



Robert L. Gauss

Senior Counsel

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Rob Gauss concentrates his practice in helping local and state governmental employers and retirement systems with employee benefit questions and concerns on matters of retirement, health and welfare benefits. This includes working with governmental pension plans and boards across the country on federal tax, compliance, correction and fiduciary issues. In particular, Rob works with clients in the design, administration and federal tax law compliance of their qualified defined benefit and defined contribution/deferred compensation plans. Rob's work with defined contribution/deferred compensation plans includes 401(a), 401(k), 403(b) and 457(b) type plans and includes all areas of compliance for the plans under the Internal Revenue Code. By way of example, Rob's work regularly includes assisting the plans with issues related to plan participation/enrollment, employee and employer contributions, required minimum distributions, compensation limits, rollovers and plan-to-plan transfers, 415 limits and plan corrections. The size of the plans with which Rob works ranges from under \$1B to over \$200B in total assets.

Rob brings a unique perspective to his practice as he also has significant trial experience, having conducted, or been involved in, multiple bench and jury trials in both state and federal courts, as well as commercial arbitrations. Rob's trial experience started before he joined Ice Miller during his service with the United States Marine Corps where he obtained the rank of Captain. During his service as a Judge Advocate, Rob primarily served as a prosecutor and was involved in over 30 criminal trials, primarily as the first chair. Because of his trial experience, Rob is focused on collaborating with our clients as it relates to problem solving.

An Indianapolis native, Rob received his Bachelor of Arts from DePauw University in 1990. He earned his juris doctor from the Indiana University Robert H. McKinney School of Law in 1993, where he was a recipient of the Cale J. Holder Memorial Scholarship in 1992 and a member of the Order of the Barristers in 1993.

Rob enjoys serving in the firm and in the community. He has served as a Deputy Managing Partner, as the Indianapolis Office Managing Partner, as the Chair of the firm's Employee Benefits Practice Group, Chair of the firm's Personnel Committee, Chair of the firm's Professional Development Committee, and Chair of the firm's Diversity and Inclusion Committee. In these roles, Rob has been involved in all aspects of the Firm's efforts and strategic planning involving diversity, recruiting, training, and mentoring. Throughout his career, Rob has been involved in community

Services & Industries

- 401(k) Plans
- 403(b) Plans
- 457 Plans
- Benefit Compliance & Correction Programs
- Emerging Companies Services
- Employee Benefits
- Fiduciary Responsibility & Audits
- Government
- Governmental Retirement Plans
- Retirement Plans
- Transportation, Distribution & Logistics

organizations whose missions also were personally important to him. Currently, Rob is the Immediate Past Chair of the Board of Directors for the Greater Indianapolis Chapter of the American Red Cross.

Rob is admitted to practice law in the State of Indiana, but works with governmental entities and retirement plans around the country.

Education

- DePauw University (B.A., 1990)
- Indiana University Robert H. McKinney School of Law (J.D., 1993)

Admissions

- Indiana
- United States District Court - Northern District of Indiana
- United States District Court - Southern District of Indiana

Professional Affiliations

- Member, National Conference on Public Employee Retirement Systems (NCPERS)
- Executive Board Member, National Association of Public Pension Attorneys (NAPPA)
- Member, National Council on Teacher Retirement (NCTR)
- Member, National Association of State Retirement Administrators (NASRA)
- Member, Indiana State Bar Association
- Member, Indianapolis Bar Association
- Member, American Bar Association
- Office Managing Partner, 2022-2023
- Chair, Employee Benefits Practice Group, 2019-2021
- Chair, Diversity and Inclusion Committee, 2017-2018
- Co-Chair, Diversity and Inclusion Committee, 2016
- Deputy Managing Partner, 2011-2014
- Chair, Professional Development Committee, 2005-2010
- Chair, Personnel Committee, 2008-2010
- Past Member, Summer Program Lawyers' Advisory Team, 3 Years

Awards & Honors

- *The Best Lawyers® in America*, Commercial Litigation, 2013-2026, Employee Benefits (ERISA) Law, 2025-2026
- *Super Lawyers*, 2010-2018
- Indianapolis Bar Foundation Distinguished Fellow, 2015
- Order of the Barristers, 1993
- Cale J. Holder Memorial Scholarship, 1992
- Stanley K. Lacy Leadership Series Class XXVIII
- AV-Preeminent, Martindale-Hubbell, Peer Review Ratings

Community Involvement

- Board of Directors, American Red Cross, Greater Indianapolis Chapter, 2012-present
- Chair, American Red Cross, Greater Indianapolis Chapter, 2019-2022
- Board of Directors, Center for Leadership Development, 2012-2021
- Board of Directors and Past President of the Board, Heritage Place of Indianapolis
- Indianapolis Bar Association, Homeless Project, 2003-2021
- Past Member, Marine Corps Scholarship Foundation, Local Fundraising Committee

Published In

- Co-Published, "The SECURE Act 2.0", *The NAPPA Report*, April 2023
- "IRS Announces Transition Relief for 403(b) Plan Exclusions of Part-Time Employees," *Employee Benefit Plan Review*, Volume 73, Number 3, March/April 2019
- "Bipartisan Budget Act of 2018 Brings Changes for Retirement Plans," *BenefitsLink Retirement Plans Newsletter*, Feb. 22, 2018
- Co-Published, "Annual Tax Withholding Notice - Heightened Importance for 2018"
- Co-Published, "The Changing Landscape for Governmental Plans - Recent Developments from the IRS," *The NAPPA Report*, October 2016
- Co-Published, "A Primer for Tax Administrators," *NCPERS*, Oct. 2014
- Co-Author, *Administration of 457 Plans Chapter in the 457 Answer Book, Eighth Edition*, Wolters Kluwer, 2020
- Co-Author, "Appendix C," *Recent Court Decisions of Interest Involving Governmental Plans in the Governmental Plans Answer Book, Fifth Edition*, Wolters Kluwer, 2021-2022

Thought Leadership

April 8, 2026

USPS Postmark Rule Change Creates New Compliance Risks for Employee Benefit Plans

March 24, 2026

Retirement of IRS FIRE System and Mandatory Transition to IRIS

February 2, 2026

IRS Modifies Language in the Safe Harbor Special Tax Notice

January 6, 2026

2026 Is Here—Is Your Plan Ready? Required Amendments, Tax Tables, and TEFRA Reminders

December 4, 2025

New Maximum Dollar Limits for Tax Year 2026: How the Contribution Limits Interact When an Employer Sponsors Multiple Retirement Plans

November 13, 2025

IRS Releases Updated Cost of Living Adjustments and Maximum Dollar Limits for Tax Year 2026

October 3, 2025

Quade | What Employers Need to Know About Reissued Retirement Plan Distribution Checks

Quade Blog

September 23, 2025

IRS Issues Final Regulations on Roth Catch-Up Mandate for Higher Earners Ahead of Implementation Deadline

September 15, 2025

Withholding and Reporting Obligations for Re-Issued Distribution Checks

July 24, 2025

Roth Catch-Up Requirements for Special Catch-Up Contributions in 457(b) Plans

July 21, 2025

Big Beautiful Benefits: A Look at the Employee Benefits Provisions of the One Big Beautiful Bill

July 10, 2025

Avoiding Impermissible CODAs in Governmental Pension Plan Reform and Enhancement

June 18, 2025

Uncertainty at the IRS: Why Qualified Pension Plans Should Self-Audit

January 2025

Employee Benefit Plan Review | SECURE Developments: The Final and New Proposed RMD Regulations

Employee Benefit Plan Review

December 26, 2024

Congress Repeals Social Security Benefit Reductions for Public Employees

2024

NCPERS | SECURE 2.0: A Desk Reference for Governmental Plans

National Conference on Public Employee Retirement Systems

November 15, 2024

To Be (Retired) or Not to Be (Retired)? – That Is the Question

November 7, 2024

2025 Cost of Living Adjustments for Your Retirement Plan Administration

August 23, 2024

SECURE Developments – Final and New Proposed RMD Regulations Issued

January 8, 2024

Just in Time for the New Year, IRS Issues Miscellaneous Implementation Guidance for SECURE 2.0 Changes

December 20, 2023

In the Nick of Time Before Effective Date: IRS Issues Proposed Regulations for the Long-Term, Part-Time Employee Rules

November 9, 2023

2024 Cost of Living Adjustments for Your Retirement Plan Administration

August 29, 2023

Social Security Replacement Plan Participants May Be Exempt from SECURE 2.0 Roth Catch-Up Contributions

August 1, 2023

Key Takeaways for Employers Regarding the New Mental Health Parity Rules

April 4, 2023

Guidance Issued on the End of the COVID-19 Emergency Periods and Impact on Benefits Plans

January 17, 2023

Secure 2.0 Highlights for Retirement Plan Sponsors

November 14, 2022

IRS Opens Determination Letter Program to 403(b) Plans

November 10, 2022

Time to Dig In: SEC Issues Final Clawback Rules for Incentive Compensation

Employee Benefit Plan Review

November 3, 2022

2023 Cost-of-Living Adjustments for Health and Welfare Plans

October 31, 2022

2023 Cost of Living Adjustments for Your Retirement Plan Administration

October 10, 2022

IRS Extends Helpful RMD Rule Transition Relief

Spring 2022

Changing Views on Pension Plan Loans in Bankruptcy— Is it a “Debt”?

NCPERS PERSist

August 22, 2022

IRS Extends Deadlines for Amending a Retirement Plan or IRA for Certain Provisions of SECURE Act, Miners Act, and CARES Act

June 16, 2022

New Federal Tax Withholding Forms W-4P and W-4R: Is Your Retirement System Ready?

June 13, 2022

IRS Announces New “Pre-Audit” Pilot Program for Retirement Plans

May 10, 2022

HDHP and HSA Annual Limits Increase for 2023

March 18, 2022

IRS Releases Proposed RMD Rule

January 27, 2022

Expect the Breach of Fiduciary Duty Cases to Keep on Coming

January 21, 2022

IRS Finalizes 2022 Federal Tax Withholding Guidance and Forms

November 9, 2021

2022 Cost of Living Adjustments for Your Retirement Plan Administration

November 1, 2021

Update: The New IRS Draft Forms for Tax Withholding from Benefit Payments: What You Need to Know

October 25, 2021

New Emphasis in ESG and Proxy Voting Rules Under Proposed Department of Labor Regulations

July 19, 2021

IRS Updates the EPCRS Correction Program (Rev. Proc. 2021-30)

May 19, 2021

IRS Issues Guidance on COBRA Subsidies Just In Time

May 12, 2021

HDHP and HSA Annual Limits Increase for 2022

May 3, 2021

DOL Issues New Cybersecurity Guidance: A Step Towards Minimum Expectations

March 12, 2021

Reminder: Annual Tax Withholding Notice and New IRS Draft Withholding Form W-4R

March 11, 2021

New Stimulus Act Provides Full COBRA Subsidies to Involuntarily Terminated Employees

January 11, 2021

EEOC Issues New Proposed Wellness Regulations

January 7, 2021

Year-End Legislation Brings More Than Just COVID-19 Relief: New Changes for FSAs and Employer-Based Health Plans

December 29, 2020

Consolidated Appropriations Act of 2021

December 8, 2020

IRS Issues 2020 Required Amendments List

November 12, 2020

IRS Issues Final Regulations Updating Required Minimum Distribution Life Expectancy Tables

National Association of State Retirement Administrators (NASRA) News Clips

October 29, 2020

2021 Cost of Living Adjustments for Your Retirement Plan Administration

October 6, 2020

IRS Offers Transition Relief for ACA Reporting

October 5, 2020

IRS Issues Final Regulations on Income Tax Withholding on Certain Periodic Retirement and Annuity Payments made After December 31, 2020

August 25, 2020

IRS Modifies Language in the Safe Harbor Special Tax Notice

June 29, 2020

Additional IRS Guidance for CARES Act Loans, Coronavirus-Related Distributions and Required Minimum Distributions

June 29, 2020

IRS Releases Important Guidance Regarding Coronavirus-Related Distributions, Loans and RMD Waivers under the CARES Act

May 27, 2020

DOL Issues Final Rule on Electronic Delivery

May 21, 2020

COVID-19 Extensions Are Not Mandatory for Governmental Plans

May 13, 2020

IRS Allows Mid-Year Election Changes for Health Plans, Health FSAs, Dependent Care FSAs in 2020

May 12, 2020

IRS Releases Coronavirus-Related Relief for Retirement Plans Q&A

May 11, 2020

A Closer Look: Coronavirus-Related Distributions

May 11, 2020

A Closer Look: Other CARES Act Provisions Affecting Health Plans

May 11, 2020

A Closer Look: Extended Deadlines

May 11, 2020

A Closer Look: Mandatory Coverage of COVID-19 Testing

May 11, 2020

A Closer Look: Suspension of Required Minimum Distributions

May 11, 2020

Summary Table and In-Depth Analysis of COVID-19 Legislation for Employer-Based Retirement and Welfare Plans

May 11, 2020

A Closer Look: Loan Increases and Repayment Relief

May 11, 2020

A Closer Look: Employer-Provided Student Loan Repayments

May 4, 2020

IRS and EBSA Provide Additional Relief for Health and Retirement Plans and Participants Due to COVID-19

April 17, 2020

FAQs Clarify Health Plan Requirements of FFCRA and CARES Act

April 13, 2020

IRS Extends Time-Sensitive Deadlines to July 15, 2020 Due to COVID-19

March 31, 2020

CARES Act Expands Requirements for Health Plans

March 30, 2020

403(b) Plan Amendment Deadline Extended

March 30, 2020

Reducing or Suspending Employer Retirement Plan Contributions Due to COVID-19

March 27, 2020

Accessing Retirement Plan Funds Under CARES Act and Existing Law

March 26, 2020

IRS Issues 2020 Form W-4P

March 24, 2020

FAQs Regarding COVID-19 and Governmental Retirement Plans

March 19, 2020

Coronavirus Response Act Requires Health Plans to Cover COVID-19 Testing

January 23, 2020

More Retirement Plan Changes for Educational Employers

January 10, 2020

DEVELOPMENT: Reduced Age for In-Service Distributions

January 7, 2020

Required Amendments List for Individually Designed Retirement Plans

December 27, 2019

SECURE Act Becomes Law

Speaking Engagements

Rob speaks frequently on matters related to governmental retirement plans. Recent presentations include:

- "Legal, Legislative, and Regulatory Update," NCPERS Fall Conference, October 23, 2023
- "Evolving Federal Tax Requirements Made Understandable," P2F2 Annual Conference, 2023
- "Federal Legislative and Regulatory Update," 2023 NCPERS Annual Conference, May 23, 2023
- "Federal Tax Update (SECURE Act 2.0)," 2023 NAPP Winter Conference, February 2023
- "Considerations for Enhanced and Supplemental Benefits-Aggregation of Limits," 2023 NAPP Winter Conference, February 2023
- "SECURE 2.0 Act of 2022," National Pension Education Association Webinar, February 22, 2023
- "Update regarding SECURE 2.0 Act of 2022," CALAPRS Attorney Roundtable, February 10, 2023
- "Holiday Miracle Part Deux SECURE 2.0," 2023 NCPERS Legislative Conference, January 2023
- "Federal Update," NASRA 2022, August 7, 2022
- "Legal, Legislative, and Regulatory Update," NCPERS 2022, May 25, 2022
- "Federal Regulatory Issues Impacting Plan Operations and Investments," NASRA/NCTR 2022, February 28, 2022

- "RIP Determination Letter Program Plan Amendments for Consideration and Other Important Bogies for your Radar," NAPPA 2021, October 6, 2021
- "Federal Legislative & Regulatory Update," NAPPA 2021, October, 2021
- "Tax Panel Presentation," NASRA 2021, August 4, 2021
- "Federal Legislative & Regulatory Update," NAPPA 2021, June 24, 2021
- "Overview of SECURE Act Impact on Governmental Plans," NCPERS Webinar, April 21, 2020
- "Vesting - Not Another Discussion of the California Rule," NAPPA 2020, February 20, 2020
- "SECURE Act Implementation Issues," NCTR Webinar, February 5, 2020
- "'I Can't Believe They Did This!' Educating Your Legislature on Tax Laws Affecting Pension Reform Legislation," NAPPA 2019, June 27, 2019
- "Legal Panel: Benefits, Tax and Regulations," NCPERS 2019, May 21, 2019
- "Emerging Federal Tax Compliance Issues Affecting Public Plans," NASRA/NCTR 2019 Joint Conference, February 25, 2019
- "Tax Section Panel on Compliance Considerations," NAPPA 2019, February 21, 2019
- "Fiduciary Duties and Considerations Regarding Recent Lawsuits Against Retirement Plans," NAPPA 2017, June 27, 2017
- "Regulatory Update: Developments from the IRS, DOL and SEC Affecting Governmental Plans," NCPERS 2017 Annual Conference and Exhibition
- "USERRA and The HEART Act," NAPPA 2017 Winter Meeting, February 23, 2017
- "Public Safety Employees Pension & Benefits Conference - Federal Regulatory Update," NCPERS 2016, October 26, 2016
- "Federal Regulatory Update," NCPERS 2016 Annual Conference and Exhibition, May 16, 2016
- "The Supreme Court's *Windsor* and *Obergefell* decisions and their implications for governmental plans," NAPPA 2016 Winter Seminar
- "Regulatory Updates," 2015 National Association of Governmental Defined Contribution Administrators (NAGDCA) Annual Conference
- "Litigation with Plan Sponsors and Members," NAPPA 2015 Winter Seminar, February 12, 2015
- "DROP Plans: Current IRS Concerns, Real-World Experiences and Insights on Sustainability", NCPERS 2014 Public Safety Conference, October, 2014
- "An Introduction to Qualification and Taxation Issues for Governmental Retirement Plans," NCPERS Webinar, Oct. 14, 2014
- "Issues of Importance for Public Pension Plans," Illinois Public Pension Fund Association Midwest Pension Conferences, 2013-2014
- Gauss has presented at the Diversity in Practice Conference presented by the *Indiana Lawyer* and on issues regarding the practice of law for the Indianapolis Bar Association's Bar Leadership Series.