

John M. Nichols

Principal



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Practices

- Employee Benefits & Executive Compensation
- Employee Stock Ownership Plans (ESOP)

Education

- William Mitchell College of Law, J.D., with honors, 1976
- Notre Dame University, *cum laude*, undergraduate degree

Bar Admissions

- Minnesota, 1976

Court Admissions

- U.S. District Court District of Minnesota, 1977

John Nichols has over 30 years of experience in employee benefits, and has been involved in virtually every phase of this area of practice, ranging from plan design to employee benefits litigation. He has counseled publicly- and privately-held corporations, as well as tax-exempt organizations and public agencies with respect to their benefit programs, and has represented corporations, trustees, and others in employee benefits litigation.

John is a frequent lecturer and speaker on a variety of employee benefits topics for Minnesota Continuing Legal Education, Hamline Law School Advanced Legal Education, Minnesota Institute of Legal Education, and the ABA Division for Professional Education.

Experience

- Represented clients in arbitration and before the federal courts in connection with multiemployer withdrawal liability disputes
- Serve as trustee on a multiemployer collectively-bargained health and welfare fund
- Represented clients before the IRS, Department of Labor, and Pension Benefit Guaranty Corporation (PBGC)
- Represented clients in connection with conversion of defined benefit plans to cash balance plans and with ongoing qualification of cash balance plans
- Represented clients in connection with termination of defined benefit plans
- Served as a mediator in employee benefit disputes
- Represented clients in connection with negotiation of third-party administration contracts
- Served as expert witness in a variety of benefits-related litigation
- Represented institutional trustees in connection with fiduciary breach claims and in connection with pursuing claims against other plan fiduciaries on behalf of plan participants
- Represented claimants in class actions for recovery of pension and other benefits and breach of fiduciary duty claims

Representative Cases

- *Craig v. The Pillsbury Non-Qualified Pension Plan, et al.*, 458 F. 3d 748 (8th Cir. 2006)
- *Bloemer, et al. v. Northwest Airlines, Inc.*, 401 F. 3d 935 (8th Cir. 2005)
- *Seman v. FMC Corporation Retirement Plan for Hourly Employees, et al.*, 334 F.3d 728 (8th Cir. 2003)

Honors / Activities

Professional Activities

- American Bar Association, Labor section, Employee Benefits Committee, member
- Minnesota State Bar Association, Employee Benefits Section, Advisory Council, past chair, 2011-present; chair, 2010–2011; vice chair, 2009–2010; secretary, 2008–2009; treasurer 2007–2008; member, 2004–present
- Minnesota State Bar Association, Employee Benefits Section, Assembly Representative
- Hennepin County Bar Association
- Advisory Board of the Upper Midwest Pension Rights Project, member, 1996–present

Honors and Distinctions

- *The Best Lawyers in America*®, 1989–2019
- “Minnesota Super Lawyer®,” Thomson/Reuters, 2011 (Employee Benefits/ERISA), 2010–2015
- “North Star Lawyers,” Minnesota State Bar Association, 2014, 2016
- Employee Benefits (ERISA) Law “Lawyer of the Year” in Minneapolis, *Best Lawyers*®, 2012
- “Minnesota's Best Lawyers,” *Minnesota Monthly*, 2009

Community Involvement

- Administration on Aging, Pension Rights Projects Grant Applications, convener and facilitator, 2010–2013