

December 4-5, 2007 | The Westin New York at Times Square, New York City

American Conference Institute's

401(k) Compliance

Proactive Strategies for Preventing
Litigation and Regulatory Deficiencies



Valuable guidance from pension plan experts:

- Ensuring **reasonable fees** and expenses
- Minimizing exposure to **stock drop claims**
- Complying with **Pension Protection Act** requirements
- Preparing for a **DOL audit** of your 401(k) plan
- Meeting your **fiduciary liability insurance** needs
- Administering **automatic enrollment** and choosing **default funds**
- Planning and conducting a **self-audit of your 401(k) plan**
- Monitoring your investment consultants to **avoid conflicts of interest**
- Establishing a **system of best practices** that meets appropriate ethical standards

Gain Insights from:

- > Aon Financial Services
- > Chubb Specialty Insurance
- > Dalbar
- > Denali Fiduciary Management
- > United States Trust Company
- > Watson Wyatt
- > Willis Executive Risks
- > YMCA Retirement Fund

Special Pre-Conference Primer:

ERISA Boot Camp • December 3, 2007

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Do your 401(k) plans meet all applicable ERISA requirements?



Learn how to protect your company from costly litigation by implementing the most effective policies and procedures

In recent years, there has been a tremendous increase in defined contribution plan litigation asserting a breach of fiduciary duty. Companies are facing a growing number of claims and millions of dollars in potential liability. Plan fiduciaries, sponsors, vendors, advisors and insurers of 401(k) plans are all facing increased litigation risk.

American Conference Institute's **401(k) Compliance** event will provide you with practical strategies for handling complex 401(k)-related issues to prevent costly litigation and regulatory challenges. Whether you represent employers, benefit plans, trustees, fiduciaries, administrators, insurers, advisors or plaintiffs, you are sure to benefit from our expert faculty's insights. We've assembled some of the most successful ERISA specialists in the country, who will provide guidance on how to successfully steer clear of trouble in this high-stakes arena.

Take this opportunity to get answers to your most pressing questions and to get the tools you need to untangle the myriad of issues raised by recent case law and prepare for what is on the horizon. All attendees will also benefit from the comprehensive written materials prepared especially for this event, which will provide a useful reference source after the conference has ended. Reserve your spot at this valuable event by registering now. Call 1-888-224-2480, fax your registration for to 1-877-927-1563, or register online at www.americanconference.com/401k today!

Who You Will Meet

- Benefits Managers
- Plan Administrators
- Benefit plan sponsors
- ERISA fiduciaries
- Trustees
- Head of Human Resources
- Attorneys specializing in ERISA and employee benefits
- Insurance professionals



Continuing Education Credits

Accreditation will be sought in those jurisdictions requested by registrants which have continuing legal education requirements. To request credit, please check the appropriate box on the Registration Form.



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8:00 Continental Breakfast and Registration

9:00 Chairs' Opening Remarks

Brigette H. Renaud
Secretary & General Counsel
YMCA Retirement Fund
(New York, NY)

Howard Pianko
Member of the Firm
Epstein Becker & Green, P.C.
(New York, NY)

9:15 Fees and Expenses: Implementing Controls on 401(k) Plans to Ensure "Reasonable" Limits

Chris J. Rillo
Attorney
Groom Law Group, Chartered (Washington, D.C.)

Henry L. Solano
Partner
LeBoeuf, Lamb, Greene & MacRae LLP
(New York, NY)

Howard Pianko
Member of the Firm
Epstein Becker & Green, P.C.
(New York, NY)

- Steps to determining if fees charged to clients are reasonable
 - guidelines for examining underlying fees and expenses of vendor
- Understanding the potential liabilities for plan administrators
- Implementing mechanisms to ensure appropriate fees going forward
- Requirements for demonstrating sufficient disclosure of plan fees, payments, and other loads/non-loads
- DOL standards for disclosure of fees and participant knowledge
- Update on litigation involving reasonable fee claims

10:30 Morning Coffee Break

10:45 Minimizing Stock Drop Liabilities: Guidelines for Administrating 401(k) Plans with Company Stock Funds

James P. Baker
Partner
Jones Day (San Francisco, CA)

Norman P. Goldberg
Managing Director
United States Trust Company, N.A.
(Washington, DC)

- Responding to the aftermath of Enron: diversification and beyond
- Why, when and how to use an independent fiduciary
- Investment committee guidelines, processes and procedures
- Identifying and avoiding an "insider" information problem
- Do's and don'ts of employee communications and participant disclosures
- Utilizing the ERISA section 404(c) defense
- Employer stock: Impact of new PPA rules
- Procedural prudence when a company is teetering on bankruptcy

12:00 Networking Lunch for Speakers and Delegates

1:15 Meeting PPA Guidelines for Administering Automatic Enrollment and Choosing Default Funds for Your 401(k) Plan

I. Lee Falk
Partner
Morgan, Lewis & Bockius LLP
(Philadelphia, PA)

Louis S. Harvey
President
Dalbar, Inc.
(Boston, MA)

Wayne H. Miller
Chief Executive Officer
Denali Fiduciary Management
(Seattle, WA)

- Understanding how "safe harbor" rules impact your enrollment procedures
- Steps to ensure meeting all notice requirements
- Establishing what employees may be exempt from automatic enrollment rules
- How DOL may define requirements to assert protections of 404(c)
- Criteria for establishing suitability of default investment options
- Ensuring that you are not caught by disjuncture between effective dates of PPA and forthcoming DOL guidelines

2:15 Refreshment Break

2:30 **Enhancing Defined Contribution Plans After a Pension Plan Freeze**

Gregory C. Braden

Partner

Morgan, Lewis & Bockius LLP (Washington, DC)

- Determining whether the PPA gives you enough protection to adopt a cash balance plan
- Latest rulings on post-PPA “age claims”
- Notice provisions before and after the PPA
- Establishing whether defined benefit plans should be scrapped and replaced with defined contribution plans
- Selling cash balance plans in the retirement marketplace
- Considerations in setting an enhanced defined contribution formula

3:15 **Fiduciary Liability Insurance: Assessing Current Coverage and Future Needs**

Christine A. Dart

Vice President, Chubb & Son, Inc.

Fiduciary Liability Product Manager

for Chubb Specialty Insurance

(Warren, NJ)

Steve Shappell

Managing Director of Legal and Claims Practice

Aon Financial Services Group

(Denver, CO)

Scott C. Hecht

Partner

Stinson Morrison Hecker LLP

(Kansas City, MO)

- Indemnification and liability insurance coverage options for ERISA fiduciaries
- Common coverage issues under ERISA fiduciary liability insurance
- Lessons to learn from recent ERISA fiduciary liability insurance coverage cases
 - Tag-along/stock drop cases
 - Excessive fee cases
 - Cash-balance conversion cases
- ERISA fiduciary liability insurance negotiation, placement and underwriting issues
 - Market leaders and current pricing climate
 - Choosing between stand-alone or comprehensive coverage
 - Issues concerning dedicated or shared limits
 - Underwriters’ determination of which insureds present higher risks
 - impact of claims on underwriting

4:30 **Conference Adjourns for the Day**

8:30 **Continental Breakfast**

9:00 **Recap and Remarks from Conference Chairs**

9:15 **Responding to DOL Audits of 401(k) Plans**

R. Bradford Huss

Attorney

Trucker Huss, APC

(San Francisco, CA)

Jose M. Jara

Assistant Director

Greenberg Traurig

(New York, NY)

Evan Miller

Partner

Jones Day

(Washington, DC)

- Current DOL enforcement priorities for pension plan oversight
- Steps to take in preparation for a DOL investigation
- Understanding how national office investigations differ from regional office investigations
- DOL and SEC rulings on the consultant “pay-to-play” issues
- GAO report on EBSA: planning and preparing for increased pension plan enforcement
- ERISA 502(1): Avoiding the 20% penalty upon settlement

10:45 **Morning Coffee Break**

11:00 **Conducting a Self-Audit of Your 401(k) Plan**

Jose M. Jara

Assistant Director

Greenberg Traurig (New York, NY)

Christopher Paris

Senior Retirement Consultant

Watson Wyatt Investment Consulting

(New York, NY)

- Guidelines for planning a self-audit
- Determining whether SOX auditing and control standards should be applied if not required
- Implementing controls to independently monitor investments
- Strengthening the operational compliance function
 - periodic reviews of vendor processes
 - internal processes that interface with vendor
 - fee benchmarking
- Separating the payroll interface from other functions in your plan

12:15 Networking Lunch for Speakers and Delegates

1:30 Investment Consultants: How to Monitor – and Avoid – Potential Conflicts of Interest

Brigette H. Renaud
Secretary & General Counsel
YMCA Retirement Fund
(New York, NY)

- Identifying potential conflicts of interest: guidelines for fiduciaries
- Obligations for fiduciaries when a potential conflict exists
- Ensuring transparency in your consultants and service providers
- What to include in a written consulting services agreement
- Impact of recent SEC actions on requirements for fiduciaries

2:30 Ensuring Ethical “Best Practices” in Defined Contribution Plan Governance

Ann Longmore
Senior Vice President, Executive Risks Account Services
Willis Executive Risks Practice
(New York, NY)

Wayne H. Miller
Chief Executive Officer
Denali Fiduciary Management
(Seattle, WA)

Susan Mangiero
President & CEO
Pension Governance LLC
(Trumbull, CT)

- Implementing prudent governance of your pension plan
- Creating a program that emphasizes process over results
- Ensuring oversight of the investment manager
- Considerations when undergoing a vendor search
- Structuring the plan committee and documenting the process
- Determining who should appoint the plan committee
- Fiduciary responsibility of the board in selecting plan committee members
- Monitoring selections for the plan committee

3:30 Conference Concludes

Pre-Conference Workshop
ERISA Boot Camp

Monday, December 3, 2007
2:00 p.m. – 5:00 p.m.

R. Bradford Huss
Attorney
Trucker Huss, APC
(San Francisco, CA)

Chris J. Rillo
Attorney
Groom Law Group, Chartered
(Washington, D.C.)

Working with pension benefits matters governed by ERISA can be a daunting task. Whether you are new to ERISA or your practice regularly involves pension claims or benefits, you must have a fundamental understanding of this complex federal law. Arriving a day early for this exclusive pre-conference workshop, will give you the vital insights you'll need on all fronts involving pension benefits and ERISA.

- Fiduciary concepts and requirements under ERISA
 - Who is a fiduciary?
 - What actions are fiduciary in nature?
 - Understanding fiduciary duties to meet ERISA standard of performance
 - Monitoring fiduciary decisions
 - Penalties for violating fiduciary obligations
- Review of key U.S. Department of Labor regulations
- Flushing out the Pension Protection Act (PPA) of 2006
- Working within the legal landscape: an update on pension benefits case law interpreting and applying ERISA
 - Understanding litigation trends from securities class actions to ERISA “add-on” cases
 - Dissecting ERISA pension benefits claims: from the filing to litigation
 - Interplay of plan administrators investment decisions and the risk of breaching fiduciary duties
- Practical strategies to minimize vulnerability to an ERISA pension benefits lawsuit for fiduciaries



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ERISA Boot Camp

December 3, 2007

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