

# Christopher S. Lockman

Partner

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Chris is a problem-solver and employee benefits "generalist" who advises clients on a range of pension, executive compensation, and welfare benefit plan issues, but maintains a focus on assisting clients with health care reform compliance, negotiation of administrative services agreements, and the operation of consumer-driven health care arrangements such as health savings accounts (HSAs), flexible spending accounts (FSAs), and health reimbursement arrangements (HRAs). Chris also has significant experience in the correction of retirement plan qualification failures, defending IRS audit and DOL investigations, and winding down plans administered by bankrupt entities.

As a member of the firm's ERISA litigation practice, Chris defends fiduciary breach claims and claims for benefits under both pension and welfare benefit plans.

Chris lives at the cutting edge of new regulatory requirements concerning fiduciary governance for health and welfare benefit plans and the group health plan transparency requirements under the Transparency in Coverage final rule and the Consolidated Appropriations Act, 2021. He also works extensively with client to address compliance concerns that arise when implementing healthcare point solutions that offer tools to address diabetes management, fertility, and medical travel, among other things.

Prior to joining Verrill, Chris served as a law clerk in the United States Bankruptcy Court for the Western District of Pennsylvania and, while in law school, worked full-time at a multinational securities brokerage firm. These experiences helped shape the pragmatism Chris brings to his practice and to his clients.

A Maine native, Chris enjoys nature and the outdoors. During his time away from the office he can be found exploring the wilds of Maine, hiking, canoeing, fishing, and paddle-boarding with his family and friends.

## Education

- Duquesne University Law School (J.D., *cum laude*)
- Allegheny College (B.A., *cum laude*)

## Services/Industries

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- Employee Benefits & Executive Compensation
- Higher Education
- Financial Services
- Food & Beverage

## Public Service

- Board of Directors, Healthcare Purchaser Alliance of Maine (formerly the Maine Health Management Coalition)

## Bar Admissions

- Maine
- Pennsylvania

## Memberships

- New England Employee Benefits Council
- Maine Employee Benefits Council
- American Bar Association, Joint Committee on Employee Benefits (JCEB)

## Honors

- Recognized in *Chambers USA: America's Leading Lawyers for Business* under Employee Benefits & Executive Compensation
- Selected by peers for inclusion in *New England Super Lawyers*® under Employee Benefits
- Susan H. Wilkie Professional Responsibility and Ethics Award
- Gerald K. Gibson Memorial Award

To learn more about third-party ratings and rankings, and the selection processes used for inclusion, [click here](#).

## Clerkships

- U.S. Bankruptcy Court - Western District of Pennsylvania, Honorable Jeffery A. Deller

## Court and Other Admissions

- U.S. District Court for the District of Maine
- U.S. District Court for the Western District of Pennsylvania

## Publications & Podcasts

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July 5, 2023

**Establishing Practices and Procedures to Support Retirement Plan Self-Correction**

September 6, 2022

**Amending Your Retirement Plans this Year for SECURE Act and CARES Act**

## Changes

January 13, 2022

### **Courts Expand on Rules Regarding the Protection of Retirement Plan Assets**

*PLANSPONSOR*

December 6, 2021

### **2021 Year End Employee Benefit Plan Amendments**

August 19, 2021

### **Employee Benefits & Executive Compensation 2021 Summer Client Advisory**

December 17, 2020

### **Employee Benefits & Executive Compensation 2020 Year-End Client Advisory**

January 30, 2020

### **2020 Annual Employment Law Update Materials**

January 7, 2020

### **The SECURE Act**

December 18, 2019

### **December 2019 Client Advisory**

## News

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June 7, 2024

### **30 Verrill Attorneys, Across Four Offices, Recognized in the 2024 Chambers & Partners Guide**

June 9, 2023

### **30 Verrill Attorneys, Across Four Offices, Recognized in 2023 Chambers & Partners Guide**

October 13, 2022

### **39 Verrill Attorneys Named 2022 Super Lawyers and Rising Stars**

June 8, 2022

### **31 Verrill Attorneys, Across Four Offices, Recognized in 2022 Chambers & Partners Guide**

January 24, 2022

### **Verrill Attorney Chris Lockman Quoted in Bloomberg Law Article on Northeastern Lawsuit Supreme Court Decision**

November 22, 2021

## **32 Verrill Attorneys Named 2021 Super Lawyers and Rising Stars**

May 27, 2021

### **32 Verrill Attorneys, Across Three Offices, Recognized in 2021 Chambers & Partners Guide**

November 9, 2020

### **35 Verrill Attorneys Named 2020 Super Lawyers and Rising Stars**

April 27, 2020

### **38 Verrill Attorneys, Across Four Offices, Recognized in 2020 Chambers & Partners Guide**

January 22, 2020

### **Verrill Elects Four New Partners**

December 11, 2019

### **39 Verrill Attorneys Named 2019 Super Lawyers and Rising Stars**

## **Events**

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July 22, 2024

### **Fiduciary Duties of Employers with Employee Health Plans**

*Webinar*

April 10, 2024

### **PLANSPONSOR: HSA Conference - Medical Account Alphabet Soup**

May 10, 2023

### **Maine HR Convention: Workshop C: What Every Plan Sponsor Needs to Know-Your Fiduciary Duties in 2023**

*Samoset Resort*

March 22, 2023

### **HPA Member Meeting: Fiduciary Duty Overview**

*The Woodlands Club*

## **Blog Posts: Benefits Law Update**

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Named a Top 10 Blog in Compensation and Benefits, Verrill's attorneys use the Benefits Law Update blog to provide timely updates and commentary on developments in law affecting employee benefit plans and executive compensation arrangements.

April 22, 2024

### **Health and Welfare Benefit Plan Fiduciary Governance in the Wake of the**

## **Johnson & Johnson Lawsuit**

For the past few years, we have encouraged plan sponsors to focus on matters of fiduciary governance for their health and welfare benefit plans ( see our 2021 blog post ). Yet many plan sponsors overlook the fact that...

November 29, 2023

## **HIPAA Privacy Rule Changes: Just in time for the New Year?**

In 2021, the Department of Health and Human Services (HHS) proposed changes to the Privacy Rule under the Health Insurance Portability and Accessibility Act of 1996 (HIPAA) that would significantly alter the current regulations (Proposed Rules). The Proposed Rules...

June 2, 2023

## **Gag Clauses – New Guidance and Litigation Will Inform Compliance**

Certain provisions of the Transparency in Coverage Final Regulations and the Consolidated Appropriation Act, 2021 (“CAA”) require group health plans and/or their vendors to report information to federal agencies. On December 31, 2023, group health plans will have to...

December 27, 2022

## **A Last-Minute Gift – Prescription Drug Reporting Grace Period and Good Faith Relief**

In a move akin to last-minute gift-giving, the Departments of Labor, Health and Human Services, and the Treasury (the “Departments”) released FAQ 56 on December 23, 2022, which provides relief regarding the Prescription Drug Data Collection (“RxDC”) reporting requirements...

July 7, 2022

## **What Employers Need to Know About Access to Reproductive Care After Dobbs**

The United States Supreme Court’s decision in Dobbs v. Jackson Women’s Health Organization , No. 19-1392 (June 24, 2022) overturning Roe v. Wade and Planned Parenthood v. Casey, has led to a host of different responses from employers across...

February 28, 2022

## **Surprise Medical Bills: Texas District Court Vacates Portion of Independent Dispute Resolution (IDR) Process in Agency Rule**

The U.S. District Court for the Eastern District of Texas recently vacated a portion of the Requirements Related to Surprise Billing, Part II, Interim Final Rule (the “Rule”) regarding the independent dispute resolution (IDR) process that applies to surprise...

November 9, 2021

## **You Are Here: A Mall Directory for Healthcare Transparency Requirements**

The old adage “you can’t get where you’re going unless you know where you are” has never seemed more true than when applied to the current mélange of healthcare transparency guidance. Fortunately, a fading relic from America’s malls may...

August 19, 2021

## **Employee Benefits & Executive Compensation 2021 Summer Client**

### **Advisory**

Click here to view as a PDF. This Client Advisory summarizes developments in the law governing employee benefit plans prompted by the COVID-19 pandemic. We explain what these developments mean for plan sponsors and highlight the need to adopt...

May 28, 2021

### **COVID-19 Vaccination Incentive Programs: Additional Guidance and Some Comfort**

Earlier today the U.S. Equal Employment Opportunity Commission (EEOC) released guidance confirming that employers may offer incentives to employees who voluntarily obtain a COVID-19 vaccination. The guidance (available here ) appears as an update to earlier technical guidance issued...

May 24, 2021

### **ARPA Premium Subsidy: Long-Awaited Details Finally Arrive**

The IRS recently issued Notice 2021-31 , which provides much sought-after detail regarding the contours and operation of the temporary premium subsidy for COBRA continuation coverage available through the American Rescue Plan Act of 2021 (ARPA). As enacted on...

May 4, 2021

### **Understanding Your Fiduciary Responsibilities Under ERISA: A Webinar**

Employers have long understood the importance of fiduciary compliance with respect to 401(k) plans and other retirement plans subject to ERISA, and most have sound processes and governance structures in place to ensure the fulfillment of their fiduciary duties...

March 8, 2021

### **Webinar: The Effect of COVID-19 on Employee Benefit Plans – Making Sense of the Abundance of New Legislation and Guidance**

Join us on Thursday, March 18 for the next segment in the virtual series that comprises Verrill's 2021 Employment Law Annual Update! For this segment, employee benefits attorneys Karen Hartford, Bill Jewett, and Chris Lockman will examine the various...

February 22, 2021

### **IRS Notice 2021-15 Provides Clarity Regarding FSA Relief Available Under Consolidated Appropriations Act**

Section 214 of the Consolidated Appropriations Act, 2021 (CAA) provides a substantial amount of flexibility for the operation of health and dependent care Flexible Spending Accounts (FSAs). The CAA did, however, leave many open questions regarding how to implement...

December 30, 2020

### **Employee Benefits & Executive Compensation 2020 Year-End Client Advisory**

Click here to view as a PDF . This Client Advisory highlights important developments in the law governing employee benefit plans over the past year. It offers insight into what these developments mean for employers and plan

sponsors and...

November 2, 2020

### **COVID-19 Extension Guidance Makes the Interplay Between COBRA and Medicare (a Bit) Trickier**

The rules concerning the interplay between COBRA and Medicare are a frequent source of confusion for employers. The spike in retirements, layoffs, and furloughs attributable to the coronavirus pandemic has produced an environment where employers may be confronted with...

June 10, 2020

### **DOL E-Disclosure Rule Recognizes Our New (Digital) Reality**

The COVID-19 pandemic has forced us to find new ways to work through digital technology. Now, more than ever, an enormous percentage of our communications occur over the phone and online. The Department of Labor's recent publication of final...

March 30, 2020

### **With CARES Act, Congress provides retirement plan relief and group health plan changes**

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed into law on March 27, 2020, includes a number of provisions that affect retirement plan sponsors and participants. These provisions are designed to provide relief to participants and employers...

March 13, 2020

### **Leave Sharing Programs: A Critical Bridge for Employees Affected by COVID-19**

The federal government may soon be providing paid leave assistance to employees affected by COVID-19. In the meantime, however, employers that maintain leave sharing programs can leverage those programs to help soften the financial impact on employees forced to...

March 11, 2020

### **High-deductible health plans can cover coronavirus costs**

Recognizing the need to eliminate potential administrative and financial barriers to testing for and treatment of the 2019 Novel Coronavirus (COVID-19), in Notice 2020-15, posted today on IRS.gov, the IRS advised that high-deductible health plans (HDHPs) can pay...

February 25, 2020

### **Supreme Court – Updates for 2020**

We are barely two months into the new year and already there are significant updates to the 2020 Supreme Court Preview included in our December 2019 Client Advisory (available here). Below are updates regarding the employee benefit cases...

January 8, 2020

### **What You Need to Know About the SECURE Act**

The Setting Every Community Up for Retirement Enhancement Act of 2019 (the "SECURE Act") is the most far reaching new law affecting retirement benefits in

more than a decade. Due to its importance, we have developed a client advisory...

December 19, 2019

### **December 2019 Client Advisory**

This Client Advisory, originally distributed in December 2019, highlights important developments in the law governing employee benefit plans and executive compensation over the past year. It offers insight into what these developments mean for employers and plan sponsors and...

April 24, 2019

### **Revenue Procedure 2019-19: Enhancements to EPCRS are Great News for Plan Sponsors**

Newly published Revenue Procedure 2019-19 modifies and supersedes prior IRS guidance regarding the Employee Plans Compliance Resolution System (EPCRS) to allow plan sponsors to self-correct an expanded number of problems that may affect retirement plan operations or documents. The...

August 13, 2018

### **Stronger Than Its Weakest Links: NYU Survives 403(b) Fee Lawsuit**

In the first University 403(b) plan fee case to proceed to trial, *Sacerdote v. New York University* (No. 16-cv-6284 (KBF) (S.D.N.Y. July 31, 2018)), the Court found that plaintiffs were unsuccessful in proving that the NYU Retirement Plan Committee...

June 6, 2018

### **Near Unanimity Among the Circuits: Anti-Assignment Provisions are Enforceable**

U.S. Courts of Appeals in all but four Circuits have now held that anti-assignment provisions in health insurance plans governed by ERISA are enforceable. In *American Orthopaedic & Sports Medicine v. Independence Blue Cross Blue Shield*, No. 17-1663...

May 1, 2018

### **Wellness Programs: Where are we now?**

Wellness programs are governed by overlapping and, at times, maddeningly inconsistent regulations and agency guidance. Litigation challenging the wellness program rules issued by the EEOC in 2016 has added another layer of complexity for employers attempting to design and...

March 15, 2018

### **Time is Running Out – New Disability Claims Procedures Take Effect April 2, 2018**

It has been a long time coming, but the Department of Labor's final rule regarding disability benefit claims procedures (the "Final Rule") will finally take effect on April 2, 2018. Employers need to determine which of their ERISA plans...

May 11, 2017

### **PODCAST: Ins & Outs of Socially Responsible Investing for Retirement Plans**

Verrill Dana employee benefits attorneys Eric Altholz and Chris Lockman discuss the inclusion of socially conscious/socially responsible investment options in



401(k) and 403(b) plans in their latest podcast for Verrill Voices. The podcast explores Department of Labor guidance regarding...

April 6, 2017

**PODCAST: 403(b) Plan Fee Litigation Update**

Verrill Dana Employee Benefits attorneys Eric Altholz and Chris Lockman provide a brief update on class action lawsuits alleging various breaches of fiduciary duties under ERISA pending against a dozen major universities. All of these lawsuits are related to...

May 25, 2016

**EEOC Doubles Down: Final Wellness Program Rules Under ADA and GINA – Part II**

Last week the Equal Employment Opportunity Commission (EEOC) issued final rules for wellness programs under both the Americans with Disabilities Act (ADA) (the " Final ADA Rule ") and the Genetic Information and Nondiscrimination Act (GINA) (the " Final...

May 20, 2016

**EEOC Doubles Down: Final Wellness Program Rules Under ADA and GINA – Part I**

The Equal Employment Opportunity Commission (EEOC) has issued final rules for wellness programs under both the Americans with Disabilities Act (ADA) (the " Final ADA Rule ") and the Genetic Information and Nondiscrimination Act (GINA) (the " Final GINA...

April 4, 2016

**Including Limitations Periods in Denial Letters: From “Best Practice” to Necessity**

Sponsors of group health plans in the First Circuit must now describe any contractual limitations period, if the plan applies one, in the letter advising a participant of a final adverse benefit determination. In light of the decision of...

March 9, 2016

**Avoiding a Patchwork of Pitfalls: Gobeille v. Liberty Mutual Insurance Co.**

In the first decision issued since the passing of Justice Scalia, the Supreme Court of the United States held that ERISA preempts a Vermont statute requiring third party administrators of self-insured group health plans to report claims information to...

April 27, 2015

**EEOC Finally Releases Notice of Proposed Rulemaking for Wellness Programs**

The final regulations concerning wellness programs under the Health Insurance Portability and Accountability Act, as amended (HIPAA) continue to generate a number of questions and concerns for employers whose programs seek to promote employee health by curbing tobacco use...

April 13, 2015

**EPCRS Revisions: The Second Act**

For the second time in under a week the Internal Revenue Service released a

series of updates to its most recent restatement of the Employee Plans Compliance Resolution System (EPCRS). Revenue Procedure 2015-28 modifies EPCRS by outlining new safe...

April 2, 2015

### **IRS Clarifies the Correction of Overpayments under EPCRS**

The IRS has clarified the correction of certain retirement plan operational failures under its Employer Plan Compliance Resolution System (EPCRS) and expanded certain elements of the program in ways that are helpful to retirement plan sponsors. The clarifications, contained...

February 23, 2015

### **Notice 2015-17: Small-Scale Excise Tax Relief for Small Employers**

On February 18, 2015 the Internal Revenue Service issued Notice 2015-17 , which provides temporary relief from the excise tax under Code section 4980D for employer programs that reimburse employees for the cost of health insurance coverage purchased on...

November 6, 2014

### **Complimentary Webinar to Review Recent Legal Issues with Wellness Programs**

Join Richard Moon and Chris Lockman on Thursday, November 20, from 9:00 – 10:00 a.m. for a complimentary webinar that will provide a general overview of the final wellness program regulations and recent EEOC litigation attacking certain wellness programs...

August 9, 2014

### **Deadline Approaches for Business Associate Agreement Compliance Updates**

Employer group health plans and other covered entities that have not already amended business associate agreements (BAAs) to incorporate changes required by the Final Omnibus Rule must do so by September 22, 2014. (You can read our prior blog...

November 11, 2013

### **Fort Halifax Redux: Identifying an ERISA Plan Made Simple Again**

We are frequently asked by clients whether a severance policy or program is an "ERISA plan" and, thus, subject to ERISA's documentary, administrative, reporting, and disclosure requirements. A recent decision from the United States District Court for the District...

October 2, 2013

### **State Exemptions for Religious Organizations After the DOMA Decision and Revenue Ruling 2013-17**

The "place of celebration" rule adopted by the IRS in Revenue Ruling 2013-17 means that legally married same-sex couples are now recognized as married for federal tax purposes regardless of the state in which they reside. This ruling clearly...

August 23, 2013

### **The Sun Capital Case Could Have Broader Implications for Employee**

## **Benefit Plans**

The widely publicized case of Sun Capital Partners III, L.P. v. New England Teamsters & Trucking Ind. Pension Fund, No. 12-2312, \_\_\_ F.3d \_\_\_, 2013 WL 3814984 (1st Cir. July 24, 2013) , has made the private equity investment...

April 7, 2013

## **Enhanced Penalties and Stiffer Enforcement for HIPAA Violations**

In our two prior posts concerning the Final Omnibus Rule under HIPAA we focused on changes to the breach notification requirements and rule changes affecting business associates . We now turn to the augmented penalty and enforcement provisions incorporated...