



EXPERT WITNESS

ERISA Expert Services, LLC (“EES”) offers expert witness services relating to a variety of issues involving the Employee Retirement Income Security Act of 1974 (“ERISA”). Principal Joseph A. Garofolo has first-hand experience as an independent fiduciary and is a recognized ERISA attorney. Mr. Garofolo is particularly suited to testify regarding issues associated with Title I of ERISA. He has been retained as an expert witness in federal and state court litigation.

Mr. Garofolo previously served as a principal with ERISA Consulting Group, a company that provides independent fiduciary, expert witness, and consulting services. Some of the independent fiduciary engagements in which he was involved include the following:

- Transaction for the sale of closely held shares by an employee stock ownership plan;
- Real property acquisition by a collectively bargained plan; and
- Evaluation of the reasonableness of plan expenses and expense allocation among related parties and service providers.

Mr. Garofolo began his career in the field of employee benefits in 1999 with the U.S. Department of Labor (“DOL”), Pension and Welfare Benefits Administration (now the Employee Benefits Security Administration). At the DOL, he performed research and analysis relating to government investigations of alleged ERISA violations in the Detroit District Office.

As an attorney, Mr. Garofolo has advised clients with respect to fiduciary compliance, service provider arrangements, and various other issues relating to the design, management, and administration of employee benefit plans. He has appeared as ERISA counsel in federal courts across the country.

Mr. Garofolo’s expertise extends to a variety of plans and arrangements. He has worked with 401(k) plans, employee stock ownership plans, and other retirement plans, including defined benefit plans. In the health and welfare plan context, he has experience with fully insured and self-funded arrangements and is knowledgeable regarding the requirements of ERISA’s claims regulation.

In 2012, Mr. Garofolo was selected by *California Lawyer*

magazine as a recipient of the California Lawyer Attorneys of the Year (CLAY) Award in the field of employee benefits. CLAY Awards recognize attorneys who “have changed the law, substantially influenced public policy or the profession, or achieved a remarkable victory for a client or for the public.”

Much of Mr. Garofolo’s practice has focused on the standards of conduct imposed by ERISA. He has extensive knowledge regarding the fiduciary duty provisions set forth in ERISA § 404 and the prohibited transaction and self-dealing provisions of ERISA § 406. He is well versed on the standard of liability for fiduciaries and nonfiduciaries under ERISA.

EES also provides litigation support services. From the meaning of plan assets to the fiduciary exception to the attorney-client privilege, ERISA litigation can present numerous challenges. Early recognition and evaluation of issues can often make the difference in a case. EES provides consulting support for plaintiffs and defendants.

Please e-mail Joseph Garofolo at jgarofolo@erisa-experts.com for a copy of his curriculum vitae.