

## **ERISA & Employee Benefits**

Bullivant's Employee Benefits practice understands that employee benefit plans can be complex and subject to many federal and state regulatory requirements. As employers increasingly seek to provide attractive and competitive benefit packages to their employees, they often find the governing of such plans to be overwhelming. Bullivant works with clients to provide timely, cost-effective advice and strategies for keeping benefit plans in compliance with the applicable laws, while at the same time remaining sensitive to our clients' goals and concerns with respect to structuring and administering their plans.

In addition to helping our clients ensure that their plans remain compliant, our benefits attorneys have substantial experience defending plans, plan administrators, and insurers from claims for benefits or breach of fiduciary duty.

Our Employee Benefits Group is fortunate to count many of the top life, health, and disability insurers as our clients. In addition to representing them in court on benefit claims, our attorneys provide guidance with respect to specific state insurance laws and regulations, assist in responding to Department of Labor subpoenas and Department of Insurance requests, provide representation in administrative hearings, and assist with legislative issues impacting our clients' interests.

Our attorneys are nationally-recognized speakers and contributing authors concerning cutting-edge and emerging issues in benefits law. We regularly provide our clients with information concerning changes in the law and help them identify aspects of their plan documents or plan administration which require attention.

Our employee benefits attorneys provide a variety of services, including:

### **Plan Counsel**

- Serving as counsel to Taft-Hartley plans
- Defending litigation against single employer plans
- Assisting MEWAS and association plans in navigating legislative changes to the Insurance Code

### **Regulatory and Transactional Advice**

- Advising qualified plans, such as defined benefit and defined contribution plans
- Assisting plan trustees in fulfilling their roles as fiduciaries
- Revising and updating plan documents to reflect legislative or regulatory changes
- Preparing plan documents and Summary Plan Descriptions
- Assisting plan sponsors and administrators in complying with HIPAA, COBRA, and USERRA requirements
- Assisting in the administration of Qualified Domestic Relations Orders (QDROs)

### **Litigation and Representation before Agencies**

- Defending plan sponsors, administrators, and claims administrators from ERISA benefits claims in state and federal court
- Representing insurers before the Department of Insurance
- Instituting actions for interpleader or for declaratory relief when necessary to clarify the insurer's legal obligation under the policy and minimize duplicative litigation

### **Executive Compensation Plans, ESOPs, Fringe Benefit Programs**

- Negotiating and drafting executive compensation plans
- Assisting employers in setting up Employee Stock Option Plans and ensuring that the project remains feasible and compliant with ERISA and IRS regulations
- Helping clients identify and coordinate fringe benefit programs

