

OUR PRACTICE

Employee Benefits and Executive Compensation

Baker Donelson's Employee Benefits and Executive Compensation practice pre-dates the enactment of the Employee Retirement Income Security Act of 1974 (ERISA). Our experience and depth in the field have attracted many leading local, regional and national clients, involving single-person or single-entity arrangements as well as controlled group, multiple-employer and multiemployer (Taft Hartley) plans. The sponsors of these plans include taxable and pass-through entities, as well as plans of governmental, church and other tax-exempt employers. We offer a fully integrated practice that includes both counseling and litigation of ERISA and non-ERISA claims in all state and federal trial and appellate courts.

We currently advise several hundred plan sponsors in various industries, including manufacturing and distribution, financial institutions, technology, health care, hospitals and medical service providers and educational institutions. Our lawyers are familiar with issues unique to collectively bargained funds, multi-employer plans and welfare arrangements and fully insured plans.

Employee Benefits

Our employee benefits attorneys are experienced in dealing with the issues that arise under the Internal Revenue Code, ERISA, ADEA, ADA, FMLA, HIPAA, USERRA and COBRA. They work closely with clients and their professional advisors in designing, drafting and administering the entire spectrum of employee benefits plans. These include, for example:

- Tax Qualified Retirement Plans, such as pension plans, 401(k) plans and ESOPs
- Welfare Benefit Plans, such as life, disability, accident, health and flexible compensation (cafeteria) plans
- Supplemental Executive Retirement Plans and all types of deferred compensation arrangements, including stock options and other equity-based compensation, group insurance and split dollar insurance.

We maintain IRS-approved volume submitter plans. These pre-approved plans allow for economical implementation and maintenance of various types of retirement plans by our clients. We also custom design and obtain approval where available of individually designed retirement plans for those clients who need more flexibility.

Our Employee Benefits lawyers work closely with other Baker Donelson practice groups, including Labor & Employment, Health Care and Taxation. They provide an in-house resource for administrative services agreements, stop-loss insurance policies for self-insured group medical plans and negotiation of labor agreements.

Our lawyers have held leadership positions in national and regional professional organizations. They are regularly engaged to speak before professional groups and have published extensively on employee benefits subjects for the American Bar Association Tax Section Employee Benefits Committee; the American Bar Association Real Property, Probate and Trust Law Section; the Southern Employee Benefits Conference and the American College of Employee Benefits Counsel, among others.

Executive Compensation

Our Executive Compensation attorneys regularly advise on the planning, development and implementation of simple and complex executive compensation programs for publicly and privately held companies. We address issues including severance pay arrangements, tax, employee benefits, ERISA, corporate securities, stock-based compensation, employment law, retirement, deferred compensation and bonus arrangements.

Litigation, Administrative Proceedings & Alternative Dispute Resolution

Our litigation attorneys are experienced in ERISA and non-ERISA benefit claims. We routinely represent both claim and plan administrators in the defense of claims in state and federal courts as well as administrative agencies, including the Internal Revenue Service, Department of Labor and the Pension Benefit Guaranty Corporation. We also represent clients with claims against service providers to the plans or their fiduciaries. We regularly assist our clients in responding to agency inquiries regarding compliance, audits or investigations, reporting and documentation problems, fiduciary duties and prohibited transaction provisions.

Our group is skilled at effectively handling large class actions and complex lawsuits. We maintain an active appellate practice at every level in state and federal courts and regularly assess an action for alternative dispute resolution options.