

Professional Liability Series - State of the Line

# 1st Annual - National ERISA Fiduciary ExecuSummit



A comprehensive day and a half  
ERISA Fiduciary conference that will bring  
you a wealth of strategic intelligence



**November 4 & 5, 2008**

**NYC**

Practical Advice & Tips \* Latest Developments \* Case Studies  
Networking \* Industry Insight \* Essential Business Intelligence

Presentations From:

- \* Epstein Becker & Green, P.C.
- \* National Grid - U.S. Department of Labor ERISA Advisory Council
- \* Seyfarth Shaw LLP
- \* Ullico Casualty Company
- \* O'Melveny & Myers LLP
- \* Pension Governance, LLC
- \* Glast, Phillips & Murray, P.C.
- \* Marsh USA Inc.
- \* Mercer Human Resource Consulting
- \* Winston & Strawn LLP

**ExecuSummit.com**

Join us in New York City on November 4 & 5, 2008, for the day and a half, high-impact 1<sup>st</sup> Annual National ERISA Fiduciary ExecuSummit.

ExecuSummit producers are in the forefront of ERISA Fiduciary arena, monitoring & researching emerging issues and trends and bringing this strategic intelligence to you as it is developing.

Our distinguished presenters have pooled their expertise to provide you with the essential ERISA Fiduciary intelligence you need to know.

Have a specific question? Our Q&A sessions will provide numerous opportunities to ask the experts.

An ExecuSummit is not a trade show. This educational event was specifically designed for ERISA Fiduciary focused professionals. This summit is a unique opportunity to get the information you need to succeed in this rapidly changing environment.

Register Today! The 1<sup>st</sup> Annual National ERISA Fiduciary ExecuSummit will provoke strategic thinking, give you new insight, open new channels of information & provide you with opportunities to meet & exchange ideas with your peers, key industry executives & leaders.

## About ExecuSummit:

### We Develop Premier Events

- **ExecuSummit:** Fresh, high-impact, interactive, informative events & workshops, designed with what's important to you and your industry.
- **Designed** to provide you with maximum information without keeping you away from the office for a long period of time.
- **Industry** outlooks, informative speakers, timely and strategic intelligence, what works, what does not, case studies, think-tanks, Q&A's, Plus, unprecedented formal and informal networking opportunities.



[www.execusummit.com](http://www.execusummit.com)

## PROGRAM AGENDA – Day 1 Tuesday, November 4, 2008

**9:00 AM – 9:45 AM**

Registration Opens &  
Networking Full American Breakfast Buffet

**9:45 AM** – Welcome and Opening Remarks

**9:50 AM**      **KEYNOTE ADDRESS**

Developing Best Practices in Plan Governance to  
Reduce Fiduciary Liability Exposure

Howard Pianko  
Member  
Epstein Becker & Green, P.C.  
ERISA Fiduciary ExecuSummit Chair

Listen, Learn & Discuss:

- Understanding ERISA Principles Applicable to Plan Governance.
- Fundamental Decision Points in Developing a Plan Governance Structure.
- Best Practice Considerations in Making Critical Decisions.
- Critical Best Practice Documents - Charters and Investment Guidelines.
- Key Elements of the Plan Governance Structure that Reduce Fiduciary Liability Exposure.

**10:30 AM** – Q&A Session

Specific Questions? Ask this professional right now.

**10:40 AM**

Hard To Value Assets/Target Date Funds

Stephen W. McCaffrey  
Senior Counsel  
National Grid  
Council Member- Director  
U.S. Department of Labor  
ERISA Advisory Council

Listen, Learn & Discuss:

- Concerns, potential associated risks, and the roles of fiduciaries, trustees, plan administrators, custodians, investment managers,

accountants/auditors and participants, when Employee Benefit Plans (“EBPs”) invest in Hard to Value Assets (“HVAs”).

- Challenges and risks associated with EBPs’ use of Target Date Funds (“TDFs”).

**11:20 AM – Q&A Session**

Specific Questions? Ask this professional right now.

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**11:30 AM**

New 5500 Reporting and Disclosure Obligations and Liability for Failure to Comply

Ian H. Morrison  
Partner  
Seyfarth Shaw LLP

**12:10 PM - Q&A Session**

Specific Questions? Ask this professional right now.

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**12:20 PM****ExecuSummit Networking Luncheon**

Take this Time to Enjoy Lunch and Network with Presenters and Other Attendees

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**1:00 PM**

Key Underwriting Considerations for Pricing Fiduciary Liability Coverage & Key Coverage Provisions of a Fiduciary Liability Policy

Daniel Aronowitz  
President  
Ullico Casualty Company

**1:40 PM – Q&A Session**

Specific Questions? Ask this professional right now.

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**1:50 PM**

ERISA Fiduciary Litigation Developments

Gary S. Tell  
Partner  
O'Melveny & Myers LLP.

Listen, Learn & Discuss:

- 401(k) Fee Litigation Update.
- ERISA "Stock Drop" Litigation Trends.

- Other Noteworthy Decisions.

**2:30 PM – Q&A Session**

Specific Questions? Ask this professional right now.

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**2:40 PM – ExecuSummit Afternoon Networking Break****3:00 PM**

Investment Fiduciary Risk in a Volatile Market

Susan Mangiero, PhD, CFA  
President  
Pension Governance, LLC

Listen, Learn & Discuss:

- Recent trends in investment fiduciary litigation.
- Investment risk pain points.
- Lessons learned from major financial blowups.
- Ten investment risk tools every pension fund counsel should know.

**3:40 PM – Q&A Session**

Specific Questions? Ask this professional right now.

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**3:50 PM**

ERISA Claims Administration Boot Camp: Making Claims Decisions That Hold Up In Court

Cynthia Marcotte Stamer  
Member  
Glast, Phillips & Murray, P.C.

The United States Supreme Court’s July 19, 2008 decision in Metropolitan Life Insurance Co. v. Glenn provides an invaluable roadmap for employers, insurers, administrators and plan fiduciaries sponsoring or administering employee benefit plans regulated by the Employee Retirement Income Security Act (ERISA) to help position plan administration decisions to hold up in court.

Taken together, the Supreme Court’s decisions in Glenn and other judicial and regulatory guidance layout a roadmap for employers and other employee benefit plan sponsors, their fiduciaries, administrators and service providers, and others about processes and plan language that can help make claims decisions more defensible before the courts.

Employer and union plan sponsors, plan administrators and other fiduciaries, third party administrators and other service providers, fiduciary liability and errors and omissions insurers and others interested in learning strategies for improving the sustainability of claims and appeals decisions in light of Glenn and other judicial precedent and applicable regulations are invited to participate in the “ERISA Claims & Appeals Boot Camp.”

Listen, Learn & Discuss:

- Learn about how ERISA’s fiduciary responsibility rules apply to claims and appeals investigations and decision-making.
- Learn about the core requirements that Department of Labor claims and appeals regulations provide must be satisfied in order to comply with ERISA’s reasonable claims and appeals procedures requirements.
- Learn the content that Department of Labor Regulations say must be included in explanations of benefits and other claims and appeals notifications.
- Be briefed about the Glenn decision and its potential implications for employee benefit plans and their sponsors, fiduciaries, service providers and administrators.
- Explore core practices and tips that can help enhance the defensibility of claims and appeals decisions.
- Hone awareness and understanding of these principles, practices, and strategies by participating in group discussion of hypothetical examples of common claims and appeals related scenarios.

**4:30 PM – Q&A Session**  
Specific Questions? Ask this professional right now

**4:40 PM – Networking Cocktail Reception**

Enjoy a Cocktail and Hors d’Oeuvres &  
Take this Time to Network with Presenters and Other Attendees

**5:30 PM – Day One Concludes.**

**ExecuSummit INFO Promise:**

- Information that matters most to you & your industry.
- Network, exchange ideas & expand your rolodex.
- Find proven strategies & solutions to your business challenges.
- Obtain practical skills & tools to take back & implement today.



**PROGRAM AGENDA – Day 2**  
**Wednesday, November 5, 2008**

**8:00 AM – 8:55 AM**

Networking Full American Breakfast Buffet

**8:55 AM – Welcome and Opening Remarks**

**9:00 AM**

Current Market Conditions for this line of Insurance Coverage

Kathleen M. Golden  
Senior Vice President  
Marsh USA Inc.

Listen, Learn & Discuss:

- Overview of the fiduciary liability policy form.
- Current market conditions for this line of coverage.
- Recent business and legal trends impacting the line.

**9:40 AM – Q&A Session**  
Specific Questions? Ask this professional right now.

**9:50 AM**

Cash Balance Plan Litigation –  
What's Been Settled & What's Up in the Air

Ethan E. Kra, Ph.D., F.S.A., E.A.  
Chief Actuary-Retirement  
Mercer Human Resource Consulting

**10:30 AM – Q&A Session**  
Specific Questions? Ask this professional right now.

**10:40 AM**

**ExecuSummit Morning Networking Break**

**Biography**

Presenter Biographies available on this summit’s website.

Please Visit [ExecuSummit.com](http://ExecuSummit.com)  
to connect the this summit’s event page.



**11:00 AM****Steps on Reducing ERISA Fiduciary Liability**

Marla J. Kreindler  
Partner  
Winston & Strawn LLP

**11:40 AM – Q&A Session**

Specific Questions? Ask this professional right now.

**11:50 AM – Closing Remarks****12:00 PM – ExecuSummit Concludes.****What Other Insurance Industry Professionals  
Have Said About Our Summits:**

“I was impressed with the speakers. They truly are reputable in their specialties.” “The seminar was indeed very informative”  
[St. Paul Travelers](#)

“I thought the presentations were excellent and well worth the trip”  
[GE Insurance Services](#)

“I found the sessions to be informative and insightful, big thumbs-up to all of the presenters.”  
[GenRe](#)

“The conferences are always very informative and coordinated.”  
[Mutual Marine Office, Inc.](#)

“I really found the seminar to be both enlightening & informative.”  
[Mutual Marine Office, Inc.](#)

“I sincerely enjoyed the ExecuSummit. As you may, or may not know it was the first time I attended such a conference and I found it quite informative.”  
[Liberty Mutual](#)

**NYC ExecuSummits:**

- \* NYC Airports Info \* Travel Deals \* Airfare Finders
- \* Airline Links \* NYC Links of Interest
- \* Transportation Options & Links
- \* Current NYC 5-Day Weather Forecast

**CONFERENCE LOCATION &  
HOTEL INFORMATION****Club Quarters Downtown New York Hotel  
& Bull Run Conference Center**

52 William Street (Between Wall and Pine Streets)  
New York, NY 10005

Phone: 212-269-6400

Fax: 212-269-6494

This venue is a private, full service hotel for member organizations & is designed for the business traveler. ExecuSummit is now a Club Affiliate member & has set up a preferred rate for you.

Club: \$219 - Standard: \$244 - Superior: \$274 - Suite: \$344  
Per Night – Plus Applicable Taxes.

**Space is Limited – This Hotel Sells Out Quickly.  
Please Book Your Room as Soon as You Can**

**To Make Reservations for our host hotel or  
Off-site Locations Please Contact  
Club Quarters Member Services: 212-575-0006  
Member ID/Password: ExecuSummit  
Online: [www.clubquarters.com](http://www.clubquarters.com)  
e-Mail: [memberservices@clubquarters.com](mailto:memberservices@clubquarters.com)**

**2 Other Great Locations in Mid-Town!**

For those who would rather stay in Mid-Town and travel downtown to the ExecuSummit the day of, we are pleased to offer 2 more overnight options for you. These additional Club Quarters properties offer the same services and quality at our preferred rates:

**Club Quarters, Rockefeller Center**

25 West 51st Street (off 5th Ave opposite Rockefeller Plaza)  
New York, New York 10019

**Club Quarters, Midtown**

40 West 45th Street (Between Fifth and Sixth Avenues)  
New York, NY 10036

**Hotels within Walking Distance of Our Host Hotel**

The Wall Street Inn - 212-747-1500  
Millenium Hilton - 212-693-2001  
Marriott Financial Center – 212-385-4900

**ExecuSummit GROUP SAVINGS!**

**Register 3 Attendees for this summit and receive  
a 4<sup>th</sup> Complimentary Registration for this summit**

## Please Register Me for the Annual National ERISA Fiduciary ExecuSummit

**The Earlier You Register the More You Save:**

### General Session:

**Tuesday & Wednesday – November 4 & 5, 2008**

- Early-Bird Launch Promotion**  
Register by September 24, 2008.....\$ 749.00  
**You Save \$250 off Regular Registration.**
- Early-Bird Promotion: Register:**  
September 25 – October 16.....\$ 849.00  
**You Save \$150 of Regular Registration.**
- Register October 16, 2008 through Conference**  
Regular Registration.....\$ 995.00

## 4 EASY WAYS TO REGISTER!

- 1) **Best Way:** FAX: 253-541-2870 – 24/7
- 2) **PHONE:** 800-905-9357 x 705 = REGISTRATION DEPT.
- 3) **U.S. Mail:** Send to our mailing address
- 4) **E-MAIL:** registration@execusummit.com  
Send us your phone number and a representative will call you.

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Registration for this ExecuSummit includes presentation documentation provided by speakers, delegate CD, hot breakfast buffet, Networking luncheon & refreshment breaks & cocktail reception. Registration fee is accepted in the form of a company check, Visa, MasterCard, American Express or Diners Club. All payments are to be in U.S. Dollars. Please make checks payable to ExecuSummit.

**Dress Attire: Business Casual.**

## PERSONAL INFORMATION

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

## CANCELLATIONS / REGISTRATION TRANSFERS

Should you be unable to attend, a prompt refund less an administrative fee of \$150 will be made for cancellations received in writing by October 6, 2008. There will be no refunds due to cancellations received after October 6, 2008. Non-Payment does not constitute a cancellation. You may transfer your registration anytime. In the unlikely event this program is cancelled, ExecuSummit is not responsible for any airfare, hotel or other costs incurred by registrants. Every effort is made to ensure the speakers in our agenda appear, but speakers, agenda & other events are subject to change without notice.

## SELECT METHOD OF PAYMENT

- Enclosed is a check payable to ExecuSummit
- Please charge my credit card – Check One:
  - Visa     MasterCard     American Express
  - Discover     Diners Club

Card Number: \_\_\_\_\_

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City: \_\_\_\_\_ ST: \_\_\_\_\_ ZIP: \_\_\_\_\_

Signature: \_\_\_\_\_

## EVENT VENUE – LOCATION INFORMATION

### Club Quarters NYC Downtown Hotel & Bull Run Conference Center

52 William Street (Between Wall and Pine Streets)  
New York, NY 10005  
Phone: 212-269-6400                      Fax: 212-269-6494  
memberservices@clubquarters.com    www.clubquarters.com

## PLEASE PHOTOCOPY THIS REGISTRATION FOR ADDITIONAL ATTENDEES

**SAVE!!!** Special Promotional Pricing for groups of 4 or more.  
Register 3 delegates and  
Receive a 4<sup>th</sup> registration for the same event at no charge.

## PLEASE RETURN THIS FORM TO:

ExecuSummit, LLC                      Phone: 800-905-9357 x 705  
2600 South Road,                      Fax: 253-541-2870  
Suite 44-213                      registration@execusummit.com  
Poughkeepsie, NY 12601                      www.execusummit.com

## PLEASE FAX THIS FORM TO: 253-541-2870

Once your registration is processed you will receive an e-Confirmation via e-Mail.