

Snell & Wilmer



Marvin S. ("Bucky") Swift, Jr.

Partner | Phoenix

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Main Bio

Bucky Swift is a partner in the Employee Benefits and Executive Compensation practice and has spent his entire career in the ERISA employee benefits area. He partners with Boards of Directors, employers and individuals to design, draft and implement successful and responsible compensation plans and arrangements.

Bucky develops solutions on a broad range of benefits and compensation issues, including qualified and non-qualified retirement planning, compensation and benefits strategies for successful reductions-in-force, merger and acquisition compensation and benefits planning, and welfare benefit programs including issues under the new Health Care Reform law. He concentrates in the executive compensation area and works with Boards of Directors, employers, individuals to develop executive compensation and incentive programs in both the privately held and publicly traded sectors. Bucky represents Boards of Directors, employers and executives alike in negotiating and drafting executive level employment and change in control agreements and navigates his clients through the complicated rules affecting those arrangements, including Internal Revenue Code Sections 162(m), 280G and 409A. He also works with employers and Compensation Committee of Boards of Directors to design and develop equity compensation arrangements.

Bucky often speaks locally, regionally and nationally on a variety of employee benefits and executive compensation issues.

Representative Transactions

- Assisted a national publicly held home builder in complete redesign of senior executive employment and change in control agreements
- Assisted a publicly held educational organization in redesigning its senior executive employment and change in control agreements
- Assisted a publicly held educational organization in designing a compensation and benefit program for a major reduction in force that resulted in 100% voluntary retirement and no lawsuits
- Assisted many publicly held companies in drafting stock incentive plans allowing grants of various equity based compensation awards and drafted all required SEC disclosure documents
- Assisted numerous publicly traded companies in drafting executive bonus plans to preserve tax deductibility under Code Section 162(m)
- Assisted privately held companies in developing a plan to allow executives to earn and purchase company founder's stock over a period of years thereby providing business succession

- Assisted privately held company in working with compensation consultants to design, draft and implement all equity based compensation plans in preparation of going public (e.g., stock incentive and employee stock purchase plans)
- Assisted publicly traded companies in drafting SEC disclosure for annual proxy statements
- Assisted various tax-exempt organizations (including credit unions) in designing executive compensation arrangements in compliance with Code Section 457(b) and (f)

Education

- University of Richmond, T.C. Williams School of Law (J.D., 1985)
 - Associate Editor, Law Review
 - McNeill Law Society (Top 10% Honors)
- George Mason University (B.S., magna cum laude, 1980)

Professional Memberships & Activities

- American Bar Association
 - Section of Taxation, Subcommittee on Executive Compensation
- Western Pension Conference-Phoenix Chapter, Former Steering Committee Member

Representative Presentations & Publications

- "[COVID-19 Relief Package Hands 30 Years of Relief to Underfunded Multiemployer Plans](#)," Co-Author, Snell & Wilmer Legal Alert (March 18, 2021)
- "[Final DOL Rule Imposes Fiduciary Limitations on Social Investing](#)," Author, SW Benefits Blog (November 6, 2020)
- "[Tax-Favorable COVID-19 Pandemic Relief for Employees and Employers Covered by Section 139 Programs](#)," Co-Author, SW Benefits Update (March 26, 2020)
- "[Retirement Plan Dreams May Go Up in Smoke for Marijuana Companies](#)," Author, SW Benefits Blog (October 30, 2019)
- "Health Care Reform and How It Affects Your Company," Human Capital Strategies Seminar (September 2010)
- "How to Motivate Your Employees," Snell & Wilmer Emerging Business Seminar Series (September 2010)
- "Understanding the Dodd-Frank Act What Does It Mean For Public Companies," Snell & Wilmer Client Seminar (August 2010)
- "Analysis of Important Changes to Employee Benefits, Fraud and Abuse and Non-Profit Hospital Transparency," Snell & Wilmer Client Seminar (May & June 2010)
- "The Effects of Health Care Reform on Small Businesses and Their Employees," Arizona Small Business Association (April & May 2010)
- "Employee Benefits and Tax Implications of Health Care Reform," Snell & Wilmer Client Seminar (April 2010)
- "409A Document Correction Program Under Notice 2010-6," Western Pension & Benefits Conference (January 2010)

- "Understanding the New Health Care Reform Act" (March 2010)
- "SEC Adopts New Compensation Disclosure Rules" (January 2010)

Professional Recognition & Awards

- Chambers USA: America's Leading Lawyers for Business®, Employment & Labor (2019); Employee Benefits (2020-2021)
- The Best Lawyers in America®, Employee Benefits (ERISA) Law (2003-2022)
 - Phoenix Lawyer of the Year, Employee Benefits (ERISA) Law (2022)
- Arizona's Finest Lawyers
- Super Lawyers®, Employee Benefits/ERISA - Corporate Counsel Edition (2008)
- Southwest Super Lawyers®, Employee Benefits/ERISA (2007, 2013)

Community Involvement

- Pappas Schoolhouse Kids Foundation, Board Member
- Dress for Success, Board Member

Previous Professional Experience

- Morgan, Lewis & Bockius, Washington, DC

Bar Admissions

- Arizona

Court Admissions

- Supreme Court of Arizona