



**Andrew R. Jacobs**

Title: Member

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Andy Jacobs is a Member of the firm and concentrates his practice in the areas of employee benefits, executive compensation, tax exempt nonprofit organizations, and securities law. While he practices out of the firm's Lexington office, he works with clients in all Stites & Harbison offices. His practice includes: 1) assisting clients in the design, drafting and operation of qualified retirement plans, ESOPs, 403(b) plans, 457 plans, nonqualified deferred compensation plans, health and welfare plans, and cafeteria plans; 2) litigating ERISA based claims; 3) the design of equity based compensation plans for key employees such as options and restricted stock; 4) advising clients regarding employee benefits issues in the merger and acquisition context; 5) drafting and designing executive and physician employment contracts; 6) advising tax exempt nonprofit organizations on corporate structure and compliance; 7) advising clients regarding Kentucky state sponsored governmental pension plans; and 8) securities law aspects of compensation plans.

# CAPABILITIES

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## Practice Areas

- Business Services
- Charitable & Non-Profit Organizations
- Corporate General Services
- Employee Benefits
- Employment Law
- Employment Litigation
- Entrepreneurial Services
- Health Care
- Health Care - Business Transactions & Finance
- Health Care - Employment
- Health Care - Regulatory & Compliance
- Manufacturing
- Mergers & Acquisitions
- State & Local Tax Litigation
- Taxation
- Trusts & Estates
- Trusts & Estates and Family Law

## RECENT ASSIGNMENTS

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- Assisted client in voluntary withdrawal from the Kentucky Employees Retirement System.
- Obtained dismissal of ERISA claims in federal court.
- Represented company in the design and formation of an ESOP.
- Performed due diligence and negotiated employee benefits related provisions in a stock acquisition and drafted executive employment agreements.
- Advised employer concerning compliance with Affordable Care Act employer mandate provisions.
- Assisted company in the termination of an underfunded defined benefit plan.
- Advised nonprofit corporation in connection with its reorganization and restructuring.
- Assisted in the formation of association health and investment trusts.

## BAR ADMISSIONS

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- Georgia
- Kentucky

## RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

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- Key Employee Compensation Alternatives Stites & Harbison Client Alert, April 8, 2024
- Retirement Plans: How to Guard Against Fiduciary Liability Stites & Harbison Client Alert, March 28, 2024
- Beware of Part-Time Employee 401(k) Plan Eligibility in 2024 Stites & Harbison Client Alert, August 22, 2023
- Expansion of Retirement Plan Self-Correction Program Stites & Harbison Client Alert, June 26, 2023
- Equity Compensation Alternatives Stites & Harbison Client Alert, May 10, 2021
- Cybersecurity: Department of Labor Guidance for Retirement Plan Sponsors Stites & Harbison Client Alert, April 26, 2021
- Retirement Plan Excessive Fee Litigation is on the Rise Stites & Harbison Client Alert, August 17, 2020
- Information You Need on the COVID-19 Coronavirus *Stites & Harbison, PLLC* March 2020
- Brass Tacks: Legal Services  
Global Entrepreneurship Week 2019, Lexington, Kentucky, November 18, 2019
- 401(k) Update  
presentation, UBS Conference, Lexington, KY, August 2018
- Tax Reform and Sole Proprietorships, Partnerships and S Corporations *with Herbert B. Wolf Jr. (Bert)* Stites & Harbison Client Alert, January 3, 2018
- Retirement Plan Legislative Update  
presentation, UBS Conference, Lexington, KY, August 2017
- ESOPs in Business Transfers  
presentation, UBS Conference, Lexington, KY, June 2017
- Affordable Care Act: Changing Landscape for Employers and Employees  
presented at Neace Lukens insurance brokers conference, April 2015, Louisville, Kentucky
- Affordable Care Act: Changing Landscape for Employers and Employees presented in  
Nashville, TN, October 2, 2014

- IRS announces guidance on same sex marriage and retirement plans Stites & Harbison Client Alert, April 8, 2014
- Ten Things Employers Should Know About Wellness Programs Nashville Area Chamber of Commerce's HR newsletter, February, 2014
- Legal Implications and Considerations for Wellness Programs  
Nexus Conference sponsored by Applied Health Analytics, September 2013, Nashville, Tennessee.
- Affordable Care Act Changing Landscape for Employers and Employees  
SHRM Conference, August 2013, Prestonsburg, Kentucky.
- Affordable Care Act and Construction Employers  
Southeastern Steel Fabricators Conference, June 2013, Ponte Vedra, Florida
- ERISA Section 408(b): DOL Final Service Provider Fee Regulations  
Louisville Employee Benefits Council, February 2012, Louisville, Kentucky
- Litigating Current Issues Involving Fiduciaries and Employee Benefits Plans  
presented at conference hosted by Unified Trust Company, September 2011
- 2010 Health Care Reform  
Lexington Employee Benefits Council, April 2010, Lexington, Kentucky
- COBRA and HIPAA Update  
Kentucky Chamber of Commerce Annual Human Resources Seminar, June 2009, Lexington, Kentucky
- Stimulus Bill Creates COBRA Subsidy  
Kentucky Chamber of Commerce ADA, FMLA and COBRA Update Seminar, Spring 2009, Lexington, Kentucky
- IRS Final Section 409A Regulations  
presented to Lexington Society of Financial Planners, November 2007
- New Statute Changes Nonqualified Deferred Compensation Rules  
Kentucky Bar Association magazine, *Bench and Bar*, July 2005
- New Tax Law Changes Deferred Compensation Rules  
*Kentucky Banker Magazine*, December 2004

## FIRM LEADERSHIP

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- Business & Finance Service Group, Lexington Office Leader
- Retirement Plan Committee, Chair
- Audit Letter Response Committee, Member

## MEMBERSHIPS

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- American Bar Association
- Lexington Employee Benefits Council
- Kentucky Bar Association
- Georgia Bar Association

## COMMUNITY INVOLVEMENT

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- Kentucky Bar Association, Chairman, Investment Committee
- Kentucky Horse Park Foundation, Vice Chairman
- International Museum of the Horse, Director
- Lexington Employee Benefits Council, former President

## EDUCATION

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Emory University School of Law LL.M., Taxation 1993

Emory University School of Law J.D. 1986

Vanderbilt University B.A., Economics and Political Science 1983

## MORE THAN STITES & HARBISON

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Andy has served as President of the Lexington Employee Benefits Council. He currently serves as the Vice Chairman of the Kentucky Horse Park Foundation and on the board of directors of the International Museum of the Horse at the Kentucky Horse Park. Andy enjoys golf and running.

## ACCOLADES

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- *Martindale-Hubbell*<sup>®</sup> AV-Preeminent<sup>®</sup> Peer Review Rated
- *Best Lawyers in America*<sup>®</sup>, Corporate Law (2016-24)