



Co-Sponsored PROGRAMS

The following CLE Programs will be presented by the member sections of the Joint Committee on Employee Benefits. The times as listed at the time of this printing are subject to change. CLE Passports will be recognized for admission to these CLE programs.

Friday, August 5, 2005

10:30 AM to 12:30 PM

Section of Business Law

Expensing Options Under FAS 123 (R) and Trends in Equity Compensation Employee Benefits and Executive Compensation

Westin Michigan Avenue, Regent Two, 3rd Floor

Ticket: \$75.00 Judge: \$75.00

Government Attorney: \$75.00

Young Lawyer: \$75.00 Law Student: \$0

Saturday, August 6, 2005

10:00 AM to 12:15 PM

Section of Labor and Employment Law

The Basics: ERISA

Aimed at those practitioners new to ERISA, the session will cover a handful of key issues that are an integral part of ERISA practice: benefit claims and appeals, fiduciary responsibility, civil procedure (including remedies), and ERISA preemption of state law. Speakers will include experience practitioners who represent plaintiffs, employers and plans. **Moderator:** Elizabeth R. Lishner, Santa Monica, CA; **Speakers:** Mark Debofsky, Chicago, IL; Sarah H. Dennis, Tampa, FL; Chris Rillo, Washington, DC; Kay Kyungsun. Yu, Philadelphia, PA

Westin River North, Promenade Ballroom B, River Level II

Ticket: \$50.00 Judge: \$50.00

Government Attorney: \$50.00

Young Lawyer: \$50.00 Law Student: \$0

10:00 AM to 12:15 PM

Section of Labor and Employment Law

The Basics: Family Medical Leave Act

This course will provide an overview of the key provisions of the Family Medical Leave Act of 1993. Particular focus will be placed on issues related to employer coverage, employee eligibility, the circumstances under which FMLA leave is required, including the definition of "serious health condition," the rights and obligations of both employers and employees with respect to notice and designation of FMLA leave, the Act's enforcement mechanisms and the remedies available under the Act. **Moderator:** David M. Safon, New York, NY; **Speakers:** Paul E. Bateman, Chicago, IL; Lori D. Ecker, Chicago, IL; William C. Posternack, Chicago, IL

Westin River North, Grant Park, River Level I

Ticket: \$50.00 Judge: \$50.00

Government Attorney: \$50.00

Young Lawyer: \$50.00 Law Student: \$0

2:00 PM to 5:00 PM

Tort Trial and Insurance Practice Section

Anatomy of Health Plan Scam: Health Insurance Fraud Schemes and Their Impact on the Industry

A re-emergence of insurance scams involving fraudulent and unlicensed companies offering health insurance products to individuals and small businesses at low prices have left millions of unpaid claims for medical services across the country. This program will discuss the factual, legal and procedural issues involved in the Employers Mutual case, as well as other insurance fraud schemes across the country. A panel comprised of national counsel for

fiduciaries of failed plans, industry regulators, prosecutors, and insurance fraud experts will provide a comprehensive overview of recent developments and significant trends in health insurance fraud, violations of ERISA, unauthorized insurance practices, and deterrence of fraudulent schemes.

Speakers: Robert L. Brace, Omaha, NB; Alan Haskins, Kansas City, MO; Sandra D. Hauser, New York, NY, and Mila Kofman, Washington, DC.

Hyatt Regency, Grand Ballroom B, Gold Level, East Tower

Ticket: \$75.00 Judge: \$75.00

Government Attorney: \$75.00

Young Lawyer: \$75.00 Law Student: \$0

Sunday, August 7, 2005

7:30 AM to 8:30 AM

Tort Trial and Insurance Practice Section

Employee Benefits Committee Meeting

Sheraton Hotel, Parlor C, Lobby Level

10:30 AM to 12:00 PM

Section of Taxation

Practical Advice for Implementing the New Deferred Compensation Rules of §409A.

Hyatt Regency, Columbus Hall C & D, Gold Level, East Tower

FREE

2:00 PM to 5:00 PM

JCEB Program

Current ERISA Remedies: What Have the Courts Wrought?

Can it really be that ERISA provides no remedy for some of even the most serious breaches of fiduciary duty; that medical plans cannot enforce their reimbursement provisions when claimants settle with third parties; that there is no back pay remedy for someone terminated in violation of ERISA; that is pays to lie to the beneficiaries? Find out where we are, how we got there, and where the law is going.

Moderator: Mary Ellen Signorille, Washington, DC; **Speakers:** Phyllis Borzi, Washington, DC; Greta Cowart, Dallas, TX, Karen Handorf, Washington, DC, Professor John Langbein, New Haven, CT; Teresa Renaker, Oakland, CA; Robert Rachel, New Orleans, LA

Swissotel Chicago, William Tell Theatre, 2nd Floor

FREE

Monday, August 8, 2005

7:30 AM to 9:30 AM

Section of Labor and Employment Law

Employee Benefits Committee Business Meeting

Representatives from the U.S. Department of Labor will provide an update concerning the Department's latest cases and initiatives. After their presentations, the Committee will conduct a business meeting.

Co-Chairs: Beth Lishner, Santa Monica, CA; Evan Miller, Washington, DC; Jani Rachelson, New York, NY; **Speakers:** Steven Haugen, Department of Labor, Chicago, IL; Karen Handorf, Department of Labor, Washington, DC; Amy Turner, Department of Labor, Washington, DC

Ticket: \$75.00 Judge: \$75.00

Government Attorney: \$75.00

Young Lawyer: \$75.00 Law Student: \$0

9:00 AM to 10:00 AM

Section of Business Law

Employee Benefits and Executive Compensation Committee

Meeting

Chair: Joni Andrioff, Chicago, IL

Westin Michigan Avenue, Regent 1, 3rd Floor

1:45 PM to 3:15 PM

Section of Labor and Employment Law

ERISA UPDATE: Fiduciary Issues Involving Mutual Fund

Investments

This session will cover the fiduciary obligations for plan committees/trustees in selecting and monitoring mutual fund investments for qualified pension plans, including the actions to be taken when fiduciary learns that the plan's mutual fund family is the subject of an investigation or lawsuit. A representative of the Department of Labor will discuss the Department's initiative on mutual fund fees, and a mutual fund lawyer will round out the panel with a discussion of the ERISA issues from the mutual fund's point of view. *Moderator:* David Levin, Washington, DC; *Speakers:* Erin Sweeney, US Department of Labor; Ward Kallstrom, San Francisco, CA; Joyce Mader, Washington, DC; David Pickle, Washington, DC

Swissotel, Grand Ballroom II, Ballroom Level

Ticket: \$50.00 Judge: \$50.00

Government Attorney: \$50.00

Young Lawyer: \$50.00 Law Student: \$0

2:30 PM to 4:30 PM

Section of Business Law

More Enron/WorldCom Fallout: Corporate Officers on the Fiduciary Hook, Directed Trustees Off-Employee Benefits and Executive Compensation

Chair: Joni, L. Andrioff, Chicago, IL;

Westin Michigan Avenue, Regent 2, 3rd Floor

Ticket: \$75.00 Judge: \$75.00

Government Attorney: \$75.00

Young Lawyer: \$75.00 Law Student: \$0

3:30 PM to 5:00 PM

Section of Labor Law

Same Sex Marriage and Domestic Partner Benefits

This session is designed to review the key legal issues for employers when deciding whether to provide employee benefits to employees and their same sex partners or domestic partners. In addition, the panelists will discuss practical ways to provide these benefits while minimizing the administrative burden for employers and the tax consequences for employees. *Moderator:* Elizabeth Lishner, Santa Monica, CA *Speakers:* Evan Miller, Washington, DC; Jani Rachelson, New York, NY

Swissotel, Grand Ballroom III, Ballroom Level

Ticket: \$50.00 Judge: \$50.00

Government Attorney: \$50.00

Young Lawyer: \$50.00 Law Student: \$0

Tuesday, August 9, 2005

8:30 AM to 10:00 AM

Section of Business Law

Employee Benefits, Executive Compensation and Section 16

Developments Subcommittee Meeting

Chair: Scott Spector, Palo Alto, CA

Westin Michigan Avenue, Wellington Ballroom 1, 2nd Floor

10:45 AM to 12:15 PM

Section of Labor and Employment Law

Medicare and Prescription Drug Benefits

For employers who offer retiree medical benefits, the passage of the Medicare Modernization Act, establishing a new Part D providing prescription drug coverage, is an opportunity to reduce costs while maintaining coverage. The Act provides opportunities for employers to claim tax-free subsidies if they substantially contribute to retiree drug costs under their own plans and other options for reducing their costs through benefit design changes aimed at coordinating employer-provided benefits with the new prescription drug benefit. This session will analyze the new Part D program and outline the possible coverage options for retirees, employers and unions after the new rules' effective date of January 1, 2005. *Moderator/Speakers:* Phyllis Borzi, Washington, DC; *Speakers:* Kathryn Bakich, Washington, DC; Charles Kerby, Washington, DC

Swissotel, Grand Ballroom III, Ballroom Level

Ticket: \$50.00 Judge: \$50.00

Government Attorney: \$50.00

Young Lawyer: \$50.00 Law Student: \$0

2:00 PM to 3:30 PM

Section of Labor Law

Trends in Disability Law including ADA and FMLA Issues

Disability law is becoming well settled. But actually dealing with disabilities and leaves of absence in the workplace is often unsettling and acutely difficult for employers. Our panel of experienced lawyers will tackle the real life issues created by reasonable accommodation, seniority, retaliation, mental conditions and other sensitive topics. The panel will emphasize practical approaches to ADA and FMLA issues. *Speakers:* William Herbert, Albany, NY; Peggy Mastroianni, Washington, DC

Swissotel, Grand Ballroom II, Ballroom Level

Ticket: \$50.00 Judge: \$50.00

Government Attorney: \$50.00

Young Lawyer: \$50.00 Law Student: \$0

3:45 PM to 5:15 PM

Section of Labor Law

Primer on Bankruptcy Issues in Labor Law and Employee Benefits

Major airlines and other companies are experiencing severe fiscal problems and have turned to the bankruptcy courts to allow them to restructure their debt and survive. To do that, companies typically undertake radical restructuring of their operations and reductions in their workforce. In addition, often one of their most substantial economic burdens is the cost of operating their employee benefit plans. What are the basic legal issues that arise when a company files for bankruptcy, what is the role of the Pension Benefit Guaranty Corporation (PBGC) and how do the labor and benefit issues play out during the bankruptcy proceedings? Speakers representing management, labor and the interests of participants in pension plans will provide a basic overview of the law and key issues that arise in bankruptcy. *Moderator:* Denise Clark, Aurora, FL *Speakers:* Babette Ceccotti, New York, NY; Nell Hennessy, Washington, DC; David Levin, Washington, DC

Swissotel,

Ticket: \$50.00 Judge: \$50.00

Government Attorney: \$50.00

Young Lawyer: \$50.00 Law Student: \$0