

**William J. Flanagan**

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Practice Areas**In Memoriam: 1952-2010**

William J. Flanagan was a partner at Crowell & Moring who specialized in employee benefits matters. He was a member of the firm's Labor and Employment and Corporate groups, and assisted the firm's Health Care and Securities practices in matters relating to employee benefits.

Bill had over 25 years of experience with the Employee Retirement Income Security Act ("ERISA"). He represented major insurance companies, Fortune 500 companies, institutional money and investment managers and employee benefit plans in all areas covered by Title I of ERISA. He provided counseling and representation on a full range of ERISA issues, including plan administration and fiduciary duties, plan investments and investment management, plan design for qualified plans, welfare plans and non-qualified executive deferred compensation plans, health care reporting and coverage issues (including COBRA and HIPAA), and ERISA compliance analyses and reviews. He represented clients before the Department of Labor in numerous prohibited transaction exemption and advisory opinion proceedings. Additional practice areas included advice regarding age and disability discrimination issues, matters relating to the Family Medical Leave Act, and other employment-related areas.

Bill began his ERISA career with the Department of Labor's Office of the Solicitor, Plan Benefits Security Division, where he was Assistant Counsel for Regulation. In that capacity, he helped formulate ERISA policy in a variety of areas, including class exemptions for plan investments in securities and real estate; regulations regarding participant loans and "top hat" plans; and legislative and advisory work involving plan terminations and COBRA. Bill was also a law clerk for retired U.S. District Court Judge Thomas A. Flannery in the District of Columbia. Bill was a graduate of Georgetown University School of Foreign Service (B.S.F.S. 1974 *summa cum laude*) and Georgetown

University Law Center (J.D. 1977), where he was articles editor for the *American Criminal Law Review* and where he also served as an Adjunct Professor in the graduate employee benefits and tax program.

Education

- Georgetown University School of Foreign Service, B.S.F.S. (1974)
summa cum laude
- Georgetown University Law Center, J.D. (1977)

Affiliations

Admitted to practice: District of Columbia, Virginia

Publications

- "Health Care Reform Is Here -- Now What?: What Employers, Employees, and Health Plans Need to Know Right Now About Health Care Reform," *Employee Benefit Plan Review* (August 2010). Co-Authors: William J. Flanagan, Kendra D. Miller, Jeffrey W. Pagano and Joel D. Wood.
- "COBRA Subsidy--Federal and State Law Update," *American Health Lawyers Association Labor & Employment Newsletter* (January 4, 2010). Co-Authors: William J. Flanagan and Joel D. Wood.
- "Current Benefit Issues: Health Savings Accounts," *HMOs & Health Plans*, an AHLA publication, Vol. 10, No. 2 (Late Spring 2007). Author: William J. Flanagan.
- "Tax Practice Series Analysis: 5450. Age and Sex Discrimination in Employee Benefit Plans," *Tax Management Inc. - BNA's Tax Practice Series* (March 2007). Author: William J. Flanagan.
- "Compliance Issues for Tax Deferred Custodial Accounts Under Section 403(b)(7) of the Internal Revenue Code," *29 Tax Mngmnt Comp. Planning J.* 303 (December 7, 2001). Author: William J. Flanagan.
- "Insurance Companies as Fiduciaries," *Life Insurance Answer Book*, 2d ed. (1999). Author: William J. Flanagan.
- "Fiduciary Responsibility under ERISA," *Trustees Handbook*, 5th ed. (1998). Author: William J. Flanagan.
- "The Real Estate Operating Company Exception to the Plan Assets Regulation," *15 Tax Mngmnt Comp. Planning J.* 231 (June 5, 1987). Author: William J. Flanagan.

Alerts & Newsletters

- "Health Care Reform Regulations Arrive – Now What? What You Need to Know Right Now About Health Care Reform Regulations (So Far)," *Labor & Employment Law Alert - US* (June 30, 2010). Contacts: William J. Flanagan, Joel D. Wood.
- "What Employers, Employees and Health Plans Need to Know Right Now About Health Care Reform," *Labor & Employment Law Alert - US* (May 12, 2010). Contacts: William J. Flanagan, Joel D. Wood, Jeffrey W. Pagano.
- "Interim Final Mental Health Parity and Addiction Equity Act Regulations Issued," *Health Law 'In The News'* (March 1, 2010). Contacts: William J. Flanagan, Christopher Flynn, Jeffrey L. Poston, Joel D. Wood.
- "COBRA Subsidy Extended, New Notice Requirements Imposed," *Labor & Employment Law Alert - US* (December 23, 2009). Contacts: William J. Flanagan, Joel D. Wood.
- "Employee Benefits Update," *Labor & Employment Law Alert - US* (October 16, 2009). Contacts: William J. Flanagan, Joel D. Wood.
- "Full Speed Ahead for San Francisco's Health Care Security Ordinance," *Labor & Employment Law Alert - US* (April 6, 2009). Contacts: William J. Flanagan, Mark A. Romeo, Jeffrey W. Pagano.
- "Changes in American Recovery and Reinvestment Act of 2009," *Health Law 'In The News'* (February 18, 2009). Contacts: Arthur N. Lerner, Thomas P. Gies, William J. Flanagan, Barbara H. Ryland, Robin B. Campbell.
- "Economic Stimulus Act Provides COBRA Subsidies And New COBRA Election And Disclosure Requirements; DOL Provides Guidance On Defined Benefit Funding Disclosures," *Labor & Employment Law Alert - US* (February 18, 2009). Contacts: William J. Flanagan, Thomas P. Gies.
- "Employee Benefits Update," *Labor & Employment Law Alert - US* (February 9, 2009). Contacts: Thomas P. Gies, William J. Flanagan.
- "Supreme Court Weighs in on Plan Documents Rule and Effect of Non-QDRO Divorce Decree on Retirement Benefits," *Labor & Employment Law Alert - US* (February 8, 2009). Contacts: Thomas P. Gies, William J. Flanagan.
- "Children's Health Insurance Law Amends ERISA To Impose New Special Enrollment Periods And Notice Requirements," *Labor & Employment Law Alert - US* (February 8, 2009). Contacts: Thomas P. Gies, William J. Flanagan.
- "New Law Provides Pension Funding Relief And Other Measures In Response To Economic Crisis," *Labor & Employment Law Alert - US* (January 5, 2009). Contacts: William J. Flanagan, Thomas P. Gies.
- "Employee Benefits Year-End Round-Up," *Labor & Employment Law Alert - US* (December 11, 2008). Contact: William J. Flanagan.

- "Expansions of Coverage Requirements for Group Health Plans Under Recently Enacted Laws," *Labor & Employment Law Alert - US* (December 10, 2008). Contact: William J. Flanagan.
- "Ninth Circuit Holds that San Francisco Health Care Security Ordinance is Not Preempted by ERISA," *Labor & Employment Law Alert - US* (December 10, 2008). Contact: William J. Flanagan.
- "Supreme Court Limits Deference for ERISA Claims Denials by Fiduciaries with Conflicts of Interest," *Health Law 'In The News'* (June 30, 2008). Contacts: Arthur N. Lerner, William J. Flanagan.
- "Supreme Court Expands Right of Individual Participants to Sue ERISA Fiduciaries for Damages," *Labor & Employment Law Alert - US* (February 29, 2008). Contacts: Thomas P. Gies, William J. Flanagan.
- "EEOC Final Rule Allows Employers to Reduce or Eliminate Retiree Benefits for Medicare-Eligible Retirees," *Health Law 'In The News'* (January 4, 2008). Contact: William J. Flanagan.
- "Third Circuit Upholds EEOC Rule Permitting Retiree Health Plan Coordination of Benefits with Medicare," *Health Law 'In The News'* (June 14, 2007). Contacts: William J. Flanagan, Thomas P. Gies.
- "Health Savings Accounts Expanded in Year-End Legislation," *Health Law 'In The News'* (February 1, 2007). Contact: William J. Flanagan.
- "Court Lifts Injunction Against EEOC Retiree Health Regulations," *Health Law 'In The News'* (October 23, 2005). Contact: William J. Flanagan.
- "DOL Provides New ERISA Guidance Regarding Reporting of Commissions and Fees Paid to Insurance Brokers and Agents," *Health Law 'In The News'* (March 2, 2005). Contact: William J. Flanagan.
- "Final Health Coverage Portability Regulations Clarify Preexisting Condition Exclusion Requirements," *Health Law 'In The News'* (February 7, 2005). Contacts: Arthur N. Lerner, William J. Flanagan, Barbara H. Ryland.

Speaking Engagements

- "How Do You Solve a Problem Like MHPAEA?: The Mental Health Parity Interim Final Regulations," Crowell & Moring's Healthcare Ounce Of Prevention Seminar (HOOPS) (April 26-27, 2010). Presenters: William J. Flanagan and Joel D. Wood.
- "The First 100 Days and Beyond -- Employment and Benefits Issues and Developments," International Liquid Terminal Association's Committee of Chief Executives (May 7, 2009). Co-Speakers: Thomas P. Gies and William J. Flanagan.
- "Labor and Employment Developments in President Obama's First 100 Days," Crowell & Moring Webinar Presentation (April 2009). Co-Presenters: Trina L. Fairley, William J. Flanagan, Thomas P. Gies and Kris D. Meade.

- "More Exposure, Less Deference and Increased Reporting," Bad Times For ERISA Fiduciaries - Crowell & Moring's HOOPS 2008 (October 2008). Co-Presenters: William J. Flanagan and Lauren Kim.
- "Responses to Questions Relating to Designing Plans for Older Workers," Society of Professional Benefit Administrators, Spring Meeting, Washington, D.C. (April 2, 2008). Co-Presenters: Robert L. Roth and William J. Flanagan.
- "LaRue and Its Implications: The Next Wave of ERISA Fiduciary Breach Litigation," Crowell & Moring Webinar (March 2008). Panel: Thomas P. Gies, William J. Flanagan, Karen Handorf and Jane Foster.
- "Current and Emerging Trends in Managed Care Litigation," Crowell & Moring's 2007 Healthcare Ounce of Prevention Seminar (HOOPS) (October 2007). Co-Presenters: Julie A. Barnes, William J. Flanagan, Chris Flynn, David Florin and Jeffrey L. Poston.
- "Protecting Your Most Valuable Assets," and "Sexual Harassment in the Workplace," Oxford Round Table International Conference on Employment Law and Individual Rights (2004). Panel Chair and Member: William J. Flanagan.
- "Age, Sex and Disability Discrimination in Employee Benefit Plans," 363-3rd Tax Management Portfolios (2003). Presenter: William J. Flanagan.
- "Employee Benefits -- ERISA Primer and Update," Lorman Education Services (May 13, 1998). Presenter: William J. Flanagan.
- "Real Estate Investments by and with Tax Exempt Organizations," American Bar Association Section on Taxation (May 6, 1990). Presenter: William J. Flanagan.