Latest Claims, and More**



Howard E. Kochell
Barnes & Thornburg LLP



Michael H. Bernstein
Sedgwick LLP



D. Brian Hufford
Pomerantz Grossman Hufford Dahlstrom & Gross LLP



John J. Myers
Eckert Seamans Cherin & Mellott, LLC



Nancy B. Pridgen
Monnolly Pridgen LLC



Norris A. Adams, II
Essex Richards, P.A.

- *Heimeshoff v. Hartford Life & Accident Insurance Co.*
 - Assessing the issue of limitation of actions provisions in ERISA plans that start the limitations period running before the claim accrues
 - Potential impact of the Supreme Court's ruling
- Assessing recent key cases in benefits litigation
- The evolution of permissible discovery
 - What are courts allowing now?
- Conflicts of interest and the proper scope of discovery
 - Overcoming the challenges relating to the amount of permissible discovery in conflict situations
- Avoiding ERISA penalties when responding to document requests

- Best practices for limiting discovery to the administrative record
- Current status of the arbitrary and capricious standard of review
 - Assessing recent rulings that have impacted the standard
 - Impact of the ACA
- 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?
- Issues specific to retiree benefits
- Accidental death and dismemberment claims
 - Intoxicated driving cases
- Disability claims
- Litigation relating to healthcare plans and prevailing or average rates
- The continuing evolution of attorneys' fee awards after Hardt
- Considerations when there is a fiduciary breach claim and a benefits claim
- State law presumptions
- Interpleaders under ERISA

4:40 **Ethical Issues That Arise in ERISA Litigation: The Fiduciary Exception to Attorney-Client Privilege, the Question of Who Really Is Your Client, and Other Considerations**



Yolanda D. Montgomery
Deputy Director and Associate Counsel
SEIU Benefit Funds



Elizabeth J. Bondurant
Smith Moore Leatherwood LLP



James P. McElligott Jr.
McGuire Woods LLP



Deidre A. Grossman
Littler Mendelson P.C.

- The fiduciary exception to the attorney-client privilege in ERISA cases
 - Pitfalls to avoid
 - How plaintiffs' counsel can exploit the fiduciary exception to attorney-client privilege
 - Attorney-client privilege regarding legal advice pertaining to a fiduciary's own liability
- Ethical issues arising from the issue of who your client is
 - Pre-litigation
- Attorney-client privilege and the issue of advice from outside counsel on a claim for benefits
- Other ethical considerations of which to be aware

5:40 **Conference Ends**

ETHICS

Pre-Conference ERISA Primer
(separate registration required)

Thursday, October 24, 2013
7:45 a.m.–9:45 a.m. *(registration begins at 7:30 a.m.)*

ERISA's Enforcement Scheme: The Procedural Nuances, Available Remedies, and Proper Parties Under 502(a)



Mark Casciari
Seyfarth Shaw LLP



Miriam (Dusty) M. Burke
Vinson & Elkins LLP



Caroline Turner English
Arent Fox LLP

Join our experts at this ERISA primer and obtain a nuanced understanding of this complicated statute and its enforcement scheme. This course will provide an overview of the topics that will be addressed during the main conference and will provide even the most experienced participants with detailed information on and a practical analysis of the ERISA framework.

Topics to be addressed include:

502(a)(1)(A)

- What constitutes a "notice case" under 502(a)(1)(A)?
- Who are the members of the Notice Class?

502(a)(1)(B)

- Standard of review; statute of limitations; preventing forum shopping
- The exhaustion requirement and the futility exception
- Limiting the scope of permissible discovery to the administrative record
- Standing to sue and assignment of rights
- Who can be a defendant in a 502(a)(1)(B) action?

502(a)(2)

- Potential plaintiffs: the DOL, participants, beneficiaries, and other fiduciaries
- What are the available remedies, both legal and equitable?
- Individual participant standing and remedies
- Avoiding the exhaustion requirement and arbitrary and capricious standard of review
- FRCP 23 requirements for class certification of ERISA fiduciary breach claims

502(a)(3)

- Determining when a violation of ERISA gives rise to only equitable relief
- The distinction between 502(a)(3) actions for violations of ERISA and 502(a)(1)(B) actions for claims for benefits under the plan

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ERISA LITIGATION

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

October 24–25, 2013 | New York Marriott East Side | New York City

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ERISA's Enforcement Scheme: The Procedural Nuances, Available Remedies, and Proper Parties Under 502(a)

October 24, 2013 | 7:45 a.m.–9:45 a.m.

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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" conference to receive this rate.

Venue: New York Marriott East Side
Address: 525 Lexington Avenue (at E. 49th Street), New York, NY 10017
Reservations: 800-228-9290 or 212-755-4000

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.

5 Easy Ways to Register

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