



Julia A. DeWitt

Partner

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“I enjoy helping clients navigate complex benefits issues, as well as providing practical advice and innovative solutions.”

Julia A. DeWitt focuses her practice on employee benefits law, specializing in qualified plans, 403(b) and 457(b) plans, and health and welfare plans. She drafts individually designed plan documents, SPDs, and participant notices for all types of deferred compensation and health and welfare plans. She advises plan sponsors with respect to qualification requirements under Code Sections 401(a), 403(b), and 457(b), ERISA compliance, plan design issues, plan administration, nondiscrimination testing, and fiduciary duties, and assists plan sponsors in connection with IRS and DOL audits of their plans. She also helps plan sponsors with the correction of qualification failures in their qualified and 403(b) plans under EPCRS (through either self-correction or VCP filings) and with the correction of fiduciary breaches. Julia assists plan sponsors with the federal laws that apply to their cafeteria and group health plans, including health care reform, COBRA, HIPAA, USERRA, and nondiscrimination rules.

Julia began practicing law in 1994 at Pillsbury, Madison & Sutro LLP in San Francisco. She joined Miller Nash in 1996.

Professional Activities

- Western Pension & Benefits Conference, Portland Chapter, Member
- Oregon State Bar, Member
- State Bar of California, Member

Civic Activities

- Youth soccer coach
- Volunteer at her local public school

Representative Experience

Preparation of Plan Documents

- Prepare individually-designed plan documents and SPDs for all types of deferred compensation and health and welfare plans. Help employers design their plans to fulfill the employers’ objectives. Prepare profit sharing plans, 401(k) plans, money purchase pension plans, traditional defined benefit plans,

Education

J.D., University of California, Hastings College of Law, *magna cum laude*, 1994

B.S., University of Oregon, *summa cum laude*, mathematics and political science, 1991

Bar Admissions

Oregon, 1996
California, 1994

403(b) plans, 457(b) plans, nonqualified plans, cafeteria plans, health flexible spending arrangements, DCAPs, HSAs, severance plans, EAPs, educational assistance plans, trust agreements, medical reimbursement plans, and wrap-around plans. Prepare defined contribution plans with varying features, including safe-harbor 401(k) plans, automatic enrollment, and Roth contributions. Prepare plans with all types of employer contribution formulas, including integration with Social Security, new comparability, and age- and service-weighted formulas. Monitor law changes and keeps the plan documents up-to-date. Prepare all types of notices to participants, including 204(h) notices, QDIA notices, safe-harbor notices, automatic enrollment notices, benefit forms, COBRA notices, and privacy notices.

Qualified Plan Law Compliance

- Assist plan sponsors to ensure that their plans remain qualified under Code Sections 401(a), 403(b), or 457(b). Advise with respect to all qualification requirements, including issues involving eligibility, vesting, contributions, benefit accruals, limits on contributions and benefits, distributions, participant loans, design-based safe harbors, and coverage and nondiscrimination testing. Help plan sponsors comply with ERISA, including advising plan fiduciaries regarding their fiduciary duties under ERISA, assisting plan administrators with ERISA's reporting and disclosure requirements, advising regarding the prohibited transaction rules, and ensuring fiduciary protection for participant-directed investments.

Correction of Qualification Defects

- Helped plan sponsors with the correction of qualification failures in their qualified and 403(b) plans under EPCRS, through either self-correction or VCP filings. These failures included incorrect or untimely contributions, improper distributions, participation errors, testing failures, vesting failures, improper participant loans, and failures to amend. The recommended and implemented corrections enabled the plans to maintain their qualified status.

IRS & DOL Audits

- Assisted several plan sponsors in connection with IRS and DOL audits of their plans. These audits involved issues of improper plan loans to participants, incorrect valuation of plan assets, breaches of fiduciary duty, and qualification defects. Prepared clients for the audits and assisted with resolving any identified issues. As a result of representation, plan sponsors were able to avoid plan disqualification and civil penalties under ERISA.

Correction of Fiduciary Breaches

- Assisted plan sponsors to correct various fiduciary breaches, including the failure to timely deposit elective deferrals, failure to hold plan assets in trust, exclusive benefit violations, prohibited transactions, and failure to properly value plan assets.

Group Health Plan Law Compliance

- Assist plan sponsors with the federal laws that apply to their group health plans, including the ACA, COBRA, HIPAA, USERRA, Medicare Part D, nondiscrimination rules applicable to self-insured health plans, mandated coverage and benefits, and ERISA's trust requirement. Also assist plan sponsors with the issues involving the coverage of domestic partners, including plan design and tax consequences.
- Counsel plan sponsors regarding compliance with the ACA, including the play or pay rules, health coverage reporting, the tax exclusion and required coverage of adult children, the grandfathered plan rules, the rules regarding excepted benefits, the restrictions on lifetime and annual limits, preexisting condition exclusions, rescissions, the required notices to participants, and the internal and external claims review process. Helps plan sponsors respond to proposed penalties from the IRS for failing to offer health coverage or failing to do the required health coverage reporting.

- Advises plan sponsors on all aspects of COBRA. Prepares and reviews COBRA notices. Assists plan sponsors with COBRA administration issues, including issues relating to qualifying events, COBRA notices, the applicable premium, correction of COBRA failures, early termination of COBRA coverage, duration of COBRA coverage, special rules for health FSAs, COBRA in mergers and acquisitions, and the coordination of COBRA and USERRA coverage.

Cafeteria Plans

- Assist plan sponsors with their cafeteria plans, health FSAs, DCAPs, and HSAs. Prepare cafeteria plan documents that include health FSAs, DCAPs, and HSAs. Advise plan sponsors with respect to the administration of these plans and the applicable legal requirements, including election changes, grace periods, nondiscrimination rules, COBRA coverage, and determining reimbursable medical and dependent care expenses.

Prohibited Transaction Excise Tax Filings

- Completed several prohibited transaction excise tax filings for taxes resulting from the failure to timely deposit elective contributions, improper participant loans, nonqualifying employer securities, and improper valuations.

Publications

Following is a listing of publications since 2015. A complete list is available upon request.

- “CARES Act Impacts Employer Retirement Plans,” Miller Nash Graham & Dunn, *Employee Benefits Update* (Apr. 2020)
- “IRS Publishes Final Hardship Distribution Regulations,” Miller Nash Graham & Dunn, *Employee Benefits Update* (Oct. 2019)
- “Deadline Looms for Mandatory OregonSaves Retirement Program,” Miller Nash Graham & Dunn, *Employee Benefits Update* (Oct. 2017)
- “Health Coverage Information Reporting Deadline Looms,” Miller Nash Graham & Dunn, *Employee Benefits Update* (Dec. 2015)

Recognition & Honors

- Selected for inclusion as an Oregon Super Lawyer—Rising Stars, 2008
- Rated AV[®] Preeminent[™] by Martindale-Hubbell[®]

Personal Activities

Julia enjoys hiking, yoga, soccer, traveling, reading, and cooking.