

# Index

- ABUSE OF DISCRETION STANDARD**
  - Employee benefits plans litigation, **11:50 to 11:54**
- ACA**
  - Benefits related litigation, **12:15 to 12:17**
- ACCOUNTANTS**
  - Cofiduciaries, **4:7**
  - Common actors and practices, **7:15**
- ACCRUAL OF CAUSE OF ACTION**
  - Employee benefits plans litigation, **11:60**
- ACQUISITIONS**
  - Common actors and practices, **7:44**
- ACTORS**
  - Common Actors and Practices** (this index)
- ACTUARIES**
  - Cofiduciaries, **4:8**
  - Common actors and practices, **7:14**
- ADMINISTRATIVE MATTERS**
  - Government, **10:7 to 10:15, 10:22 to 10:31, 10:54**
  - Standards of conduct and related duties, exemptions, **3:19**
- ADMINISTRATOR**
  - Common actors and practices, **7:10**
  - Employee benefits plans litigation, **11:11**
- ADVISORY ACTIVITIES AND OPINIONS**
  - Government, **10:8, 10:29**
- AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)**
  - Federal laws, **13:10**
- AGENCIES**
  - Benefits related litigation, **12:35**
  - Government, release of information, **10:61**
- AGENCY ORGANIZATION**
  - Government, **10:4**
- AGENTS**
  - Third party administrator, **7:18**
- ALLOCATION OF ASSETS**
  - Government, **10:49**
- ALTERNATIVE DISPUTE RESOLUTION**
  - Employee benefits plans litigation, **11:17**
- AMENDMENTS**
  - Common actors and practices, **7:43**
- AMERICANS WITH DISABILITIES ACT**
  - Federal laws, **13:11**
- ANCILLARY BANK SERVICES**
  - Standards of conduct and related duties, **3:17**
- ANNUITIES**
  - Common actors and practices, **7:34**
- APPELLATE REVIEW**
  - Employee benefits plans litigation, **11:83**
- ARBITRATION**
  - Avoiding litigation, **8:13**
  - Benefits related litigation, **12:12**
  - Employee benefits plans litigation, **11:13**
- ASSISTANCE FROM AGENCIES**
  - Government, **10:64**
- ATTORNEYS**
  - Cofiduciaries, **4:9**
- ATTORNEY'S FEES**
  - Employee benefits plans litigation, **11:76 to 11:81**
  - Representing parties, **9:6**
- AUDITS**
  - Benefits related litigation, **12:13**

**AUDITS—Cont'd**

Government, **10:11, 10:30**

**AVOIDING LITIGATION**

Generally, **8:1 to 8:13**

Arbitration, **8:13**

Benefit claims, **8:7 to 8:9**

Compromise of claims, **8:11**

Fiduciaries

structure, **8:2**

Inquiries, **8:6**

Plan administration, **8:4**

Plan communications, **8:5**

Plan design, **8:3**

Presenting claims, **8:8**

Releases, **8:12**

Responding to claims, **8:9**

Settlements, **8:12**

Threatened litigation, **8:10**

Waivers, **8:12**

**BACKGROUND AND**

**DEVELOPMENT OF BENEFITS**

Generally, **1:1 to 1:17**

Contract law, **1:13**

Courts, **1:16**

Department of Labor, **1:8**

Department of Treasury and Internal  
Revenue Service, **1:9**

Employee benefits plans, **1:3**

Federal common law, **1:15**

Fiduciary responsibility, **1:2**

Jurisprudential aspects of Erisa, **1:11 to  
1:15**

Labor law, **1:14**

Legal environment prior to ERISA, **1:4**

Pension benefit guaranty corporation,  
**1:10**

Professionals and practice, **1:17**

Regulatory aspects of ERISA, **1:7 to  
1:10**

Role of employee benefits in society, **1:5**

Structure of act, **1:6**

Trust law, **1:12**

**BANKING LAWS**

Federal laws, **13:18**

State laws, **13:30**

**BANKRUPTCY**

Benefits related litigation, **12:21**

Federal laws, **13:17**

**BANKS**

Cofiduciaries, **4:10**

Standards of conduct and related duties,  
**3:15, 3:17**

**BENEFICIARIES**

Employee benefits plans litigation,  
**11:21**

**BENEFIT CLAIMS**

Avoiding litigation, **8:7 to 8:9**

Employee benefits plans litigation,  
**11:49 to 11:54, 11:58**

**Representing Parties** (this index)

Standards of conduct and related duties,  
**3:36**

**BENEFITS RELATED LITIGATION**

Generally, **12:1 to 12:51**

ACA, **12:15 to 12:17**

Access to information, **12:13**

Agencies, **12:35**

Arbitration, review of liability, **12:12**

Assessment of withdrawal, **12:11**

Audits, **12:13**

Bankruptcy, **12:21**

Burden of proof, **12:41**

Calculation of withdrawal liability,  
**12:10**

COBRA, **12:15 to 12:17**

Collection of withdrawal, **12:11**

Contributions, **12:40**

Contributions, Welfare plan and pension  
plan, **12:6**

Criminal actions, **12:24**

Cutbacks, **12:31, 12:32**

Defenses, **12:11**

Deference, **12:41**

Disability disputes, **12:34**

Domestic relations, **12:19**

Employment discrimination, **12:22**

Estoppel, **12:46**

Family property disputes, **12:47**

Federal common law, issues, **12:27**

Fiduciaries

controversies, **12:3**

Forms, **12:50**

Group health plans, **12:15 to 12:17**

Health care cost management, **12:25**

HIPAA, **12:15 to 12:17**

Indemnification, **12:40**

Industry exemptions, **12:9**

## INDEX

### **BENEFITS RELATED LITIGATION**

#### **—Cont'd**

Informal communications, **12:46**  
Instruments, **12:50**  
    selected issues, **12:51**  
Interference with ERISA rights, **12:14**  
Labor relations disputes, **12:18**  
Language interpretation, **12:48**  
Laws and regulations, **12:49**  
Managed care, **12:25**  
Multiemployer plans, **12:5 to 12:11**  
Multiple employer welfare arrangements  
(MEWAs), **12:23**  
Offsets, **12:31, 12:33**  
Past practice, **12:36**  
Pendent jurisdiction, **12:28**  
Pension plans, **12:4**  
Plan reimbursement, **12:30**  
Presumptions, **12:41**  
Regulations, **12:35**  
Related fiduciary issues, **12:40**  
Releases, **12:29**  
Retiree benefits, **12:44**  
Retirement window programs, **12:45**  
Retroactive changes, **12:37**  
Sale of assets  
    withdrawal liability, **12:8**  
Section 502(c) disclosure penalties,  
**12:39**  
Service providers, **12:30**  
Settlements, **12:29**  
Severance pay controversies, **12:43**  
Severance pay programs, **12:42**  
Spousal rights, **12:47**  
Subrogation rights, **12:30**  
Summary plan descriptions, **12:38**  
Supplemental jurisdiction, **12:28**  
Taxes, **12:20**  
Waivers, **12:29**  
Welfare plan, **12:4**  
Withdrawal liability, **12:7 to 12:13**

### **BOARD OF DIRECTORS**

Common actors and practices, **7:6**

### **BREACH OR BENEFIT CLAIMS**

**Representing Parties** (this index)

### **BRUCH CASE**

Employee benefits plans litigation,  
**11:52, 11:53**

### **BURDEN OF PROOF**

Benefits related litigation, **12:41**

### **CAUSATION**

Remedies and liabilities, **5:21**

### **CIVIL ENFORCEMENT BY GOVERNMENT**

Remedies and liabilities, **5:15**

### **CLAIMANT**

Employee benefits plans litigation,  
**11:12**

### **CLASS ACTIONS**

Employee benefits plans litigation,  
**11:29**

### **COALACT**

Federal laws, **13:23**

### **COBRA**

Benefits related litigation, **12:15 to  
12:17**

### **COFIDUCIARIES**

Accountants, **4:7**  
Actuaries, **4:8**  
Attorneys, **4:9**  
Banks, **4:10**  
Fiduciary responsibility, **2:13**  
Identifying cofiduciaries, **4:3 to 4:5**  
Insurance providers, **4:11**  
Investment counsel, **4:10**  
Investment managers, **4:10**  
Nature of responsibility, **4:13**  
Other service providers, **4:12**  
Perspectives, **4:4, 4:5**  
Remedies, **4:14**  
Remedies and liabilities, **5:23**  
Responsibilities, **4:1 to 4:14**  
Service providers, **4:6 to 4:12**  
Statutory mandate, **4:2**  
Trustees, **4:10**

### **COLLATERAL ESTOPPEL**

Employee benefits plans litigation,  
**11:75**

### **COLLECTIVELY BARGAINED PLANS**

Standards of conduct and related duties,  
**3:38**

**COMMERCIAL PRACTICES LAWS**

State laws, **13:44**

**COMMON ACTORS AND PRACTICES**

Generally, **7:1 to 7:50**

Accountant, **7:15**

Acquisitions, **7:44**

Activities of on-going plans, **7:20 to 7:25**

Actuary, **7:14**

Administrator, **7:10**

Agents, **7:18**

Amendments, **7:43**

Annuities, **7:34**

Board of directors, **7:6**

Changes in investment managers, **7:31**

Claims, **7:41**

Communications, **7:26**

Complete terminations, **7:50**

Consultants, **7:16**

Contributions

    employer contributions and plan funding, **7:27**

    participants and beneficiaries, **7:28**

Controlled groups, **7:25**

Conversions, **7:47**

Distributees, **7:38**

Distributions, **7:32 to 7:38**

Divestitures, **7:44**

Establishment of plan, **7:2 to 7:43**

Fiduciaries

    committee, **7:8**

    standards, **7:22**

    structure, **7:4**

Insurance, **7:13, 7:40**

Investment manager, **7:11**

Legal counsel, **7:12**

Litigation, **7:42**

Lump sums, **7:33**

Meeting minimum standards, **7:21 to 7:25**

Mergers, **7:44**

Officers, **7:7**

Other service providers, **7:19**

Partial terminations, **7:49**

Parties assuming responsibility, **7:5 to 7:19**

Pension plan minimum standards, **7:24**

Plan design, **7:4**

Plan mergers, **7:47**

**COMMON ACTORS AND PRACTICES—Cont'd**

Plan related expenses, **7:29**

Review of plan operations, **7:39**

Rollovers, **7:37**

Selecting plan, **7:3**

Spinoffs, **7:47**

Statement of investment policy, **7:30**

Surplus plan assets, **7:46**

Tax withholding and payroll taxes, **7:36**

Termination activities, **7:48 to 7:50**

Third party administrator, **7:17**

Transfers of assets, **7:47**

Trustee, **7:9**

Unusual events and circumstances, **7:45**

Welfare plan minimum standards, **7:23**

**COMPLAINT**

Employee benefits plans litigation, **11:64**

**COMPROMISE OF CLAIMS**

Avoiding litigation, **8:11**

**CONCURRENT JURISDICTION**

Employee benefits plans litigation, **11:33**

**CONSENT JUDGES**

Employee benefits plans litigation, **11:71**

**CONSTRUCTION LAWS**

State laws, **13:39**

**CONSULTANTS**

Common actors and practices, **7:16**

**CONSULTATION WITH ADVISORS**

Standards of conduct and related duties, **3:27**

**CONSUMER PRACTICES LAWS**

State laws, **13:44**

**CONTEMPT**

Remedies and liabilities, **5:27**

**CONTRACT LAW**

Background and development of benefits, **1:13**

**CONTRIBUTIONS**

Benefits related litigation, **12:6, 12:40**  
**Common Actors and Practices** (this index)

INDEX

**CONTRIBUTIONS—Cont'd**  
Remedies and liabilities, **5:23**

**CONTROLLED GROUPS**  
Common actors and practices, **7:25**

**CONVERSIONS**  
Common actors and practices, **7:47**

**COORDINATION AMONG  
AGENCIES**  
Government, **10:63**

**CORPORATE AUTHORITY**  
Limiting liability exposure, **6:12**

**CORPORATION LAWS**  
State laws, **13:41**

**COSTS OF LITIGATING CLAIMS**  
Representing parties, **9:5**

**COURTS**  
Background and development of  
benefits, **1:16**

**CREDITOR'S RIGHTS LAWS**  
State laws, **13:36**

**CRIMINAL LAWS**  
State laws, **13:33**

**CRIMINAL MATTERS AND  
LITIGATION**  
Benefits related litigation, **12:24**  
Government, **10:17, 10:34**  
Remedies and liabilities, **5:7**

**CUTBACKS**  
Benefits related litigation, **12:31, 12:32**

**DECLARATORY RELIEF**  
Remedies and liabilities, **5:10**

**DEEMER CLAUSE**  
State laws, **13:32**

**DEFECT CORRECTION PROGRAM**  
Government, **10:15**

**DEFENDANTS**  
Employee benefits plans litigation,  
**11:28, 11:44**

**DEFENSES**  
Benefits related litigation, **12:11**

**DEFERENCE**  
Benefits related litigation, **12:41**

**DELEGATES SELECTION AND  
PERFORMANCE**  
Standards of conduct and related duties,  
**3:30**

**DELEGATION OF AUTHORITY**  
Limiting liability exposure, **6:3**

**DE NOVO REVIEW**  
Employee benefits plans litigation,  
**11:55**

**DEPARTMENT OF LABOR**  
Background and development of  
benefits, **1:8**  
Employee benefits plans litigation,  
**11:23**  
**Government** (this index)

**DEPARTMENT OF TREASURY AND  
INTERNAL REVENUE SERVICE**  
Background and development of  
benefits, **1:9**  
**Government** (this index)

**DEPOSITS IN BANKS**  
Standards of conduct and related duties,  
**3:15**

**DERIVATIVE ACTIONS**  
Employee benefits plans litigation,  
**11:29**

**DETERMINATION LETTERS**  
Government, **10:23 to 10:25**

**DILIGENCE**  
Standards of conduct and related duties,  
**3:5**

**DISABILITY**  
Benefits related litigation, **12:34**  
State laws, **13:27**

**DISCLOSURE RESTRICTIONS**  
Employee benefits plans litigation,  
**11:70**

**DISCOVERY**  
Employee benefits plans litigation,  
**11:67**

**DISPARATE TREATMENT**  
Standards of conduct and related duties,  
**3:37**

**DISQUALIFICATION DEFECTS**

Government, **10:25**

**DISTRESS TERMINATIONS**

Government, **10:46**

**DISTRIBUTEES**

Common actors and practices, **7:38**

**DISTRIBUTIONS**

Common actors and practices, **7:32 to 7:38**

**DISTRICT COURT**

Employee benefits plans litigation, **11:82**

**DIVERSIFICATION**

Standards of conduct and related duties, **3:6**

**DIVESTITURES**

Common actors and practices, **7:44**

**DOMESTIC RELATIONS**

Benefits related litigation, **12:19**

State laws, **13:35**

**DUAL LOYALTIES**

Standards of conduct and related duties, **3:35**

**DUTIES ALLOCATION**

Standards of conduct and related duties, **3:33**

**EMPLOYEE BENEFITS PLANS**

**LITIGATION**

Generally, **11:1 to 11:83**

Abuse of discretion standard, **11:50 to 11:54**

origins, **11:51**

Accrual of cause of action, **11:60**

Administrator, **11:11**

Alternative dispute resolution, **11:17**

Appellate review, **11:83**

Attorney's fees, **11:76 to 11:81**

Beneficiaries, **11:21**

Benefit claim actions, **11:49 to 11:54**

Benefit claims, **11:58**

Bruch case, **11:52, 11:53**

Case or Controversy, **11:18**

Claimant perspective, **11:12**

Claims procedure, **11:3 to 11:13**

Class actions, **11:29**

**EMPLOYEE BENEFITS PLANS**

**LITIGATION—Cont'd**

Collateral estoppel, **11:75**

Commencement of proceedings, **11:42 to 11:44**

Complaint, **11:64**

Concurrent jurisdiction, **11:33**

Consent judges, **11:71**

Constitutional standing, mootness, and ripeness, **11:18**

Decision to award fees, **11:79**

Defects in claims, **11:6**

Defendants perspectives, **11:44**

Defendants status, **11:28**

De novo review, **11:55**

Department of Labor, **11:23**

Derivative actions, **11:29**

Disclosure restrictions, **11:70**

Discovery, **11:67**

District court, disposition, **11:82**

Employers, **11:25**

ERISA limitation and other laws, **11:62**

Evidence, **11:68**

Exceptions to exhaustion doctrine, **11:8**

Exclusive jurisdiction, **11:32**

Exhaustion doctrine, **11:5, 11:8, 11:9**

Exhaustion of administrative remedies before federal agencies, **11:15**

Experts, use of, **11:69**

Failure to exhaust, **11:9**

Fiduciaries

claims, breach, **11:57**

Fiduciaries and plans

parties, **11:22**

Fiduciary breach claims, **11:48**

Firestone Tire and Rubber Co. v. Bruch, **11:52**

Fixing amount of fees, **11:80**

Interpleader, **11:45**

Judgments, **11:75**

Judicial interpretations, preemption, **11:38**

Judicial review, **11:47 to 11:55**

Jurisdiction, **11:30 to 11:41**

Jury trials, **11:73**

Labor arbitration as alternative, **11:13**

Laches, **11:63**

Limitation on actions, **11:56 to 11:63**

Litigation, **11:41**

Magistrate judges, **11:66**

## INDEX

### EMPLOYEE BENEFITS PLANS

#### LITIGATION—Cont'd

- Multiemployer plans, **11:14**
  - Multiemployer plans, disputes prior to judicial review, **11:14**
  - Nonlabor arbitration arrangements, **11:16**
  - Others, **11:27**
  - Participants, **11:20**
  - Parties, **11:18**
  - Pension Benefit Guaranty Corporation, **11:24**
  - Personal jurisdiction, **11:34**
  - Plaintiffs perspectives, **11:43**
  - Plaintiffs status and ERISA standing, **11:19 to 11:29**
  - Post- Bruch case law, **11:53**
  - Practical significance, **11:7**
  - Preemption, **11:35 to 11:38**
    - general rule, **11:36**
    - general rule, exceptions, **11:37**
    - Judicial interpretations, **11:38**
  - Privileged communications, **11:70**
  - Procedure, **11:10 to 11:12, 11:54**
  - Proceedings prior to judicial review, **11:2 to 11:29**
  - Regulations, **11:4**
  - Remedies, **11:74**
  - Removal from state court, **11:46**
  - Requesting fees and costs
    - additional considerations, **11:81**
  - Res judicata, **11:75**
  - Responsive pleadings, **11:65**
  - Service of process, **11:34**
  - Statute, **11:4**
  - Statutory provisions, **11:40, 11:78**
  - Subject matter jurisdiction, **11:31 to 11:33**
  - Subpoenas, **11:34**
  - Summary judgment, **11:72**
  - Title I, **11:58**
  - Title IV, **11:59**
  - Tolling of limitations period, **11:61**
  - Unions, **11:26**
  - Venue, **11:39 to 11:41**
- ### EMPLOYMENT DISCRIMINATION
- Benefits related litigation, **12:22**
  - Federal laws, **13:7 to 13:13**
  - State laws, **13:37**

### ENGAGEMENT LETTERS

- Representing parties, **9:4**

### EQUAL ACCESS TO JUSTICE ACT (EAJA)

- Federal laws, **13:24**

### EQUAL PAY ACT

- Federal laws, **13:12**

### ERISA LIMITATIONS

- Employee benefits plans litigation, **11:62**

### ESOPS

- Standards of conduct and related duties, **3:14, 3:43**

### ESTOPPEL

- Benefits related litigation, **12:46**

### EXAMINATIONS

- Government, **10:11, 10:30**

### EXCEPTIONS TO EXHAUSTION DOCTRINE

- Employee benefits plans litigation, **11:8**

### EXCISE TAXES

- Government, **10:27**

### EXCLUSIVE JURISDICTION

- Employee benefits plans litigation, **11:32**

### EXCULPATION PURCHASE OF INSURANCE

- Limiting liability exposure, **6:7**

### EXEMPTIONS

- Government, **10:9**
- Standards of Conduct and Related Duties** (this index)

### EXHAUSTION DOCTRINE

- Employee benefits plans litigation, **11:5, 11:8, 11:9**

### EXHAUSTION OF ADMINISTRATIVE REMEDIES

- Employee benefits plans litigation, **11:15**

### EXPEDITED CLAIMS

- Representing parties, **9:7**

**EXPENSES**

Plan related expenses, common actors and practices, **7:29**

**EXPERTS**

Employee benefits plans litigation, **11:69**

**EXTRACONTRACTUAL DAMAGES**

Remedies and liabilities, **5:13**

**FAMILY AND MEDICAL LEAVE ACT (FMLA)**

Federal laws, **13:21**

**FAMILY PROPERTY DISPUTES**

Benefits related litigation, **12:47**

**FEDERAL COMMON LAW**

Background and development of benefits, **1:15**

Benefits related litigation, **12:27**

**FEDERAL LAWS**

Generally, **13:1 to 13:45**

Age Discrimination in Employment Act (ADEA), **13:10**

Americans with Disabilities Act, **13:11**

Banking laws, **13:18**

Bankruptcy, **13:17**

Coal Act, **13:23**

Employment discrimination, **13:7 to 13:13**

Equal Access to Justice Act (EAJA), **13:24**

other federal laws, **13:25**

Equal Pay Act, **13:12**

Other discrimination laws, **13:13**

Family and Medical Leave Act, **13:21**

Health care plans, **13:19**

Internal Revenue Code, **13:3**

Labor-Management Relations Act, **13:5**

Labor relations, **13:4 to 13:6**

National Labor Relations Act, **13:5**

Pregnancy Discrimination Act, **13:9**

Railway Labor Act, **13:6**

RICO, **13:15**

Scope, **13:1**

Securities laws, **13:16**

Social Security Act, **13:20**

Title VII, Civil Rights Act, **13:8**

USERRA, **13:14**

Veterans rights laws, **13:14**

**FEDERAL LAWS—Cont'd**

Worker Adjustment and Retraining Notification Act (WARN), **13:22**

**FIDUCIARIES**

**Avoiding Litigation** (this index)

Benefits related litigation, **12:3**

**Common Actors and Practices** (this index)

Employee benefits plans litigation, **11:22**

**Employee Benefits Plans Litigation** (this index)

**Fiduciary Responsibility** (this index)

**Remedies and Liabilities** (this index)

**FIDUCIARY RESPONSIBILITY**

Generally, **2:1 to 2:15**

Background and development of benefits, **1:2**

Cofiduciaries, **2:13**

Employee, **2:12**

Fiduciary, **2:8**

Formality requirements, **2:7**

Limiting liability exposure, **6:4 to 6:13**

Multiemployer plans, **2:6**

Multiple employer plans, **2:6**

Nature of conduct, **2:9**

Nonfiduciary actors and conduct, **2:15**

Parties, **2:14**

Pension plans, **2:3**

Plan, **2:1 to 2:6**

Plan administrator, **2:11**

Plan controlled group, **2:11**

Plans assets, **2:10**

Plan sponsor, **2:11**

Single employer plans, **2:6**

Top hat plans, **2:4**

Welfare plans, **2:5**

**FIRESTONE TIRE AND RUBBER CO. V. BRUCH**

Employee benefits plans litigation, **11:52**

**FORMALITY REQUIREMENTS**

Fiduciary responsibility, **2:7**

**FORMS**

Benefits related litigation, **12:50**

**FUNDING WAIVERS**

Government, **10:28**

## INDEX

### GARNISHMENT

State laws, **13:36**

### GOVERNMENT

Generally, **10:1 to 10:60**

Administrative matters, **10:7 to 10:15, 10:22 to 10:31, 10:54**

Advisory activities, **10:29**

Advisory opinions, **10:8**

Agency organization, **10:20, 10:37**

Agency release of information, **10:61**

Allocation of assets, **10:49**

Assistance from agencies, **10:64**

Audits, **10:11, 10:30**

Civil litigation, **10:16**

Civil matters, **10:6 to 10:16**

Coordination among agencies, **10:63**

Criminal litigation, **10:34**

Criminal matters, **10:17**

Defect correction program, **10:15**

Department of Labor

generally, **10:2 to 10:17**

administrative matters, **10:7 to 10:15**

advisory opinions, **10:8**

audits, **10:11**

civil litigation, **10:16**

civil matters, **10:6 to 10:16**

criminal matters, **10:17**

examinations, **10:11**

exemptions, **10:9**

guidance, **10:10**

interpretations, **10:8**

investigations, **10:11**

organization agency, **10:4**

penalties, **10:13**

regulations, **10:8**

regulatory activities, **10:5**

reporting, **10:14**

rulings, **10:10**

statutory authority, **10:3**

subpoenas, **10:12**

variances, **10:9**

Department of Treasury and Internal

Revenue Service

generally, **10:18 to 10:34**

administrative matters, **10:22 to 10:31**

advisory activities, **10:29**

audits, **10:30**

criminal litigation, **10:34**

### GOVERNMENT—Cont'd

Department of Treasury and Internal

Revenue Service—Cont'd

determination letters, **10:23 to 10:25**

disqualification defects, **10:25**

examinations, **10:30**

excise taxes, **10:27**

funding waivers, **10:28**

organization, **10:20**

penalties, practitioner, **10:32**

procedure for obtaining determination letters, **10:24**

prohibited transactions, **10:26**

qualified status of plans, **10:23 to 10:25**

regulations, **10:29**

regulatory activities, **10:21**

reporting, **10:31**

rulings, **10:29**

statutory authority, **10:19**

tax litigation, **10:33**

variances, related matters, **10:28**

Determination letters, **10:23 to 10:25**

Disqualification defects, **10:25**

Distress terminations, **10:46**

Examinations, **10:11, 10:30**

Excise taxes, **10:27**

Exemptions, **10:9**

Federal agencies, **10:60**

Funding waivers, **10:28**

Guaranteed benefits, **10:39 to 10:41**

Guidance, **10:10**

Insolvency, **10:43 to 10:50**

Internal Revenue Service. Department of Treasury and Internal Revenue Service, above

Interpretations, **10:8**

Investigations, **10:11, 10:54**

Investment functions, **10:58**

Involuntary terminations, **10:47, 10:57**

Liabilities, **10:51, 10:52**

Litigation, **10:59**

Multiemployer plans, **10:52**

Multiemployer program guaranteed benefits, **10:41**

Opinion letters, **10:56**

Organization, **10:4**

Penalties, **10:13, 10:54**

Penalties, practitioner, **10:32**

**GOVERNMENT—Cont'd**

Pension benefit guaranty corporation  
 generally, **10:35 to 10:59**  
 administrative enforcement, **10:54**  
 allocation of assets, **10:49**  
 distress terminations, **10:46**  
 guaranteed benefits, **10:39 to 10:41**  
 insolvency, **10:43 to 10:50**  
 investigations, **10:54**  
 investment functions, **10:58**  
 involuntary terminations, **10:47,**  
**10:57**  
 liabilities, **10:51**  
 litigation, **10:59**  
 multiemployer plans, **10:52**  
 multiemployer plans terminations,  
**10:50**  
 multiemployer program guaranteed  
 benefits, **10:41**  
 notice to participants, **10:55**  
 opinion letters, **10:56**  
 organization, **10:37**  
 penalties, **10:54**  
 plan restorations, **10:48**  
 plan termination and insolvency,  
**10:43 to 10:50**  
 premiums, **10:42**  
 recapture of payments, **10:49**  
 regulations, **10:56**  
 regulatory activities, **10:38**  
 reporting, **10:54**  
 restorations, **10:57**  
 rulings, **10:56**  
 single employer plans, **10:44 to 10:49**  
 single employer program guaranteed  
 benefits, **10:40**  
 standard terminations, **10:45**  
 statutory authority, **10:36**  
 termination and insolvency, **10:43 to**  
**10:50**  
 trusteeship functions, **10:57**  
 withdrawal liabilities, **10:52**  
 Plan restorations, **10:48**  
 Plan termination and insolvency, **10:43**  
**to 10:50**  
 Practitioner standards and penalties,  
**10:32**  
 Premiums, **10:42**

**GOVERNMENT—Cont'd**

Procedure for obtaining determination  
 letters  
 qualified status of plans, **10:24**  
 Prohibited transactions, **10:26**  
 Qualified status of plans, **10:23 to 10:25**  
 Recapture of payments, **10:49**  
 Regulations, **10:8, 10:29, 10:56**  
 Regulatory activities, **10:5, 10:21, 10:38**  
 Remedies and liabilities, civil enforce-  
 ment, **5:15**  
 Reporting, **10:14, 10:31, 10:54**  
 Report to PBGC, **10:54**  
 Restorations, **10:57**  
 Rulings, **10:10, 10:29, 10:56**  
 Single employer plans, **10:44 to 10:49**  
 Single employer program guaranteed  
 benefits, **10:40**  
 Standard terminations, **10:45**  
 State regulatory activities, **10:62**  
 Statutory authority, **10:3, 10:19, 10:36**  
 Subpoenas, **10:12**  
 Tax litigation, employee plans, **10:33**  
 Termination and insolvency, **10:43 to**  
**10:50**  
 Trusteeship functions, **10:57**  
 Variances, **10:9, 10:28**

**GROUP HEALTH PLANS**

Benefits related litigation, **12:15 to**  
**12:17**

**GUARANTEED BENEFITS**

Government, **10:39 to 10:41**

**GUIDANCE**

Government, **10:10**

**HEALTH CARE COST  
 MANAGEMENT**

Benefits related litigation, **12:25**

**HEALTH CARE LAWS**

State laws, **13:40**

**HEALTH CARE PLANS**

Federal laws, **13:19**

**HIPAA**

Benefits related litigation, **12:15 to**  
**12:17**

**IDENTIFYING COFIDUCIARIES**

Cofiduciaries, **4:3 to 4:5**

## INDEX

### **IMPLEMENTATION AND FOLLOW-UP**

Limiting liability exposure, **6:15**

### **INDEMNIFICATION**

Benefits related litigation, **12:40**  
Limiting liability exposure, **6:11 to 6:13**  
Remedies and liabilities, **5:23**  
Representing parties, **9:12**

### **INDEPENDENT ADVISORS**

Standards of conduct and related duties, **3:35**

### **INDUSTRY EXEMPTIONS**

Benefits related litigation, **12:9**

### **INFORMAL COMMUNICATIONS**

Benefits related litigation, **12:46**

### **INJUNCTIVE RELIEF**

Remedies and liabilities, **5:10**

### **INQUIRIES**

Avoiding litigation, **8:6**

### **INSOLVENCY**

Government, **10:43 to 10:50**

### **INSTRUMENTS**

Benefits related litigation, **12:50**

### **INSURANCE**

Cofiduciaries, **4:11**  
Common actors and practices, **7:13, 7:40**  
Limiting liability exposure, **6:7, 6:8**  
Representing parties, **9:12**  
Standards of conduct and related duties, contracts, **3:16**  
State laws, **13:29**

### **INTERFERENCE WITH RIGHTS**

Benefits related litigation, **12:14**

### **INTERNAL REVENUE CODE**

Federal laws, **13:3**

### **INTERPLEADER**

Employee benefits plans litigation, **11:45**

### **INVESTIGATIONS**

Government, **10:11, 10:54**  
Standards of conduct and related duties, **3:26**

### **INVESTMENT COUNSEL**

Cofiduciaries, **4:10**

### **INVESTMENT FUNCTIONS**

Government, **10:58**

### **INVESTMENT MANAGERS**

Cofiduciaries, **4:10**  
Common actors and practices, **7:11**

### **INVOLUNTARY TERMINATIONS**

Government, **10:47, 10:57**

### **JUDGMENTS**

Employee benefits plans litigation, **11:75**

### **JUDICIALLY FASHIONED REMEDIES**

Remedies and liabilities, **5:8**

### **JUDICIAL REVIEW**

Employee benefits plans litigation, **11:47 to 11:55**

### **JURISDICTION**

Employee benefits plans litigation, **11:30 to 11:41**

### **JURY TRIALS**

Employee benefits plans litigation, **11:73**

### **LABOR LAW**

Background and development of benefits, **1:14**

### **LABOR-MANAGEMENT RELATIONS ACT**

Federal laws, **13:5**

### **LABOR RELATIONS**

Benefits related litigation, **12:18**  
Federal laws, **13:4 to 13:6**

### **LACHES**

Employee benefits plans litigation, **11:63**

### **LEGAL COUNSEL**

Common actors and practices, **7:12**

### **LIABILITY**

Government, **10:51, 10:52**  
**Limiting Liability Exposure** (this index)  
**Remedies and Liabilities** (this index)

**LIMITATION ON ACTIONS**

Employee benefits plans litigation,  
**11:56 to 11:63**

**LIMITING LIABILITY EXPOSURE**

Generally, **6:1 to 6:15**  
Act, **6:5**  
Corporate authority, **6:12**  
Delegation of authority, **6:3**  
Exculpation purchase of insurance, **6:7**  
Fiduciary responsibility, **6:4 to 6:13**  
Formal allocation of fiduciary  
responsibility, **6:4 to 6:13**  
Indemnification, **6:11 to 6:13**  
Informal delegation of authority, **6:3**  
Insurance, **6:7, 6:8**  
Multiemployer plans, **6:10**  
Noncorporate authority, **6:13**  
Participant directed accounts, **6:14**  
Plan design, **6:2**  
Plan sponsor indemnification, **6:11 to  
6:13**  
Practical considerations, **6:6**  
Single employer plans, **6:9**  
Sound plan design, implementation and  
follow-up, **6:15**  
Statute, **6:5**

**LITIGATION**

**Avoiding Litigation** (this index)  
**Benefits Related Litigation** (this index)  
**Civil Litigation** (this index)  
Common actors and practices, **7:42**  
**Criminal Matters and Litigation** (this  
index)  
**Employee Benefit Plans Litigation**  
(this index)

**LOANS**

Standards of conduct and related duties,  
**3:12**

**LUMP SUMS**

Common actors and practices, **7:33**

**MAGISTRATE JUDGES**

Employee benefits plans litigation,  
**11:66**

**MANAGED CARE**

Benefits related litigation, **12:25**

**MANAGEMENT OF PLAN ASSETS**

Standards of conduct and related duties,  
**3:25**

**MEETINGS**

Standards of conduct and related duties,  
**3:28**

**MERGERS**

Common actors and practices, **7:44**

**MITIGATION OF DAMAGES**

Remedies and liabilities, **5:26**

**MONETARY RELIEF**

Remedies and liabilities, **5:9**

**MULTIEMPLOYER ISSUES**

Standards of conduct and related duties,  
**3:37**

**MULTIEMPLOYER PLANS**

Benefits related litigation, **12:5 to 12:11**  
Employee benefits plans litigation,  
**11:14**  
Fiduciary responsibility, **2:6**  
Government, **10:50, 10:52**  
Government, significant transactions,  
**10:53**  
Limiting liability exposure, **6:10**

**MULTIEMPLOYER PROGRAM  
GUARANTEED BENEFITS**

Government, **10:41**

**MULTIPARTY WELFARE  
ARRANGEMENTS**

State laws, **13:34**

**MULTIPLE CLAIMANTS**

Representing parties, **9:3**

**MULTIPLE EMPLOYER PLANS**

Fiduciary responsibility, **2:6**

**MULTIPLE EMPLOYER WELFARE  
ARRANGEMENTS**

Benefits related litigation, **12:23**

**NATIONAL LABOR RELATIONS  
ACT**

Federal laws, **13:5**

**NONCORPORATE AUTHORITY**

Limiting liability exposure, **6:13**

**NONFIDUCIARIES**

Remedies and liabilities, **5:20**

## INDEX

### **NONFIDUCIARIES—Cont'd**

Standards of conduct and related duties,  
**3:32**

### **OFFICERS**

Common actors and practices, **7:7**

### **OFFICE SPACE**

Standards of conduct and related duties,  
**3:13**

### **OFFSETS**

Benefits related litigation, **12:31, 12:33**

### **OPERATIONAL PRINCIPLES**

Standards of conduct and related duties,  
**3:22 to 3:30**

### **OPINION LETTERS**

Government, **10:56**

### **ORGANIZATION**

Government, **10:20, 10:37**

### **OUTSIDE SERVICES**

Standards of conduct and related duties,  
**3:13**

### **PARTIAL TERMINATIONS**

Common actors and practices, **7:49**

### **PARTIES**

Fiduciary responsibility, **2:14**  
**Representing Parties** (this index)

### **PENALTIES**

Government, **10:13, 10:32, 10:54**  
Remedies and liabilities, **5:6**

### **PENDENT JURISDICTION**

Benefits related litigation, **12:28**

### **PENSION BENEFIT GUARANTY CORPORATION**

Background and development of  
benefits, **1:10**  
Employee benefits plans litigation,  
**11:24**  
**Government** (this index)

### **PENSION PLANS**

Benefits related litigation, **12:4**  
Common actors and practices, **7:24**  
Fiduciary responsibility, **2:3**

### **PERSONAL JURISDICTION**

Employee benefits plans litigation,  
**11:34**

### **PLAINTIFFS**

Employee benefits plans litigation,  
**11:19 to 11:29, 11:43**

### **PLAN ADMINISTRATION**

Avoiding litigation, **8:4**  
Fiduciary responsibility, **2:11**

### **PLAN ASSETS**

**Allocation of Assets** (this index)  
Remedies and liabilities, **5:24**  
Standards of conduct and related duties,  
**3:25**

### **PLAN COMMUNICATIONS**

Avoiding litigation, **8:5**  
Standards of conduct and related duties,  
**3:23**

### **PLAN CONTROLLED GROUP**

Fiduciary responsibility, **2:11**

### **PLAN DESIGN**

Avoiding litigation, **8:3**  
Common actors and practices, **7:4**  
Limiting liability exposure, **6:2**

### **PLAN MERGERS**

Common actors and practices, **7:47**

### **PLAN REIMBURSEMENT**

Benefits related litigation, **12:30**

### **PLAN RELATED EXPENSES**

Common actors and practices, **7:29**

### **PLAN RESTORATIONS**

Government, **10:48**

### **PLANS ASSETS**

Fiduciary responsibility, **2:10**

### **PLAN SPONSOR**

Fiduciary responsibility, **2:11**  
Limiting liability exposure, indemnifica-  
tion, **6:11 to 6:13**

### **PLAN STATUS REQUIREMENTS**

Standards of conduct and related duties,  
**3:21**

### **PLAN TERMINATION AND INSOLVENCY**

Government, **10:43 to 10:50**

**PRACTICES**

Background and development of benefits, **1:17**

**Common Actors and Practices** (this index)

**PREEMPTION**

Employee benefits plans litigation, **11:35 to 11:38**

**PREGNANCY DISCRIMINATION ACT**

Federal laws, **13:9**

**PREMIUMS**

Government, **10:42**

**PRESENTING CLAIMS**

Avoiding litigation, **8:8**

**PRESUMPTIONS**

Benefits related litigation, **12:41**

**PRIVILEGED COMMUNICATIONS**

Employee benefits plans litigation, **11:70**

Representing parties, **9:13**

**PROCEDURE**

Employee benefits plans litigation, **11:10 to 11:12, 11:54**

Government, obtaining determination letters, **10:24**

**PROFESSIONALS AND PRACTICE**

Background and development of benefits, **1:17**

**PROHIBITED ACTS**

Standards of conduct and related duties, **3:10**

**PROHIBITED TRANSACTIONS**

Government, **10:26**

Standards of conduct and related duties, **3:8 to 3:19**

**PROXY VOTING**

Standards of conduct and related duties, **3:34**

**PRUDENCE**

Standards of conduct and related duties, **3:5**

**PUBLIC WORKS LAWS**

State laws, **13:39**

**PURE FIDUCIARY DISPUTES**

Standards of conduct and related duties, **3:36**

**QUALIFIED STATUS OF PLANS**

Government, **10:23 to 10:25**

**RAILWAY LABOR ACT**

Federal laws, **13:6**

**RECAPTURE OF PAYMENTS**

Government, **10:49**

**RECORDS MAINTENANCE**

Standards of conduct and related duties, **3:29**

**REGULATIONS**

Benefits related litigation, **12:49**

Employee benefits plans litigation, **11:4**

Government, **10:8, 10:29, 10:56**

**REGULATORY ACTIVITIES**

Government, **10:5, 10:21, 10:38**

**RELEASES**

Avoiding litigation, **8:12**

Benefits related litigation, **12:29**

**REMEDIES AND LIABILITIES**

Generally, **5:1 to 5:27**

Causation, **5:21**

Civil enforcement by government, **5:15**

Civil remedies, **5:3 to 5:6**

Cofiduciaries, **4:14, 5:23**

Contempt, **5:27**

Contribution, **5:23**

Criminal, **5:7**

Declaratory relief, **5:10**

Employee benefits plans litigation, **11:74**

Extracontractual damages, **5:13**

Fiduciaries

acting on behalf of entire plan, **5:18**

acting with respect to plan

participants or beneficiaries, **5:19**

removal, **5:11**

Government civil enforcement, **5:15**

Indemnification, **5:23**

Injunctive relief, **5:10**

Judicially fashioned liabilities, **5:5 to 5:14**

Judicially fashioned remedies, **5:8**

Mitigation of damages, **5:26**

## INDEX

### REMEDIES AND LIABILITIES

#### —Cont'd

- Monetary relief, **5:9**
- Nature of liability, **5:22**
- Nonfiduciaries, **5:20**
- Participants, on behalf of, **5:17**
- Penalties, **5:6**
- Plan, on behalf of, **5:16**
- Plan assets, **5:24**
- Removal of fiduciary, **5:11**
- Rescission of transaction, **5:12**
- Section 409, **5:5**
- Section 502, **5:4**
- Statutory provisions, **5:2 to 5:7**
- Survival of liability, **5:25**
- Unjust enrichment, **5:14**

### REMOVAL FROM STATE COURT

- Employee benefits plans litigation, **11:46**

### REPORTING

- Government, **10:14, 10:31, 10:54**

### REPRESENTING PARTIES

- Generally, **9:1 to 9:13**
- Assessing nature of claim, **9:10**
- Attorney's fees, **9:6**
- Costs of litigating claims, **9:5**
- Engagement letters, **9:4**
- Expedited claims, **9:7**
- Indemnification, **9:12**
- Insurance, **9:12**
- Moving cases forward, **9:8**
- Multiple claimants, **9:3**
- Parties, **9:11**
- Privileged communication, **9:13**
- Single claimants, **9:3**

### REQUESTING FEES AND COSTS

- Employee benefits plans litigation, **11:81**

### RESCISSION OF TRANSACTION

- Remedies and liabilities, **5:12**

### RES JUDICATA

- Employee benefits plans litigation, **11:75**

### RESPONDING TO CLAIMS

- Avoiding litigation, **8:9**

### RESPONSIVE PLEADINGS

- Employee benefits plans litigation, **11:65**

### RESTORATIONS

- Government, **10:57**

### RETIREE BENEFITS

- Benefits related litigation, **12:44**

### RETIREMENT WINDOW PROGRAMS

- Benefits related litigation, **12:45**

### RETROACTIVE CHANGES

- Benefits related litigation, **12:37**

### RICO

- Federal laws, **13:15**

### ROLLOVERS

- Common actors and practices, **7:37**

### RULINGS

- Government, **10:10, 10:29, 10:56**

### SALE OF ASSETS

- Benefits related litigation, **12:8**

### SAVINGS CLAUSE

- State laws, **13:28 to 13:31**

### SECTION 409

- Remedies and liabilities, **5:5**

### SECTION 502

- Remedies and liabilities, **5:4**

### SECTION 502(C) DISCLOSURE PENALTIES

- Benefits related litigation, **12:39**

### SECURITIES LAWS

- Federal laws, **13:16**
- State laws, **13:31**

### SERVICE OF PROCESS

- Employee benefits plans litigation, **11:34**

### SERVICE PROVIDERS

- Benefits related litigation, **12:30**
- Cofiduciaries, **4:6 to 4:12**

### SETTLEMENTS

- Avoiding litigation, **8:12**
- Benefits related litigation, **12:29**

**SEVERANCE PAY**

Benefits related litigation, **12:42, 12:43**

**SINGLE CLAIMANTS**

Representing parties, **9:3**

**SINGLE EMPLOYER PLANS**

Fiduciary responsibility, **2:6**  
 Government, **10:44 to 10:49**  
 Limiting liability exposure, **6:9**

**SINGLE EMPLOYER PROGRAM  
 GUARANTEED BENEFITS**

Government, **10:40**

**SOCIAL INVESTING**

Standards of conduct and related duties,  
**3:39**

**SOCIAL SECURITY ACT**

Federal laws, **13:20**

**SOFT DOLLARS**

Standards of conduct and related duties,  
**3:41**

**SOUND PLAN DESIGN**

Limiting liability exposure, **6:15**

**SPINOFFS**

Common actors and practices, **7:47**

**SPOUSAL RIGHTS**

Benefits related litigation, **12:47**

**STANDARDS**

Government, practitioner standards and  
 penalties, **10:32**

**STANDARDS OF CONDUCT AND  
 RELATED DUTIES**

Generally, **3:1 to 3:43**  
 Administrative exemptions, **3:19**  
 Ancillary bank services, **3:17**  
     other statutory exemptions, **3:18**  
 Banks, **3:15, 3:17**  
 Benefit claim disputes, **3:36**  
 Classes of participants and beneficiaries  
     within single plan, **3:37**  
 Collectively bargained plans, **3:38**  
 Compliance with governing documents,  
**3:7**  
 Consultation with advisors, **3:27**  
 Delegates selection and performance,  
**3:30**  
 Delivery of promised benefits, **3:24**

**STANDARDS OF CONDUCT AND  
 RELATED DUTIES—Cont'd**

Deposits in banks, **3:15**  
 Diligence, **3:5**  
 Disparate treatment, **3:37**  
 Disputes, **3:36**  
 Diversification, **3:6**  
 Dual loyalties, **3:35**  
 Duties allocation, **3:33**  
 Elements of prohibited transactions, **3:9**  
 ESOPs, **3:14, 3:43**  
 Exclusive purpose, **3:4**  
 Exemptions, **3:20**  
     administrative, **3:19**  
     rules, **3:20**  
     statutory, **3:11 to 3:18**  
 Fiduciary requirements, applicability of,  
**3:2**  
 General standards of conduct, **3:3 to 3:7**  
 Independent advisors, **3:35**  
 Insurance contracts, **3:16**  
 Investigation of facts and circumstances,  
**3:26**  
 Loans, **3:12**  
 Management of plan assets, **3:25**  
 Meetings, **3:28**  
 Miscellaneous fiduciary issues, **3:31**  
 Multiemployer issues, **3:37**  
 Nonfiduciary decisions and conduct,  
**3:32**  
 Office space, **3:13**  
 Operational principles, **3:22 to 3:30**  
 Outside services, **3:13**  
 Plan assets, **3:25**  
 Plan communications, **3:23**  
 Plan status requirements, **3:21**  
 Prohibited acts, **3:10**  
 Prohibited transactions, **3:8 to 3:19**  
 Proxy voting, **3:34**  
 Prudence, **3:5**  
 Pure fiduciary disputes, **3:36**  
 Records maintenance, **3:29**  
 Rules of exemption, **3:20**  
 Social investing, **3:39**  
 Soft dollars, **3:41**  
 Statutory exemptions, **3:11 to 3:18**  
 Statutory requirements, **3:21**  
 Tender offers, **3:42**

**STANDARD TERMINATIONS**

Government, **10:45**

## INDEX

### STATE LAWS

- Generally, **13:26 to 13:45**
- Banking, **13:30**
- Commercial practices laws, **13:44**
- Construction laws, **13:39**
- Consumer practices laws, **13:44**
- Corporation laws, **13:41**
- Creditor's rights and property laws, **13:36**
- Criminal laws, **13:33**
- Disability, **13:27**
- Domestic relations laws, **13:35**
- Employment discrimination, **13:37**
- ERISA deemer clause, **13:32**
- Garnishment, **13:36**
- Health care laws, **13:40**
- Insurance, **13:29**
- Multi-party welfare arrangements, **13:34**
- Other state laws, **13:45**
- Prevailing wage, **13:39**
- Public works laws, **13:39**
- Savings clause, **13:28 to 13:31**
- Securities laws, **13:31**
- Tax laws, **13:42**
- Unemployment compensation, **13:27**
- Wage payment and collection acts, **13:38**
- Workers' compensation, **13:27**
- Wrongful death laws, **13:43**
- Wrongful discharge, **13:37**

### STATE REGULATORY ACTIVITIES

- Government, **10:62**

### STATUTORY AUTHORITY

- Government, **10:3, 10:19, 10:36**

### STATUTORY EXEMPTIONS

- Standards of conduct and related duties, **3:11 to 3:18**

### STATUTORY MANDATE

- Cofiduciaries, **4:2**

### STATUTORY PROVISIONS

- Employee benefits plans litigation, **11:40, 11:78**
- Remedies and liabilities, **5:2 to 5:7**

### STATUTORY REQUIREMENTS

- Basic statutory requirements for ERISA plans, **3:21**

### STATUTORY REQUIREMENTS

#### —Cont'd

- Standards of conduct and related duties, **3:21**

### SUBJECT MATTER JURISDICTION

- Employee benefits plans litigation, **11:31 to 11:33**

### SUBPOENAS

- Employee benefits plans litigation, **11:34**
- Government, **10:12**

### SUBROGATION RIGHTS

- Benefits related litigation, **12:30**

### SUMMARY JUDGMENT

- Employee benefits plans litigation, **11:72**

### SUMMARY PLAN DESCRIPTIONS

- Benefits related litigation, **12:38**

### SUPPLEMENTAL JURISDICTION

- Benefits related litigation, **12:28**

### SURPLUS PLAN ASSETS

- Common actors and practices, **7:46**

### TAXES

- Benefits related litigation, **12:20**
- Common actors and practices, withholding and payroll taxes, **7:36**
- Government, **10:33**
- State laws, **13:42**

### TENDER OFFERS

- Standards of conduct and related duties, **3:42**

### TERMINATION

- Common actors and practices, **7:48 to 7:50**
- Government, **10:43 to 10:50**

### THIRD PARTY ADMINISTRATOR

- Common actors and practices, **7:17**

### THREATENED LITIGATION

- Avoiding litigation, **8:10**

### TITLE IV

- Employee benefits plans litigation, **11:59**

### TITLE VII

- Federal laws, **13:8**

**TOLLING OF LIMITATIONS PERIOD**

Employee benefits plans litigation,  
**11:61**

**TOP HAT PLANS**

Fiduciary responsibility, **2:4**

**TRANSFERS OF ASSETS**

Common actors and practices, **7:47**

**TRUSTEES**

Cofiduciaries, **4:10**

Common actors and practices, **7:9**

**TRUSTEESHIP FUNCTIONS**

Government, **10:57**

**TRUST LAW**

Background and development of  
benefits, **1:12**

**UNEMPLOYMENT COMPENSATION**

State laws, **13:27**

**UNIONS**

Employee benefits plans litigation,  
**11:26**

**UNJUST ENRICHMENT**

Remedies and liabilities, **5:14**

**USERRA**

Federal laws, **13:14**

**VARIANCES**

Government, **10:9, 10:28**

**VENUE**

Employee benefits plans litigation,  
**11:39 to 11:41**

**VETERANS RIGHTS LAWS**

Federal laws, **13:14**

**WAGE LAWS**

State laws, **13:39**

**WAGE PAYMENT AND  
COLLECTION ACTS**

State laws, **13:38**

**WAIVERS**

Avoiding litigation, **8:12**

Benefits related litigation, **12:29**

**WELFARE PLANS**

Benefits related litigation, **12:4**

Common actors and practices, minimum  
standards, **7:23**

Fiduciary responsibility, **2:5**

**WITHDRAWAL LIABILITY**

Benefits related litigation, **12:7 to 12:13**

**WORKER ADJUSTMENT AND  
RETRAINING NOTIFICATION  
ACT (WARN)**

Federal laws, **13:22**

**WORKERS' COMPENSATION**

State laws, **13:27**

**WRONGFUL DEATH LAWS**

State laws, **13:43**

**WRONGFUL DISCHARGE**

State laws, **13:37**