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## **Dan Tobben Addressing Missouri Association of Public Employee Retirement Systems (MAPERS)**

### **DANNA MCKITRICK ATTORNEY DISCUSSES PENSION PLAN UNDERFUNDING**

Clayton, MO – June 9, 2008 – Dan Tobben, a litigation principal at local law firm Danna McKitrick, is scheduled to present “Pension Plan Funding—A Case Study” at the annual Missouri Association of Public Employee Retirement Systems (MAPERS) conference on July 16, 2008 at Tan-Tar-A Resort in Osage Beach, Mo.

In his session, Tobben will address the recent case *Neske, et al. v. City of St. Louis, et al.*, which he argued and won before the Missouri Supreme Court on behalf of the Firemen’s Retirement System (FRS) of St. Louis. The decision in *Neske* establishes the need for “actuarial soundness” as the principle at the heart of the public employee pension funding. Tobben believes the *Neske* case also affirms that public pension benefits in Missouri are contractually guaranteed.

“All employees, especially those who dedicate their lives to public service, deserve what they have been promised. If you are underfunded badly enough, don’t be afraid to sue the city,” says Dan Tobben. “Trustees have fiduciary responsibilities to see that pension plans are properly funded.”

His presentation will incorporate lessons learned and precautions to consider regarding public pension funding problems, based on Danna McKitrick’s recent experience with FRS of St. Louis, Joplin Police & Firemen’s Pension Fund, and Alton Firefighters Pension Fund (AFPF).

The conference also features speakers Jennifer Bass, executive director of the Joint Committee on Public Employee Retirement; Jake McMahan, chief legal counsel of MOSERS; Meredith Williams, executive director of the Colorado Public Employees’ Retirement Association; and Tripp Frohlichstein, president of MediaMasters, Inc.

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Due to recent rise of awareness about public pension funding shortfalls, Tobben's broader litigation practice is focused extensively on issues affecting public pensions, especially regarding failure to fund. Tobben assists several pension trustee boards, seeking to resolve underfunding issues before lawsuits become necessary. If negotiations are not successful, Tobben aggressively represents trustees in suits against municipalities, which have failed to properly contribute to public pensions. The City of Alton, Ill., recently settled litigation and is now fully funding its pensions after many years of serious underfunding. The significant victory in the Missouri Supreme Court, in **Neske**, led to an eight-figure judgment awarded to FRS. As a result of the victory, FRS received a payment of \$49.4 million from St. Louis in September, 2007, and is scheduled to receive another large lump sum payment in June 2008.

**About MAPERS:** The Missouri Association of Public Employee Retirement Systems (MAPERS) formed in 1987 to bring together individuals and organizations interested in expanding their knowledge of pension and investment issues. The association provides education, information, and ideas to strengthen and protect Missouri's public employee retirement systems. For more information about the MAPERS and their July event, visit [www.momapers.com](http://www.momapers.com).

**About Danna McKitrick:** Located in Clayton, Missouri, Danna McKitrick, P.C. delivers outstanding legal representation to businesses (emerging to national), government-related entities, insurers, and individuals throughout the Midwest. The firm is on the web at [www.dannamckitrick.com](http://www.dannamckitrick.com).

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