

This is your new

ERISA Benefits Litigation Answer Book

2018 Edition

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ERISA Benefits Litigation Answer Book provides a comprehensive overview, in question and answer format, of the various causes of action the Employee Retirement Income Security Act provides to remedy violations of the statute, enforce the terms of a benefit plan, or provide other relief to a plan, its participants or its fiduciaries. ERISA Benefits Litigation Answer Book describes the legal requirements of, defenses to, and unique aspects of litigation involving: stock drops, ESOPs, cash balance plans, prohibited transactions, 401(k) fees, recovery of benefits due under a plan, multi-employer plans, managed care plans, and discrimination and interference with benefits rights.

This 2018 edition is thoroughly updated to reflect current law and includes new discussions of:

- The limited circumstances under which a plan service provider can be found to have acted as a fiduciary with respect to its own compensation (*new Q 4.11.6, To what extent is a plan service provider's negotiation of its service agreement with the plan a fiduciary function?*)
- Whether fiduciaries have a continuing duty to monitor investments selected for a plan and to remove imprudent ones (*new Q 4.14.7, Do fiduciaries have an ongoing duty to monitor the prudence of each investment?*)

(cont'd on reverse)

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- The fiduciary's duty of prudence in light of the Supreme Court's decision in *Fifth Third Bancorp v. Dudenhoeffer*, rejecting the *Moensch* rebuttable presumption, including what a plaintiff must plead to state a claim that a fiduciary has acted imprudently in such cases; the types of investments and plans to which the application of *Fifth Third* extends; and whether a fiduciary must diversify plan investments (*revised and renumbered Q 6.5, and its sub-questions, What is the duty of prudence?, replacing former Q 6.9 and Q 6.10*)
- *Conkright v. Frommert*, in which the Supreme Court reinforced the vitality of *Firestone's* rule of deference to a plan administrator's interpretation of plan terms, holding that even in cases of an abuse of discretion, a deferential standard of review applies unless the plan administrator acted in bad faith or dishonestly (*revised Q 11.14, What standards of review do courts apply to an administrator's decision denying benefits?*)
- Multiemployer Pension Reform Act of 2014 enacted to address funding obligations for severely underfunded multiemployer plans that are in danger of becoming insolvent, and the circumstances under which a multiemployer plan may suspend benefits without violating anti-cutback rules or being held liable for missed benefit payments (*new Q 12.5.1, What is the effect of the MPRA on severely underfunded plans?*)

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