

Seventh Annual Pension and Employee Benefits (ERISA Scholars) Conference
April 13, 2018
University of Oklahoma College of Law
Norman, Oklahoma

Final Program and Schedule

Thursday, April 12

- All day University of Oklahoma rides or prepaid Airport Express shuttles to the Embassy Suites Hotel (and Holiday Inn Express across the street)
- 5:30—7:00 pm Join us for a visit to the University of Oklahoma Fred Jones Jr. Museum of Art <https://www.ou.edu/fjjma.html>. (From 5:30—6:30 pm, a docent will show us the [Weitzenhoffer Collection of French Impressionism](#), and the Native American jewelry and art collections.)
- 6:45—7:00 pm University of Oklahoma supplied taxis from the museum (and also from the hotels) to dinner (and later back to the hotels)
- 7:00~9:30 pm Dinner at Benvenuti's, 105 W. Main St. Norman, OK 73069, (405) 310-5271, <http://www.benvenutisristorante.com/#artful-understated-dining>, and shuttles back to the hotels
- 9:30 pm Retire to Embassy Suites Hotel lobby for additional beverages

Friday, April 13

- 7:30 am University of Oklahoma shuttles from the Embassy Suites Hotel to the College of Law (shuttles at 7:30/7:45/8:15 am)
- 8:00—8:30 am Buffet Breakfast— [Dick Bell Courtroom](#)
- 8:30—8:45 am Opening remarks: **Dean Joseph Harroz, Jr.**, <http://www.law.ou.edu/directory/dean-joseph-harroz-jr>
- Conference Overview: **Professor Don Bogan & Professor Jon Forman**
- 8:45—9:15 am **An International Perspective**—Dick Bell Courtroom
- Yves Stevens** (University of Leuven Faculty of Law, Belgium), *The Americanization of European pension policy: An analysis of recent pension policies in Europe from an American perspective*

9:15–9:20 am Group Photograph, Dick Bell Courtroom

9:20–10:20 am **Panel 1—ERISA Remedies**

Maria O’Brien Hylton (Boston University School of Law), *The Future of ERISA’s Church Plan Exemption After Health Advocates: Time to Abolish the Exemption or Opt for Robust State Law Contract Remedies*

Norman P. Stein (“Norm”) (Drexel University Thomas R. Kline School of Law), *Recoupment*

10:20–10:30 am Break

10:30–11:50 am **Panel 2—New Solutions?**

Kathryn L. Moore (“Kathy”) (University of Kentucky College of Law), *State Automatic Enrollment IRAs after the Trump Election: Are They Preempted by ERISA*

David Pratt (Albany Law School), *The American Healthcare System at the Crossroads*

Natalya Shnitser (Boston College Law School), *The Merits of Multiple Employer Plans: An Empirical Assessment*

11:50 am–noon Break, and please make your way to the Earl M. Sneed Faculty Lounge

noon–1:00 pm **Lunch and Keynote address**—Earl M. Sneed Faculty Lounge: Misal of India & Ray’s Smokehouse BBQ

~12:10 pm start **Susan Harthill**, Deputy Solicitor for National Operations, Office of the Solicitor, U.S. Department of Labor, https://www.dol.gov/sol/people/office_leadership.htm, *Remarks from the Solicitor’s Office (with a focus on cases)*

1:00–1:15 pm Break

Please make you way back to the Dick Bell Courtroom.

1:15–1:40 pm **Panel 3—Speed-dating Panel 1**

(Strictly–enforced rules: volunteers can have exactly 5 minutes to outline a current research topic or concern, plus up to 3 minutes for reactions.

Alternatively, volunteers can propose a hot topic and lead an 8-minute discussion.)

Israel Goldowitz (“Izzy”) (Chief Counsel, Pension Benefit Guaranty Corporation) will lead our discussion on: *How to Save Multiemployer Plans*.

Mark D. DeBofsky (DeBofsky Sherman & Casciari P.C., Chicago), *ERISA Disability benefit regulations*, <https://www.debofsky.com/blog/2018/03/the-5th-circuit-finally-gets-de-novo-review-right-somewhat.shtml>

Discussion on: *The Future of the Fiduciary Rule: Is there a split in the circuits?* (See, e.g., *Chamber of Commerce of the U.S.A., et al. v. U.S. Dep’t of Labor, et al.*, No. 17-10238, slip op. 46 (5th Cir. Mar. 15, 2018), <http://www.ca5.uscourts.gov/opinions/pub/17/17-10238-CV0.pdf>).

1:40–1:50

Break

1:50–2:50 pm

Panel 4—Technical Issues

Barry Kozak (October Three Consulting LLC, Chicago), *Now is the Time for Employers to Think About a Single Plan Document that Contains the Advantages of a Defined Benefit Plan and the Advantages of a 401(k) Plan*

Peter Wiedenbeck (Washington University School of Law), *Refining Mandated Disclosure*

2:50–3:00 pm

Break (warm Insomnia Cookies)

3:00–4:30 pm

Panel 5—Fiduciary Issues

Colleen E. Medill (University of Nebraska College of Law), *Implementing Amara Equitable Remedies*

John Turner (Pension Policy Center), *Fees and the SEC Fiduciary Standard: Implications of Behavioral Economics for Public Policy*

James A. Wooten (“Jim”) (State University of New York at Buffalo School of Law), *Enforcement of Forum-Selection Clauses under ERISA*

4:30–4:40 pm

Break

4:40–4:56 pm

Panel 6—Speed-dating Panel 2

(Strictly–enforced rules: volunteers can have exactly 5 minutes to outline a current research topic or concern, plus up to 3 minutes for reactions. Alternatively, volunteers can propose a hot topic and lead an 8-minute discussion.)

Donald T. Bogan (“Don”) (University of Oklahoma College of Law),
*Congress declared that an ERISA plan can sue and be sued as an entity—
does that language make the plan a juristic person?*

Jonathan Barry Forman (“Jon”) (University of Oklahoma College of
Law), *Fully Funded Pensions*

5:00–5:15 pm

University of Oklahoma supplied shuttles to hotels

6:15 pm

Shuttles to dinner from Embassy Suites Hotel

6:30 pm

Dinner at Sweet Basil Thai, 211 W. Main St., Norman OK, 73069
405- 217-84254, <http://sweetbasilnorman.com/>

Then, shuttle back to the hotels, or Norman’s monthly downtown Art
Walk and then catch the shuttle back to hotels

Saturday, April 14

University of Oklahoma prepaid Airport Express shuttles to airport/
possible tourist attraction for those who remain, to be arranged

8:30 am

Breakfast at the Embassy Suites Hotel

Other expected participants include:

Sean M. Anderson (University of Illinois College of Law)

Susan E. Cancelosi (Wayne State University Law School)