



Paul W. Madden

SENIOR COUNSEL

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BIOGRAPHY

Mr. Madden is a senior counsel at WTP who has focused his legal practice entirely on employee benefits in both the private and public sectors. He advises clients on the creation and maintenance of all forms of employee benefits plans, including qualified pension and 401(k) plans, non-qualified deferred compensation plan and health and welfare plans. He is active in the National Association of Public Pension Attorneys and currently serves as a member of its Executive Board and the Board Liason to its Tax Section.

RECOGNITIONS

- AV Peer Review Rated: Martindale-Hubbell
- Listed in *Best Lawyers in America*, 2010 - present
- Recognized in *Chambers USA: America's Leading Lawyers for Business*, published by Chambers and Partners (2007-present)
- Listed in *Maryland Super Lawyers*, 2009 – 2014

MEMBERSHIPS & ACTIVITIES

Bar & Professional Associations

PRACTICES & INDUSTRIES

Employee Benefits/ERISA

Employee and Benefit Plans - Health Care

ERISA Compliance

Nonprofit Organizations and Associations

Continuing Care Retirement Communities, Long Term Care, Assisted Living

Business and Corporate

EDUCATION

University of Pennsylvania, 1975, J.D.

Catholic University of America, 1970, M.A., magna cum laude

ADMISSIONS

Maryland

U.S. Court of Appeals: District of Maryland

- Member: Maryland State Bar Association
- Member: Bar Association of Baltimore City
- Member: Bar Association of Howard County
- Member: National Association of Public Pension Attorneys (NAPPA)
- Member: Employee Benefits Subcommittee, Maryland State Bar Association (Chairman, 1995 - 1996)
- NAPPA: Co-Chair/Lead Chair of Tax Section (2004-2014); Member of Executive Board (2004-present)
- Co-Chairman: Internal Revenue Service Employee Benefits Conference (1994-2000)

Boards & Community Service

- Member: Executive Board & Executive Committee, Baltimore Area Council, Boy Scouts of America (2002 to present)
- Member: Sunrise Rotary Club of Ellicott City (1991 to 2013)

EMPLOYEE BENEFITS/GOVERNMENTAL PLANS

- Defined benefit plans, defined contribution plans, grandfathered 401(k) plans and hybrid plans
- Assisting government plan sponsors in obtaining determination letters and private letter rulings
- Assisting clients in obtaining compliance statements under the Employee Plans Compliance Resolution System (EPCRS) and closing agreements under Section 7121 of the Internal Revenue Code
- Issues arising under federal and state legislation, including issues relating to the qualified status of the plans under Sections 401(a) and 414(d) of the Code
- Fiduciary, investment and benefit and tax-reporting issues in connection with the plans
- Formation and implementation of trusts to pre-fund retiree health benefits in compliance with Governmental Accounting Standards Board Statements 43 and 45

EMPLOYEE BENEFITS/ERISA

- Tax-qualified retirement plan design and advice - for profit and tax-exempt
- Review of custom and prototype retirement plan documents

- Defined benefit plans, cash balance and hybrid plans, profit-sharing and 401(k) plans, ESOPs
- Self-funded and insured health plans, group-term life, disability, Section 125 cafeteria plans
- Controlled group, affiliated service group and leased employee analysis
- Analysis of non-discrimination rules for qualified plans, health plans, health savings accounts (HSAs), health reimbursement arrangements (HRAs), cafeteria plans and group term life plans
- Preparation and review of employee communications pertaining to retirement and welfare benefit plans
- Advice to parties in mergers, acquisitions & other business transactions regarding employee benefit plan issues
- Welfare benefit plan design, advice and drafting
- Preparation and review of qualified domestic relations orders
- Analysis of potential prohibited transaction issues involving retirement and welfare benefit plan assets
- Preparation of trust documents to fund post-employment benefits
- Negotiation of service agreements with custodians, actuaries, investment advisers and third party administrators (TPAs)

ERISA COMPLIANCE

- Advice to retirement and welfare plan sponsors in all aspects of ERISA compliance
- Compliance reviews
- Internal Revenue Service (IRS), Department of Labor (DOL) and Pension Benefit Guaranty Corporation audits
- IRS and DOL correction programs
- Successful negotiation of IRS, DOL and PBGC penalty reductions
- Interaction with outside auditors of retirement plan financial statements
- IRS plan approval
- Correction of operational errors (self-correction, correction with IRS approval or correction on audit)

EMPLOYEE BENEFITS/EXECUTIVE DEFERRED COMPENSATION

- Advice to private sector employers (including tax-exempt employers) on non-qualified deferred compensation plans
- Compliance with Section 409A of the Internal Revenue Code and (for

tax-exempt organizations) compliance with Section 457

- Advice on application of golden parachute rules (Sections 280G and 4999 of the Code)

EMPLOYEE AND BENEFIT PLANS & HEALTH CARE

- Health plan design, advice and drafting
- Self-funded and insured health plans, high-deductible health plans (HDHPs), health savings accounts (HSAs), health reimbursement arrangements (HRAs), flexible spending accounts (FSAs) and cafeteria plans
- Compliance with all aspects of the Patient Protection and Affordable Care Act of 2010 (including advice concerning non-discrimination rules and employer mandates)
- Analysis of application of non-discrimination rules to self-funded and insured health plans, HDHPs, HSAs HRA, FSAs and cafeteria plans
- Federal and state COBRA compliance pertaining to continuation of employer-provided health care benefits

CONTINUING CARE RETIREMENT COMMUNITIES, LONG TERM CARE, ASSISTED LIVING

- Tax-qualified retirement plan design and advice
- Section 403(b) and 457 plan design and drafting
- Compensation and benefit analysis for avoidance of intermediate sanctions
- Compliance with Affordable Care Act

EMPLOYEE BENEFITS & ERISA LITIGATION

- Advice and legal services regarding ERISA compliance
- Advice on fiduciary responsibilities and prohibited transactions
- Advice regarding audits by the Department of Labor (DOL) and the Pension Benefit Guaranty Corporation
- Representation in ERISA administrative claims and litigation
- Representation in litigation brought by DOL alleging prohibited transactions

NONPROFIT ORGANIZATIONS AND ASSOCIATIONS

- Tax-qualified retirement plan design and advice
- Section 403(b) and 457 plan design and drafting
- Compensation and benefit analysis for avoidance of intermediate sanctions

BUSINESS & CORPORATE LAW

- Advice to parties in mergers, acquisitions & other business transactions regarding employee benefit plan issues
- Advice on multi-employer plans and withdrawal liability issues