



Stephen W. Kraus

SHAREHOLDER

WASHINGTON, D.C.

☎ 202.965.8147

☎ 202.965.8104

CONNECT

✉ skraus@carltonfields.com

Overview

Steve Kraus advises clients on a broad range of tax and ERISA matters relating to qualified and nonqualified retirement plans, IRAs and IRA annuities, health, and other welfare benefit plans. He has extensive experience dealing with the fiduciary and prohibited transaction provisions of ERISA, including the newly issued Department of Labor “investment advice” regulation and accompanying exemptions. He also advises life insurance company clients on the tax qualification of annuities and life insurance contracts. He has experience dealing with the issues surrounding synthetic annuities, including securing private letter rulings for clients; advising clients with regard to issues surrounding bank-owned life insurance; and advising clients regarding mutual fund taxation issues.

Steve has represented clients on numerous matters before both the Internal Revenue Service and the Department of Labor. He was chief counsel, Retirement Security for the American Council of Life Insurers, where he worked for 25 years.

Areas of Focus

Practices

- Financial Services Regulatory
- Labor & Employment

Industries

- Life, Annuity, and Retirement Solutions

- [Tax](#)
- [Employee Benefits, Compensation & ERISA](#)

Insights

01.11.2024

IRS Gives Equal Billing to an Adviser Life Insurance Contract: Treats Adviser's Fee the Same as Under Adviser Annuities

11.08.2023

DOL Tries Once Again To Define What Constitutes Investment Advice Under ERISA

01.11.2022

DOL to Plan Sponsors: "It's Mostly All About the Benjamins!"

09.03.2020

IRS Continues Hot Streak: Issues Additional Favorable Fee-Based Annuity Rulings

07.01.2020

DOL Proposes Restoring Original Investment Advice Regulation and New Prohibited Transaction Class Exemption for Investment-Advice Fiduciaries

04.13.2020

Fidelity Beats Back ERISA Challenge: Infrastructure Fee Complaint Dismissed

10.04.2019

ETFs on the Horizon for Variable Products?

03.31.2018

Fifth Circuit Vacates DOL Fiduciary Rule

11.28.2017

New Model Regulation Gives Insurers Little to Be Thankful For

06.15.2015

DOL Proposal Would Fundamentally Alter Fiduciary Relationship

05.20.2015

Supreme Court Clarifies Scope of Fiduciary Duty Under ERISA

01.01.2015

Handbook on ERISA Litigation (4th ed. 2015), Wolters Kluwer Law & Business/Aspen Publishers

10.27.2014

Treasury Department and IRS Allow Lifetime Annuity Contracts as Investments by Target Date Funds

09.16.2014

Supreme Court Establishes New Standard for Fiduciaries of ESOP Plans

07.08.2014

PBGC Supports Lifetime Income

07.08.2014

Rules Will Allow Issuance of Longevity Insurance in Retirement Plans

08.01.2012

Labor Department Modifies Disclosure Regarding Brokerage Windows in Participant-Directed Plans

02.03.2012

Department of Labor Issues Final Regulation Relating to Fee Disclosures by Service Providers to Plan Fiduciaries

News

06.18.2021

'Another Fight' Brewing if DOL Revives Fiduciary Rule, Attorney Says

Recognition

- AV Rated by Martindale-Hubbell
- *The Best Lawyers in America*, Tax Law (2023)

Professional & Community Involvement

- American Bar Association
- Association of Life Insurance Counsel
- District of Columbia Bar
- Board of Advisers, BNA Pension & Benefits Reporter

Speaking Engagements

- "Training Seminar on Securities, Insurance, and Tax," Client Presentation (June 14, 15, 21 and 23, 2022)
- "DOL and Federal Activities," NAFA Annuity Leadership Forum (June 13, 2022)
- "A Look at Regulatory and Legal Issues Impacting the Industry," NAFA Annuity Leadership Forum (June 15, 2021)
- "Update on ERISA Retirement Plan Litigation – Including Impact of the DOL Rule," Insured Retirement Institute Webinar, Washington, D.C. (January 17, 2018)
- "Analysis of the Department of Labor's Fiduciary Rule Proposal," Client Focus Forum, Baltimore, MD (October, 2016)
- "Product Design and Distribution in a Post-DOL Fiduciary World – Part II," ACLI Compliance & Legal Sections Annual Meeting (July 2016)
- "Is There a Future for Insurance Agents Under the DOL Rule?," InsuranceNewsNet.com (April 21, 2016)
- "Is There a Future for Insurance Agents Under the DOL Rule?," InsuranceNewsNet.com Webinar (April 20, 2016)
- "Answering The 'Top Ten' Key Questions About The DOL Fiduciary Rule," Insured Retirement Institute Webinar, Washington, D.C. (March 8, 2016)
- ALI-ABA Conference on Life Insurance Company Products (2004)

- American Conference Institute Long-Term Care Conference (2001)
- International Claim Association (2000)

Credentials

Education

- Georgetown University Law Center (LL.M.)
- George Washington University Law School (J.D.)
 - Order of the Coif
- Brooklyn College (B.S.)

Bar Admissions

- District of Columbia

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, D.C. Circuit
- U.S. Tax Court