



**Edward M. Lynch, Jr., AIFA®
Managing Director**

Edward Lynch, Jr. has worked with ERISA-qualified plan sponsors and designated fiduciaries in most aspects of plan development and maintenance since the early 1980s. He works closely with clients in identifying, evaluating, engaging and monitoring service providers such as 401(k) vendors, investment managers, record keepers and third-party administrators and trustees. In 2003, Mr. Lynch became one of the first practitioners in the United States to complete the Accredited Investment Fiduciary Auditor, AIFA®, program of advanced studies at The Center for Fiduciary Studies (Joseph Katz School of Business, University of Pittsburgh).

In September 2008, 401(k) Advisors Group became “[one of] the first Investment Advisors globally” to successfully complete the Centre for Fiduciary Excellence (CEFEX) independent certification process. The CEFEX certification “provides assurance to investors, both institutional and individual, that 401(k) Advisors Group has demonstrated adherence to the industry’s best fiduciary practices...indicating [it’s] interests are aligned with those of investors.”¹

Our focus in working with fiduciaries, such as pension, profit sharing and 401(k) plan sponsors and trustees of endowments and foundations, is

- Assessing compliance with accepted “standards of fiduciary care”
- Review of documents, investment performance and due diligence files
- Developing prudent review and monitoring processes for plan or trust assets
- Preparing, implementing and monitoring investment policy
- Analyzing and developing asset allocation strategies
- Evaluating reasonableness of fee structures and overall plan performance

He is a graduate, *summa cum laude*, of Gordon College in Wenham, Massachusetts and has been or is a member of a number of professional and employee benefits organizations as well as a frequent speaker on ERISA-plan topics.

Mr. Lynch serves as an Expert Witness in ERISA-plan related litigation cases. His columns on retirement plan topics appear in trade association newsletters and are available at www.dietzandlynch.com. He is a Contributing Editor for Pension Governance, LLC as well as a contributor to PPA-Law.com.

¹ CEFEX News Release, September 18, 2008. For additional information contact Carlos Panksep, General Manager, Centre for Fiduciary Excellence, 416-401-8702, cpanksep@cefex.org.

MARCIA S. WAGNER

Marcia S. Wagner is a specialist in pension and employee benefits law, and principal of The Wagner Law Group, a Boston-based ERISA/employee benefits/employment boutique law firm; for information regarding The Wagner Law Group, please visit www.erisa-lawyers.com. Ms. Wagner advises executives and professionals on the legal requirements of qualified retirement plans, including plan design, document drafting, plan administration, plan qualification requirements, and fiduciary responsibilities. She is especially expert in issues concerning pension plan investments. Clients include plan sponsors of all sizes, governmental entities, plan administration professionals, pension investment managers and advisers, tax-exempt entities, large financial institutions, accountants, plan participants and plan fiduciaries.

Ms. Wagner has successfully resolved IRS plan audits, obtained thousands of favorable IRS determination letters, including ones involving multiple employer-sponsored plans and plan terminations, and negotiated favorable closing agreements with the IRS. She has represented plan sponsors in their dealings with the U.S. Department of Labor on such matters as prohibited transactions and the Pension Benefit Guaranty Corporation and has counseled clients on numerous other special situations, such as ESOP transactions, plan mergers and plan-to-plan transfers of assets. She is involved in all phases of plan design, plan document preparation, and advising clients on government reporting and disclosure requirements.

Ms. Wagner is also an expert on a variety of other employee benefits issues and executive compensation matters, including non-qualified retirement plans, "rabbi" trusts and all forms of deferred compensation. In each of these areas, she is familiar with the problems and concerns uniquely applicable to non-profit organizations, municipalities and government agencies. Ms. Wagner is similarly experienced in the area of tax-advantaged employee benefit plans such as group health insurance and "cafeteria" plans and is expert in the HIPAA privacy rules.

As a counselor to business executives, she has also dealt with all aspects of tax planning, including equity-based and non-equity based compensation packages (e.g., all forms of stock options, phantom stock, stock appreciation rights, etc.). She brings to her specialty in pensions and benefits a unique business perspective stemming from her broad experience representing owners and managers and companies of all sizes.

A summa cum laude graduate of Cornell University and Harvard Law School, Ms. Wagner has practiced in Boston for over 22 years. Ms. Wagner is a frequent lecturer and author in the ERISA/employee benefits area and has authored, among many other things, a Bureau of National Affairs Tax Management Portfolio, entitled "Plan Disqualification and ERISA Litigation", for which she has received the BNA Distinguished Author Commendation, and has also authored, among other books and articles, the following: BNA Tax Management Portfolio: "ERISA Litigation, Procedure, Preemption and Other Title I Issues", and BNA Tax Management Portfolio: "EPCRS – Plan Correction and Disqualification". Ms. Wagner has been listed as a "Massachusetts Super Lawyer" by Boston Magazine, Who's Who Among Executive and Professional Women – Honors Edition by both Empire Who's Who and Manchester's Who's Who, and has been selected to be listed in The Best Lawyers in America for 2003 through 2009, and has an AV peer review

rating, as very high to preeminent legal ability and integrity, by LexisNexis Martindale-Hubbell. Ms. Wagner has also appeared on the following top lists: MA Super Lawyers – Boston Magazine – top 100 overall lawyers and top 50 female lawyers; and New England Super Lawyers – top 100 overall lawyers and top 50 female lawyers. Ms. Wagner has been named by The 401(k) Wire as one of the 100 most influential in the defined contribution industry. Ms. Wagner has been appointed to the IRS TE/GE Advisory Committee, and was recently inducted as a Fellow of the American College of Employee Benefits Counsel.