

EMPLOYMENT

The Wagner Law Group - St. Louis, MO

Of Counsel (February 2015 - Present)

- Counsel employers in all aspects of employee benefits design, implementation and compliance for all types of benefits programs, including: retirement plans, health and welfare plans and executive and incentive compensation arrangements
- Counsel retirement industry service providers in all aspects of their fiduciary duties and compliance obligations in providing services to plan sponsors, plan participants, and qualified retirement plans.
- Draft white papers for service providers concerning all aspects of ERISA
- Litigate all types of claims related to employee benefit plans, including ERISA fiduciary breach matters and benefit denials

The Lowenbaum Partnership - St. Louis, MO

Partner – Employee Benefits Team (May 2014 - February 2015)

- Responsibilities similar to above

FRA PlanTools - St. Louis, MO

Outside General Counsel (May 2014 - Present)

- Provide legal advice and consulting regarding creation and implementation of custom fiduciary and business development solutions to retirement industry service providers, including custom developed Software as a Solution

Chief Comp. Officer, Dir. of Fid. Oversight, General Counsel (March 2013 - May 2014)

- Developed and provided ERISA consulting and compliance products to plan sponsors and service providers
- Taught custom ERISA training to plan sponsors and service providers
- Drafted white papers for service providers concerning all aspects of ERISA
- Developed and implemented online social media and marketing strategy
- Provided expert witness services to law firms concerning ERISA

Schlichter, Bogard & Denton - St. Louis, MO

ERISA Associate (July 2008 - March 2013)

- Litigated complex ERISA class action cases and appeals
- Researched complex issues of law related to ERISA and state pension fiduciary law, securities laws, financial investing for institutional clients, and complex litigation
- Responsible for primary communications with clients
- Drafted affirmative and responsive summary judgment, class certification, discovery, appellate memoranda, and written discovery
- Researched, developed, and implemented strategy for depositions including second chair participation in approximately twenty depositions of parties, Rule 26 designated experts, apex witnesses, and third parties
- Coordinated Rule 26 designated expert reports and testimony
- Experienced with document production exceeding five million pages

THOMAS E. CLARK JR.

100 S. 4th. St. – Suite 550 St. Louis, MO 63102
tclark@wagnerlawgroup.com 314-236-0065
LinkedIn: thomaseclarkjr Twitter: @tomclark_erisa

Bryan Cave, LLP - St. Louis, MO

LL.M. in Taxation Unpaid Legal Intern (Fall 2007)

Supported Employee Benefits and Executive Compensation Client Service Group in the areas of defined contribution plans, defined benefit plans, executive compensation, COBRA, HIPAA, international benefits taxation, and securities law

ACADEMIC EMPLOYMENT

Washington University School of Law - St. Louis, MO

Adjunct Professor of Law (February 2014 - Present)

- Teach ERISA Fiduciary Law spring semester course to JD and Tax LL.M. students

EDUCATION

Washington University School of Law - St. Louis, MO (May 2008)

LL.M. in Taxation; Employee Benefits Focus

Washington University School of Law - St. Louis, MO (May 2007)

Juris Doctorate

Notre Dame London Law Centre - London, England (Summer 2005)

Took European Union Law and International Human Rights Law.

The College of New Jersey - Ewing, NJ (May 2004)

B.S., Economics, *cum laude*

BAR ADMISSIONS

- Missouri (July 2007); Illinois (February 2008); Southern District of Illinois (October 2008); Eastern District of Missouri (September 2014)

PROFESSIONAL AFFILIATIONS

- American Bar Association (2008-present); Missouri Bar Association (2008-present); Emp. Benefits Assoc. of St. Louis (2013-Present); Friends of Arch Grants, Founding Board Member (2013-present)

BLOGS

- Editor-in-Chief of the Fiduciary Matters Blog and ERISA Litigation Index, a blog visited nearly 150,000 times since its first publication in March 2013 - <http://www.fiduciarymattersblog.com>

PUBLICATIONS (PRINT AND WEB)

- *ERISA Litigation Round Up*, Plan Consultant Magazine (Fall 2015)
- *Some Questions Answered About the Duty to Monitor – A Reflection on the Supreme Court Decision in Tibble v. Edison International*, 401(k) Advisor (August 2015)
- *Fiduciary Responsibilities for Governmental Plans*, Plan Consultant Magazine (Spring 2015)
- *Fiduciary Responsibilities for Church Plans*, Plan Consultant Magazine (Winter 2014)
- *Fiduciary Responsibilities for Non-ERISA Non-profit 403(b) Plans*, Plan Consultant Magazine (Fall 2014)
- *ERISA's Exemptions on Its 40th Birthday: A Midlife Crisis?*, NIPA.org (October 16, 2014)
- *Exemptions Leave Church, State Plans Vulnerable*, Benefitspro.com (September 2, 2014)
- *The Changing State of Provider Litigation*, 401(k) Advisor (August 2014 - Volume 21, Number 8)
- *Church Plan Litigation is Headed for a Standoff in the Circuit Courts (or Beyond)*, NTSA MarketBeat (June 17, 2014)
- *The Moench Presumption to Be Addressed by the US Supreme Court*, 401(k) Advisor (February 2014)
- *ERISA § 408(b)(2) — The Deadline Has Passed but There Is More Work Ahead*, Journal of Pension Benefits (February 2014) (with David J. Witz)
- *Could You Provide These Documents to the DOL in Ten Business Days?*, 401(k) Advisor (October 2013)

PRESENTATIONS

- *Assessing 408(b)(2) Compliance*, Excel 401(k) Advisor's Conference, Las Vegas, NV (October 21, 2015) [INVITED]
- *ERISA Litigation Update*, Excel 401(k) Advisor's Conference, Las Vegas, NV (October 20, 2015) [INVITED]
- *Legal Update: DOL Fiduciary Standards for Investment Advisors & Recent Fee Litigation Cases*, Southern Employee Benefits Conference, Atlanta, GA (September 29, 2015)
- *Current Trends in ERISA Litigation and Best Practices to Avoid the Courtroom*, ASPPA Jacksonville Chapter, Jacksonville, FL (September 24, 2015)
- *The Tibble v. Edison Decision & the Current State of ERISA Litigation*, Transamerica Speaker's Bureau (July 28, 2015)
- *A Practitioner's Primer on Pension Law*, Missouri Association of Fire Protection Districts, Lake of the Ozarks, MO (June 19, 2015)
- *ERISA Legal and Regulatory Update*, ASPPA Gateway Chapter, St. Louis, MO (June 16, 2015)
- *Proposed DOL Fiduciary Regulation: A New Playing Field for Fiduciary Activity*, ASPPA Gateway Chapter, St. Louis, MO (June 16, 2015)
- *ERISA Legal and Regulatory Update*, MassMutual Advisor Symposium, St. Louis, MO (June 10, 2015)
- *Best Practices to Avoid Litigation as a TPA*, NIPA Annual Forum & Expo, Las Vegas, NV (May 5, 2015)

- *Practical Implications of Recent Supreme Court Decisions/ERISA Litigation*, NIPA Annual Forum & Expo, Las Vegas, NV (May 5, 2015)
- *How to Craft a TPA Service & Fee Agreement*, NIPA Annual Forum & Expo, Las Vegas, NV (May 5, 2015)
- *ERISA Legal and Regulatory Update*, Unified Trust Advisors Symposium, Lexington, KY (April 23, 2015)
- *ERISA Litigation and Enforcement: The Role of the Independent Fiduciary and Best Practices for Financial Advisors*, fi360 Webinar (April 8, 2015)
- *ERISA Legal and Regulatory Update*, RADA Annual Meeting, Sea Island, GA (March 31, 2015)
- *ERISA Litigation Update*, Center for Due Diligence Conference 2014, San Antonio, TX (October 16, 2014)
- *Outsourced 3(16) Fiduciary Services: Marketing Con Or Gold Standard*, Center for Due Diligence Conference 2014, San Antonio, TX (October 15, 2014)
- *Form 5500 Vendor Comparison: Side-by-Side Technology Analysis*, Center for Due Diligence Conference 2014, San Antonio, TX (October 15, 2014)
- *Legal Update and Best Practices for Retirement Plans*, The Lowenbaum Partnership Managing Your Workforce Seminar, St. Charles, MO (October 7, 2014)
- *Top 10 Compliance Checklist for Your Retirement and Health & Welfare Plans*, The Lowenbaum Partnership Managing Your Workforce Seminar, O'Fallon, IL (September 23, 2014)
- *The 21st Century Fiduciary: The Constantly Changing Landscape and How to Stay Ahead*, Employee Benefits Association of St. Louis, St. Louis, MO (September 18, 2014)
- *Top 5 Reasons an Employer Should Care About ERISA Compliance*, The Lowenbaum Partnership Webinar (June 26, 2014)
- *From the Front Lines of ERISA Litigation*, C-Biz & J.P. Morgan Symposium, St. Louis, MO (May 18, 2014)
- *Why Employers Both Large and Small Should Care About ERISA*, CEBS Charlotte Chapter, Charlotte, NC (November 7, 2013)
- *The New Frontier: The Different Flavors of Participant Advice*, Center for Due Diligence Conference 2013, San Antonio, TX (October 7, 2013)
- *How To Identify Opportunities By Mining 5500 Data*, Center for Due Diligence Conference 2013, San Antonio, TX (October 8, 2013)
- *Form 5500s: What are They Good for...Absolutely Something*, Nationwide Insurance, Columbus, OH (May 22, 2013)

QUOTATIONS

- Quoted regarding expertise in ERISA in publications such as Associated Press; Reuters; Bloomberg.com; Forbes.com; Pensions & Investments; BNA Pension & Benefits; InvestmentNews.com; Benefitspro.com; RIABiz.com