

# The American College of Employee Benefits Counsel, Inc. 2010 Fellow Nomination

(See Instructions to the Form at the End of this Document)

**NOMINATION OF** \_\_\_\_\_  
(Name of Nominee)

**NOMINATORS:** \_\_\_\_\_  
(Primary Sponsoring Nominator)

\_\_\_\_\_  
(Secondary Sponsoring Nominator)

## **Part A1 – To be filled out by Primary Sponsoring Nominator**

1. Nominee's full name:
2. Name of nominee's firm, agency or employer:
3. Relationship to nominator: [a Fellow may not nominate someone in his or her firm, a client of the Fellow or a family member]
5. Length of time nominator has known nominee:
6. Circumstances under which nominator has become familiar with work of the nominee:
7. Do you estimate that at least 50% of the nominee's professional time, on average, is devoted to employee benefits practice, or that the person is otherwise widely known specifically as an employee benefits practitioner? If the nominee is a full-time professional arbitrator/mediator, see the instructions at the end of this document for an explanation of how these criteria may be met.

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8. Do you know of (1) any complaint that has been made against the nominee to any ethics committee of the bar or of any professional disciplinary action against the nominee or (2) any claim (whether or not the subject of a filing in an adjudicatory forum) for professional negligence or misfeasance against the nominee? If so, describe the date of the complaint or claim, its nature, the name of the committee or adjudicatory forum (if any), and the disposition, and include any additional information about the complaint or claim that the College should consider.
9. Do you estimate that the nominee has been engaged in an employee benefits practice for 20 or more years?
10. Please describe why you believe that the nominee has demonstrated a sustained commitment to the development and understanding of the law of employee benefits through such activities as writing, speaking, participating in public policy analysis, public education or public service, giving specific examples of service or achievements beyond either outstanding advocacy on behalf of clients or pure marketing activities that do not entail rigorous scholarship.
11. Please indicate the category for which the nominee should be considered:
- \_\_\_ **Fellow**
  - \_\_\_ **Emeritus Fellow** (a person who meets the qualifications for a Fellow but has ceased to engage in any gainful activity because of retirement, illness or infirmity and who earns less than \$15,000 annually as an Employee Benefits Practitioner)

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\_\_\_ **Honorary Fellow** (a person who has provided outstanding public service in the field of employee benefits)

\_\_\_ **In Memoriam Fellow** (deceased individual who met the qualifications for a Fellow during his/her period of active practice)

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**Certification:** I certify that, to the best of my knowledge and belief, the foregoing information is true and the nominee meets the qualifications for admission as a Fellow of the American College of Employee Benefits Counsel.

**Nominator/Fellow:** \_\_\_\_\_

Date: \_\_\_\_\_

**Part A2 – To Be Completed by Second Sponsoring Nominator**

- 1a. Relationship to nominator [a Fellow may not nominate someone in his or her firm, or a client of the Fellow]:
- 2a. Length of time nominator has known nominee:
- 3a. Circumstances under which nominator has become familiar with work of the nominee:
- 4a. Please describe why you believe that the nominee has demonstrated a sustained commitment to the development and understanding of the law of employee

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benefits through such activities as writing, speaking, participating in public policy analysis, public education or public service, giving specific examples of service or achievements beyond either outstanding advocacy on behalf of clients or pure marketing activities that do not entail rigorous scholarship.

- 5a. Do you agree with the responses to all of the other questions, above, given by the other Fellow sponsoring this nomination? If not, please explain.

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**Certification:** I certify that, to the best of my knowledge and belief, the foregoing information is true and the nominee meets the qualifications for admission as a Fellow of the American College of Employee Benefits Counsel.

**Nominator/Fellow:** \_\_\_\_\_

Date: \_\_\_\_\_

The American College of Employee Benefits Counsel, Inc.

**Part B – To be filled out by nominee**

1. Nominee's full name:
2. Name of nominee's firm, agency or employer:
3. Office address, telephone, fax, and e-mail address:
4. Are you currently engaged in an employee benefits practice? Please briefly describe the nature of your practice:
  - a. Under the College by-laws, at least half of a Fellow's work must be devoted to employee benefits practice. Do you meet this standard?
5. Residence address, telephone, fax, and e-mail address:
6. Place and date of birth:
7. State and year in which originally admitted to the Bar:
8. Subsequent state and federal admissions and the year of admission:
9. Under the College By-laws, Fellows must have had at least 20 years of employee benefits practice. For the year ending December 31, 2009, state the length of time you have been engaged in employee benefits practice following admission to the bar:
10. Do you know of any complaint that has been made against you to any ethics committee of the bar, or of any disciplinary action against you? If so, state the

date, the nature of the grievance, the name of the committee and the disposition of the complaint.

11. Please describe any claim made against you (whether or not the subject of a filing in an adjudicatory forum) for professional negligence or misfeasance, giving the date of the complaint or claim, its nature, the name of the committee or adjudicatory forum (if any), and the disposition, and any additional information about the matter that you would like the College to consider.

**NOTE:** In lieu of answering the following questions, nominee may attach a current resume, curriculum vitae or other biographical statement containing the following information. However, because election to the College is contingent on a concrete demonstration of a candidate's commitment to the development and understanding of the law of employee benefits, beyond either outstanding advocacy on behalf of clients or pure marketing activities that do not entail rigorous scholarship, it is important that the responses to questions 15 – 19 be as specific and detailed as possible. Therefore, feel free to supplement your standard biographical statement to be sure the College has complete information on these issues.

**NOTE: IT IS NOT SUFFICIENT TO SAY “FREQUENT SPEAKER AT BAR PROGRAMS” OR “AUTHOR OF NUMEROUS ARTICLES;” YOU MUST GIVE SUFFICIENT DETAIL ABOUT YOUR ACTIVITIES SO THAT REGIONAL ADVISORY PANELS, THE MEMBERSHIP COMMITTEE, AND THE BOARD OF GOVERNORS OF THE COLLEGE CAN ASSESS YOUR CREDENTIALS OBJECTIVELY AND CONFIRM THAT YOUR ACTIVITIES WERE DIRECTLY RELATED TO EMPLOYEE BENEFITS OR EXECUTIVE COMPENSATION RATHER THAN GENERAL TAX, EMPLOYMENT LAW, OR TRUST AND ESTATES LAW. THIS SHOULD INCLUDE, FOR EXAMPLE, A LIST OF REPRESENTATIVE ARTICLES AND SPEAKING APPEARANCES AND A DESCRIPTION OF OR CITATIONS TO THE PUBLICATIONS IN WHICH YOUR ARTICLES APPEARED OR SPECIFIC FORUMS AT WHICH YOU MADE LISTED PRESENTATIONS.**

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12. Undergraduate and legal education:
13. Employment history since admission to bar (nominee may also include any relevant pre-bar employment):
14. Professional organizations to which nominee has been admitted to membership:
15. Service on boards of benefits-related, service, and community organizations:
16. Membership and leadership positions held in bar associations and other organizations representing the legal profession:
17. Publications:
18. Selected (significant) speeches and presentations to audiences other than clients and employers (list organization, topic and date for each speech or presentation):
19. Teaching and public service responsibilities.

**I certify that, to the best of my knowledge and belief, the foregoing information is true.**

**Nominee:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**AMERICAN COLLEGE OF EMPLOYEE BENEFITS COUNSEL, INC.  
2010 FELLOW NOMINATIONS**

**Instructions:**

The College's Nomination Form is attached. After the completed form is received by the College, the candidacy of the nominated individual will be considered first by Regional Screening Panels which make recommendations to the Membership Committee which in turn recommends candidates for Membership in the College to the Board of Governors of the College. Under the College's By-Laws, the Board makes the final decision in selecting new Fellows.

To be considered for induction at the College's Annual Induction Ceremony to be held on September 25, 2010, in Toronto, Ontario, Canada, all Nomination Forms must be received by **May 14, 2010**. The completed form must be filed electronically with Howard Shapiro, Membership Committee Chair (hshapiro@proskauer.com). **All attachments to the form must be filed as part of a single electronic document, not as separate forms.**

The Nomination Form is divided into two sections. The first section, which is marked Part A, is to be completed by the sponsoring nominators (a primary nominator and a second). To be considered for membership in the College, the individual must be nominated by **two people who are currently Fellows of the College in good standing. Neither of these nominators may be partners in, or be employed by the same entity as the nominee. Nor may either nominator have a family relationship with the nominee nor be a client of the nominee.**

**The two nominators and the nominee must each sign their part of the Form. If any of the three are not able to transmit the signature page electronically, original signature pages may be used. If original signature pages are used, they should be sent immediately upon the submission of the electronic application to Howard Shapiro but must be received by him no later than May 19, 2010. Mr. Shapiro's mailing address is: Howard Shapiro, Proskauer, 650 Poydras Street, Suite 1800, New Orleans, LA 70130-6146.**

**After the primary nominator has completed the first section of Part A, he or she must forward the form to the secondary nominator to complete his or her section of Part A. The nominee should complete Part B and return the completed Part B of the form to the primary nominator. The primary nominator is responsible for submitting the completed entire form with Parts A and B, all fully executed, to Mr. Shapiro.**

**NOTE:** The primary nominator is responsible for assembling all the portions of the form, including both sections of Part A (which contain the recommendations of the two sponsoring nominators) and Part B (which has been completed by the nominee), and e-mailing them as a single document in either PDF or word format to Mr. Shapiro at hshapiro@proskauer.com. The entire application must be submitted at one time as part of a single electronic document. Applications not received by close of business May 14, 2010, will not be considered for action this year. (Note, while the complete application must be sent electronically as a single document, where the parties cannot transmit electronically signed signature pages, the primary nominator may send original signature pages to Mr. Shapiro by mail. If the primary nominator cannot send the signature pages electronically, he/she can mail the signature pages to Howard Shapiro, Proskauer, 650 Poydras Street, Suite 1800, New Orleans, LA 70130-6146. The signature pages should be sent as soon as the electronic form is submitted but must be received by him no later than May 19, 2010.

*Remember: Incomplete applications will not be considered.*

**AMERICAN COLLEGE OF EMPLOYEE BENEFITS COUNSEL, INC.  
2010 FELLOW NOMINATIONS**

The qualifications for membership are set forth below:

- As of December 31, 2010, the individual has had at least twenty years experience as an employee benefits practitioner following admission to the practice of law, in the private sector (including law firm, in-house corporate, tax-exempt organization or consulting), government or academic setting;
- The individual's professional time is spent primarily (50% or more) in the area of employee benefits or the individual is otherwise widely known specifically as an employee benefits practitioner. During the past few years, questions have arisen as to how this requirement might apply in certain special situations. For example, while benefits-related matters are unlikely to occupy more than half of the time of a full-time professional arbitrator/mediator, such an individual would be eligible for consideration as a Fellow if he or she has a special focus on and expertise in benefit plan issues and is well regarded among benefits practitioners for work in the employee benefits area;
- The individual has demonstrated a sustained commitment to the development and pursuit of public awareness and understanding of the law of employee benefits, through such activities as writing, speaking, participating in public policy analysis, public education or public service and representation projects, and leadership in the employee benefits activities of bar associations or other professional organizations. During the past few years, questions have arisen concerning the scope of these requirements. For example, such activities do not include client centered seminars and papers developed solely for client use. The activities must be sustained over the course of the individual's career; we suggest that the individual list as many activities as s/he can recall.
- The individual has consistently exhibited exemplary character and ethical behavior, and has not been disciplined by a professional or governmental body for departing from ethical or professional standards;
- The individual is generally recognized by his or her peers for expertise in the benefits field and intellectual excellence.

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To become a Fellow, an individual who is invited to join the College in 2010 must attend the Induction Dinner on September 25, 2010, in Toronto, Ontario, Canada, or, if not possible, must attend the 2011 Induction Dinner on a date and site to be announced later. Upon individual application, the Board of Governors of the College may waive the attendance requirement for Emeritus Fellows, or if the person is unable to attend due to religious observance.