



## → Michael Chan

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Michael Chan is a partner and leader of the Tax, Employee Benefits and Executive Compensation Practice Group in the firm's Los Angeles office.

### **Areas of Practice**

#### Retirement Plans

Michael counsels employers with respect to the design, administration and legal compliance of qualified retirement plans, including defined benefit plans, employee stock ownership plans, tax-sheltered annuities and defined contribution plans. His experience in this area includes: (i) advising plan sponsors (in addition to plan administrators, trustees and other plan fiduciaries) with respect to their fiduciary obligations, including reporting and disclosure requirements, under the Employee Retirement Income Security Act of 1974, as amended (ERISA); (ii) representing plan sponsors seeking amnesty under the Internal Revenue Service's Employee Plans Compliance Resolution System and the Department of Labor's Voluntary Fiduciary Correction Program; and (iii) assisting plan sponsors with various other compliance issues that arise in the day-to-day operations of qualified retirement plans.

#### Welfare Benefit Plans

Michael also often assists employers with the maintenance and administration of welfare benefit arrangements, such as cafeteria plans (also known as Section 125 plans), medical expense and dependent care reimbursement programs, medical plans for active and retired employees, severance plans and self-funded plans involving voluntary employees' beneficiary associations (also known as VEBAs) established under Internal Revenue Code Section 501(c)(9). Additionally, he counsels employers regarding their obligations under COBRA and HIPAA, as well as the developing regulations under healthcare reform legislation.

#### Transactional Counseling

A significant portion of Michael's practice involves advising clients with respect to the employee benefits and ERISA-related issues that arise in the context of mergers and acquisition transactions. His experience in this area includes negotiating and drafting provisions for transactional documents to reflect the division of responsibilities for employee benefit-related liabilities and the representations and warranties regarding such liabilities.

## Executive Compensation

Michael advises clients with respect to equity and non-equity based incentive compensation, non-qualified deferred compensation, change in control and severance arrangements, including the Internal Revenue Code rules governing the taxation of such arrangements.

## Articles

### Corporate & Securities Law Blog Posts

- "Updated IRS Guidance Addressing COVID-19 Relief Employer Tax Credits," April 20, 2020
- Critical Employee Benefit Issues in a Pandemic – Can Employees Take Their Money out of Plans?," March 20, 2020
- "What Employers Need to Know About Healthcare Reform for 2013," December 31, 2012

### Labor & Employment Law Blog Posts

- "Reminder: ARPA COBRA Subsidy Expiration Notice Due by September 15," September 2, 2021
- "COBRA Premium Assistance Under the American Rescue Plan Act of 2021 – What Employers Should Know," April 14, 2021
- "The CARES Act: What Employers Need to Know About Its Impact on the Families First Coronavirus Response Act," March 30, 2020

## Media Mentions

Majesco's \$12 Million Acquisition of InsPro Technologies  
*Global Legal Chronicle*, 02.24.2020

Dealmakers: Wheel manufacturer wheels into deal with Sheppard Mullin's counsel  
*Daily Journal*, 06.04.2019

Opus Equity Partners Calls on Sheppard Mullin for Counsel in Deals  
*Daily Journal*, 05.09.2017

Opus Equity Partners Calls on Sheppard Mullin for Counsel  
*Daily Transcript*, 05.09.2017

ZEAVION Holding's \$127.5 million acquisition of Gymboree Play & Music  
Don't Miss It: Hot Deals & Firms We're Following This Week  
*Law360*, 07.01.2016

Monster Beverage Corp's \$690 million acquisition of American Fruits and Flavors  
Don't Miss It: Hot Deals & Firms We're Following This Week  
*Law360*, 02.26.2016

## Events

Tips for Nonprofits: Adapting To The New Federal Law  
10.17.2018

Spring 2010 - Labor & Employment Law Update  
W New York 541 Lexington Avenue (Between 49th and 50th), 05.13.2010

## Practices

Tax

Employee Benefits

Executive Compensation

Healthcare

Investment Management

## Industries

Healthcare

## Education

LL.M., New York University School of Law, 2003

J.D., University of Oregon School of Law, 2002

B.A., University of California, Los Angeles, 1997

## Admissions

California