

Investment Management & Fiduciary Services

Wealth managers are regulated through a complex series of laws and regulations which are administered by multiple federal and state regulators, including the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, FINRA, the Department of Labor, the Securities and Exchange Commission and state banking and securities regulators. Traditional law firms provide legal services to wealth managers through separate practice areas which can lead to duplication and confusion in reaching practical solutions to the clients' issues. At Tucker Arensberg, we have assembled in a single practice group, the specialized expertise necessary to provide our clients with comprehensive solutions to their legal concerns.

Tucker Arensberg's Investment Management and Fiduciary Services Practice Group provides "one stop shopping" to individuals and entities that manage other people's money. The Group provides legal services on complex fiduciary issues involving individual accounts, trust accounts, brokerage accounts, investment management accounts, mutual funds, retirement accounts and fiduciary accounts. Our clients include banks, trust companies, investment advisers, investment counseling firms, broker dealers, insurance companies, and individuals.

The group brings together experienced lawyers who can readily identify issues and respond quickly in this ever changing legal and regulatory environment, to help our clients navigate this complex and confusing regulatory field. Our group provides practical advice on fiduciary matters based upon OCC Regulation 9, the federal banking laws, the federal securities laws, ERISA and state statutes, including, the Uniform Probate Code, the Uniform Prudent Investor Act, the Uniform Principal and Income Act, and the Uniform Trust Code.

We also assist our clients in developing risk management and compliance programs, and training programs in responding to regulatory and examination matters. We provide advice on establishing and implementation of policies and procedures established to provide compliance with applicable laws and regulations.

The Group represents our clients in the defense of fiduciary litigation, including, breach of fiduciary duty, surcharge actions, broker malfeasance, FINRA claims, fee challenges, responding to regulatory violations, etc. More importantly, we can assist our clients in establishing a program to avoid potential litigation by establishing policies and procedures required to protect their fiduciary services. We can also serve as expert witnesses in fiduciary litigation.

The following are some of the specific services which are offered by the Group.

Investment Management

- Establishing and Advising Investment Advisor and Brokerage Firms
- Individual Transactions
- Private Placements
- Compliance Programs
- SEC Registrations
- Securities (SEC) Issues
- Regulatory Approvals
- General Representation
- Mutual Funds
- Limited Partnerships
- Real Estate and Foreign Investments
- Conducting Legal Audits

Regulatory and Banking

- Interpretations
- Examination Issues
- Handling Conflicts
- Trust Indenture Act
- Principal & Income Act
- Defense of Surcharge Actions
- Commingled Investments-Common and Collective Funds
- Uniform Trust Code
- Prudent Investor Act
- General Representation Before Agencies
- Compliance Programs
- General Representation
- Conducting Legal Audits
- Privacy
- Fiduciary Liability

Employee Benefits

- Fiduciary Responsibility
- Exemptions
- Compliance Programs
- Examinations and Audits