



# ERISA Fiduciary Answer Book

*Tess J. Ferrara*

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## **ERISA Fiduciary Answer Book** Tess J. Ferrara

Be aware of your fiduciary responsibilities and how to handle them safely with ***ERISA Fiduciary Answer Book***.

This expert reference book clearly explains every aspect of ERISA fiduciary duty, providing information, guidance, and advice on prohibited transactions, investments, fiduciary liability, IRS, DOL, and PBGC requirements, and more.

It answers more than 400 fiduciary-related questions, including:

- When are attorneys, accountants, consultants, and other professional service providers considered plan fiduciaries? What laws govern the conduct of fiduciaries?
- When is a fiduciary personally liable for a transaction prohibited by ERISA or the Internal Revenue Code?
- May a plan release a fiduciary from liability?
- What is the legal distinction between "substantive prudence" and "procedural prudence"?
- May a fiduciary face criminal liability for a breach of fiduciary duty?

***ERISA Fiduciary Answer Book*** has been updated to include:

- Update of the discussion on fiduciary status of custodians that handle plan assets
- Update on the trend away from finding trustees of Taft-Hartley funds to be fiduciaries when they perform a traditional settlor function
- Update on the fiduciary obligations of directed trustees
- Update on fiduciary status of insurance companies
- Discussion of the fiduciary status of an insurance company that maintained retained-asset accounts (RAAs) for life insurance beneficiaries
- Update on developing issues concerning a fiduciary's duty of loyalty
- Update on the fiduciary obligation to diversify investments
- A discussion of health care reform and multiemployer plans
- Update on equitable remedies under ERISA Section 502(a)(3) after the U.S. Supreme Court's ruling in *CIGNA Corp. v. Amara*. [131 S. Ct. 1866, 1871 (2011)]
- New developments under ERISA's anti-kickback provision
- Update on attorneys' fees awards under ERISA
- Update on new developments in the Moench presumption
- DOL guidance on fiduciary obligations in connection with target date funds
- Update on the fiduciary status of employers participating in Taft-Hartley funds
- Update on who is an employee in connection with Taft-Hartley funds

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