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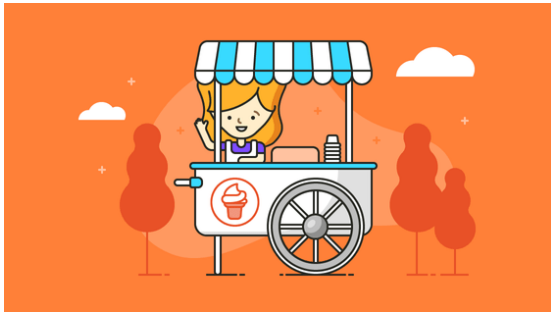


THE ROSENBAUM LAW FIRM P.C.

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Big Concepts That 401(k) Plan Providers Forget About.



Whether it was working for others or working for charitable organizations, it seems that there is a culture out there that seems to forget why these businesses and organizations exist. Culture is hard to change because culture and tone are set by the top. It's amazing what people will forget and it's amazing what plan providers forget in dealing with their business, with their clients, and other plan providers.

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DOL Rules at risk under Biden.

With a President Joe Biden in January, expect some major changes with the Department of Labor.

However, there might be a race with certain rules. Any rules that have not been published in their final version in the Federal Register within 60 days of the inauguration, which is scheduled for Jan. 20, can be reversed by Congress and the Biden administration can freeze progress on any proposed rules that have not been finalized.



The DOL's finalized rule, which targets the use of ESG funds in retirement plan investments, would require a lengthy rulemaking process to reverse. Assume that the current DOL will race against the clock to finalize the proxy voting and investment advice rules. Assume if the new,

new fiduciary rule isn't finalized, a Biden administration will try a new fiduciary rule of their own.

Biden won't get what he wants on deferrals



Articles about presidential nominees and their 401(k) proposals are always amusing because all they are, are proposals. Political reality always gets in the way of proposals.

There was much discussion that Joe Biden would try to jettison salary deferrals in favor of some type of tax credit.

Thanks to Republican gains in the house and likely control of the senate, it's unlikely that Biden could get that proposal off the ground.

Expect any changes through a Biden controlled Department of Labor that may issue a stronger fiduciary rule and the likely end of that ESG investing proposal.

It's not 1980 anymore

I was a volunteer and officer for an organization where I stated that the leadership (not including me) was stuck in 1980.

What it meant was that this leadership couldn't adjust to the current age when it came to recruiting new members and raising contributions. What worked well 40 years ago doesn't mean it will work today.

I worked for a law firm that acted as if time stood still. I tried to use social media to generate discussions that would help me net clients, but the Managing Attorney didn't get it even though her husband was doing the very same thing for his own law practice.



The point here is that the retirement plan business continues to evolve. Retirement plan rules change; the attitudes of plan sponsors change. The opportunity to get new clients changes. You need to be open to what's new out there and determine what will work and what still works.

By the way, the best thing to happen in 1980 was the U.S. Olympic Hockey Team. Thank you.

Starting From Nothing



I always talk about my frustrating experience at a certain semi-prestigious Long Island law firm (sorry, Lois). I do it partly to rub my success in their noses because they never had faith in me, but mostly

because the way I market myself now is the way I wanted to market myself back there. I could have been a star there, I could have been a contender, I could have been somebody, instead of the bum associate attorney I became.

When I was there, I wanted to use Twitter, I wanted to use Facebook, and I wanted to constantly post articles and blog messages. The bureaucracy of the law firm wouldn't allow it. Social media was accused of the advertising committee of one of being barred by the legal advertising rules and I had a six-month wait on the publication of my articles because 3 partners had to approve my article before publication and the marketing department was bogged down in producing articles written by the law firm administrator that served no purpose other than his own. Since I made comments about this abuse of resources, this law firm administrator's article output was whittled to nothing before he jumped ship.

My message was to offer an ERISA practice that would be available for the small to medium-sized plans that thought they couldn't afford an ERISA attorney with fees on par with what the legal department at a TPA would charge, with the added benefit of an attorney-client relationship. My articles were going to try to help plan providers recruit and maintain clients, which would open a dialogue with these providers with the hopes I'd get clients through referrals by these providers. Since plan sponsors and plan providers were wary of the never-ending possibility of being billed to death by the billable hour, I was going to charge a flat fee.

One of the ideas I had was that I was going to make a run at the clients of the old TPA I worked at. When I left that TPA, I was replaced by two attorneys and a paralegal (perhaps why a few TPAs have outsourced their legal department to my practice, cost-effective is my middle name). So when my old TPA was charging \$600 for the Section 415 amendment back in 2010, I was going to charge \$300. The only problem is that the advertising committee wouldn't let me say \$300. For some reason, I had to say I'd do it in a cost-effective manner. After contacting 750 of my old clients, I think I got 1 through this approach. 7 years later, I still think what would have happened had I been able to use \$300 in the solicitation letter.

So enough of my life story, It's in my book. As any plan provider, you need to find a message as to why anyone would hire you. Saying you're cheaper or how the other provider isn't going to cut it. If you are a financial advisor, the message is about offering value, how your services will help a plan sponsor's retirement plan, minimize their liability, and improve the retirement outlook of the plan's participants. If you are a TPA, it's how you facilitate the plan's administration, eliminate the potential pitfalls of plan sponsor's fiduciary liability, and plan design that can help a plan sponsor maximize contributions to certain employees while making the required minimum contributions to the rank and file.

Like ERISA attorneys, plan providers are a dime a dozen. You need to stand out among the crowd and it's all about identifying a message that can help explain your services to potential clients and why you should be hired among the crowd. Hopefully, you'll have better luck in getting your message out that I did those years ago at that law firm.

Sign Up For A Bunch Of Virtual Events.



We know that while many of you are working from home, many of you crave content to help your practice and so many national events have to be cancelled.

So we've decided to take what we have done with the National and Regional events with an online virtual event that is free of charge. Just no lunch, stadium tour, and athlete appearances.

Please join me for the ninth edition of That 401(k) Virtual Conference on Friday, December 18th at Noon EST. Since many of us are returning to the office, this event will be shorter in duration. Recordings of the webinar will be available on demand afterwards. Both the live and recorded events will be free.

To sign up for the event, click [here](#).



Sign Up For That 401(k) National Virtual Conference

While the inaugural That 401(k) National Conference this past March at Disney World was a lot of fun, it was the last major 401(k)

industry event before the COVID-19 turned our world upside down.

Whether the pandemic will abate by 2021 or not, the fact is that business travel is going to be curtailed by many plan providers for the foreseeable future. Thanks to the success of That 401(k)



Virtual Conference, it is a no brainer to host an online-only edition of That 401(k) National Virtual Conference Thursday-Friday, January 21-22, 2021.

This virtual event will have it all: great presentations to help grow your 401(k) business and a couple of celebrity guests.

Guest for Day One is New York Knick Legend Walt Frazier.
Guest for Day Two is New York Mets Legend Dwight Gooden.

Former Ted Cruz For President National Spokesman and MNBC Commentator Ron Nehring speaks on Day One on what a Biden White House looks like.

The Retireholi(k)s appear on Day Two.

Attending the event for two days will start with a fee of \$33.33. There will be a VIP admission for anyone wanting autographs from our celebrity guests.

To sign up for the event or get more information, click [here](#).

For information on sponsoring the event, click [here](#).



401(k) Virtual Bunch is our interactive 45 minute Zoom meeting has been a lot of fun in talking with different plan providers on the topic of the day.

The next Virtual Bunch will be Thursday, December 17th, at 4pm EST with guest Dan Harding from WealthPrime. To sign up, click [here](#)

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