STITES & HARBISON PLLC



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

Practice Areas

- Business Services
- Corporate General Services
- Employee Benefits
- Employment Law
- Employment Litigation
- Taxation
- Mergers & Acquisitions

- Charitable & Non-Profit Organizations
- Trusts & Estates
- Trusts & Estates and Family Law
- Health Care – Business Transactions & Finance
- Health Care – Employment
- Health Care – Regulatory & Compliance
- Health Care
- Manufacturing
- State & Local Tax Litigation
- Entrepreneurial Services

RECENT ASSIGNMENTS

- 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

- Georgia
- Kentucky

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- 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 *,with Walter S. Robertson*
- 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
  Nexxus 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

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

MEMBERSHIPS

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

COMMUNITY INVOLVEMENT

- 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

- 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

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

- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Corporate Law (2016-27)