



Why Now?

Simple. \$29 trillion in U.S. retirement plan assets and significant risk and exposure for plan sponsors. In addition, there's been a sudden rise in litigation and investigations concerning ERISA fiduciary duties under employer-sponsored health plans that has joined an aggressive period of similar challenges to retirement plans. The results have cost employers billions of dollars over the last few years.

We can help employers, insurers, and service providers minimize their exposure by identifying and remedying risks with our fixed-fee fiduciary protection program.

About Us

Crowell & Moring is an international law firm with approximately 550 lawyers representing clients in transactional, regulatory, litigation, and arbitration matters. The firm is internationally recognized for providing innovative approaches to legal and business challenges, as well as creative alternative fee arrangements that demonstrate its personal investment in its clients' success. The firm has also been recognized for its ongoing commitment to *pro bono* service and diversity. Crowell & Moring has offices in Washington, D.C., New York, Los Angeles, San Francisco, Orange County, London, and Brussels.

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Fixed Fee Legal Services

Fiduciary Protection- Employee Benefit Plans

The Personal Risk to Your Board

- If you sponsor a retirement, health or other benefit plan, your Board of Directors, executives and other employees are exposed to personal liability as ERISA fiduciaries.
- ERISA prohibits plan indemnification and D&O insurance often does not cover ERISA (or limits are too low or restrictive).

Our Fiduciary Protection Program

Crowell & Moring's ERISA Group is offering a fixed-fee legal service to help you best protect your officers, directors, and other executives as ERISA fiduciaries. Fiduciary breaches can expose your business not only to fines and penalties but may also open the door to:

- Class action and regulatory litigation
- Liability for co-fiduciaries
- DOL/IRS audits

Employers and other ERISA fiduciaries must proactively ensure that their plans and governance structure are legally compliant in order to avoid costly risks and personal liability.

How We Can Help

- Conduct a thorough benefit plan compliance audit
- Identify ERISA fiduciaries and co-fiduciaries, review governance and duties
- Prepare a customized fiduciary protection program
- Prepare plan expense protocols
- Prepare retirement and health plan internal appeals protocols
- Prepare plan arbitration clauses
- Perform cybersecurity contractual analysis
- Review D&O ERISA coverage
- Provide ERISA fiduciary training and certification
- 24/7 on-call compliance services tailored to your needs

Fixed Fee

- We offer one flat rate for this service, customized to your needs
- Fees are often chargeable to your ERISA plan