

2008 ANNUAL MEETING CO-SPONSORED EMPLOYEE BENEFITS PROGRAMS

The following Programs will be presented by the member sections of the Joint Committee on Employee Benefits at the 2008 Annual Meeting. The times and locations as listed at the time of this printing are subject to change. Programs with an asterisk require a ticket.

Thursday, August 7, 2008

10:30 AM to 12:00 PM

Sections of Health Law; Business Law; Individual Rights and Responsibilities; Labor and Employment Law and Taxation

Healthcare Access for America: Political and Practical Realities*

America faces a challenge in addressing the ability of its populace to gain access to necessary healthcare services. The panel will present an overview of issues related to the state of healthcare in America in light of the current political climate.

Moderator: Andrew Demetriou, *Fulbright & Jaworski LLP*, Los Angeles, CA

Speakers: Sara Collins, New York, NY; Ezekiel Emanuel, Bethesda, MD

**Mercury Ballroom, 3rd Floor
Hilton New York**

2:00 PM to 3:30 PM

Sections of Health Law; Labor and Employment Law; Science & Technology and Young Lawyers Division Breast Cancer Legal Advocacy Workshop

This seminar seeks to provide an introduction and overview of the legal issues commonly faced by patients dealing with catastrophic illnesses. Tools and resources will be provided to enable attorneys to train additional attorneys in conjunction with state and local bar associations and to ultimately provide much needed legal assistance to breast cancer patients.

Moderator: Linda Baumann, *Arent Fox LLP*, Washington, DC

Speakers: Phyllis Borzi, *O'Donoghue & O'Donoghue*, Washington, DC; Julie Conrad, Indianapolis, IN; Shelley Fraser, *Taft Stettinius & Hollister LLP*, Indianapolis, IN; Priscilla Keith, Health and Hospital Corp of Marion County, Indianapolis, IN

**Regent Parlor, 2nd Floor
Hilton New York
FREE CLE**

Friday, August 8, 2008

10:30 AM to 12:30 PM

Sections of Business Law and Labor and Employment Law Dealing with Retiree Medical Liabilities in Today's Environment*

Employers and other health benefit plan sponsors have been struggling with the increasing costs of providing medical coverage for their employees and retirees. As a result of bankruptcy, collective bargaining, or settlement of retiree class actions, some employers have been able to shed these potential future liabilities by shifting them to another entity: a VEBA (voluntary employee beneficiaries association), a tax-favored trust, administered by a board or committee independent of the employer. What are the legal and policy implications of this arrangement for employers, and why would unions and retirees agree to this?

Speakers: Karen L. Handorf, *Cohen, Milstein, Hausfeld & Toll, PLLC*, Washington, DC; William T. Payne, *Stember Feinstein Doyle*

& Payne, Pittsburgh, PA; Steven J. Sacher, *Jones Day*, Washington, DC

**Imperial, Conference Level
Grand Hyatt**

2:00 PM to 3:30 PM

Sections of Health Law; Labor and Employment Law; Science and Technology and Young Lawyers Division Who's Been Looking in Your Charts? Fundamentals of Healthcare Privacy and Security under HIPAA*

The Health Insurance Portability and Accountability Act of 1996 and its associated regulations established an extensive new regulatory structure for the privacy and security of individuals' health-related information. Our expert panel will provide an overview of key provisions of the HIPAA privacy and security rules and discuss everyday HIPAA issues and practical strategies for resolving them.

Moderator: William Horton, *Haskell Slaughter Young & Rediker LLC*, Birmingham, AL

Speakers: Marc Goldstone, *Community Health Systems*, Franklin, TN; Kenneth Rashbaum, *Sedgwick Detert Moran & Arnold LLP*, New York, NY

**Conference Room J
Executive Conference Center
Sheraton New York**

2:00 PM to 4:00 PM

Sections of Labor and Employment Law; Business Law and Tort Trial and Insurance Practice

Designing a 401(k) Plan: How to Select Investment Options for Your Employees*

With the shift away from traditional defined benefit pension plans, employers have increasingly turned to 401(k) plans to offer employees a way to save for retirement. One of the most daunting questions facing employers when they decide to establish a 401(k) plan is how to select the number and types of investment options their employees will be offered. This session will focus on best practices that plan sponsors (whether law firms or other employers) should use in making these design decisions.

Speakers: Diane Vallerie Improta, *Hewitt Investment Group LLC*, Norwalk, CT; Susan P. Serota, *Pillsbury Winthrop Shaw Pittman LLP*, New York, NY

**Starlight North Terrace, 18th Floor
Waldorf-Astoria**

Saturday, August 9, 2008

8:30 AM to 10:00 AM

Section of Taxation

International Compensation and Benefits Issues

Many companies conduct business in multiple countries, and it's increasingly common for U.S. employees to spend significant time overseas and foreign employees to spend significant time in the U.S. This raises a host of compensation and benefits issues, and new laws such as Section 409A and the growing body of EU rules create even

more. This panel will help listeners identify and if possible resolve those issues. It will cover, among other things, issues relating to tax-qualified plans and tax treaties, global stock and incentive plans, international aspects of Section 409A, international M&A transactions, and individual issues such as expat allowances, Section 911, visa and Social Security issues.

Speakers: Sandra Cohen, *Osler Hoskin & Harcourt LLP*, New York, NY; Russell E. Hall, *Towers Perrin*, New York, NY; James P. Klein, *Deloitte Tax LLP*, New York, NY; Kurt L. P. Lawson, *Hogan & Hartson*, Washington, DC; Susan P. Serota, *Pillsbury Winthrop Shaw Pittman LLP*, New York, NY

**Beekman Parlor, 2nd Floor
Hilton New York
FREE CLE**

2:00 PM to 3:30 PM

Sections of Tort Trial and Insurance Practice; Labor and Employment Law and Real Property, Trust and Estate Law
The Wage-Hour Litigation Wars: Successful Strategies for Plaintiff and Defense Counsel in Litigating Wage-Hour Claims and Class Actions*

The floodgates of wage-hour claims and class actions continue to overflow with multi-million dollar lawsuits. Many of the cases involve alleged misclassification of employees as exempt managers, thus denying them overtime pay. Class actions claiming that the Plaintiff represents a “class” of employees substantially increase the employer liability. The plaintiff and defense counsel in this workshop will discuss strategies to successfully litigate and resolve both individual claims and class actions.

Moderator: Luis A. “Tony” Cabassa, *Thompson, Sizemore & Gonzalez*, Tampa, FL

Speakers: Sylvia Garcia, *Garcia and Birge*, Escondido, CA; Lloyd Loomis, *Lewis Brisbos Bisguard & Smith*, New York, NY; Adam Klein, *Outten & Golden*, Los Angeles, CA

**Gibson Suite, 2nd Floor
Hilton New York**

Sunday, August 10, 2008

7:30 AM to 8:30 AM

Section of Tort Trial and Insurance Practice
Employee Benefits Committee Business Meeting

**Carnegie Suite, 18th Floor
Waldorf-Astoria**

9:30 AM to 11:00 AM

Sections of Labor and Employment Law; Business Law and Tort Trial and Insurance Practice

New DOL Fee Disclosure Regulations: Compensation Unmasked: What Service Providers to Pension and Health Plans Must Tell Plan Sponsors About Their Fees*

The new buzzword in Washington and elsewhere is “transparency.” For many years plan sponsors have complained that they have been unable to obtain from some vendors information about the real cost of services provided to 401(k), health plans and other employer-sponsored benefit plans. In a recent series of proposals, the Department of Labor has taken on the issue of fee transparency from various angles with mixed reactions from plan sponsors, participant advocates, and the service provider community. This session will focus on the key issues and controversies with an expert panel representing all of those conflicting viewpoints.

Speakers: Kristen Zarlenco, *Senior Benefits Law Specialist, Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor*, Washington, DC; Erin Sweeney, *Dickstein Shapiro LLP*, Washington, DC; Beth Dickstein, *Sidley Austin LLP*, Chicago, IL

**Jade Room, 3rd Floor
Waldorf-Astoria**

2:00 PM to 5:00 PM

JCEB Program

Automatic Enrollment and Beyond – What Techniques Really Work to Encourage Employees to Prepare for Retirement, and What More Needs to be Done?

As defined benefit plans continue to fade, eclipsed by Section 401(k) plans with self-directed investments, and retiree health plans are cut back or eliminated, employees are being asked to shoulder a larger and larger share of the economic and administrative burden of preparing for their own retirement. This panel will explore the best practices that are being used in this environment to ensure that employees have the tools and incentives they need to do that job and whether still more needs to be done via legislation, regulations, or the development of new plan designs or products.

Moderator: Kurt L. P. Lawson, *Hogan & Hartson*, Washington DC

Panelists: Mark A. Davis, *Kravitz Davis Sansone*, Encino, CA; David C. John, *Heritage Foundation and Retirement Security Project*, Washington, DC; Robert M. Kaplan, *ING*, Windsor, CT; Jose Juan Valcarce, *Shell Oil Company*, Houston, TX; Michael Weddell, *Mercer*, Detroit, MI

**Broadway, Conference Level
Grand Hyatt
FREE CLE**

Monday, August 11, 2007

8:30 AM to 10:00 PM

Section of Business Law

Section 409A Considerations for Multinational Executives and Companies*

Much of the focus relating to Section 409A has been on compensatory arrangements maintained in a purely U.S. domestic context. Section 409A, however, can capture many arrangements involving multinational executives and companies. Our panelists will address common 409A issues relating to multinational arrangements and approaches for analyzing and handling those issues.

Moderator: Mitchel Pahl, *Dewey & LeBoeuf LLP*, New York, NY

Speakers: Bindu Culas, *Linklaters LLP*, New York, NY; Daniel L. Hogans, *Morgan Lewis & Bockius*, Washington, DC; Helen Morrison, *U.S. Department of the Treasury*, Washington, DC

**Broadway, Conference Level
Grant Hyatt**

12:30 PM to 2:00 PM

Section of Business Law

Executive Compensation Subcommittee Meeting

Roundtable Discussion of Current Topics with Helen Morrison, *U.S. Department of the Treasury*, Washington, DC

**Plymouth, Conference Level
Grand Hyatt**

2:30 PM to 4:30 PM

Section of Business Law

Hot Issues in Employment and Separation Agreements*

A challenging economy, detailed proxy disclosure of executive compensation, heightened scrutiny of compensation committees, and ever more complex tax rules – how are these impacting the economics, as well as the negotiation and drafting of employment and separation agreements? Our panelists will address these issues, and more, from the perspective of advisors to employers, executives and compensations committees.

Moderator: Martha Steinman, *Dewey & LeBoeuf, LLP*, New York, NY

Speakers: Jeremy L. Goldstein, *Wachtell, Lipton, Rosen & Katz*, New York, NY; Alan Nadel, *Strategic Apex Group*, New York, NY; Robert M. Sedgwick, *Morrison Cohen LLP*, New York, NY; Carol Silverman, *Mercer*, New York, NY

**Broadway, Conference Level
Grant Hyatt**