

Publications

The Role of 401(k) Professional Administrators and Recordkeepers after Enron

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SERVICES

Groom Law Group filed an amicus curiae brief on behalf of the SPARK Institute in the Enron litigation in support of the new fiduciary status 401(k) recordkeepers and other plan service providers. Specifically, the brief addressed arguments made by plaintiffs and the Department of Labor that certain traditional recordkeeping functions give rise to fiduciary status under ERISA. As the brief makes clear, that assertion is contrary to existing law and would make it impossible to administer 401(k) plans.

Groom Law Group also filed a supplemental amicus curiae brief on behalf of the SPARK Institute to bring to the court's attention a recent case, *Freimark & Thurston Agency, Inc. v. National City Bank of Dayton*, No. C-3-99-427, 2002 WL 31367586 (S.D. Ohio Sept. 5, 2002), confirming the non-fiduciary status of plan recordkeepers involved in blackouts and conversions.

[Spark Institute's Amicus Curiae BriefDownload](#)

[Appendix A – Sample Implementation Task ScheduleDownload](#)

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