

# Snell & Wilmer

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## **Thomas R. Hoecker**

Of Counsel | Phoenix

Tel. 602.382.6361

[thoecker@swlaw.com](mailto:thoecker@swlaw.com)

### **Main Bio**

Tom Hoecker leads the firm's Employee Benefits and Executive Compensation practice. He regularly assists employers in the design, documentation and implementation of qualified and non-qualified retirement plans and executive compensation programs (including equity based compensation programs) and compliance with the requirements of the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 ("ERISA"). Tom also assists employers and executives with executive level employment issues. He is a regular speaker, both nationally and locally, on issues involving executive compensation and the responsibilities of fiduciaries of ESOPs and other benefit plans.

### **Leadership Positions**

- Executive Committee, Snell & Wilmer (1999-2017)
- Member, Board of Directors, ABA Retirement Funds, Inc. (2010 to present)
- Vice President, Snell & Wilmer Charitable Foundation (2002-2017)
- Council Director, American Bar Association, Tax Section (2008-2011)
- Chair, American Bar Association, Tax Section, Employee Benefits Committee, Quality Assurance Group (2004-2008)
- Chair, American Bar Association, Tax Section, Employee Benefits Committee (2002-2003)
- Vice Chair, American Bar Association, Tax Section, Employee Benefits Committee (1998-2002)
- Chair, American Bar Association, Tax Section, Employee Benefits Committee, Fiduciary Responsibility Subcommittee (1996-1998)
- Board of Visitors, University of Illinois College of Law (2005-2011)
- Member, Board of Directors, Teach For America, Phoenix Chapter (2005-2008)
- Member, Board of Governors, Boys and Girls Clubs of Greater Scottsdale (2009-2014)
- Past President and Steering Committee Member, Western Pension and Benefits Conference, Phoenix Chapter

### **Representative Experience**

#### ***Representative Engagements***

- Assisted a publicly held utility with the sale of a significant division, the realigning of its benefit programs, and the revision of all of its benefit plans to comply with Section 409A

- Assisted a large national construction company with the realignment of its executive compensation programs to comply with Section 409A and split-dollar insurance requirements
- Assisted another publicly held utility with the revision of its executive compensation programs and the preparation of a new CEO employment agreement
- Assisted a Fortune 500 company with the revision of all of its executive compensation programs, including the revision of all of its executive employment agreements
- Assisted a large, diversified oil company with its qualified retirement programs
- Assisted a publicly held automotive industry manufacturer with its executive compensation arrangements and qualified retirement programs
- Assisted a nationally recognized insurance-based consulting company in connection with the design and implementation of its executive compensation programs
- Assisted a regional hospital with all of its benefit needs, including the revamping of its benefit programs to comply with Section 409A, the revision of its retirement program to comply with new IRS regulations, and the preparation of the employment agreements for its departing and new CEOs
- Assisted numerous publicly held and privately held employers in the negotiation and documentation of senior level executive separations
- Assisted publicly held companies with the preparation of the CD&A portion of annual proxy statements

## Education

- University of Illinois College of Law (J.D., with honors, 1975)
  - Notes and Comments Editor, University of Illinois Law Forum
  - Member, Order of the Coif
- Northern Illinois University (B.S., Finance, with honors, 1972)
  - Wall Street Journal Award (highest GPA in Finance Department)

## Professional Memberships & Activities

- American Bar Association
- Maricopa County Bar Association
- Western Pension and Benefits Conference
- American College of Employee Benefits Counsel
- American Bar Foundation

## Representative Presentations & Publications

- "[Deferred Compensation Arrangements- A Primer for Corporate Counsel](#)," Author (2013)
- "Plan Expenses, Investment Advice, Target Date Funds and Other Important Fiduciary Issues – How Does Your Plan Stack Up?" Speaker, Western Pension & Benefits Conference (May 2011)
- "Managing A Company Stock Fund – When Must A Fiduciary Sell Company Stock?" Presenter, Snell & Wilmer Corporate Counsel Forum (October 2010)
- "Investment Advice – The Proposed Regulations and Other Alternatives," Western Pension and Benefits Conference Annual Meeting, Los Angeles, California (July 2010)
- "Executive Compensation Update," Snell & Wilmer Mid-Year Update (June 2009)

- "The Impact of the Emergency Economic Stabilization Act of 2008 on Executive Compensation Policies and Practices," Special Meeting, American Corporate Counsel Association, Arizona Chapter (November 2008)
- "Managing Fiduciary Risk - A Practical Guide for 401(k) Plan Fiduciaries," Western Pension and Benefits Conference, Annual Meeting, Seattle, Washington (July 2008)
- "Managing Fiduciary Risk - A Practical Guide for 401(k) Plan Fiduciaries," ALI-ABA Video Law Review (June 2008)
- "Planning to Comply - Developing an Effective Plan Governance Structure," National Accounting & Finance Council, American Trucking Association (March 2008)
- "The New Rules for Deferred Compensation - A Compliance Strategy for Corporate Counsel," Snell & Wilmer Corporate Counsel Forum (August 2007)
- "Selected Fiduciary Issues," ALI-ABA Video Law Review (June 2007)
- "Dodging Bullets - Avoiding Fiduciary Liability," Western Pension and Benefits Conference Orange County, California Chapter (April 2007)
- "Reexamining Moench - When Must A Fiduciary Sell Employer Stock?" New York University Review of Employee Benefits and Executive Compensation (2007)
- "Section 409A, Scope and Coverage," American Corporate Counsel Association, Arizona Chapter (March 2006)
- "When Must A Fiduciary Sell Employer Stock," ALI-ABA Video Law Review (June 2006)
- "ERISA and the 401(k) Plan Fiduciary," ALI-ABA Video Law Review (June 2006)
- "Managing Fiduciary Risk, Western Pension and Benefits Conference," Orange County, California Chapter (2006)

## **Professional Recognition & Awards**

- American College of Employee Benefits Counsel, Charter Fellow
- American Bar Foundation, Fellow
- The Best Lawyers in America®, Employee Benefits (ERISA) Law (1995-2020), Mutual Funds Law (1995-2020)
  - Lawyer of the Year, Phoenix Employee Benefits (ERISA) Law (2013)
- Southwest Super Lawyers®, Employee Benefits/ERISA (2007, 2011-2019)
- Super Lawyers®, Employee Benefits/ERISA - Corporate Counsel Edition (2008)
- Ranking Arizona: The Best of Arizona Attorneys, Employee Benefits Law (2010-2011)
- Arizona's Finest Lawyers
- Best of the Bar, The Business Journal (2004)

## **Bar Admissions**

- Arizona
- Colorado
- Illinois

## **Court Admissions**

- Supreme Court of Arizona

- Supreme Court of Colorado
- Supreme Court of Illinois
- United States District Court, District of Arizona