

EMPLOYEE BENEFITS

Hodgson Russ's Employee Benefits Practice provides a comprehensive array of counseling and litigation services to assist clients in establishing, maintaining, and operating a wide range of retirement, welfare, and fringe benefit plans.

Our attorneys have substantial experience with tax-qualified and nonqualified plans, supplemental retirement benefits and other nonqualified deferred compensation arrangements, stock-based compensation programs, and specialized compensation programs for executives and senior staff. We are very familiar with and routinely advise on compliance issues related to ERISA, COBRA, HIPAA, and all federally regulated retirement and benefit programs.

A particular strength of Hodgson Russ's Employee Benefits Practice is our knowledge of the laws of taxation related to qualified retirement plan rules and deferred compensation arrangements, such as 403 (b) tax shelter annuity plans and Code section 457 deferred compensation plans. Members of our Group authored *Taxation of Distributions From Qualified Plans*, a 700-page publication and the seminal work in its field (available at www.riahome.com/estore).

Hodgson Russ has been awarded prestigious "Best Law Firms" Metropolitan Tier 1 rankings by *Best Lawyers/U.S. News & World Report* in the

Employee Benefits (ERISA) Law category and the Litigation-ERISA category.

TAX-QUALIFIED PLANS

Our attorneys assist with 401(k), profit sharing, defined benefit, cash balance, ESOP, and stock bonus plans, including:

- Drafting and reviewing plan and trust documents
- Providing sponsors with advice on compliance with relevant laws and regulations
- Assisting clients in using IRS and DOL-sanction self-correction programs as needed
- Developing appropriate plan procedures, employee communications and administrative forms

WELFARE & FRINGE BENEFIT PLANS

We help clients establish and maintain a wide variety of welfare and fringe benefit plans, including:

Hodgson Russ provides comprehensive counseling and litigation services to assist clients in establishing, maintaining, and operating a wide range of retirement, welfare, and fringe benefit plans.





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PROFESSIONALS

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A particular strength of our practice is our knowledge of the laws of taxation related to qualified retirement plan rules and deferred compensation arrangements.

- Group health plans for active employees and retirees, including plan designs using high-deductible health plans, HSAs, self-insured arrangements, and other innovations
- Cafeteria or flexible benefits plans
- VEBA trusts and other post-retirement benefit funding mechanisms

Hodgson Russ attorneys provide comprehensive legal counsel to our clients covering medical plan documents, plan descriptions, and COBRA and HIPAA compliance, as well as counsel concerning all aspects of the Employee Retirement Income Security Act (ERISA) including:

- Fiduciary responsibility and liability
- Claims procedures
- Multiemployer plans and withdrawal liability
- Reporting and disclosure requirements
- Prohibited transactions and applications for exemptions

NON-QUALIFIED PLANS & COMPENSATION PROGRAMS

Hodgson Russ's Employee Benefits Practice assists clients in designing, drafting, and implementing supplemental retirement benefits and other nonqualified deferred compensation arrangements for highly compensated employees and senior executives.

We design and implement a variety of stock-based compensation programs for both publicly traded and privately held businesses, including

the use of stock options, stock appreciation rights, and restricted stock. Hodgson Russ attorneys develop other specialized compensation programs for executives and senior staff. In addition to deferred and stock-based compensation programs, our attorneys are experienced with the tax and other legal issues involved in employment and change-in-control agreements (such as 409A and 280G golden parachute taxation), performance-based or incentive compensation arrangements, and compliance with 162(m) deduction limitations.

LITIGATION

Our attorneys handle benefits claims and claims for breach of fiduciary duty and provide litigation exposure and avoidance counsel to plan sponsors. Although our employee benefits attorneys' attention to plan operations renders litigious situations less frequent, clients may rely on our respected team of litigators if and when a conflict arises. Our Employee Benefits Practice frequently collaborates with attorneys in our Labor & Employment Practice Group on a wide range of matters involving labor and employment laws and guidelines. We focus on preventive steps, believing that avoidance of litigation and early resolution of human resources problems are the most effective methods to minimize costly employment disputes.

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Practice restricted to U.S. law



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