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The American College of Employee Benefits Counsel, Inc. 2021 Fellow Nomination Form

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

NOMINATION OF: _____
(Nominee's Full Name)

LAW FIRM/EMPLOYER: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

EMAIL ADDRESS: _____

LAW FIRM/EMPLOYER WEBSITE: _____

NOMINATOR 1: _____
(Primary Sponsoring Nominator's Name)

LAW FIRM/EMPLOYER: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

EMAIL ADDRESS: _____

NOMINATOR 2: _____
(Secondary Sponsoring Nominator's Name)

LAW FIRM/EMPLOYER: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

EMAIL ADDRESS: _____

IMPORTANT: All nominators must be in good standing (which includes payment of all of his or her dues statement(s)) at the time the Nomination Form is submitted AND when the nominee is considered for admission by the Board of Governors. If either nominator is not in good standing during such period of time, the Nomination Form will not be considered.¹

Part A1 – To be filled out by Primary Sponsoring Nominator

1. Nominee’s relationship to nominator [a Fellow may not nominate someone in his or her firm, a client of the Fellow, or a member of the Fellow’s family]:
2. Length of time nominator has known nominee:
3. Circumstances under which nominator has become familiar with the qualifications of nominee:
4. Do you estimate that **at least 50%** of nominee’s professional time, on average, is devoted to employee benefits practice? If nominee is a full-time professional arbitrator, mediator, or in academia see the instructions at the end of this form for an explanation of how these criteria may be met. **(See instructions on page 15, #2 for an explanation of the time devoted to employee benefits practice.)**
5. Do you believe that nominee has been engaged in an employee benefits practice for **20 or more years** since admission to the bar? **(See instructions on page 15, #1 for an explanation of the 20 or more years criteria.)**
6. Do you know of (1) any complaint that has been made against nominee to any ethics committee of the bar or of any professional disciplinary action against nominee, (2) any claim (whether or not the subject of a filing in an adjudicatory forum) for professional negligence or misfeasance or malfeasance against nominee, or (3) during the last 10 years; (a) any actions concerning possible reprimand, suspension, or disbarment currently

¹ Not applicable if the nominator is an Emeritus Fellow.

pending against the nominee; (b) any previous or current investigation involving the nominee by any court, government agency, previous or current employer, or any professional organization; or (c) any allegations of sexual or other workplace harassment that have been made against nominee or against nominee's current or previous law firm or employer based on the actions or inactions of nominee or whether either nominee or nominee's current or previous law firm or employer has entered into any settlement agreements related to allegations of sexual or other workplace harassment or misconduct by nominee?

If so, describe the date of the complaint, claim, allegation, action, or investigation, its nature, the name of the committee or adjudicatory forum (if any), and the disposition, and include any additional information about the complaint, claim or allegation that the College should consider.

7. Please describe in a meaningful and substantive manner why you believe that 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 marketing activities that do not entail rigorous scholarship. This is your opportunity to "make the case" for nominee to be admitted to the College. **(See instructions on page 15, #4 for an explanation of the "sustained commitment" requirement.)**
8. Please indicate the category for which nominee should be considered:

_____ **Fellow**

_____ **Emeritus Fellow** (a person who meets the qualifications for a Fellow and who currently earns less than \$15,000 annually as an Employee Benefits Practitioner)

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

NOTE: As the Instructions state on page 15, the Primary Sponsoring Nominator **MUST** deliver *electronically* to Howard Shapiro, Nominations Committee Chair (Nominations@acebc.com), by 11:59 p.m. PST on June 30, 2021, the following:

- Two copies of the Nomination Form with *all* attachments to the form (in a single document) in a PDF version *and* a WORD version; and
- The nominee’s “bio” for the College’s website in a *separate* WORD document with the Nomination Form.

Please note that the nominators’ and nominee’s actual signatures **MUST** be on the PDF version of the Nomination Form (*i.e.*, “wet” signatures). Conformed signatures (*i.e.*, “/s/ (Name of Nominator/Nominee)”) may not be used to sign the PDF version and will render the Nomination Form incomplete. Conformed signatures may be used on the WORD version of the Nomination Form.

Incomplete or untimely Nomination Forms will not be considered. If both versions of the Nomination Form, with all attachments, and the nominee’s “bio” are not received by Mr. Shapiro by 11:59 p.m. PST on June 30, 2021, then the Nomination Form will be incomplete and not considered.

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Certification Page Follows]***

PRIMARY SPONSORING NOMINATOR CERTIFICATION

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

Nominator

Signature: _____

Date: _____

IMPORTANT: Please note that the nominators' and nominee's actual signatures **MUST** be on the PDF version of the Nomination Form (*i.e.*, "wet" signatures). Conformed signatures (*i.e.*, "/s/ (Name of Nominator/Nominee)") may not be used to sign the PDF version and will render the nomination forms incomplete. Conformed signatures may be used on the WORD version of the Nomination Form. Signed forms may be electronically delivered by emailing a scanned copy of the signature page or by sending a photograph of the signature page (taken using a smartphone) that shows the entire certification box with signature and date.

IMPORTANT: All nominators must be in good standing (which includes payment of all of his or her dues statement(s)) at the time the Nomination Form is submitted AND when the nominee is considered for admission by the Board of Governors. If either nominator is not in good standing during such period of time, the Nomination Form will not be considered.²

Part A2 – To Be Completed by Secondary Sponsoring Nominator

1. Relationship to nominator [a Fellow may not nominate someone in his or her firm, a client of the Fellow, or a member of the Fellow’s family]:
2. Length of time nominator has known nominee:
3. Circumstances under which nominator has become familiar with the qualifications of nominee:
4. Please describe in a meaningful and substantive manner why you believe that 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 marketing activities that do not entail rigorous scholarship. This is your opportunity to “make the case” for nominee to be admitted to the College. **(See instructions on page 15, #4 for an explanation of the “sustained commitment” requirement.)**
5. Do you agree with the responses to *all* of the other questions, above, given by the Primary Sponsoring Nominator? If not, please explain.

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Certification Page Follows]***

² Not applicable if the nominator is an Emeritus Fellow.

SECONDARY SPONSORING NOMINATOR CERTIFICATION

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

Nominator

Signature: _____

Date: _____

IMPORTANT: Please note that the nominators' and nominee's actual signatures **MUST** be on the PDF version of the Nomination Form (*i.e.*, "wet" signatures). Conformed signatures (*i.e.*, "/s/ (Name of Nominator/Nominee)") may not be used to sign the PDF version and will render the nomination forms incomplete. Conformed signatures may be used on the WORD version of the Nomination Form. Signed forms may be electronically delivered by emailing a scanned copy of the signature page or by sending a photograph of the signature page (taken using a smartphone) that shows the entire certification box with signature and date.

Part B – To be filled out by Nominee (All questions must have a response for the application to be considered.)

1. Residence address, work address, telephone, fax, and e-mail address:
2. Place and date of birth:
3. State and year in which originally admitted to a Bar:
4. Subsequent state and federal admissions and the year(s) of each admission:
5. Length of Time Practicing Employee Benefits Law:
 - a. Under the College By-Laws, Fellows must have had **at least 20 years** of employee benefits practice. **As of December 31, 2021**, state the length of time you will have been engaged in employee benefits practice following the date of your original Bar admission. For nominees who commenced their career as judicial law clerks and count that years(s) to meet their 20-year requirement, during your judicial clerkship you must have worked on one or more employee benefits matters that were before your jurist. **(See instructions on page 15, #2 for an explanation of the 20-year requirement.)**
 - b. Are you currently engaged in an employee benefits practice?
5. Please briefly describe the nature of your practice.
6. **At least 50%** of nominee’s professional time, on average, during the past 20 years must be devoted to employee benefits practice. **(See instructions on page 15, #2 for an explanation of the time devoted to employee benefits practice.)**

Do you meet this standard?

NOMINATION OF _____

7. Do you know of any complaint that has been made against you to any ethics committee of any Bar, or of any professional disciplinary action against you? If so, state the date, the nature of the grievance, the name of the committee, the disposition of the complaint and fully explain the circumstances.
8. Has any claim been made against you (whether or not the subject of a filing in an adjudicatory forum) for professional negligence or misfeasance or malfeasance or during the last 10 years have there been or are there any (a) actions concerning possible reprimand, suspension, or disbarment currently pending against you; (b) previous or current investigation involving you by any court, government agency, previous or current employer, or any professional organization; or (c) allegations of sexual or other workplace harassment that have been made against you or against your current or previous law firm or employer based on the your actions or inactions or whether your current or previous law firm employer has entered into any settlement agreements related to allegations of sexual or other workplace harassment or misconduct by you? If so, describe the date of the complaint, claim, allegation, action, or investigation, its nature, the name of the committee or adjudicatory forum (if any), and the disposition, and include any additional information about the complaint, claim or allegation that the College should consider.
9. Undergraduate, post-graduate and legal education:
10. Employee Benefits Related Professional Organizations/Bar Associations/Non-Profit or Community Organizations to which nominee has been admitted to membership: Because election to the College is contingent on a concrete demonstration of a nominee's "sustained commitment" to the development and understanding of the law of employee benefits. It is

NOMINATION OF _____

critical that the responses to questions 10.a. through 10.f. be as specific and detailed as possible and that they span the length of your career. **Please do not consider the submission of your biographical statement for the College’s website, resume, or *curriculum vitae* as responsive to questions 10.a. through 10.f. Such information will not be considered. (See the Instructions on page 15, #4 for an explanation of the “sustained commitment” requirement.)**

You must give sufficient detail about your speaking, writing, teaching, or other activities so that the Board of Governors of the College can, on the face of your application, assess your credentials objectively and confirm that your activities were directly related to employee benefits (including executive compensation) rather than general tax, employment, trusts and estates, or other law.

The information provided should include a list of articles and speaking appearances and a description of or citation to the publications in which your articles appeared or specific forums at which you made listed presentations. If you participated in national, regional, or local benefits organizations, please provide details about your activities. **Please do not include presentations to or articles written for clients or your law firm or employer as they will not be considered.**

- a. Service, including leadership positions, on boards of employee benefits-related non-profit and other community organizations or government advisory committees/taskforces (*e.g.*, Chamber of Commerce Taskforce on Health Plans; DOL ERISA Advisory Committee) (listed in chronological order in the following format):

NOMINATION OF _____

| <u>Dates of Service</u> | <u>Organization Name</u> | <u>Positions Held</u> |
|-------------------------|--------------------------|-----------------------|
| | | |

- b. Membership and leadership positions held in professional organizations related to employee benefits (e.g, Southwest Benefits Association) (listed in chronological order in the following format):

| <u>Dates of Membership</u> | <u>Organization Name</u> | <u>Positions Held</u> |
|----------------------------|--------------------------|-----------------------|
| | | |

- c. Membership and leadership positions held in Bar associations and other organizations representing the legal profession (e.g., American Bar Association Tax Section Employee Benefits Committee; State Bar Association Employee Benefits Committee) (listed in chronological order in the following format):

| <u>Dates of Membership</u> | <u>Bar Association</u> | <u>Positions Held</u> |
|----------------------------|------------------------|-----------------------|
| | | |

- d. Publications relating to employee benefits/executive compensation topics (*please note that client alerts, client newsletters, client papers are not considered and thus should not be listed*); if the nature of the topic is not evident from the title, please provide additional information (for example, do not include “Legislative Update”, but do include “Legislative Update [Overview of Recent Employee Benefit Legislation Enacted in 2016]”) (listed in chronological order in the following format):

| <u>Date of Publication</u> | <u>Title of Article Name</u> | <u>Name of Publication</u> |
|----------------------------|------------------------------|----------------------------|
| | | |

NOMINATION OF _____

- e. Speeches and presentations regarding employee benefits/executive compensation topics to audiences other than clients or your law firm or employer (list date, organization, and topic for each speech or presentation); if the nature of the topic is not evident from the title, please provide additional information (for example, do not include: “ERISA Update”, but do include: “ERISA Litigation Update [Discussed Recent Stock Drop Cases and Fiduciary Breach Cases]”) (listed in chronological order) (listed in chronological order):

| <u>Date of Presentation</u> | <u>Name of Organization</u> | <u>Topic of Speech/Presentation</u> |
|-----------------------------|-----------------------------|-------------------------------------|
| | | |

- f. Teaching and public service responsibilities (*e.g.*, Adjunct Professor at Georgetown teaching employee benefits course to LLM program; Completed research report for Federal Canadian Government on comparative treatment of pensions in bankruptcy) (listed in chronological order in the following format):

| <u>Date</u> | <u>Description of Teaching/Public Service Responsibilities</u> |
|-------------|--|
| | |

11. Can you certify that, to your knowledge, during the last 10 years, (i) no allegations of sexual or other workplace harassment have been made against you or against your Law Firm/Employer based on your actions or inactions and (ii) neither you nor your Law Firm/Employer have not entered into any settlement agreements related to allegations of sexual or other workplace harassment or misconduct by you? If not, please explain.

NOMINATION OF _____

12. Provide the reasons you think you have satisfied the requirements for election as a Fellow, *i.e.*, why you should be admitted as a Fellow:

***[Remainder of the Page Intentionally Left Blank
Certification Page Follows]***

NOMINEE CERTIFICATION

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

Nominee

Signature: _____

Date: _____

IMPORTANT: Please note that the nominators' and nominee's actual signatures **MUST** be on the PDF version of the Nomination Form (*i.e.*, "wet" signatures). Conformed signatures (*i.e.*, "/s/ (Name of Nominator/Nominee)") may not be used to sign the PDF version and will render the nomination forms incomplete. Conformed signatures may be used on the WORD version of the Nomination Form. Signed forms may be electronically delivered by emailing a scanned copy of the signature page or by sending a photograph of the signature page (taken using a smartphone) that shows the entire certification box with signature and date.

AMERICAN COLLEGE OF EMPLOYEE BENEFITS COUNSEL, INC.

2021 FELLOW NOMINATIONS

Instructions:

These instructions are attached to the College's Nomination Form. After the completed form is received by the College, the candidacy of the nominated individual will be considered first by a Regional Nominations Sub-committee, which will make a recommendation to the Nominations Committee, which in turn will make a recommend to the Board of Governors of the College nominees for admission the College. Under the College's By-Laws, the Board of Governors makes the final decision in selecting new Fellows. Under the College's By-Laws, the Board of Governors makes the final decision in selecting new Fellows.

To be considered for induction at the College's Annual Induction Ceremony, to be held on October 2, 2021, at The Chicago Club in Chicago, Illinois, the Primary Sponsoring Nominator **MUST** deliver *electronically* to Howard Shapiro, Nominations Committee Chair (Nominations@acebc.com), **by June 30, 2021**, the following:

- Two copies of the Nomination Form with *all* attachments to the form (in a single document) in a PDF version *and* a WORD version; and
- The nominee's "bio" for the College's website in a *separate* WORD document with the Nomination Form.

The nominators' and nominee's actual signatures **MUST** be on the PDF version of the Nomination Form (*i.e.*, "wet" signatures). Conformed signatures (*i.e.*, "/s/ (Name of Nominator/Nominee)" **may not be used** to sign the PDF version of the Nomination Form and will render the Nomination Form incomplete. Conformed signatures may be used on the WORD version of the Nomination Form.

IMPORTANT: If both versions of the Nomination Form (with all attached) and the nominee's "bio" in WORD **are not received** by Mr. Shapiro **by June 30, 2021**, then the Nomination Form will be incomplete and not considered.

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 Sponsoring Nominator and a second). To be considered for membership in the College, an individual must be nominated by **two people who are currently Fellows of the College in good standing (which includes payment of all of his or her dues statement(s)) at the time the Nomination Form is submitted AND when nominee is considered for admission by the Board of Governors. If either nominator is not in good stating during such period of time, the Nomination Form will not be considered. Neither of these nominators may be partners in, or be employed by, the same entity as nominee. Neither nominator may have a family relationship with nominee nor may**

NOMINATION OF _____

nominee be a client of either nominator. A nominator may however be a client of the nominee.

After the Primary Sponsoring Nominator has completed the first section of Part A, he or she must forward the form to the Secondary Sponsoring Nominator to complete his or her section of Part A. Nominee should complete Part B and return the completed Part B to the Primary Sponsoring Nominator. The Primary Sponsoring Nominator is responsible for submitting the completed entire form with Parts A and B to Mr. Shapiro.

The nominator statements should be meaningful, substantive and complete. A nominator should not assume that members of the Board of Governors have personal knowledge of nominee. The nominators need to make the case as to why nominee should be elected as a Fellow.

The two nominators and nominee must each sign their part of the form and both PDF and WORD versions of the form must be sent electronically to Howard Shapiro at Nominations@acebc.com. The form must be received by Mr. Shapiro no later than June 30, 2021. Note that all required signatures on the PDF version of the form must be actual signatures. For the WORD version only of the form, “/s/ (Name of Nominator/Nominee)” may be used for the required signatures.

AMERICAN COLLEGE OF EMPLOYEE BENEFITS COUNSEL, INC.

2021 FELLOW NOMINATIONS

The qualifications for membership are set forth below:

1. No individual will be considered for the 2021 Induction Class if he or she had not been admitted to practice as of December 31, 2001. As of December 31, 2021, the individual must have at least 20 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.
2. The individual's professional time will have been spent primarily in the area of employee benefits; that usually will mean the individual will have performed (1) at least some employee benefits law work in each of the minimum of 20 years of practice, and (2) the total amount of work in employee benefits law over the minimum of 20 years of practice averages at least 50%. 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 employee benefit issues and is well regarded among benefits practitioners for work in the employee benefits area. For those in academia, the individual must teach and write at least 50% of the time in the field of employee benefits. In order to count a judicial clerkship towards the 20 years of experience, you must have been involved in at least one employee benefits matter during your clerkship. In addition, if an individual is employed less than full-time, but meets the above criteria, the individual will be eligible.
3. The individual has consistently exhibited exemplary character and ethical behavior.
4. 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. Such activities do not include client or law firm or employer centered seminars and papers developed solely for client or law firm or employer use (these activities will be disregarded fully in measuring a nominee's "sustained commitment"). The activities must be sustained over the course of the individual's career. We suggest that the individual list as many activities as possible along with specific details or an explanation of the scope of involvement (including, as applicable, date, title, publication, organization, and, if not evident from the title of the presentation or paper, a summary of the topic and subject matter (this could apply, for example, where the title of the presentation is merely "Employee Benefits Update")). **We strongly encourage nominees to provide a detailed history of their activities for at least 10 years. We caution nominees that providing information for less than 10 years or information that lacks specificity is very likely to be insufficient.**

NOMINATION OF _____

5. The individual is generally recognized by his or her peers for expertise in the benefits field and intellectual excellence.
6. To become a Fellow, an individual who is invited to join the College in 2021 must attend the Induction Dinner on October 2, 2021 in Chicago, Illinois, at The Chicago Club, or, if not possible, must attend the 2021 Induction Dinner in the city and on a date 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.