

THE
ROSENBAUM
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THE LAW FIRM REVIEW
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Professionals

The Problems And Perils In Changing Your 401(k) TPA

I hate moving and I've only had to do it a handful of times in my life. I've always said that moving can be a traumatic experience. Packing away items over time isn't any fun, as well as the need for paring things done. It's also not fun when you make the move and have to unpack. When you change third-party administrators (TPAs), it's like moving and it can be traumatic. This article is all about the TPA change, which involves a conversion process that can start a whole host of problems for you as a plan sponsor.

To read the article, please click [here](#).



Lame Plan Sponsor Excuses On Why They Don't Care About Their Retirement Plan



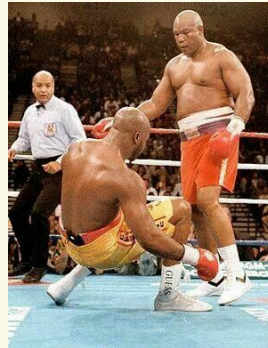
As an ERISA attorney with a national practice of plan sponsor and retirement plan provider clients (cheap plug here), I hear so many excuses as to why plan sponsors don't want to take a look at their retirement plan. There are tons of excuses that they tell their current or prospective plan provider why there is no need to look at their retirement plan and these excuses are nonsensical when you look at the heap of trouble a plan sponsor can be in if they don't take care of their retirement plan. So this article is about plan sponsor excuses why they don't take a look at their retirement plan and why those excuses are lame.

To read the article, please click [here](#).

It Happened! Weird Things That Have Happened To 401(k) Plans

I'm a big boxing fan and one of my favorite fights of all time is when George Foreman regained the heavyweight title at age 45 by knocking out Michael Moorer in the 10th round. Jim Lampley who was announcing for HBO and worked with Foreman on so many broadcasts, was in shock when he proclaimed: "it happened, it happened." Having been an ERISA for 22 years, I have thought I'd seen it all until I see something again that I'm shocked by. Here are some examples of some strange things that can happen and have happened to other 401(k) plan sponsors as a warning to you.

To read the article, please click [here](#).



Best defense is good procedures and following them



Having a great 401(k) plan doesn't mean that a former participant won't sue you or the government won't audit you. The reason is that you have no control over what other people may do.

The best defense isn't a great offense. The best defense is developing fundamental fiduciary procedures and following them. Review fees, reviewing investments, and implementing prudent policies and following them is what you need to do.

From a certain point of legal view

There are two types of ERISA attorney, those that work for a plan provider and those that don't. Many ERISA attorneys haven't had the luxury that I have, by having experience doing both.

Being in my own practice, my allegiance is to my clients and no one else. I will offer them the solutions that are for their benefit and the benefit of plan participants. When I worked for a third-party administrator (TPA), I cared about the clients, but my allegiance was to the people signing my paycheck. So much of my job working for TPAs was putting out fires that our administrators caused. I had to keep the clients happy, but also protect our interests.



When a plan sponsor has trouble with the plan due to errors by the TPA, the TPA attorney will try to fix things, but as minimally as they can. The reason is they are trying to protect the TPA. They may suggest that errors can be self-directed, even though the guidance out there says that they can't. Legal opinions do depend on a certain point of view.

Check out That 401(k) Podcast

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The podcast you should listen to if you have the time, as well as YouTube videos.

Please check out That 401(k) Podcast. We tackle important 401(k) subjects for both plan sponsors and plan providers. In addition, we talk about all the events I'm hosting, as well as important cultural allusions.



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