

Kathy Conklin



member

new orleans

kconklin@mcglinchey.com

T (504) 596-2876 F (504) 596-2859

Legal Secretary

Gretchen States

gstates@mcglinchey.com

(504) 654-1108

education

Tulane University Law School (J.D., 1983, *magna cum laude*)

Louisiana State University (B.A., 1980, *summa cum laude*)

admissions

Louisiana

U.S. District Court for the Eastern District of Louisiana

honors

- *Martindale-Hubbell*™ AV Preeminent® Peer Review Rated Lawyer
- *Chambers USA* Louisiana / Labor & Employment (Employee Benefits & Executive Compensation)
- *The Best Lawyers in America*® (Employee Benefits [ERISA] Law), 2005 – present
- *Best Lawyers*® New Orleans Employee Benefits (ERISA) Law “Lawyer of the Year,” 2015, 2019, 2021, 2024
- *Louisiana Super Lawyers* (Employee Benefits/ERISA, Employment & Labor), 2008–2018, 2021–2024

In employment law, you’re in on a lot of decisions as they are happening, and I really like that. The close collaboration is very satisfying for me – and for my clients. There’s a longer time horizon to the decision making process on the employee benefits side, but collaborating with clients there, too, is very satisfying – helping them achieve their business objectives.

Katherine “Kathy” Conklin advises employers nationwide on employment law compliance and employee benefits matters.

In her employment law practice, Kathy counsels employers on compliance with the Employee Retirement Income Security Act (ERISA), Family and Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA), Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), and other workplace laws, from handbook design to termination considerations. Kathy enjoys developing solutions for clients who struggle with troubled employees, and frequently drafts severance agreements under the Older Workers Benefits Protection Act (OWBPA).

- *Louisiana Super Lawyers* "Top 25: Women Louisiana Super Lawyers," 2012
- *New Orleans Magazine* "Top Lawyer: Employee Benefits Law," 2012, 2015–2016, 2018–2021
- *New Orleans CityBusiness* "Ones to Watch" 2018
- *New Orleans CityBusiness* Leadership in Law, 2020
- *Inside New Orleans Magazine* "Elite Lawyers" (Trusts and Estates Law), 2021

affiliations

Professional

- American Bar Association
- Association of Employee Benefits Planners
- Louisiana State Bar Association
- The New Orleans Bar Association
- New Orleans Estate Planning Council
- Women's Professional Council of New Orleans

Certifications

Certified by the Louisiana Board of Legal Specialization in the fields of Tax Law (1991) and Estate Planning and Administration (1997)



A board-certified specialist in tax and estate planning, Kathy draws on her depth of experience in the employee benefits arena to assist employers in designing retirement plans such as 401(k) plans and Employee Stock Ownership Plans (ESOPs), as well as health benefit plans that best suit employers' needs. She also counsels on maintaining those plans' compliance with applicable tax and labor laws such as ERISA, Continuation of Health Coverage (COBRA), and Health Insurance Portability and Accountability Act (HIPAA), and when necessary, participating in governmental correction programs such as the Employee Plans Compliance Resolution System (EPCRS) and the Delinquent Filer Voluntary Compliance Program (DFVCP). Kathy provides guidance on avoiding fiduciary liability and navigating the prohibited transaction limitations.

Kathy's strong business background equips her to advise on complex employee benefits matters that arise during mergers and acquisitions. She also works extensively in the executive compensation field, designing and drafting incentive compensation plans and employment agreements, and reviewing arrangements for compliance with Section 409A of the U.S. Tax Code.

Locally, Kathy maintains an active estate planning and administration practice, drafting wills, trusts, and powers of attorney, and handling successions.

Kathy also assists religious employers with the immigration process when hiring religious workers from abroad.

presentations

"Fostering Equity & Opportunity in Our City," Power Up NOLA Women's Leadership Conference, New Orleans, LA, April 19, 2023

"Retirement Options for Small Employers," Tulane's 71st Annual Tax Institute, November 17, 2022

"Keeping Lawsuits Away: Best Employment Practices. Top 10 Don'ts," The Louisiana CPA Society Business and Industry Conference, August 12, 2022

"Top Ten Changes Made by the SECURE Act of 2019," Tulane's 69th Annual Tax Institute, November 20, 2020

"Managing the Multi-Generational Work Force," 2020 Virtual Consumer Finance Legal Conference, October 9, 2020

"Back to Work: Plans for the New Normal," New Orleans Bar Association Webinar, May 12, 2020

"Transfer on Death Accounts in Louisiana: Tax and Other Hidden Dangers," 2017 Louisiana Bankers Association Bank Counsel Conference, New Orleans, LA, December 8, 2017

"Transfer on Death Accounts in Louisiana: Tax and Other Hidden Dangers," Tulane Estate Planning Seminar, New Orleans, LA, October 27, 2017

"So You Thought You Outsourced Your 401(k) Plan," DisruptHR New Orleans, October 11, 2017

"Beneficiary Designations for Qualified Retirement Plans and IRAs," Association of Employee Benefit Planners, New Orleans, LA, June 5, 2017

"DOL's New Overtime Exemption Rules," ABA EEO Sub-Committee, June 1, 2016

"Estate Planning in 2014," Halfmoon Education / Foxmoor Continuing Education, New Orleans, LA, December 16, 2014

"It's HEEERE!!!: The Affordable Care Act and What Employers Need to Know," Hospitality Happening: Legal & Tax Compliance Seminar for the Louisiana Hospitality Industry, New Orleans, LA, November 5, 2014

"Healthcare Reform: Upcoming Deadlines," Society of Human Resource Management New Orleans chapter, December 6, 2012

"Handling Non-Probate Assets in Estate Planning," LSU Estate Planning Seminar, October 2011

"COBRA 101: The Legal Dos and Don'ts of Complying With Federal COBRA Regs," BLR/HRHero, October 2011

"Distributions from Qualified Plans, IRA's and Related Tax Planning Strategies; Roth Conversions," Loyola University Annual Estate Planning Conference, December 2010

"Bullying in the Workplace," Society of Louisiana CPAs, November 2010

"Employee Benefit Plans Update," Louisiana Society of Certified Public Accountants Annual Meeting, June 2010

"Estate Planning with Non-Probate Assets: Life Insurance, Annuities, Inter-Vivos Trusts, IRA's and Qualified Plans," New Orleans Annual Estate Planning Conference, November 2007

"HIPAA, Benefits, and Privacy in the Workplace," Nuts and Bolts: Employment and Labor Law Seminar for the Small Business and Sole Proprietor, New Orleans Bar Association, September 2007

"Are You Liable for Plan Fees Charged to 401(k) Plans? Investment Duties Under Title I ERISA Plans," AICPA National Conference on Employee Benefit Plans, May 2007

"Who wants to be a COBRA Wiz," Smith Insurance Agency - COBRA Compliance in Administration, September 2006

"Keeping Retirement Plans Qualified in Form and the IRS Determination Letter Program," Society of Louisiana CPAs 2006 Business & Industry Conference, September 2006

"Coordinating Leaves of Absence: ADA, FMLA and Other Time Off," Lorman Educational Services Elements of a Successful Human Resources Program in Louisiana, September 2006

"COBRA: New Notice Requirements and Problem Areas," McGlinchey Stafford Executive Briefing, October 2005

"Complying With the New 409A Non-Qualified Deferred Compensation Rules," LCPA Business & Industry Conference, August 2005

"ERISA Disclosure & Claims Procedure Rules," The Methodist Hospital's In-Service Training, July 2005

"Complying With Section 409A Rules on Deferred Compensation: Don't Let Your Executives Get Burned," Louisiana Society of Human Resource Managers, June 2005

"HIPAA Privacy," Loyola University New Orleans Annual Labor & Employment Law Seminar, November 2004

"How to Avoid Fiduciary Breaches Under ERISA," Association of Corporate Counsel's Louisiana Chapter and Loyola University School of Law - Corporate Attorneys and In-House Counsel, October 2004

"Use of Trusts in Non-Tax Estates: Creditor Protection, College Savings via Section 529 Plans, Use of Trusts for Retirement Accounts," LSU Paul M. Hebert Law Center 32nd Annual Estate Planning Seminar, September 2004

"HIPAA Privacy and Security Rules for Banks," Louisiana Bankers Association 2004 LBA Human Resources and Security Conference, July 2004

"Implementing Plan Terminations," Association of Employee Benefit Planners, June 2004

"Severance Packages and ADEA Waivers," McGlinchey Stafford Executive Briefing, March 2004

published articles

"Ask the Attorney: What employers should know about recalling workers," *New Orleans CityBusiness*, July 6, 2020

"COVID-19 and School Safety—Preparing for Widespread Illness in Your School," *The Legal Intelligencer*, June 12, 2020

"Executive Compensation," *Business Law Monographs Employment Series*, 1990 (supplemented annually)

