



THE WAGNER LAW GROUP

Independent Fiduciary Services

Our Expertise

When engaged as an independent fiduciary, The Wagner Law Group formally assumes and acknowledges its role as an ERISA “fiduciary” to an ERISA-covered plan, and maintains ERISA fiduciary insurance specially written for this purpose.

The courts, the U.S. Department of Labor and private parties to ERISA-governed transactions have long recognized the importance of, and need for, an independent fiduciary to address conflicts; serve the applicable ERISA plan when other fiduciaries are unavailable; satisfy a condition of a prohibited transaction exemption; or simply add a level of independent review and protection for the ERISA plan and its participants.

The Wagner Law Group may assume the role of a plan administrator to an ERISA-covered plan when it is serving as independent fiduciary, allowing plans to continue to serve participants in the event the plan sponsor or other fiduciary is unable to serve or has a conflict of interest. The Wagner Law Group may assume other roles as the independent fiduciary as well, such as:

- Managing all investment decisions around the investment in or offering of employer securities as an investment option, or a unitized employer securities fund, for both publicly held and private companies
- Representing the plan or plan fiduciary in the event of a corporate merger or acquisition, sale, or bankruptcy proceeding
- Representing the plan in the event of class action law suit or litigation settlements
- Representing the plan in an ESOP transaction
- Providing independent fiduciary approval as a condition of a class or individually granted Prohibited Transaction Exemption
- Providing independent fiduciary approval for investment transactions involving affiliated buyer and seller, and other plan investment matters



Super Lawyers



- Addressing matters involving plan administration, service provider selection and retention, annuity purchases, beneficiary appeals, regulatory filings, and underfunded pension liability management
- Acting as independent fiduciary on behalf of a participants of a terminated ESOP in the winding down and approval of compensation matters and distribution of sales proceeds.
- Serving as the independent fiduciary for a consortium of Taft-Hartley welfare funds with over 500,000 participants on the selection and monitoring of certain programs.
- Serving as the independent fiduciary on behalf of a Taft-Hartley fund with regard to the purchase of real property and rendering of an Independent Fiduciary report to the Department of Labor as part of an application for a prohibited transaction exemption.

The Wagner Law Group has significant experience as an independent fiduciary in many other matters, including the following:

- Acting as the court-appointed independent fiduciary for several “orphan” ERISA plans, working closely with the Department of Labor to resolve all outstanding compliance issues and to administer the orphan plans in lieu of the plan sponsor
- Serving as the Bankruptcy Court-appointed independent fiduciary for companies undergoing bankruptcy, and corporate reorganization.

A sample of some of the specific retirement plans to which The Wagner Law Group has served as independent fiduciary include:

- Taft-Hartley Plans
 - Retained individually by a consortium of 32 Taft-Hartley plans with over 500,000 participants
 - Retained by a Taft-Hartley plan with over 3,000 participants
- Genuity Corporation Savings Plan
- Lauriat’s, Inc. Retirement Plan and Trust
- Trust Group, Inc. Profit Sharing Plan
- Logan Healthcare Management Group 401(k) Plan
- J. Biotti, Inc. 401(k) Plan
- Ambiance 401(k) Retirement Plan
- Reid & Priest Defined Benefit Pension Plan for Staff Employees
- Thelen LLP 401(k) Plan

- Thelen LLP Cash Balance Plan
- World Health Alternatives Health and Welfare Benefits Plan Single Employer Welfare Benefit Plan Trust (“SEWBPT”)
- The Regional Employers Assurance League Voluntary Employees’ Beneficiary Association Trust (“REAL VEBA”) (U.S. Department of Labor v. Koresko).

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