SpencerFane®

Gregory L. (Greg) Ash

Partner

Contact

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Overview

As the leader of the firm's Employee Benefits Practice Group, Greg Ash helps his clients maximize the value and minimize the risks inherent in their benefit plans. With more than 30 years of experience, Greg translates complicated legal issues under ERISA and the Internal Revenue Code into meaningful decision points for employers. He forecasts risk and identifies opportunities to help his clients meet their business objectives.

Greg knows the retirement industry inside and out, representing not only employers but also large record keepers and other service providers. Shortly after the Affordable Care Act was passed, Greg led a team of Spencer Fane lawyers that was selected to advise franchisees of a large restaurant chain concerning the new health care rules. He advises clients on the entire spectrum of benefits issues, including retirement, health and welfare, and executive compensation matters.

Greg also is the leader of the firm's ERISA litigation team. He uses his substantive knowledge of ERISA and the Tax Code to create unique litigation avoidance strategies and, when necessary, winning defense arguments. He has served as a panel presenter at the American Conference Institute's National ERISA Litigation Conferences in New York City.

Education

- University of Kansas
- University of Kansas School of Law

Bar Admissions

- Kansas, 1991
- Missouri, 2000

Court Admissions

- U.S. District Court for the District of Kansas

- U.S. District Court for the Western District of Missouri
- U.S. Court of Appeals for the Tenth Circuit

Distinctions

- *Best Lawyers in America*, Employee Benefits (ERISA) Law; Litigation – ERISA, 2016, 2019, 2022, 2024-2027
  - Lawyer of the Year, Employee Benefits (ERISA) Law, 2024
- Kansas City Civic Council, Kansas City Tomorrow Program, 2010-2011 Class
- *Missouri & Kansas Super Lawyers*, 2008-2009; 2012-2021

Memberships

- American Bar Association

Presentations and Publications

- Fall 2022 *Fiduciary File*™
- Summer 2022 *Fiduciary File*™
- Spring 2022 *Fiduciary File*™
- Winter 2022 *Fiduciary File*™
- Fall 2021 *Fiduciary File*™
- Summer 2021 *Fiduciary File*™
- Summer 2020 *Fiduciary File*™

- "Wave of Lawsuits Targets 401(k)s Using American Century TDFs," *Ignites*, March 2026
- " 401(k) Compliance Checklist: Mid-Year Update on Important Retirement Plan Guidance," *BenefitsPRO*, August 2025
- "PBMs – What ERISA Fiduciaries Need to Know," Spencer Fane Health Law Navigator Webinar, July 2025
- *A "Top-Hat" Plan Primer*
- *Who's a Fiduciary Now? Understanding the Department of Labor's New Definition*
- Is Your Retirement Plan *Really* SECURE?
- Quarterly Fiduciary Training: Fall 2022
- Now What? Evaluating the Risks and Options for Group Health Plan Sponsors After Dobbs
- Quarterly Fiduciary Training: Summer 2022
- Quarterly Fiduciary Training: Spring 2022
- Quarterly Fiduciary Training, Winter 2022
- Quarterly Fiduciary Training, Fall 2021
- Quarterly Fiduciary Training, July 2021
- Quarterly Fiduciary Training, April 2021
- Quarterly Fiduciary Training, February 2021
- Quarterly Fiduciary Training, September 2020
- Quarterly Fiduciary Training, July 2020
- A nationally recognized authority on retirement plan fee issues, Greg has given over 30 presentations on fee practices and fee litigation.
- Greg has given presentations to retirement plan professionals of numerous national service providers concerning developments in the 401(k) fee cases.
- Who's Talking to Your Employees About Retirement – And Why Should You Care? (blooom Seminar), March 2017

- Section 457(f): Deferred Compensation of Tax-Exempt Organizations (ACI National Forum on Executive Compensation – New York), November 2016
- Understanding the DOL's New "Fiduciary" Regulation (FEI Workshop), November 2016
- Regulatory Update (13th ACI National Forum on ERISA Litigation), October 2016
- What the DOL's New Fiduciary Regulation Means for Plan Sponsors (EBI Workshop), October 2016
- The Brave New "Fiduciary" World: Understanding the DOL's Fiduciary Regulation (KC ICEBS), September 2016
- Navigating the DOL's Revised Conflict of Interest Rules (Kansas Bar Association), September 2016
- One Step Ahead of the Regulators: Risk Avoidance Tips for Plan Sponsors (2016 Spencer Fane Employee Benefits Seminar), September 2016
- Understanding the New "Fiduciary" Regulation (Tulsa/Oklahoma City Voya Regulatory Update), August 2016
- Understanding the New "Fiduciary" Regulation (Kansas City Voya Regulatory Update), June 2016
- Claims Against Health Plan Service Providers (10th ACI National Forum on ERISA Litigation – New York), September 2015
- Who's in Charge of Your Retirement Plan? (2015 Spencer Fane Employee Benefits Seminar), September 2015
- ERISA Litigation Arising Out of Health Care Reform (9th ACI National ERISA Litigation Conf. – Chicago), April 2015
- Fiduciary Best Practices and Hot Topics (CBIZ/American Century), February 2015
- How Employee Financial Wellness Impacts the Bottom Line (FEI Fall Feast), November 2014
- 401(k) Fee Cases: Current Litigation Landscape and Recent Cases (8th ACI National ERISA Litigation Conf. – New York), October 2014
- Health Care Reform: Guide to Employer Mandate (Boulder Chamber), October 2014
- Advisors RFPs: Lessons from the Trenches (Transamerica Financial Advisor), September 2014
- Health Care Reform: Guide to Employer Mandate (Boulder Chamber), March 2014
- Health Care Reform Workforce Realignment Seminar (Denver), August 2013
- Health Care Reform Webinar (McDonald's), July 2013
- Health Care Reform: Guide to Employer Mandate (Taglaw Conf. – St. Louis), June 2013
- Health Care Reform Workforce Realignment Seminar (Overland Park), June 2013
- Retirement Plan Fee Disclosure Rules: Now What? (UBA Webinar), October 2012
- Error Correction for Retirement Plan Sponsors (In-House C.E. Seminar), March 2012
- Mastering the New Retirement Plan Fee Disclosure Rules (UBA Webinar), January 2012
- 401(k) Fee Disclosures and Fiduciary Best Practices (Progressive Business Audio and Webinar Conferences), December 2011
- 2011 ERISA Litigation Update (JP Morgan), November 2011
- Best Practices for 401(k) Plan Sponsors, October 2011
- Benefits Issues for On-Site Clinics (CBIZ Conference), September 2011
- Managing Fiduciary Risk under ERISA (UBA Webinar), March 2011
- Hiring Outside ERISA Counsel (UBA Annual Meeting), February 2011
- 401(k) Fee Claims Presentation (Spencer Fane ERISA Litigation Seminar), June 2010
- Employee Communications and reporting and Disclosure (KC Chapter of the ISCEBS), September 2009
- Wellness Programs (UBA Webinar), September 2009
- Wellness Programs Webinar, August 2009
- Practical Lessons from 401(k) Fee Litigation (2008 ABA Tax Section Midwinter meeting), January 2009
- 401(k) Fee Litigation Update (JP Morgan Conference), November 2008
- Fee Litigation, Fee Disclosures and Fiduciary Duties (Tulsa EB Group Presentation), November 2008
- 401(k) Fee Litigation Update (CBIZ Conference), October 2008
- Understanding the Qualified Plan Market (Tucson), April 2008
- 401(k) Fee Litigation Update (CBIZ Conference), August 2007
- Pension Protection Act of 2006 – DB Plans (EBI Seminar), November 2006
- Section 409A Update with TBG Financial (JP Morgan Conference), April 2006

Related Experience

- Developed a sophisticated plan governance structure for the qualified plans of a Fortune 100 publicly-traded company so as to reduce the risk of ERISA fiduciary liability for its board of directors and officers.
- Coordinating the efforts of other Benefits Group attorneys, Greg conducted a comprehensive review and analysis of the fiduciary processes and procedures used by three multiemployer benefit funds with over $7 billion in assets.
- Shortly after regulatory changes allowed it, Greg helped a publicly-traded company add an ESOP component to its traditional 401(k) plan, allowing the company to claim additional corporate income tax deductions, at the same time that plan participants were given the option of receiving cash distributions of dividends paid on company stock held in the plan.
- Served as lead defense counsel in the successful defense of a lawsuit challenging the denial of COBRA coverage, establishing new, employer-friendly precedent in the process. *Maloney v. Ameristar Casinos*.
- During the spring of 2010 Greg guided two clients to early, advantageous settlements of disputes involving 401(k) plan fees and subrogation matters.
- Advised a number of 401(k) plan service providers and plan sponsors in connection with 401(k) "excessive fee" issues.
- Successfully defeated a class action breach of fiduciary duty claim that was brought against a Fortune 20 client arising out of the Enron bankruptcy, convincing the Federal Court to dismiss the matter before discovery was authorized. *Geiler v. Jones*.
- Advised clients with 401(k) plans that hold company stock about their fiduciary risks and obligations in light of recent stock-drop litigation.
- Representing a large 401(k) plan sponsor and its administrative committee in a dispute with service providers following a plan conversion, Greg briefed, argued, and successfully defeated motions to dismiss his clients' claims filed by the defendants on ERISA preemption grounds, ultimately resulting in a favorable settlement of the claims. *Weyerhaeuser v. MFS Retirement Services*.
- Created a proprietary risk assessment tool that provides a unique way of identifying and measuring fiduciary, plan governance and operational risk for employers who sponsor a retirement plan. The report generated with this tool serves as a benchmark for process-improvement strategies.
- Represented the boards of large tax-exempt entities in the process of negotiating and drafting employment agreements and special nonqualified retirement arrangements for executives of those entities.
- Devised and negotiated a favorable resolution for the correction of 401(k) plan loan errors affecting nearly 200 plans and 2,100 loans by leveraging the voluntary correction programs offered by both the U.S. Department of Labor and IRS.