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NEWSLETTER Education Law

JANUARY 2012

Dear Readers,

Robinson & Cole's education practice is pleased to offer you the January 2012 edition of its Education Law Update. In this edition, we have an article explaining the IRS initiative to collect 403(b) compliance information for higher education institutions. Our other article discusses recent changes in the Association of Cooperative Operations Research Development (ACORD) insurance certificate form and how the changes to the form may affect insurance coverage issues on construction projects at educational institutions. We are also pleased to announce the Robinson & Cole attorneys who were named Super Lawyers and Best Lawyers for 2011/2012.

We would like this update to be a source of value to our friends in the education field. We encourage our readers to contact us with any topics of interest or any questions or comments on what you read below.

Best wishes for a happy and successful New Year.

*Gregory R. Faulkner
Megan R. Naughton
Coeditors*

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IRS COMPLIANCE CHECK HITS HIGHER EDUCATION: THE AFTERMATH OF THE FINAL 403(B) REGULATIONS

By [Bruce B. Barth](#) and [Virginia E. McGarrity](#)

The Internal Revenue Service (IRS) announced earlier this year that it is launching an initiative to gather information from institutions of higher learning concerning their compliance with the 403(b) final regulations (the Compliance Check). Section 403(b) of the Internal Revenue Code (the Code) governs tax-deferred retirement plans sponsored by public schools and other nonprofit employers. According to the IRS, the program will target over 300 higher education sponsors, covering large, small, public, and private institutions. The Compliance Check is not an audit; however, the IRS could refer a nonresponding 403(b) plan to its auditors for audit. Additionally, failure to comply with the final regulations may result in severe penalties, including immediate taxation of all assets held under the plan. It is therefore critically important that all institutional 403(b) plans be reviewed to ensure compliance.

Click to read "[IRS Compliance Check Hits Higher Education.](#)"

ARE YOU COVERED? CHANGE TO ACORD CERTIFICATE OF INSURANCE FORM AFFECTS EDUCATION OWNERS ON THEIR CONSTRUCTION PROJECTS

By [Gregory R. Faulkner](#) and Jonathan R. Hausner, Esq.

In September of 2009, the Association of Cooperative Operations Research and Development (ACORD), the insurance industry organization that issues many standard insurance forms, altered the ACORD 25 certificate of insurance. The ACORD 25 is familiar to most construction stakeholders because it identifies the various insurance coverage types (i.e. commercial general liability, auto, umbrella, and workers' compensation) and limits maintained by contractors. It is the industry standard certificate.

Click to read "[Are You Covered?](#)"

***SUPER LAWYERS*[®] DISTINCTION FOR EDUCATION LAW GROUP MEMBERS**

Several members of the Robinson & Cole education law practice group were named as *Super Lawyers*[®] (*Super Lawyers* is a registered trademark of Key Professional Media, Inc.) in the states of Connecticut, Massachusetts, New York, and Rhode Island. The *Super Lawyers*[®] designation is based on regional balloting by attorneys, third-party research, and a peer review process encompassing myriad practice areas.

Recognized education law practice group *Super Lawyers*[®] and their areas of practice include the following:

Construction Litigation
[Gregory R. Faulkner](#) (Hartford, CT)

Construction Litigation
[Martin A. Onorato](#) (Hartford, CT)

Employee Benefits/ERISA

[Bruce B. Barth](#) (Hartford, CT)

Employment & Labor

[Alice E. DeTora](#) (Hartford, CT)

Environmental

[W. Richard Smith, Jr.](#) (Hartford, CT)

Land Use/Zoning

[Brian R. Smith](#) (Hartford, CT)

Real Estate

[Garry C. Berman](#) (Hartford, CT)

Employment & Labor

[Nicole A. Bernabo](#) (Hartford, CT)

Environmental

[Pamela K. Elkow](#) (Stamford, CT)

Land Use/Zoning

[Michael S. Giaimo](#) (Boston, MA)

Nonprofit

[J.C. David Hadden](#) (Hartford, CT)

BEST LAWYERS® DISTINCTION FOR EDUCATION LAW GROUP MEMBERS

Robinson & Cole LLP was again recognized as having the highest number of attorneys in Connecticut selected by their peers for inclusion in *The Best Lawyers in America*® 2012 (© 2011 by Woodward/White, Inc., of Aiken, SC).

The attorneys of the firm's education law practice group who earned distinction as *The Best Lawyers in America*® include the following:

Construction Law

[Gregory R. Faulkner](#) (Hartford, CT)

Corporate Law

[Edward J. Samorajczyk, Jr.](#) (Hartford, CT)

Employee Benefits (ERISA) Law

[Bruce B. Barth](#) (Hartford, CT)

Employment Law - Management

[Alice E. DeTora](#) (Hartford, CT)

Energy Law

[Kenneth C. Baldwin](#) (Hartford, CT)

Environmental Law

[Pamela K. Elkow](#) (Stamford, CT)

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[Gregory R. Faulkner](#) (Hartford, CT)

Securities/Capital Markets Law

[Edward J. Samorajczyk, Jr.](#) (Hartford, CT)

Securities Regulation

[Edward J. Samorajczyk, Jr.](#) (Hartford, CT)

Trademark Law

[Jacqueline Pennino Scheib](#) (Hartford, CT)

Trusts and Estates

[J.C. David Hadden](#) (Hartford, CT)

FIRM NEWS & NOTES

Attorneys [Gregory R. Faulkner](#) and [Megan R. Naughton](#) attended the Annual Conference of the National Association of College and University Attorneys (NACUA) in San Francisco from June 26 to June 29, 2011. NACUA educates attorneys and administrators about legal issues on campuses and provides continuing legal education to higher education counsel. Attorney Faulkner was a presenter at the conference. His topic was titled "Risk Transfer and Assignment Issues in Contracts: Indemnification and Liability Trends."

Attorney [Martin A. Onorato](#) attended the Ninth Annual HEREL (Higher Education Real Estate Lawyers) Conference on September 15 and 16, 2011, at Washington University in St. Louis, Missouri. HEREL is an organization of lawyers committed to providing continuing legal education opportunities for attorneys who practice real estate and construction law at higher education institutions.

Attorney [Joseph A. Barra](#), a member of the Board of Directors of the Construction Management Association of America, attended a breakfast program about the Massachusetts Institute of Technology 2030 strategic plan on October 18, 2011. The presentation described the physical and capital planning process for the future campus at MIT.

Representative education law attorneys, including [Edward J. Samorajczyk, Jr.](#), and [J.C. David Hadden](#), attended the annual WALKS scholarship luncheon on October 18, 2011, at the Hartford Golf Club. WALKS (an acronym for Westminster School, Avon Old Farms School, Loomis Chaffee School, Kingswood-Oxford School, and Suffield Academy) was created over 50 years ago to provide students from Greater Hartford with an opportunity to attend one of its five member schools. Students with limited financial resources who possess the talent, energy, and commitment to achieve success in a competitive academic environment are honored each year at the luncheon.

Robinson & Cole will also be sponsoring the WALKS Constitution Essay Contest, an interscholastic writing contest that will mark its 50th year of competition in 2012. History students from each of the five schools are invited to submit an essay on a selected topic relating to the Constitution. This year's topic is "The Fourth Amendment and Technological Innovations." All finalists are invited to an awards dinner held in April at one of the schools.

For more information on our [education law practice](#), please contact [Gregory R. Faulkner](#) in our Hartford office at (860) 275-8288 or [Megan R. Naughton](#) in our Hartford office at (860) 275-8263.

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