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

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

NOMINATION OF: _____
(Nominee's Full Name)

EMPLOYER: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

EMAIL ADDRESS: _____

EMPLOYER/PERSONAL 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 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.

Part A1 – To be filled out by Primary Sponsoring Nominator (All questions must have a response for the application to be considered.)

1. Nominee’s relationship to nominator [a Fellow may not nominate someone in his or her firm or employed by his or her employer, 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. “Any person who has given outstanding service or made a valuable contribution to employee benefits law” may be nominated for admission to the College as an Honorary Fellow. The Board of Governors of the College has established the following minimum non-exclusive criteria for measuring the qualifications of a nominee for admission as an Honorary Fellow:
 - a. The nominee has never been admitted to the practice of law in any U.S. jurisdiction. (Individuals who have ever been admitted to the practice of law must be nominated as a Fellow, Emeritus Fellow, or In Memoriam Fellow using the form for such nominees.)
 - b. The nominee shall have “given outstanding service or made a valuable contribution to employee benefits law” for approximately the same period of time as nominees for the other classes of Fellows must satisfy for admission. Generally, nominees for admission as a Fellow, Emeritus Fellow, or In Memoriam Fellow must

demonstrate a “sustained commitment” to the development and pursuit of public awareness and understanding of the law of employee benefits for a period of at least twenty years. Accordingly, isolated or sporadic efforts by an Honorary Fellow nominee, however meritorious, generally will not constitute “outstanding service” or a “valuable contribution” for purposes of admission to the College.

5. Based on the foregoing, please describe in a meaningful and substantive manner why you believe that the nominee has “given outstanding service or made a valuable contribution for **20 or more years** 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 marketing activities that do not entail rigorous scholarship.” This is your opportunity to “make the case” for nominee to be admitted to the College as an Honorary Fellow.
6. Do you know of:
 - a. any complaint that has been made against the nominee to any ethics committee or of any professional disciplinary action against the nominee;
 - b. any claim (whether or not the subject of a filing in an adjudicatory forum) for professional negligence or misfeasance or malfeasance against the nominee; or
 - c. during the last 10 years:
 - i. any previous or currently pending actions involving the nominee concerning possible reprimand, suspension, or dismissal from a position the nominee holds or has held or revocation of any professional license.

- ii. any previous or current investigation involving the nominee by any court, government agency, previous or current employer, or any professional organization; or
- iii. any allegations of sexual or other workplace harassment that have been made against the nominee or against the nominee's current or previous Employer based on the actions or inactions of the nominee or whether either the nominee or nominee's current or previous Employer has entered or will enter 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.

NOTE: As the Instructions state on page 14, 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.¹

Part A2 – To Be Completed by Second Sponsoring Nominator (All questions must have a response for the application to be considered.)

1. Relationship to nominator [a Fellow may not nominate someone in his or her firm or employed by his or her employer, 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. Based on the criteria in Part A14, pp. 2-3 above, please describe in a meaningful and substantive manner why you believe that nominee has “given outstanding service or made a valuable contribution for **20 or more years** 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 marketing activities that do not entail rigorous scholarship.” This is your opportunity to “make the case” for nominee to be admitted to the College.
5. Do you agree with the responses to ***all*** of the other questions above, including without limitation Question 6, given by the Primary Sponsoring Nominator? If not, please explain.

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Certification Page Follows]***

¹ 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. Are you currently engaged in an employee benefits occupation?
4. Please describe how the nature of your involvement in employee benefits during a period of **20 or more years** meets the standard of having “given outstanding service or made a valuable contribution” to the development and understanding of the law of employee benefits. **It is critical that the responses to this question and to questions 8.a. through f. be as specific and detailed as possible and that they span the length of your career.** 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 this nomination form submitted on your behalf, assess your credentials objectively and confirm that your activities have “given outstanding service or made a valuable contribution” to employee benefits law (including executive compensation). **Please do not consider the submission of your biographical statement for the College’s website, your resume, or curriculum vitae as responsive to this question. They will not be considered.**
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 employer. They will not be considered and will be disregarded.**

5. Do you certify that:

- a. No complaint that has been made against you to any ethics committee or of any professional disciplinary action against you;
- b. No claim (whether or not the subject of a filing in an adjudicatory forum) for professional negligence or misfeasance or malfeasance has been made against you;
or
- c. during the last 10 years there have not been any previous nor are there any currently pending
 - i. actions involving you concerning possible reprimand, suspension, or dismissal from a position you hold or have held or revocation of any professional license;
 - ii. investigation of you by any court, government agency, previous or current employer, or any professional organization; or
 - iii. allegations of sexual or other workplace harassment that have been made against you or against your current or previous Employer based on your actions or inactions or whether either you or your current or previous Employer have entered or will enter 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.

If you have entered or will enter into any settlement agreements within the scope of this question that require confidentiality or non-disclosure, you must still disclose the existence of such agreement(s).

6. Undergraduate, and post-graduate and education:
7. Employment history
8. Employee Benefits Related Professional Organizations /Non-Profit or Community Organizations to which you have been admitted to membership:

- 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):

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

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>

- b. 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>

- c. Speeches and presentations regarding employee benefits/executive compensation topics to audiences other than clients or your 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 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>

- d. Teaching and public service responsibilities (*e.g.*, adjunct professor at teaching employee benefits course at an accredited post-secondary institution; 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>

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

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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 HONORARY FELLOW NOMINATIONS

Instructions:

These instructions are attached to the College's Honorary 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 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.

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

NOMINATION OF _____

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 nominator. The primary 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 HONORARY FELLOW NOMINATIONS

The qualifications for admission as an Honorary Fellow are set forth below:

1. As of December 31, 2021, the individual must have at least 20 years' experience having "given outstanding service or made a valuable contribution to employee benefits law" in the private sector, government, or academic setting.
2. The individual has demonstrated having "given outstanding service or made a valuable contribution to employee benefits law" 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 professional organizations. Such activities **do not include** client or employer centered seminars and papers developed solely for client or employer use. These activities will be disregarded fully in measuring a nominee's having "given outstanding service or made a valuable contribution to employee benefits law." 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.**
3. The nominee has never been admitted to the practice of law in any U.S. jurisdiction. Individuals who have ever been admitted to the practice of law must be nominated as a Fellow, Emeritus Fellow, or In Memoriam Fellow using the form for such nominees.
4. The individual has consistently exhibited exemplary character and ethical behavior.
5. The individual is generally recognized by his or her peers for expertise in the benefits field and intellectual excellence.
6. To become an Honorary Fellow, an individual who is invited to join the College in 2021 must attend the Induction Dinner on [REDACTED], 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 Honorary Fellows, or if the person is unable to attend due to religious observance.