



## Kenneth A. Raskin

PARTNER

### PROFILE

Ken Raskin is a partner and Chair of King & Spalding's Employee Benefits & Executive Compensation Practice and is resident in the New York office. His practice concentrates in executive compensation and employee benefits law. He counsels clients in the creation, structure and communication of tax-qualified retirement plans and welfare benefit plans, assisting clients in maintaining IRS and ERISA compliance and in negotiating the resolution of qualification problems under the IRS' and DOL's compliance resolution programs. He also assists clients in establishing and maintaining non-qualified plans of deferred compensation (e.g., "top-hat plans" and "ERISA-excess plans") and in developing funding mechanisms for these plans such as "rabbi trusts." He advises plan trustees, bank trust departments and other fiduciaries regarding ERISA and its investment requirements, and fiduciary issues and responsibilities. He provides transactional counsel in mergers and acquisitions regarding financings, takeover defenses and a variety of other transactions.

Mr. Raskin advises both corporate and individual clients on executive compensation issues. He provides counsel in the design and negotiation of executive employment contracts, incentive compensation arrangements, stock option plans, non-compete agreements, severance arrangements and parachute plans. He also counsels investment fund sponsors, investing plans and lenders on the fiduciary and other implications of ERISA's "plan assets" regulation.

Mr. Raskin is nationally recognized for his expertise by *Chambers USA*, *Best Lawyers in America*, *PLC Which Lawyer?* and the *Legal 500*. He is a frequent speaker and author, and he is often quoted in industry publications such as *The Deal*, *Metropolitan Corporate Counsel*, *BNA Corporate Accountability Report*, and *Dow Jones International News*.

### Publications and Speeches

- Panelist, 4th Annual Law Firm Pension & Retirement Plans, "Dealing with Key Decisions Affecting Strategies, Operations, IRS Limits and Funding," June, 2014
- Speaker, ABA Section of Taxation Conference, "Employee Benefits Mergers and Acquisitions Update," May 2013
- Speaker, Practising Law Institute: ERISA: The Evolving World 2012, Determination Letters / IRS and DOL Correction Programs; Reporting and Disclosure; Employment and Labor Laws, August 6, 2012
- Moderator, 64th Annual National Plan Sponsor Council of America (PSCA) Conference, Company Roundtable, September 20, 2011
- Panelist, 64th Annual National Plan Sponsor Council of America (PSCA) Conference, "ERISA Fiduciary Boot Camp: Selecting and Monitoring a Service", September 22, 2011
- Panelist, Defined Contribution Conference, "Pension & Investments," October 24-26, 2010
- Panelist, The Conference Board 2010 Executive Compensation Conference, "Contracts, Clawbacks and Perks," September 28, 2010
- Lecturer, PSCA National Conference, "Fiduciary Outsourcing for Defined Contribution Plans: Background and an Evaluation Framework for Plan Sponsors," September 22, 2010
- Co-author, "Pay wall," *The Deal*, September 17, 2010

### CONTACT

#### NEW YORK

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### PRACTICES

Employee Benefits & Executive  
Compensation  
Tax  
ERISA Litigation

### MEMBERSHIPS

New York State Bar Association  
American Bar Association  
Board Member for The Plan Sponsor  
Council of America (PSCA)

### EDUCATION

J.D., St. Johns University  
M.B.A., SUNY at Binghamton  
B.A., University of Vermont

### ADMISSIONS

New York

- Panelist, Money-Media Webinar, “How Will the Financial Reform Bill Impact Corporate Boards”, July 2010
- Featured in “Ken Raskin Joins King & Spalding as Chair of its Benefits and Compensation Practice,” *Metropolitan Corporate Counsel*, June 2010
- Panelist, The Profit Sharing/401k Council of America’s 62nd Annual National Conference and Exhibition, Scottsdale, AZ, September 23, 2009
- Co-author, “The Intricate Web of Plan Amendments Explained,” *Pension and Benefits Week*, November 4, 2008, Volume 14, No. 31
- Lecturer, “Employee Benefits Adviser’s Raw Bar Podcast: LaRue v DeWolff, Boberg & Associates Inc. et al.” *Employee Benefits Adviser*, February 25, 2008
- Co-author, “The Final 403(b) Regulations – Long-Awaited Answers and New Opportunities,” *Bloomberg Employee Benefits Law Report*, January 2008
- Host and Panelist, The Profit Sharing Council of America’s Profit Regional Plan Sponsor event, New York, October 30, 2007
- Co-Author, “ERISA And Severance Pay Arrangements,” *Employee Benefit Plan Review*, October 2007
- Lecturer, on “Compliance: Mergers and Acquisitions,” at the Profit Sharing Council of America’s 2007 National Conference and Exhibition, Rancho Mirage, CA, September 24-27, 2007
- Co-author, “Are 401(K) Fees the Next Wave of Litigation?” *Bloomberg Corporate Law Journal*, Spring 2007
- Co-author, “Guidance on Investment Advice for 401(k) Participants,” *Employment Law 360*, March 30, 2007
- Lecturer, New York State Bar Association’s program on the New World of Deferred Compensation under Section 409A of the Internal Revenue Code, December 5, 2006
- Lecturer, American Conference Institute’s conference on Options Granting Investigations, New York, October 2006
- Co-author, “Options Backdating: Plenty to Worry About,” *Financial Executives International*, October 2006
- Lecturer, 59th National Profit Sharing 401(K) Conference, Amelia Island, Florida, September 13-15, 2006
- Co-author, “Backdating,” *New York Law Journal*, September 2006
- Co-author, “Preventing Executive Compensation from Derailing M&A Deals,” *Directors & Boards*, Fall 2006
- Co-author “Everything You Always Wanted to Know About Backdating but Weren’t Sure What to Ask,” *Bloomberg’s Corporate Law Journal*, Fall, 2006
- Co-author, “Pension Bill Remains in Quagmire over DB Plan Issues -- Renewed Effort Required on Permanency of 2001 Pension Provisions,” *PSCA.org Executive Report*, July 2006
- Co-author, “FASB Clarifies Meaning of ‘Grant Date’ for Equity Awards Under FAS 123(R),” *Benefit Law Journal*, Spring 2006
- Lecturer, Practising Law Institute’s Program on Pension Plan Investment 2006, May 2006
- Co-author, “Hung Out to Dry—Scrutiny of Remuneration Schemes Could Threaten U.S. Deals,” *Mergers and Acquisitions Magazine*, April/May 2006
- Co-author, “Actions to Take in 2006 and Beyond in Response to New IRS Rules on Deferred Compensation,” *Bloomberg Corporate Law Journal*, Winter 2006
- “How To Solve the Top Nine 401(k) Compliance Mistakes,” *Managing 401(k) Plans*, February 8, 2006
- Lecturer, 58th National Profit-Sharing 401 (k) Conference, San Diego, September 20-23, 2005 “Effective Date of the New Automatic Rollover Rules Is Fast Approaching,” *PSCA.org Executive Report*, March 28, 2005
- Co-author, “Sweeping Nonqualified Deferred Compensation Legislation Signed Into Law,” *PSCA.ORG Executive Report Online*, November 2004
- Co-author, “Proposed Legislation Could Lose Hedge Funds ‘Deemed’ Investment,” *HedgeWorld*, October 2004
- Co-author, “DOL Proposes Regulation with Respect to Automatic Rollovers,” *Profit Sharing*, May/June 2004

- Co-author, "Implementing an International Equity-Based Compensation Programme," *Global Counsel Handbooks – Labour and Employee Benefits* 2003/4
- Lecturer, The ERIC-Aon Consulting Fall Benefits & Compensation Conference, October 2003
- Co-author, "Optional Benefit Forms Could Be Eliminated Under New IRS Proposal," *Profit Sharing*, September/October 2003
- Co-author, "Simplified Voluntary Correction Program Updated," *Profit Sharing*, September/October 2003
- Co-author, "Officers and Directors of Public Companies May Be Restricted from Accessing Their Plan Loans," *Employee Benefit Plan Review*, September 2003
- Co-author, "Conversions and/or Mergers of Money Purchase Pension Plans into Profit-Sharing Plans," *Profit Sharing*, January/February 2003

#### Professional Associations and Memberships

- Board Member for The Plan Sponsor Council of America (PSCA)
- New York State Bar Association
- American Bar Association
- Legal and Legislative Committee of the Plan Sponsor Council of America

#### Awards and Recognition

- *Chambers USA*, 2005 - 2013
- *The Best Lawyers in America*, 2005 - 2014
- PLC Which Lawyer?, 2005 - 2012
- New York Super Lawyers 2006 - 2013

## NEWS & INSIGHTS

### NEWS

- 05 Dec 2014** King & Spalding Advises Arbor Pharmaceuticals in Minority-Stake Sale to KKR
- 03 Nov 2014** King & Spalding Advises Edens Investment Trust on \$762 Million Acquisition
- 13 Jun 2014** King & Spalding Earns 34 Practice Rankings and 125 Individual Rankings in Chambers USA 2014 Guide
- 10 Feb 2014** Oil and Gas Equipment Division to Change Hands for \$550 Million | *Texas Lawyer*
- 20 Jan 2014** Drill Baby Drill! \$740 Million Pending Sale of Drilling Business | *Texas Lawyer*
- 07 Jan 2014** King & Spalding Instructs Varel International Energy Services on \$740 Million Sale
- 20 Dec 2013** With Advice from King & Spalding, EDENS Completes One of the Largest Ever Private Real Estate Equity Investments
- 20 Nov 2013** King & Spalding Advises Roark Capital in Purchase of CKE Inc.
- 05 Nov 2013** King & Spalding Advises on Sale of GE's Air Filtration Business to CLARCOR
- 01 Oct 2013** The Risks For Private Equity In Companies With Underfunded Benefit Plans | *The Metropolitan Corporate Counsel*
- 17 Sep 2013** Super Lawyers Lauds Twelve at King & Spalding in New York City
- 22 Jul 2013** King & Spalding Advises Roark Capital in Its Acquisition of Miller's Ale House Restaurant Chain
- 16 Jul 2013** King & Spalding Advises Arcapita in \$365 Million Sale of its 3PD Portfolio Company
- 28 May 2013** King & Spalding Earns 35 Practice and 119 Lawyer Rankings in 2013 Chambers USA Guide
- 17 Dec 2012** King & Spalding Advises Sprint on Acquisition of 100 Percent of Clearwire
- 16 Nov 2012** King & Spalding Advises Haddington Energy Partners on \$350 Million Private Equity Fund

03 Oct 2012 Super Lawyers Names 12 King & Spalding Lawyers Among the Best in New York Metro

23 Aug 2012 King & Spalding Lawyers Earn 232 Listings in 2013 Best Lawyers in America Guide

24 Jul 2012 King & Spalding Advises GE Capital on Financing of Snow Phipps/ LTI Flexible Products Deal

07 Jun 2012 Chambers Again Counts King & Spalding as One of the Top U.S. Law Firms

26 Mar 2012 King & Spalding Lawyers Present Worker Misclassification Roundtable in Atlanta Office

02 Feb 2012 King & Spalding Advises BioScrip in Sale of Specialty Pharmacies and Centralized Specialty and Mail Service Pharmacy

22 Sep 2011 Kenneth Raskin Elected to Board of Plan Sponsor Council of America

20 Sep 2011 Twelve King & Spalding Attorneys Named to New York Super Lawyers List

14 Sep 2011 Ken Raskin Leads Two Workshops at National Profit Sharing Conference

31 Aug 2011 King & Spalding Lawyers Earn 203 Listings in 2012 Best Lawyers in America Guide

13 Jun 2011 King & Spalding Advises EMS Technologies in \$491 Million Sale

13 Jun 2011 King & Spalding Earns 36 Practice Rankings and 114 Individual Lawyer Recognitions in 2011 Chambers USA Guide

13 Jun 2011 King & Spalding Advises Roark Capital in Purchase of Italian Restaurant Chain

13 Jun 2011 King & Spalding Advises Roark Capital in Acquisition of Arby's Restaurants

01 May 2011 Healthcare Reform Task Force Faces Up To The Roll-Out Of The PPACA And Other Healthcare Reform Challenges | *Metropolitan Corporate Counsel*

30 Mar 2011 Ken Raskin Featured Speaker at ERISA Seminar

02 Mar 2011 Twentieth Annual King & Spalding Health Law Forum To Address Healthcare Reform, Accountable Care Organizations

16 Feb 2011 King & Spalding Advises ING Clarion Management Team in \$100M Acquisition Of U.S.-Based Real Estate Company From ING Group

31 Jan 2011 Ken Raskin Moderates Defined Contribution Roundtable

21 Sep 2010 12 King & Spalding Attorneys Named Experts in Their Fields by 'New York Super Lawyers'

14 Sep 2010 Ken Raskin Leads Workshop at National Profit Sharing and 401(k) Conference

08 Sep 2010 Private Equity Partner John Herbert Joins King & Spalding

13 Aug 2010 Ken Raskin a Panelist at The Conference Board's 2010 Executive Compensation Event

17 May 2010 Ken Raskin Joins King & Spalding as Chair Of Its Benefits and Compensation Practice

## PUBLICATIONS

30 Jan 2015 Compensation and Benefits Insights – January 2015

02 Jan 2015 Compensation and Benefits Insights – December 2014

03 Dec 2014 Compensation and Benefits Insights – November 2014

05 Nov 2014 Compensation and Benefits Insights – October 2014

03 Oct 2014 Compensation and Benefits Insights – September 2014

10 Sep 2014 Compensation and Benefits Insights – August 2014

01 Aug 2014 Compensation and Benefits Insights – July 2014

03 Jul 2014 Compensation and Benefits Insights – June 2014

05 Jun 2014 Compensation and Benefits Insights – May 2014

12 May 2014 Compensation and Benefits Insights – April 2014

31 Mar 2014 Compensation and Benefits Insights – March 2014

04 Mar 2014 Compensation and Benefits Insights – February 2014

31 Jan 2014 Compensation and Benefits Insights – January 2014

02 Jan 2014 Compensation and Benefits Insights – December 2013

27 Nov 2013 Compensation and Benefits Insights – November 2013

<i>31 Oct 2013</i>	Compensation and Benefits Insights – October 2013
<i>01 Oct 2013</i>	Compensation and Benefits Insights – September 2013
<i>03 Sep 2013</i>	Compensation and Benefits Insights – August 2013
<i>29 Aug 2013</i>	Private Equity Fund May Be Liable for Portfolio Company Withdrawal Liability
<i>31 Jul 2013</i>	Compensation and Benefits Insights – July 2013
<i>01 Jul 2013</i>	Healthcare Reform For Employers 101: What Needs To Be Done Now   <i>The Metropolitan Corporate Counsel</i>
<i>27 Jun 2013</i>	Compensation and Benefits Insights – June 2013
<i>17 Jun 2013</i>	Public Company Advisor - June 2013
<i>28 Mar 2013</i>	Compensation and Benefits Insights - March 2013
<i>28 Feb 2013</i>	Compensation and Benefits Insights - February 2013
<i>30 Jan 2013</i>	Compensation and Benefits Insights - January 2013
<i>31 Dec 2012</i>	Compensation and Benefits Insights - December 2012
<i>30 Nov 2012</i>	Compensation and Benefits Insights - November 2012
<i>29 Oct 2012</i>	Compensation and Benefits Insights - October 2012
<i>28 Sep 2012</i>	Compensation and Benefits Insights - September 2012
<i>31 Aug 2012</i>	Compensation and Benefits Insights - August 2012
<i>10 Jul 2012</i>	Compensation and Benefits Insights – July 2012
<i>29 Jun 2012</i>	Compensation and Benefits Insights - June 2012
<i>29 May 2012</i>	Compensation and Benefits Insights - May 2012
<i>23 Apr 2012</i>	Compensation and Benefits Insights - April 2012
<i>22 Mar 2012</i>	Compensation and Benefits Insights - March 2012
<i>27 Feb 2012</i>	Compensation and Benefits Insights - February 2012
<i>01 Jan 2012</i>	Compensation and Benefits Insights - January 2012
<i>22 Dec 2011</i>	Compensation and Benefits Insights - December 2011
<i>30 Nov 2011</i>	Compensation and Benefits Insights - November 2011
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<i>22 Aug 2011</i>	Compensation & Benefits Insights - August 2011
<i>28 Jul 2011</i>	Compensation and Benefits Insights - July 2011
<i>30 Jun 2011</i>	Compensation and Benefits Insights - June 2011
<i>27 May 2011</i>	Compensation and Benefits Insights - May 2011
<i>27 Apr 2011</i>	Compensation and Benefits Insights - April 2011
<i>30 Mar 2011</i>	Compensation & Benefits Insights - March 2011
<i>24 Feb 2011</i>	Compensation and Benefits Insights - February 2011
<i>27 Jan 2011</i>	Compensation and Benefits Insights - January 2011
<i>29 Nov 2010</i>	Compensation and Benefits Insights - November 2010
<i>01 Nov 2010</i>	Compensation and Benefits Insights - October 2010
<i>29 Sep 2010</i>	Compensation and Benefits Insights - September 2010
<i>23 Aug 2010</i>	Health Headlines
<i>20 Aug 2010</i>	Compensation and Benefits Insights - August 2010
<i>27 Jul 2010</i>	Compensation and Benefits Insights - July 2010

**EVENTS**

*02 Oct 2014* **ERISA Basics of Pension Plan Fund Investments Seminar**

*15 Nov 2010* **Healthcare Reform 2.0: The 2010 Elections and the Healthcare Reform Agenda of a New Congress** | *Atlanta, GA and Washington, D.C.*