

NEWS

Contact: Knut A Rostad. 301-509-6468

*Fiduciary September Speakers Advance Fiduciary Principles:
Luis Aguilar, Frankel Prize honoree, praised for defining ‘What fiduciary
means’; Jason Furman, Harvard professor, sets out ‘Why fiduciary matters’*

Washington DC, October 5, 2021 – Fiduciary September, the largest annual program of experts dedicated to advancing fiduciary duties, concluded September 30. A summary:

- September 30. In keynote remarks Harvard professor, **Jason Furman**, set out in clear terms why fiduciary advice is indispensable to retirement savers and consumers. Excerpts of his remarks and a link to the webinar recording can be seen in this release on page two.
- Current SEC Commissioner **Allison Herren Lee** and former SEC Commissioner **Kara Stein** and law professors **Tamar Frankel** and **John C. Coffee** spoke for former SEC Commissioner **Luis Aguilar** as the Frankel Fiduciary Prize honoree. Their remarks praised Aguilar for defining what fiduciary means. Excerpts can be seen in this release on page three.
- September 27. Financial planners **Cheryl Holland** and **Dave Yeske** joined journalist **Evan Simonoff** to discuss **Dick Wagner’s** view that financial planner and industry interests are not aligned. Wagner’s compelling case forces hard questions on the SEC and CFP Board.*
- September 23. Harvard professor **Robert Sitkoff** discusses ESG and fiduciary duties. **Ron Rhoades, Matt Orsagh** comment, **Skip Schweiss** moderates.*
- September 22. CRS forms have been widely panned. Here, **Knut Rostad** discussed new Institute research that explains why. Language expert **Deborah Bosley** discusses her research.*
- September 20. Morningstar’s **Aron Szapiro** and SSGA’s **Brie Williams** present new data on investor fee comprehension. Knut Rostad presents on why confusion is no surprise.*
- September 9. Law professors **Christine Lazaro** and **Ron Rhoades** discuss the new SEC. *

Takeaways from the panels

- Leadership matters. Jason Furman and Luis Aguilar demonstrate a “rule” of Vanguard Founder Jack Bogle, “Even one person can make a difference.” ...
- Irreconcilable differences exist between industry sales and professional advice. ...
- Fiduciary duties and ESG investing raise questions and challenge assumptions. ...
- The failure of SEC Form CRS is clear, as is the opportunity to fix it. ... Investor misunderstandings of their own fees should be no surprise; the solution no mystery. ...
- Furman urges the Biden Administration and the SEC to prioritize fiduciary duties.

*The link to the webinar recording and additional content for each panel program is listed on page four.

Jason Furman, Obama’s Council of Economic Advisors Chair, urges the Institute to be persistent with the Biden Administration

In keynote remarks the Harvard professor and former Obama and Clinton Administration official set out in concrete terms why fiduciary advice as opposed to conflicted brokerage sales is so important for retail investors saving for retirement. Below quotes are highlighted and their approximate location on the video cited. The complete set of remarks may be reviewed at the webinar. Jason’s remarks run from 12:15 to 27:00 minutes. [Webinar Link](#)

“This is one of the biggest opportunities to help investors and consumers the government has right now. (19:30) This is a really important discussion. There are the interests of 150 million American at stake.” (25:30)

“It is so important the Biden Administration, the SEC really focus on this for consumers and savers. I can think of very few things that are as large and as important as helping people who are faced with a very complicated and confusing decision.” (24:00)

With a suitability standard, “A broker can advise you to do almost anything (and) have high fees.” (14:30)

“This is why the Fiduciary Institute paying attention to this issue acts as a counterweight and shows that there is a higher road that is consistent with the retirement savers best interest and is a viable model for capitalism.” (25:30)

Former SEC Commissioner Luis Aguilar, Frankel Prize honoree, praised for his courage, insistence on always ‘Looking out for investors’

This year the Institute Frankel Fiduciary Prize program capped our month in a closing panel to recognize former SEC Commissioner Luis Aguilar. Quotes from SEC Commissioners and professors Tamar Frankel and John C Coffee regarding Luis A. Aguilar. The webinar can be linked to [Webinar Link](#) and their remarks start at about 1:07:00.

“It is my great honor for the Institute for the Fiduciary Standard to offer Luis A. Aguilar the Frankel Fiduciary Prize. [...] He demonstrates that the most powerful people and institutions including those holding office need reliance on unwavering trustworthiness. [This] is a basis for life all over the globe, thank you Commissioner Aguilar for your Fiduciary leadership.”

Tamar Frankel, Professor of Law Emerita, Boston University

“[Aguilar] has consistently been ahead of the curve and ahead of his time. He advanced ideas and proposals that were new and novel when he first championed them [are now] part of the mainstream... [Aguilar] served during a period that was probably the most exhaustive, even harrowing period during the history of the SEC... Commissioner Aguilar has championed causes and issues that have become even more important over time [...] he has shown, vision, leadership and firm commitment, and he justly deserves the Frankel award.”

John C. Coffee, Professor of Law, Columbia Law School

“I am especially pleased Luis has been chosen for this honor and I couldn’t think of a more wonderful and appropriate person to give this award to. [...] [His] experiences infused everything that Luis did at the commission and his practical grounding made him quite persuasive. [...] Early in his speeches he articulated that every decision he would make as a commissioner he would do through the lens of everyday investors. [...] He made it clear to everyone inside and outside the commission that was the job of the commission, to look out for investors. [...] From my perspective, Luis as a commissioner epitomized what it meant to be a Fiduciary.”

Kara Stein, SEC Commissioner, 2013-2019

“You know what else sets him apart [...] it’s his dogged hands on, unpretentious and unrelenting approach to policymaking. He has a genuine devotion to principles of fair play and that is a thread that runs through every single cause that he champions. He is willing to take a stand even when it’s uncomfortable or unpopular or sometimes even coming at his own expense. [...] His goal was always the same, it was to get the best possible outcome for investors, for capital markets, and for our economy. He is a rare treasure, having spent a career placing that goal above all else. I cannot think of a more deserving recipient for this award.”

Allison Lee, SEC commissioner, 2019-Present

Fiduciary September 2021 Program

Each panel is listed here with the direct link to the webinar and the associated slides, remarks or papers. To view all the panels links to content and webinars on one page, [Link to Page with All Programs and Related Content](#)

- September 30 *“The state of fiduciary advice in 2021; Award of Frankel Fiduciary Prize”*
- Opening. *“The state of fiduciary advice 12 years after the Obama Administration call for brokers-dealers to be held to a fiduciary standard”*
Remarks by Jason Furman and Knut Rostad and panel discussion with Phyllis Borzi, Harold Evensky and Corey Then
- Closing. *“Award of Frankel Fiduciary Prize to Luis A. Aguilar”*
Remarks by Allison Herren Lee, Kara Stein, John C. Coffee, Tamar Frankel and Luis Aguilar. [[Webinar Link](#)]
- September 27 *“Our profession’s interests are not aligned with industry concerns”*
Dick Wagner’s argument in Chapter 6 of Financial Planning 3.0 continues to vex the evolving financial planning profession. Speakers: Dave Yeske, Cheryl Holland and Evan Simonoff [[Webinar Link](#)] [[Chapter 6 of Dick Wagner's Book](#)] [[Knut Rostad's Feb 2021 Blog](#)]
- September 23 *“Reconciling Fiduciary Duty and Social Conscience”* A discussion of Robert Sitkoff’s 2020 paper as the SEC considers mandatory ESG disclosure. Speakers: Robert Sitkoff, Ron A Rhoades, Matt Orsagh, Skip Schweiss (moderator) [[Webinar Link](#)] [[Ron Rhoades Slides](#)]
- September 22 *“Testing CRS, A Review of 29 Broker-dealer Forms”* Fresh research from the Institute and speech expert Deborah Bosley examines the broker-dealer and investment adviser CRS disclosures. Deborah Bosley, Knut Rostad [[Webinar Link](#)] [[Knut Rostad's Slides](#)] [[Institute Paper on Form CRS](#)]
- September 20 *“Investor Understanding of Fees”* SSGA research underscores that retail investors admit they do not know what they pay for their services. Speakers: Brie Williams, Aron Szapiro, Knut Rostad [[Webinar Link](#)] [[Brie Williams' Slides](#)] [[Aron Szapiro's Slides](#)] [[Knut Rostad's Slides](#)]
- September 9 *“The New SEC, 2021”* Speakers: Ron A Rhoades, Christine Lazaro, Knut Rostad [[Christine Lazaro's comments](#)] [[Ron Rhoades' comments](#)] [[Knut Rostad's comments](#)]

Fiduciary September 2021 Speakers

Luis A. Aguilar, SEC Commissioner, Securities & Exchange Commission, 2008-2015

[\[Link to Commissioner Aguilar's Bio\]](#)

Phyllis Borzi, Assistant Secretary, EBSA, Department of Labor, 2009-2017

[\[Bio\]](#)

Deborah Bosley, Founder and Principal, The Plain Language Group

[\[Bio\]](#)

John C. Coffee, Adolf A. Berle Professor of Law, Columbia Law School

[\[Bio\]](#)

Harold Evensky, Founder Evensky & Katz/Foldes

[\[Bio\]](#)

Tamar Frankel, Professor of Law, Emerita, Boston University School of Law

[\[Bio\]](#)

Jason Furman, Professor, Harvard Kennedy School

[\[Bio\]](#)

Cheryl Holland, Owner, Abacus Financial Planning

[\[Bio\]](#)

Christine Lazaro, Professor, St. John's University School of Law

[\[Bio\]](#)

Allison Herren Lee, SEC Commissioner, 2019-Present

[\[Bio\]](#)

Matt Orsagh, Managing Director, CFA Institute

[\[Bio\]](#)

Ron A. Rhoades, Associate Professor of Finance, Western Kentucky University

[\[Bio\]](#)

Skip Schweiss, CEO, Sierra Investment Management

[\[Bio\]](#)

Robert Sitkoff, Austin Wakeman Scott, John L. Gray Professor of Law, Harvard Law School

[\[Bio\]](#)

Kara Stein, SEC Commissioner, 2013-2019

[\[Bio\]](#)

Aron Szapiro, Head of Retirement Studies and Public Policy, Morningstar

[\[Bio\]](#)

Corey Then, General Counsel, Moneta Group

[\[Bio\]](#)

Brie P. Williams, Vice President, SPDR Exchange Traded Funds

[\[Bio\]](#)

Dave Yeske, Managing Director, Yeske Buie

[\[Bio\]](#)

About the Institute

The Institute for the Fiduciary Standard is a non-profit formed in 2011 to provide research, education and advocacy on the vital role of the fiduciary standard for investors and the capital markets. For more information visit www.thefiduciaryinstitute.org or email, info@thefiduciaryinstitute.org.

The Institute for the Fiduciary Standard advances fiduciary principles; explaining ‘what fiduciary duties mean and why they matter’ is key

“Today we take stock of fiduciary advice as we commemorate the Institute’s tenth year. Today we honor Luis Aguilar, with the 2021 Frankel Fiduciary Prize.

The Institute launched in 2011 to advance fiduciary principles in advice through education and advocacy. We set out to be a clear voice for what fiduciary duties mean and why they matter. Our mission is in our words in papers, blogs, panels, webinars and conferences. Our vision in the voices of scholars and experts. In the voices of leading fiduciary advisers on defending and advancing what Justice Harlan Fiske Stone referred to as “That principle”.

The Institute was fortunate from the start. Our first program featured speakers who embodied the importance of fiduciary. In January 2012 at the Museum of American Finance we honored the legacy of Vanguard founder John C Bogle. Paul Volcker and Arthur Levitt headed a program that featured SEC Chair Gary Gensler, Yale’s David Swensen, Princeton’s Alan Blinder and Burton Malkiel

These leaders helped advance the fiduciary mission in discussing the Vanguard founder. The conviction and candor in their voices inform, engage, and inspire.

Fiduciary principles are indispensable to secure the health and welfare of -- and trust in -- the economy and markets. Much as free speech is to democratic principles and our Constitution.

What does this mean? Core principles endure. They are not complicated and do not require 770 pages to explain. They are in concrete terms in our Real Fiduciary Practices in five pages. And in our e-book, ‘Fiduciary Common Sense’ in eight. What should advisers and investors understand? Tamar Frankel says: “Treat others as you would like to be treated.”

... The speakers this afternoon uphold the high standard the Institute set on that January day in 2012. Please welcome each one. Now I ask Phyllis Borzi to introduce Jay Furman.”

Knut A. Rostad
Co-founder and President
September 30, 2021 remarks