



## William H. Nichols

### Of Counsel

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Bill joined Laner Muchin in 2010 as a partner from a large, international law firm's Chicago office. In over 40 years of practice, Bill has developed extensive experience in all areas of Employee Benefits law, including retirement plans of all types, health and welfare benefits, and executive compensation.

His retirement plan work includes not only counseling employers on plan design and compliance, but especially negotiating service agreements, advising on benefit claim and disputes, coordinating plan terminations and mergers, developing administrative policies and best practices, defending against government audits and investigations, and assisting with corrective actions and strategies.

In the health and welfare area, Bill advises employers on plan design and compliance, HIPAA, COBRA and ACA compliance, fiduciary protection and benefit claim disputes.

In the executive compensation area, Bill counsels on the design, compliance and drafting of all types of deferred compensation and equity-based compensation, including bonus, severance, change of control, phantom stock and stock option programs, and represents both employers and executives.

## Practice Areas

### Counseling and Transactional

- Mergers and Acquisitions

### Employee Benefits and Executive Compensation

- Affordable Care Act, HIPAA and COBRA Compliance
- Executive and Non-Qualified Deferred Compensation Benefits
- Governmental Employee Benefits
- Health and Welfare Benefit Plans
- IRS, DOL and PBGC Audit and Correction Counseling
- Multi-Employer / Taft-Hartley Plans

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Bill has extensive experience with the benefits aspects of corporate mergers and acquisitions, defending against IRS and DOL audits, developing administrative correction strategies, defending employers against pension withdrawal liability, and the impact of “controlled group” ownership arrangements on benefit plan testing and compliance. Bill also represents multiemployer pension funds. Bill is a frequent speaker on various benefit issues impacting employers and industry groups.

## HONORS, MEMBERSHIPS AND PUBLICATIONS

- Named Illinois Leading Lawyer by Leading Lawyers for several years
- Member, Chicago and American Bar Associations
- Member and Speaker, Plan Sponsor Council of America
- Member, Illinois Chamber of Commerce Health Care Cost Management Committee, 1988-93
- Contributing Drafter – *Illinois Small Employer Health Insurance Continuation Law*, 1990

## Experience

Below are representative samples of the types of matters Bill handles on behalf of Laner Muchin clients:

- ✓ Defending employers against union pension fund withdrawal liability claims. Won a recent arbitration case finding an employer not liable for any withdrawal liability based on the construction industry exemption. Settled numerous withdrawal liability assessments for reduced payments on various grounds.
- ✓ Defending employers against union pension and welfare fund delinquent contribution audits.
- ✓ Advising public and private sector employers on the design and implementation of early retirement window programs.

- Retirement Plans

## Education

Cornell University Law School, J.D., 1979

Amherst College, B.A., American Studies, 1976

## Admissions

Illinois

U.S. District Court for the Northern District of Illinois

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- ✓ Defending employers whose retirement plans are being audited or investigated by the IRS or DOL.
- ✓ Recommending best practices to protect plan fiduciaries from fiduciary liability exposure
- ✓ Amending benefit plans to comply with changes in applicable law or desired changes in plan design, and advising on related reporting and disclosure to participants.
- ✓ Counseling and defending employers and employee plan administrators in benefit claim disputes.
- ✓ Developing correction strategies when administrative errors are discovered in plan operations and nondiscrimination testing.
- ✓ Developing or reviewing Investment Policy Statements and administrative committee Charters/By-Laws for retirement plans.
- ✓ Negotiating and drafting executive employment agreements, particularly benefits and special compensation features, on behalf of employers and executives.
- ✓ Drafting bonus, severance, phantom stock, stock option and other executive compensation agreements or plans.
- ✓ Preparing cafeteria plan documents (with flexible spending account and wrap/umbrella plan features).
- ✓ Negotiating service provider agreements to be sure they are reasonable, competitive and protect the employer or plan fiduciary that is hiring the service provider.

## **News, Events, and Publications**

Laner Muchin Attorney William H. Nichols Presented on “Best Fiduciary Practices for 401k/Defined Contribution Plans,” at the Special Advisor Forum Hosted by TPA Benchmark  
10.24.2019

Laner Muchin Attorney Bill Nichols Discussed Legal Trends in Retirement Benefits at the Plan Sponsor Council of America National Conference (PSCA)  
05.03.2018

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Twenty-Seven Laner Muchin Attorneys Named 2018 *Illinois Leading & Emerging Lawyers*  
01.01.2018