

# Suzanne E. Meeker

Partner

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General counsel and human resources professionals at corporations and nonprofit organizations turn to Suzanne with their most challenging questions on benefits and compensation plans; they know Suzanne takes the time to understand each client's particular benefits culture in order to provide the best solutions within the framework of legal compliance.

Suzanne focuses on the operation of employee and executive post-employment benefits, such as retirement and deferred compensation plans, and the fiduciary governance of ERISA plans. For global and national business organizations, as well as tax-exempt educational, health care, and other institutions in the New England region and beyond, Suzanne guides employers in legal compliance and best practices for the operation and oversight of these plans and their assets.

Building relationships of confidence and trust with each client by combining her knowledge and experience with personal contact and timely responses is one of Suzanne's principal values. Her advice on designing, structuring, and implementing benefit and compensation plans has helped support her clients as they have grown over the years from regional companies to national and international players.

Suzanne previously worked in public interest and private practices in Washington, D.C. Suzanne has experience in all aspects of ERISA and employee benefits law, including:

- Qualified and nonqualified retirement plans
- Health and welfare plans
- Benefit plans in mergers and acquisitions
- Fringe benefits
- Equity, incentive, and other executive compensation arrangements

Suzanne is a regular contributor to the firm's employee benefits and executive compensation blog, [Benefits Law Update](#).

## Services/Industries

- Employee Benefits & Executive Compensation
- Higher Education
- Tax & Nonprofit

## Education

- Yale Law School (J.D.)
- Duke University (A.B., *summa cum laude*)
  - Phi Beta Kappa

## Bar Admissions

- Washington, D.C.
- Maine

## Honors

- AV® rated by *Martindale-Hubbell*
- Recognized in *Chambers USA: America's Leading Lawyers for Business* under Employee Benefits & Executive Compensation
- Recognized by *Best Lawyers®* as the 2013 Employee Benefits (ERISA) Law "Lawyer of the Year" in Portland, Maine
- Listed in *The Best Lawyers in America®* for Employee Benefits (ERISA) Law in Portland, Maine
- Selected by peers for inclusion in *New England Super Lawyers®* under Employee Benefits

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

## Experience

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### Comment Letter to Federal Agency

We worked with a group of clients to submit a comment letter to the Department of Labor's Employee Benefits Security Administration in response to EBSA's Request for Information regarding electronic distribution of employee benefit plan information under ERISA. The group of clients comprised a cross-section of business types and sizes and included for-profit and tax-exempt entities. Drawing on input from individual clients and our own years of experience, we prepared a comment letter that provided EBSA with practical information and concrete recommendations for improving the electronic disclosure regulations.

### Multi-Disciplinary Representation in Mill Purchase and Regulatory Compliance

We represented the buyer in the acquisition of Domtar Maine LLC, which owns and operates the pulp mill in Baileyville, Maine (also known as Woodland), and continue to represent the mill in regulatory compliance matters. The mill produces about 395,000 metric tons of pulp a year, and is Washington County's largest employer with about 300 employees. It also has significant hydroelectric generating assets, with surplus power being sold to New Brunswick Power.

Verrill acted as co-counsel with O'Melveny & Myers.

Our representation included extensive due diligence and contract negotiation, and we relied upon our extensive experience in real estate, pension and benefits, labor and employment (several unions are involved with the mill), energy (including FERC), environmental law, commercial finance, tax and intellectual property.

### **Retirement Plan Governance Structure**

This project is a comprehensive review of virtually all aspects of our client's global retirement plans' governance, including structure, documentation, policies and processes, measured against both governing law in multiple jurisdictions and best practices in those same jurisdictions. This matter is significant due to the scope and complexity of the project as well as the international nature of the client. The client's ERISA plans melded governance of U.S. plans with those of several other countries. The plans also need to provide for system absorption of additional sizeable plans in the course of corporate acquisitions.

### **Retirement Plan Restructuring**

Our client required an atypically complex restructuring of their retirement program to account for multiple classifications of medical and non-medical personnel at this tax-exempt employer, and the employer's desire to phase in both the freeze and plan changes, and to afford affected current plan participants an election between existing and new benefits. Our representation in this matter involved providing full analysis of legal compliance of design proposed by consulting firm, working with the employer and consultants to address legal issues and complexities and drafting new plan documents and summary plan descriptions.

## **Publications & Podcasts**

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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 7, 2020

**The SECURE Act**

December 18, 2019

**December 2019 Client Advisory**

January 31, 2019

## **2019 Annual Employment Law Update Materials**

December 17, 2018

### **December 2018 Client Advisory**

September 13, 2018

### **Verrill Voices: Interviews with the 2018 MaineBiz Women to Watch**

July 18, 2018

### **New Disability Claims Procedures Affect Retirement Plans and Deferred Compensation Plans Too**

February 8, 2018

### **2018 Annual Employment Law Update Materials**

January 27, 2017

### **2017 Annual Employment Law Update Materials**

## **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.

August 30, 2021

### **Revenue Procedure 2021-30: A New and (Further) Improved EPCRS**

The Internal Revenue Service has updated the Employee Plans Compliance Resolution System (EPCRS) in several respects that will be helpful to retirement plan sponsors. Revenue Procedure 2021-30, published July 16, 2021, replaces the previous version ( Rev. Proc...

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...

April 29, 2021

### **Pension Plan Mortality Table Litigation – What's Next?**

The first major settlement of a lawsuit challenging the mortality assumptions used to calculate pension plan benefits was announced earlier this year. According to court filings in *Cruz v. Raytheon Company*, the settlement will be worth about \$59.2...

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...

December 14, 2020

### **Supreme Court Declines to Address Pleading Standards in Stock-Drop Litigation - Retirement Plans Committee of IBM v. Jander**

On November 9, 2020, the Supreme Court declined to consider an appeal from the Second Circuit Court of Appeals in Retirement Plans Committee of IBM v. Jander , leaving unresolved for now questions about the specificity required by the...

August 10, 2020

### **A Chronology of COVID-19 Relief for ERISA Plans**

This chronology traces the major ongoing relief provided by legislation, regulatory action, and other agency guidance to assist ERISA plan participants, fiduciaries, and sponsors during the ongoing COVID-19 pandemic through August 10, 2020. Superseded agency guidance is not included...

April 16, 2020

### **Employee Layoffs May Vest Retirement Plan Benefits**

Increasing numbers of employers are being forced to shutter places of business and lay off workers as the coronavirus pandemic continues. When laid off workers are participants in their employer's qualified retirement plan, one consequence of the aggregate layoffs...

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 15, 2019

### **Handling Missing Participants under Code Section 409A**

Deferred compensation payments are due to one of your former executives, but the former executive is nowhere to be found. You know that the IRS has strict timing rules for payments subject to Code Section 409A (but maybe not...

January 4, 2019

### **December 2018 Client Advisory**

This Client Advisory, originally distributed in December 2018, 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...

October 23, 2018

### **Join Us for Managing 401(k) Plan Fiduciary Risk on 11/8**

In today's ever-changing and challenging 401(k) environment, plan sponsors find

themselves in a new and seemingly complex environment. Regulations are becoming increasingly complicated, the number of class action lawsuits continues to rise, and employees insist on access to less...

September 21, 2018

#### **IRS issues updated 402(f) rollover distribution notices**

The IRS has issued new model notices for recipients of rollover distributions from qualified retirement plans. The updated notices reflect changes from the 2017 tax reform act, as well as regulatory changes enacted since previous versions of the notices...

August 7, 2018

#### **New Disability Claims Procedures Affect Retirement Plans and Deferred Compensation Plans Too**

Much has been written about the Department of Labor's final rule regarding disability benefit claims procedures (the "Final Rule"), which took effect on April 2, 2018. And by now, most employers – and all disability insurance carriers – have...

July 23, 2018

#### **Voluntary Compliance with ERISA Does Not Preclude Church Plan Status**

The IRS has once again confirmed that an employee benefit plan maintained by a church or church-affiliated organization is not subject to ERISA unless the plan sponsor makes an affirmative written election to have ERISA apply to the plan...

May 7, 2018

#### **Socially Responsible Investing and the Plan Fiduciary**

In the wake of mass shootings, environmental disasters, industrial accidents, drug and tobacco use pandemics, and other tragedies, retirement plan investors are paying more attention to selecting or rejecting investments based on perceived public policy benefits or detriment. For...

February 12, 2018

#### **Budget Agreement Contains Changes to 401(k) Plan Hardship Distribution Rules**

The budget agreement approved by Congress and signed into law on February 9, 2018 includes several changes to the rules governing hardship distributions from 401(k) plans. These changes — which were included in the House version of the tax...

January 2, 2018

#### **Tax Reform: A Brief Overview of the Final Legislation**

Congress passed the Tax Cuts and Jobs Act on December 20, 2017, and President Trump signed the bill into law on December 22nd. As everyone knows by now, the new law makes sweeping changes affecting most areas of income...

December 28, 2017

#### **Noteworthy Federal Cases Relating to Employee Benefit Plans in 2017**

Here is a round up of cases decided by the U.S. Supreme Court and the First and Second Circuit Courts of Appeals in 2017 involving ERISA employee benefit plans. While courts decided a number of cases pertinent to benefit...

January 14, 2016

### **Client Advisory - Winter 2016**

This Client Advisory highlights certain developments regarding the Affordable Care Act (most significantly, the delay of the ACA reporting requirements and the "Cadillac" tax), discusses the EEOC's proposed rules for wellness programs and the outcome of recent EEOC wellness...

July 13, 2015

### **2015 Mid-Year Client Advisory**

At this time of year many employers finalize welfare plan designs for 2016 and gear up for open enrollment. And this summer, many employers are in the process of reviewing updated pre-approved defined contribution plan documents provided by their...

May 21, 2015

### **Where There's Smoke There's Questions: Designing Compliant Wellness Programs That Target Tobacco Use**

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...

November 26, 2014

### **2014 Year-End Employee Benefit Plans Compliance Advisory**

The 2014 end-of-year rush seems somewhat less frantic than in years past. Nevertheless, with a month left in the year many employers may find themselves scrambling to meet plan amendment and notice deadlines, and planning for 2015 may still...

November 3, 2014

### **CMS Delays HPID Application Deadline**

On October 31, 2014, the Centers for Medicare & Medicaid Services (CMS) issued a statement delaying enforcement of the health plan identifier (HPID) requirement. Specifically, Controlling Health Plans (CHPs) are no longer required to obtain HPIDs by the originally...

October 16, 2014

### **Are you Experienced? A Look at the HPID Application Experience**

Under final rules issued September 5, 2012 by the Department of Health and Human Services under HIPAA, nearly all employer group health plans are required to obtain a unique health plan identification number (HPID) by November 5, 2014. (We...

July 16, 2014

### **2014 Mid-Year Supreme Court Case Review**

The 2013-2014 term of the Supreme Court of the United States produced opinions that will have substantial effects on the design and administration of most employee benefits plans. This summary highlights three key decisions, one significant procedural ruling, and...

July 16, 2014

## **2014 Mid-Year Compliance Update**

While 2014 has been a relatively quiet year in terms of new rules affecting retirement plans, the January 1, 2015 effective date for the Affordable Care Act employer shared responsibility mandate is now in sight. This summary discusses a...

December 17, 2013

## **IRS Guidance Confirms Treatment of Same Sex Spouses under Cafeteria Plans**

IRS Notice 2014-01, issued yesterday, provides helpful guidance for the administration of cafeteria plans after the U.S. Supreme Court's decision in the Windsor case. The guidance provides answers to a number of questions that employers and plan administrators have...

December 5, 2013

## **2013 Year End Benefit Plan Compliance Update and Reminders for Employers**

As 2013 draws to a close and we look ahead to 2014, there is no shortage of benefit plan administrative challenges with which employers must contend. While the Patient Protection and Affordable Care Act of 2010 ("ACA") remains very...

July 31, 2013

## **Mid-Year Health Plan Compliance Update**

Developments in the employee health plan arena have come fast and furious in the first half of 2013, and there is no lack of compliance activities to occupy the time of human resources and employee benefits professionals. We offer...

July 2, 2013

## **Enforcement of Employer Mandate Delayed Until 2015**

This evening the White House and U.S. Department of Treasury announced that the effective date of the employer shared responsibility component (also known as the employer pay or play mandate) of the Affordable Care Act will be delayed until...

June 26, 2013

## **The Verdict on DOMA and Proposition 8: Impact on Employee Benefit Plans**

Today the United States Supreme Court overturned Section 3 of the Defense of Marriage Act ("DOMA") and reinstated a California judge's order that Proposition 8 (the California ballot initiative defining marriage as between a man and a woman) is...

March 7, 2013

## **Are You Ready for a HIPAA and ACA Audit?**

It's no secret that the Office of Civil Rights of the Department of Health and Human Services has been expanding its enforcement activity under the privacy and security standards of HIPAA. And it's not surprising that enforcement activity is...

November 20, 2012

## **2012 Year End Benefit Plan Compliance Checklist and Reminders for Employers**



By comparison to past years, the end of 2012 and beginning of 2013 seem not to bring all that much in the way of new legal compliance burdens regarding retirement plans, health plans, and deferred compensation plans. For the...

November 6, 2012

### **IRS Blesses Leave-Based Donation Programs for Hurricane Sandy Relief**

Echoing the guidance provided back in 2005 in the aftermath of Hurricane Katrina, the IRS has published Notice 2012-69 to support leave-based donation programs for the relief of the victims of Hurricane Sandy. Leave-based donation programs allow employees to...

August 21, 2012

### **Summary of Benefits and Coverage Must be Provided Soon**

As employers prepare for their fall 2012 open enrollment efforts, we wanted to offer a reminder that a Summary of Benefits and Coverage (or "SBC") will now have to be provided to group health plan participants and beneficiaries. For...

June 29, 2012

### **The Verdict on Health Care Reform: Impact on Employer Health Plans**

The United States Supreme Court ruled yesterday that the Patient Protection and Affordable Care Act of 2010 ("ACA") is constitutional in almost all respects, striking down only those provisions that would withhold all Medicaid funds from States that do...

June 26, 2012

### **July 1 Deadline Approaching for Service Provider Disclosures**

As all sponsors and fiduciaries of tax-qualified retirement plans should know by now, written fee and expense disclosures are due to be provided to plan fiduciaries by "covered service providers" by July 1. As we explained in a prior...

August 15, 2011

### **An Over-the-Counter Remedy for the Health Risk Assessment Headache**

A number of clients have recently asked a relatively simple question: Can they require an employee to take a health risk assessment ("HRA") as a condition of participation in a wellness program or group health plan? This question seems...

June 13, 2011

### **Benefits Law Update Named a Top 10 Blog by HR Daily Advisor**

We are pleased to announce that HR Daily Advisor has named us to their 2011 list of top 10 blogs for compensation and benefits. Many thanks to the editors at HR Daily Advisor for selecting us. We'll do our...

June 9, 2011

### **Five Things to Consider in Completing Form 990: Tips from an Expert**

We are pleased to offer a guest post by Warren Kerper, Managing Principal in the Boston office of Sullivan, Cotter and Associates, Inc. Warren advises tax-exempt employers, especially health care organizations and colleges and universities, in the design...

June 8, 2011

### **Electronic Disclosure Comment Period Ends**

As we discussed in an earlier post , in April the Department of Labor's Employee Benefits Security Administration (EBSA) issued a Request for Information (RFI) soliciting views, suggestions, and comments to determine whether to expand or modify the rules...

November 8, 2010

### **Hybrid (Cash Balance/Pension Equity) Plan Regulations: Market Rate Amendments**

In October the IRS released regulations, in final and proposed form, intended to provide clarity in the utterly complicated area of hybrid pension plans, the two most common of which are cash balance plans and pension equity plans. These...

October 25, 2010

### **409A and Linked Elections Following 401(k) Hardship Suspension**

Many tax-qualified Section 401(k) plans provide that a participant who takes a hardship distribution pursuant to Treasury Regulation Section 1.401(k)-1(d)(3) is suspended from participating in any qualified or nonqualified deferred compensation plans of the Company for a period of...

October 11, 2010

### **409A Corrections Guidance: Which Year Is Correction Completed?**

Relief for nonqualified deferred compensation plan operational failures made pursuant to Internal Revenue Service guidance under Section 409A requires certain information reporting by affected employers and participants. It is important to promptly correct any discovered errors, as fewer requirements...

September 16, 2010

### **Implementing Required Health Plan Coverage of Adult Children**

Under the Patient Protection and Affordable Care Act , group health plans must extend coverage to employees' dependents up to age 26. Grandfathered plans enjoy a limited exception to this requirement in cases where the dependent is eligible to...

September 15, 2010

### **Using Retirement Plan Assets to Pay Plan Administrative Expenses**

We are sometimes asked: when is it okay to use retirement plan assets to pay for plan administrative expenses? The question often comes up in the context of a restatement of the plan document, the preparation of a new...