

National Association of Public Pension Attorneys

FORT LAUDERDALE

NAPPA

2024 Legal Education Conference Brochure

June 25th – 28th

Concurrent and New Member Education Sessions Begin Tuesday, June 25

Marriott Harbor Beach | Fort Lauderdale, FL

REGISTRATION AND HOTEL INFORMATION

Registration Information

Online registration begins Tuesday, April 2, 2024.

To register for the conference:

- Go to www.nappa.org
- Click on <u>Conference Registration</u> for the 2024 Legal Education Conference
- Visa, Mastercard, and American Express accepted
- If paying by check, payment and a copy of the invoice must be received (in our office) by June 7.

NAPPA 2410 Hyde Park Road, Suite B Jefferson City, MO 65109

You must be an active NAPPA member to attend.

Conference Registration Deadlines & Fees

April 2 - May 15, 2024	Registration opens Governmental: \$990 Non-Governmental: \$1,195 (if registered before May 16)
May 16 - May 31, 2024	Governmental: \$1,090 Non-Governmental: \$1,295 (includes late fee of \$100)
May 31, 2024	Last day to register for conference

Cancellation and Substitution Policy

Requests for cancellations and substitutions must be made in writing by 4:00 p.m. EST in accordance with the schedules below.

Cancellation Schedule

Prior to May 16, 2024	Full Refund
May 16 - May 31, 2024	\$150 Administrative Fee Charged
After May 31, 2024	No Refund

Substitution Schedule

Prior to June 8	Another member from the same
	entity may attend as a substitute

CLE Credits

NAPPA will apply for CLE accreditation of the program. There is no guarantee every state will accredit the program for the total number of hours requested. Accreditation requirements vary from state to state.

Hotel and Airfare

You are responsible for your own airfare and hotel accommodations.

Location of the Meeting

Fort Lauderdale Marriott

Harbor Beach 3030 Holiday Drive Fort Lauderdale, Florida 33316 Phone: (954) 525-4000



https://www.marriott.com/en-us/hotels/fllsb-fortlauderdale-marriott-harbor-beach-resort-and-spa

Hotel Reservations:

To book a room online, go to **www.nappa.org**, login, and click on the "Events Tab".

The NAPPA block rate is \$229 per night + tax (including the hotel's mandatory resort fee, discounted to \$20; single or double occupancy). Reservations guaranteed by advance deposit or credit card. There is a 72-hour cancellation policy at the hotel.

The room rate for the NAPPA block is available **thru May 31**, **2024**, **or when the block is full, whichever comes first. After May 31, 2024**, the hotel will <u>not</u> guarantee you a room <u>nor</u> the special rate.

On-Site Dinner Event

Fort Lauderdale Marriott Harbor Beach -Ocean View Terrace

(Separate Registration Required for Guests)

Date: June 26, 2024 Time: 6:00 p.m. - 9:00 p.m.

No extra fee for Conference Attendees but you must still register in advance.

Guest Fees: Age 21 and above: \$165 Age 14-20: \$120 Age 4-13: \$60 Under age 4: no charge

www.nappa.org

Sponsors and marketing are prohibited at all NAPPA conferences.

Tuesday, June 25, 2024

12:00 p.m. - 4:15 p.m. Conference Registration

1:30 p.m. - 2:00 p.m. Introduction to NAPPA and Roundtable Q & A

The Board President and a panel of NAPPA members will introduce the organization to new members. A brief Q & A session will follow, allowing new members to ask their most pressing questions.

Moderator

Lydia Lee - Of Counsel, Lieff, Cabraser, Heimann & Bernstein Jessica Palvino - Senior Counsel, Jackson Walker

Presenters

Guillaume Buell - Partner, Labaton Keller Sucharow Gwin Hall - Senior Associate General Counsel, Georgia Municipal Employees' Benefit System Elizabeth Myers - Assistant Attorney General III, Virginia Office of the Attorney General Jessica Palvino - Senior Counsel, Jackson Walker

2:00 p.m. - 3:00 p.m. Concurrent Sessions (choose one)

• Session A: Public Pension Overview, Part I. Benefits & Fiduciary Duty

The panel will present an overview of the legal framework for public pensions. Topics will include plan structure, trust law, fiduciary obligations, tax qualification, funding requirements, and retirement benefits. The panel will also focus on commonly used terms and their meanings.

Moderator

Michael Herrera - Senior Counsel, Los Angeles County Employees Retirement Association

Presenters

Janilyn Murtha - Executive Director, North Dakota Retirement & Investment Office - North Dakota Teachers' Fund for Retirement

Tiffany Reeves - Partner, Faegre Drinker Biddle & Reath

Session B: The Joys and Challenges of Investing in Secondaries, Co-Investments, and Continuation Vehicles

A major trend in the market over the last couple of years has been an increase in secondaries, co-investments, continuation vehicles, and other restructuring strategies which allow managers and investors to take advantage of important sources of liquidity and improved returns. This panel will discuss the reasons many investors turn to secondary transactions, the pros and cons of general partner-led transactions and whether they deliver on their promise to provide liquidity and improve returns, the challenges and conflicts presented by these transactions, and the recent trend used by general partners to

Tuesday, June 25, 2024, continued...

restructure existing portfolios by offering their investors an opportunity to redeploy capital to a more narrow pool of companies.

You will hear from in-house counsel, outside counsel, and a consultant about the business and legal considerations arising from this new investment landscape.

Moderator

Maureen Hazen - General Counsel, Florida State Board of Administration

Presenters

Benton Burroughs - Partner, Reed Smith Nicholas Chladek - Manager of Private Equity - International, New York State Teachers' Retirement System Jonathan Koerner - Partner, Albourne Partners

3:00 p.m. - 3:15 p.m. Break

3:15 p.m. - 4:15 p.m. **Concurrent Sessions** (choose one)

Session A: Public Pension Overview, Part II. Investments and Actuary

The panel will present an overview of the legal framework for the actuarial and investment functions at public pension plans. This topic will include the role of actuaries in determining funding and contribution requirements, the role of investment returns, applicable fiduciary principles, and the relationship between the legal, actuarial, and investment functions in plan administration.

Moderator

Michael Herrera - Senior Counsel, Los Angeles County Employees Retirement Association

Presenters

Aaron Gutierrez - Senior Policy Analyst, Washington Office of the State Actuary Yuliya Oryol - Partner, Nossaman

• Session B: Current Trends in Public Market Investments

This panel will address current trends faced by public pension plans investing in public markets. The panel will discuss the use of investment management agreements, collective investment trusts, private funds, and other separately managed account vehicles; the trends they are seeing in today's market with respect to active v. passive index investing; movement from fixed income to private credit; private managers who manage pools of public equity investments; and how these issues impact asset allocation models. In addition, the panel will explore the current trend of public pension boards delegating

Tuesday, June 25, 2024, continued...

investment decisions to their chief investment officers and investment staff. The panelists will also share their expertise and insights on current market trends and how public plans should navigate the ever-changing field of public market investments.

Moderator

Joshua Geller - Deputy City Attorney, Los Angeles City Attorney's Office

Presenters

Bryan Fujita - Chief Investment Officer, Los Angeles Fire and Police Pensions Tiffany Reeves - Partner, Faegre Drinker Biddle & Reath

4:30 p.m. - 6:00 p.m. Welcome Reception for All Members (provided by NAPPA)

Wednesday, June 26, 2024

- 7:00 a.m. 4:00 p.m. Conference Registration
- 7:15 a.m. 8:15 a.m. Breakfast (provided by NAPPA)
- 8:15 a.m. 8:30 a.m. Introductions and Announcements

8:30 a.m. - 9:30 a.m. General Session Ethics I – Implicit Bias – How it Affects You as a Lawyer Without You Knowing

Implicit bias refers to the attitudes or stereotypes that affect our thoughts, actions, and decisions in an unconscious manner. They can be favorable or unfavorable and are activated without a person's awareness or control. In particular, implicit bias can have a significant impact on the day-to-day lives of lawyers and judges. Our distinguished panel will discuss how implicit bias works, its implications for the legal profession, and what you can do to address it in your professional life.

Moderator

Suzanne Dugan - Special Counsel, Cohen Milstein Sellers & Toll

Presenters

Honorable Audrey Moorehead - Judge, Dallas County Criminal Court 3 Jonathan Smaby - Executive Director, Texas Center for Legal Ethics

9:30 a.m. - 9:45 a.m. Bro

Break

Wednesday, June 26, 2024, continued...

9:45 a.m. - 10:45 a.m. General Session

ESG Investment and its Backlash: Implementation Developments and Fiduciary Implications

This session will cover the origin and some state case studies of current pro-ESG and anti-ESG/backlash pressures, legislation, and board initiatives. We'll discuss how plan fiduciaries are responding, how plan funding and investment activities are impacted, and other related developments for public pension plans. In particular, the panel will examine how some boards have used a fiduciary exemption to mandated divestment. The panel will also look at how investment policies can be revisited to move beyond acronyms and buzz words to focus on appropriate risk and return factors in fulfillment of a board's fiduciary duties.

Moderator

Julie Becker - Partner, Aon

Presenters

Michael Board - Executive Director, Office of Legal Services, Kentucky Public Pensions Authority Anya Freedman - Assistant City Attorney, Los Angeles City Attorney's Office Dee Larsen - General Counsel, Utah Retirement Systems

10:45 a.m. - 11:00 a.m. Break

11:00 a.m. - 12:00 p.m. General Session Legal Counsel's Role in Addressing Cybersecurity Risks and Incidents

The terms cybersecurity incident and ransomware incident make one first think of information technology (IT) and or Information security (IS). But the idea that these incidents are solely an IT or IS issue needs to change as these incidents affect the entire enterprise and legal counsel has an important and increasingly significant role to play. This presentation will look at the various aspects of legal's role in identifying and addressing the legal aspect of these risks before, during, and after a cyber incident.

Moderator

MaryEllen O'Neill - Privacy Officer/Sr. Compliance Counsel, Texas Teacher Retirement System

Presenters

Julie Borisov - Senior Staff Attorney, Colorado Public Employees' Retirement Association Benita Harper - Pension Governance Attorney, Associate Partner, Aon MaryEllen O'Neill - Privacy Officer/Sr. Compliance Counsel, Texas Teacher Retirement System

Wednesday, June 26, 2024, continued...

12:00 p.m 1:45 p.m.	Emeritus Board Lunch* General Counsel Lunch*
	* Requires advanced registration. See Conference registration form for specifics on eligibility to attend.
1:45 p.m 2:45 p.m.	 ^a Requires advanced registration. See Conference registration form for specifics on eligibility to attend. Concurrent Sessions (<i>choose one</i>) Session A: <i>Don't Stop Believing (in Agency Deference)!</i> Of course, we know best or do we? This panel will discuss the roles of public pension plan attorneys in the administrative appeals process. Are recent state and federal cases, such as the challenges to the Chevron doctrine on agency deference, changing the way public pension attorneys should approach administrative appeals? Moderator Richmond Giles - Staff Attorney, Arkansas Public Employees Retirement System Presenters Liza Eves - Senior Associate General Counsel, Utah Retirement Systems Alyca Garrison - Associate, Jackson Walker Kevin Walsh - Principal, Groom Law Group Session B: <i>You Have MNPI. Now What?</i> An informative discussion of how funds respond and handle Material Non-Public Information (MNPI) when it is acquired by a public fund employee and what impacts it has in terms of restrictions on the public fund's internal trading as well as potential restrictions on the public fund's internal trading for public fund employees. Does your fund require "preclearance" of personal trading for public fund employees. Does your fund require "preclearance" of personal trading practices of its "covered persons" employed by the fund or have a "trading wall" in place to wall off trading operations? Moderator Joseph Indelicato - General Counsel, Pennsylvania Public School Employees' Retirement System Presenters Elizabeth Goldstein - Chief Compliance Officer, Pennsylvania Public School Employees' Retirement System James Van Horn - Partner, Hills Stern & Morley Chris Bowlin - Senior Investment Compliance Counsel, Texas Teacher Retirement System

2:45 p.m. - 3:00 p.m. Break

Wednesday, June 26, 2024, continued...

3:00 p.m. - 4:00 p.m. **Concurrent Sessions** (choose one)

• Session A: No Boundaries: Novel Ideas to Correct Errors and Collect Overpayments

Panelists will discuss and explore new legal avenues to recoup overpayments when a benefit offset within the plan is insufficient to assure full recovery. Topics will include offset and assignment of benefits under related and unrelated retirement plans, assignment of life insurance proceeds, probate claims, statutory liens that do not require a court judgment, offsets against state income tax refunds, mortgages against real property, settlement agreements, criminal charges, and the legal and legislative challenges with each. We will encourage attendees to share their ideas too!

Moderator

Laura Gilson - Chief Legal Counsel, Arkansas Public Employees Retirement System

Presenters

Mark Cavanaugh - Associate Counsel and Compliance Officer, New Hampshire Retirement System

Laura Gilson - Chief Legal Counsel, Arkansas Public Employees Retirement System Gwin Hall - Senior Associate General Counsel, Georgia Municipal Employees' Benefit System Sarah Kahn - Assistant Legal Counsel, Illinois Teachers' Retirement System

• Session B: Ain't No Party Like a WCAG Party: Web Accessibility and Retirement Systems

The Department of Justice recently released an Advanced Notice of Proposed Rulemaking setting forth proposed regulations on Americans with Disabilities Act requirements for website accessibility for governmental entities, including retirement systems. This session will provide insight from expert outside counsel and system counsel on what this may mean for your system's website and portals.

Moderator

Kristin Bellar - General Counsel, Michigan Municipal Employees' Retirement System

Presenters

Siddharth Bose - Partner, Ice Miller Adam Walters - Agency Attorney, New York City Teachers' Retirement System

6:00 p.m. - 9:00 p.m. Dinner at Marriott Fort Lauderdale Harbor Beach - Separate Advanced Registration Required

Thursday, June 27, 2024

7:00 a.m 4:00 p.m.	Conference Registration
7:15 a.m 8:15 a.m.	Breakfast (provided by NAPPA)
8:15 a.m 8:30 a.m.	Introductions and Announcements
8:30 a.m 9:30 a.m.	General Session Ethics II – To Advise or Not To Advise? The Model Rules Answer the Question
	The session will focus on the unique ethical questions faced by lawyers advising collegial boards. It will distinguish between individual discussions with trustees and discussions with the board as a whole. The session will also address the difference in advising staff and advising the board and when those two may come into conflict. Lastly, illustrative scenarios will be presented to encourage group engagement and put the theoretical discussion into real-life example.
	Moderator Mary Beth Foley - Executive Director, Ohio Police & Fire Pension Fund
	Presenters Bonni Jensen - Partner, Klausner, Kaufman, Jensen & Levinson Robert Klausner - Principal, Klausner, Kaufman, Jensen & Levinson
9:30 a.m 9:45 a.m.	Break
9:45 a.m 10:45 a.m.	General Session Open Meetings Laws Post-Pandemic: Navigating Governance and Proposed Changes

Remote work, and virtual board meetings, became the default requirement for public retirement systems throughout the United States during the pandemic. Now, in a "post-pandemic" environment, legislators, policy makers, and other interested parties, are questioning and assessing whether the benefits, and lessons learned, from that experience should be incorporated into ongoing operations of public agencies and their governing boards. Responses to those assessments vary dramatically across jurisdictions. This panel will discuss the changes in open meeting laws, if any, made by various states and municipalities in the aftermath of the pandemic, commenting on how those different approaches have impacted, and may continue to impact, the governance of public retirement systems and their boards.

Thursday, June 27, 2024, continued...

Moderator

Julie Borisov - Senior Staff Attorney, Colorado Public Employees' Retirement Association

Presenters

Ashley Dunning - Partner, Nossaman Michelle Mellon-Werch - Assistant General Counsel, Texas Municipal Retirement System

10:45 a.m. - 11:00 a.m. Break

11:00 a.m. - 12:00 p.m.General SessionSECURE 2.0 and the IRS' Released Guidance

This presentation will discuss provisions of SECURE 2.0 relevant to governmental plans and the related guidance which has been issued by the IRS. A "must-attend" for everyone wanting to make sure they are up-to-date with the operational and qualification changes from SECURE 2.0.

Moderator

Jenni Krengel - Shareholder, Buchalter

Presenters

Jenni Krengel - Shareholder, Buchalter Michelle McCarthy - Attorney, Nossaman Jessica Palvino - Senior Counsel, Jackson Walker

12:00 p.m. - 1:45 p.m. **Lunch** (on your own)

1:45 p.m. - 2:45 p.m. Concurrent Sessions (choose one) Session A: Developing and Managing an Effective Securities Litigation Program

A panel of experienced in-house and private firm counsel will highlight and discuss recent cases impacting the securities litigation landscape, as well as practical considerations for developing, maintaining, and executing an effective securities litigation program. Emphasis will be placed on identification and evaluation of various case types, managing fund resources, selection, and engagement of securities litigation counsel, and developing and managing relationships with other fund counsel with an aim toward careful consideration of cases and, ultimately, safeguarding plan assets.

Moderator

Maya Saxena - Attorney, Saxena White

Presenters

Javier Bleichmar - Partner, Bleichmar Fonti & Auld Darren Check - Partner, Kessler Topaz Meltzer & Check Jeff Gill - General Counsel, Indiana Public Retirement System Michael Herrera - Senior Counsel, Los Angeles County Employees Retirement Association

Thursday, June 27, 2024, continued...

• Session B: Send Lawyers, Guns, and Money: Enrollment Disputes and Social Security Entanglements

Many pension plans for public safety officers were established over one hundred years ago by counties, local municipalities, and fire protection districts, often governed by state law. Gone are the days when employers required by state law to affiliate with public pension plans heeded warnings that failure to enroll their employees might result in legal consequences, or worse yet, litigation. The attitude, "Go ahead, sue me, make my day!" is creeping into the public pension world. Employers are enrolling their employees in alternate plans to the mandatory pension plan provided through state law. The alternate plans may be Social Security or plans through private sector providers. Come hear the latest from our panel on how to manage difficult employers who allow their employees to "opt out" of the state mandatory pension, the interplay between alternate pension plans and state pension systems, IRS plan qualification and return to work issues surrounding employees who want to "double dip" when they return to work after retiring.

Moderator

Carolyn Clifford - Partner, Ottosen DiNolfo Hasenbalg & Castaldo

Presenters

Benjamin Huxen - Executive Director & General Counsel, Louisiana Municipal Police Employees' Retirement System Lindsay Knowles - Staff Attorney, Ice Miller

- 2:45 p.m. 3:00 p.m. Break
- 3:00 p.m. 4:00 p.m.
 Concurrent Sessions (choose one)
 Session A: The "Other" Part of the Code: Social Security

Is your plan a Social Security replacement plan? How do you know? What in the world is a 218 Agreement, and what does it do? If you've ever tried to answer questions on the interaction between a public pension plan and Social Security coverage, this panel is for you! We'll be diving deep in the world of SSA, FICA, OASDI, GPO, WEP, and any other letters that we find on the google randomizer.

Moderator

Megan Peitzmeier - Senior Staff Attorney, Colorado Public Employees' Retirement Association

Presenters

Luke Bailey - Senior Counsel, Clark Hill Melanie Walker - Senior Vice President, Segal

Thursday, June 27, 2024, continued...

• Session B: Terminating Affiliation – When is it Really Over?

What happens when an employer wants to leave your plan? This session will explore the implications that plans face as we examine a recent real-life situation.

Moderator

Kevin Gallaway - General Counsel, Colorado Public Employees' Retirement Association

Presenters

Caleb Durling - Partner, Fox Rothschild Kevin Gallaway - General Counsel, Colorado Public Employees' Retirement Association

Friday, June 28, 2024

7:00 a.m 12:15 p.m.	Conference Registration
7:15 a.m 8:15 a.m.	Breakfast (provided by NAPPA)
8:15 a.m 8:45 a.m.	Introductions, Announcements, and Business Meeting
8:45 a.m 9:45 a.m.	General Session Preparing for Your Pension or Benefits Administration System Upgrade
	This session will help you to prepare for the dreaded system upgrade project, and will offer a number of things to consider from both an in-house and outside counsel legal perspective, whether before, during or after the project.
	Moderator Nicole Giambarrese - General Counsel, New York City Police Pension Fund
	Presenter Thomas Walsh - General Counsel, Virgin Islands Government Employees' Retirement System

9:45 a.m. - 10:00 a.m. Break

Friday, June 28, 2024, continued...

10:00 a.m. - 11:00 a.m. General Session Federal Legislative and Regulatory Update

The speakers will provide an overview of the key issues under consideration by the U.S. Congress, Executive Branch agencies, and any judicial rulings that are relevant to state and local governmental retirement plans. The panel will discuss: 1) regulatory guidance on the SECURE Act 2.0, including provisions related to catch up contributions, required minimum distributions, and plan overpayments; 2) proposals to reform Social Security, including those related to mandatory Social Security coverage for new hires; 3) potential items for a future SECURE Act 3.0; and 4) any revenue raisers that could be harmful to public plans.

Moderator

Tony Roda - Principal, Williams & Jensen

Presenters

Tony Roda - Principal, Williams & Jensen Leigh Snell - Federal Relations Director, National Council on Teacher Retirement

11:00 a.m. - 11:15 a.m. Break

11:15 a.m. - 12:15 p.m. General Session Public Pension & Related Litigation of National Importance

Panelists will present, review, and discuss current state and federal pension litigation and the opinions and decisions made by those courts on issues of particular significance to public pension plans and their attorneys.

Moderator

Laurie McKinnon - General Counsel, Kansas Public Employees Retirement System

Presenters

Carolyn Clifford - Partner, Ottosen DiNolfo Hasenbalg & Castaldo Matthew Jacobs - General Counsel, California Public Employees' Retirement System Scott Miller - Senior Consultant, Administration and Technology Consulting, Segal

2023-2024 SECTION COMMITTEES, EDUCATIONAL COMMITTEES, FORUMS, AND AUXILIARY COMMITTEES

Section Steering Committees

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- Darren Robbins
- Hannah Ross
- Daniel Sommers
- Ryan Stippich
- Marc Weinberg
- Daniel Whitman
- Erin Woods
- Jennifer Yamane
- Joseph Indelicato, Board Liaison

Forums

DC/Hybrid Plans

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- Melanie Walker, Co-Convener
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- Aaron Castle
- Liza Eves
- Donna Frank
- Lisa Harrison
- Lydia Lee
- Catherine Nolan
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> Robert Gauss Ice Miller

Joseph Indelicato Pennsylvania Public School Employees' Retirement System

> Laurie McKinnon Kansas Public Employees Retirement System

NAPPA Staff

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> Karen Holterman Karen@nappa.org

> Denise Berhorst Denise@nappa.org

Doris Dorge Doris@nappa.org

As a Reminder

- There is a "No Smoking" policy at all sessions.
- Dress is business casual for the conference. Most meeting rooms tend to be on the chilly side, so a sweater or jacket is recommended.



2025 Winter Seminar and Senior Counsel Meeting Charlotte, NC Wednesday, February 19 - Friday, February 21, 2025 Charlotte Marriott City Center



2025 Legal Education Conference - Denver, CO Tuesday, June 24 - Friday, June 27, 2025 Hilton Denver City Center (New Member and Concurrent Sessions Begin on Tuesday)



2026 Winter Seminar and Senior Counsel Meeting Nashville, TN Wednesday, February 18 - Friday, February 20, 2026 The "W" Nashville



2026 Legal Education Conference - Grand Rapids, MI Tuesday, June 16 - Friday, June 19, 2026 Amway Grand Plaza (New Member and Concurrent Sessions Begin on Tuesday)