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FOREWORD

In the United States employee benefits are the collective responsibility of the government, employers, and workers themselves. The government provides supplementary income programs like Social Security, safety nets like Medicaid, and a tax environment that helps employers sponsor employee benefit programs and encourages employees act on their own. Employers encouraged by the tax incentives and the need to attract, retain, and motivate high quality workers provide benefit programs customized for the characteristics of their workforce. Workers are expected to make benefit savvy employment decisions, utilize effectively the programs offered by their companies, and save and invest on their own to complement government and employer provided programs. This contrasts with the model adopted decades ago in Europe in which the government has primary responsibility for benefits ranging from housing, childcare, medical care, and retirement.

The collective approach adopted in the United States has led to a unique, comprehensive, and complex body of law. For example, U.S. benefits law regulates benefit plan design, dispute resolution, benefits protection, and benefits plan distributions, all of which are addressed in the Spring 2004 Issue of *The John Marshall Law Review*. This Issue features authors who are legal research experts and professors from across the country, as well as adjunct professors teaching in John Marshall's Graduate Employee Benefits Program.

Dana M. Muir and Barry Kozak present two different views of cash-balance pension plans in their articles *Counting the Cash: Disclosure and Cash Balance Plans* and *The Cash Balance Plan: An Integral Component of the Defined Benefit Plan Renaissance*.

Donald T. Bogan and Mark D. DeBofsky have explored the current and future impact of judicial rulings on the process of adjudicating benefit claims disputes in their articles *ERISA: Re-Thinking Firestone in Light of Great West—Implications for Standard of Review and the Right to a Jury Trial in Welfare Benefits Claims* and *The Paradox of the Misuse of Administrative Law in ERISA Benefit Claims*.

In the article *Lost Pension Money: Who is Responsible? Who Benefits?* Ellen A. Bruce and John Turner have identified the challenge of proving earned benefits to mobile workers or their beneficiaries in America's dynamic economic environment where employers move, go out of business or are acquired. They suggest that U.S. law could be changed in a way that would greatly lessen the amount of unclaimed benefits. Steven Lifson has written

Practical Planning Ideas for Distributions from IRAs and Qualified Plans to assist tax practitioners when advising clients how to structure distributions from IRAs and tax-qualified plans.

As these articles demonstrate, not only does US benefits law deal with far ranging and complex issues it is in constant evolution. It is critical that we continue to examine, as this year's authors have, current legal practice to identify ways to improve our process as well as manage the direction of change, which is inevitable.

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