

*Curriculum Vitae*

Kathryn J. Kennedy  
Associate Dean for Advanced Studies and Research  
Professor of Law  
Chair, Tax and Employee Benefits Practice Group  
The John Marshall Law School  
315 S. Plymouth Court  
Chicago, IL 60604  
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Education: Juris Doctor, *summa cum laude*, Northwestern University School of Law, 1980  
Honors: Order of the Coif and Editor of *The Northwestern University Law Review*  
Fellow of the Society of Actuaries, 1976  
Bachelor of Science in Actuarial Science, *with honors*, Drake University, 1974

Experience: Attorney, McDermott, Will & Emery, Chicago  
Legal Consultant and Actuary, Towers Perrin, New York and Chicago

Educational Positions: Associate Dean for Advanced Studies and Research, The John Marshall Law School, 2007 to present  
Chair, Tax and Employee Benefits Practice Group, The John Marshall Law School, 2001 to present  
Professor of Law, The John Marshall Law School, 1996 to present

Faculty Duties: Faculty Advisor to *The John Marshall Law Review*  
Director for the following externships with governmental or not-for-profit entities: IRS' Office of Chief Counsel, IRS' TE/GE Employee Plans Rulings & Agreement, and IRS TE/GE Clinical Employee Benefits Training Program, U.S. Department of Labor's EBSA, U.S. Department of Treasury's Office of Tax Policy, Pension Benefit Guaranty Corporation, ABA Section of Labor and Employment Law, ASPPA, the Profit Sharing/401(k) Council of America, Illinois Department of Revenue, New England Pension Assistance Project, and Pension Rights Center  
Director for various employee benefits and tax law practica with law firms and consulting firms

Admitted to Practice: State of Illinois, 1980  
U.S. Supreme Court, 2011

Honors: 2009 ASPPA Educator of the Year Award  
Board Member (2014-17) and Fellow, The American College of Employee Benefits Counsel

Professional Activities: Academic Advisor to The IRA Group (members include AllianceBernstein, Goldman Sachs, Morgan Stanley, Principal, Prudential, ING, TIAA-CREF, Vanguard) (2007 to present)  
Advisory Board Member, The Actuarial Science National Advisory Council of Drake University (2010 to present); PLC Employee Benefits & Executive Compensation Advisory Board (2011 to present)  
IRS' Advisory Committee on Tax Exempt and Government Entities (the "ACT") (2009 to 2012)  
U.S. Department of Labor's ERISA Advisory Council (2005-08), and Chair of the Working Paper on Improved Participant Communications under Health and Welfare Plans (2005-06); Vice Chair of the Working Paper on Health Information Technology Impact on ERISA Health Plans (2006-07) and Vice Chair of the Working Paper on Automatic Benefit Statements (2007-08)  
Delegate, U.S. Department of Labor's 2006 National SAVER Summit (March 2006)  
IRS' Great Lakes' TE/GE Advisory Board, Member (2004 to present)  
Steering Committee Member, Great Lakes Benefits Conference (2002 to present)  
Editorial Board, *Journal of Pension Benefits* and *Journal of Individual Employment Rights*  
ABA Section of Taxation, Employee Benefits Committee, Chair of the Distributions Subcommittee (2009 to 2012) and Vice Chair (2013 to present)  
Illinois State Bar Association, Former Chair and Current Member, Employee Benefits Section Council  
Chicago Bar Association, Former Chair and Current Member, Employee Benefits Committee

Society of Actuaries, Member  
WEB, a network of Benefits Professionals, Member

- Publications:
- “The DOL Proposed Fiduciary Regulations and Related Prohibited Transaction Exemptions,” 2015 NYU EMPLOYEE BENEFITS & EXEC. COMP. (forthcoming fall 2015)
  - “Notable Employee Benefit Articles of 2014,” co-authored with Melissa Travis, 146 TAX NOTES 1655 (Mar. 2015)
  - “Why the Regulators are Wringing Their Hands as to Who Captures the IRA Rollover Market,” 2014 NYU EMPLOYEE BENEFITS & EXEC. COMP. CH.-3 (fall 2014)
  - “ERISA at 40: The Evolution of Employee Benefits,” contributor, Practical Law’s The Journal, Transactions and Business (Sept. 2014)
  - “The Shift from Defined Benefit Plans to Defined Contribution Plans,” Practical Law, *available at* <http://us.practicallaw.com/6-579-1965> (Aug. 27, 2014)
  - “DOMA Implications for Employee Benefit Plans: Round 2,” 144 TAX NOTES 947 (Aug. 25, 2014)
  - “2013 Law Review Articles on Employee Benefit Issues,” 143 TAX NOTES 1308 (July 2014)
  - Drafter, Supplemental Comments by the ABA Section of Real Property, Trust & Estate Law on Proposed Extension of Missing Participants Program to Individual Account Plans (Jan. 13, 2014)
  - “DOMA Implications for Employee Benefit Plans,” 140 TAX NOTES 1571 (Sept. 30, 2013)
  - Symposium. *Forward: American Retirement Crisis, What Can Be Done?*, 46 J. MARSHALL L. REV. xxiii (2013)
  - “How Can Lifetime Income Be Made a Desirable Retirement Plan Distribution Option?” 2013 NYU EMPLOYEE BENEFITS & EXEC. COMP. CH. 1
  - “Notable Employee Benefits Articles of 2012,” 139 TAX NOTES 656 (May 6, 2013)
  - Drafter, Comments by the ABA Section of Taxation, “Comments Concerning Proposed Treasury Regulations Under Section 1411 (.9% Medicare surtax,” to U.S. Department of Treasury and Internal Revenue Service (Mar. 2013)
  - “A Current Update of EPCRS Through Rev. Proc. 2013-12,” 41 BNA COMP. PLANN. J. 35 (Mar. 2013)
  - “Primer ERISA Areas for Supreme Court Review,” 54 TAX MGMT MEMO. 55 (Feb. 2013)
  - EMPLOYEE BENEFITS LAW: QUALIFICATION AND ERISA REQUIREMENTS, Kennedy and Schultz, LEXIS/NEXIS Graduate Tax Series Textbook (2<sup>nd</sup> ed., 2012) and Teacher’s Manual, (2<sup>nd</sup> ed., 2012)
  - IRAs, 367 BNA TAX MNGT PORTFOLIO (7<sup>th</sup> edition, 2012; 6<sup>th</sup> edition, 2008; 5<sup>th</sup> edition 2004)
  - SEPs & SIMPLEs, 368 BNA TAX MNGT PORTFOLIO (7<sup>th</sup> edition, 2012; 6<sup>th</sup> edition, 2008; 5<sup>th</sup> edition 2004)
  - Drafter, Comments by the ABA Section of Taxation, “Options for Tax Reform Regarding Employee Benefits and Executive Compensation,” to U.S. Senate Finance Committee; U.S. House Ways and Means Committee; Joint Committee on Taxation; and U. S. Department of Treasury (Oct. 2012)
  - “2011 Law Review Articles on Employee Benefits Issues You Should’ve Read (but Probably Didn’t),” 134 TAX NOTES 1456 (Mar. 2012)
  - “The Use of Federal Law to Curb Executive Compensation: Lessons in Past Failures and Lessons for the Future,” 57 VILLANOVA L. REV. 3 (Spring 2012)
  - “The IRS’ Recent Uncertain Tax Positions Initiative: A Tangle of Accounting, Tax and Privilege Issues,” 9 DEPAUL BUS. & TAX L. J. 401 (2011) (featured as one of the ten notable 2011 law review articles on tax accounting issues in 134 TAX NOTES 1446, “UTP Reporting Dominates 2011 Tax Accounting Articles,” by W. Eugene Seago)
  - “PPA New Benefits Restrictions under Recent Regulations,” 130 TAX NOTES No. 12 (Mar. 21, 2011), *reprinted in* 2011 NYU REV. OF EMPLOYEE BENEFITS & EXECUTIVE COMPENSATION 11-1
  - “Employee Benefit Law Review Articles You Need to Read,” 130 TAX NOTES 1198 (Mar. 7, 2011)
  - “Conkright: A Conundrum for Future Courts, An Opportunity for Congress,” 2010 NYU REV. OF EMPLOYEE BENEFITS & EXECUTIVE COMPENSATION 16-1
  - “Conkright v. Frommert: The Supreme Court’s Own Gobbleygook,” 18 J. OF PENSION BENEFITS 10, AUTUMN 2010
  - “Excessive Executive Compensation: Prior Federal Attempts to Curb Perceived Abuses,” 10 HOUSTON BUS. & TAX L. J. 196 (2010)

Senior Editor, EMPLOYEE BENEFITS LAW, 2<sup>nd</sup> ed. 2010 and 2009 Cumulative Supplement, ABA Section of Labor and Employment Law and BNA Books

“PPA’s New Benefit Restrictions for Defined Benefit Plans,” 123 TAX NOTES 583 (May 4, 2009)

“A Current Update of EPCRS Through Rev. Proc. 2008-50,” 37 TAX MGNT COMP. PLAN. J. NO. 1 (Jan. 2, 2009)

“The Demise of Defined Benefit Plans for Private Employers,” 121 TAX NOTES 179 (Oct. 13, 2008), revised and reprinted in 2009 NYU REV. OF EMPLOYEE BENEFITS & EXECUTIVE COMPENSATION 4-1

“ERISA’s Participant Benefit Statement Requirements under PPA ’06 and A Suggested Blueprint for Future Interpretations,” 35 TAX MGNT COMP. PLAN. J. NO. 10 (Oct. 5, 2007)

EMPLOYEE BENEFITS LAW: QUALIFICATION AND ERISA REQUIREMENTS, Kennedy and Schultz, LEXIS/NEXIS Graduate Tax Series Textbook (1<sup>st</sup> ed., 2006) and Teacher’s Manual, (1<sup>st</sup> ed., 2007)

“Recent Department of Labor Guidance on Voluntary Fiduciary Corrections and Abandoned Plans,” 36 ASPPA J. NO. 6 (Nov./Dec. 2006)

“The 2006 Makeover for EPCRS,” 36 ASPPA J. NO. 4 (July/August 2006)

Chapter 5, Regulation of Qualified Retirement Income Plans Generally, IX Distributions from Plans, *Employee Benefits Law*, 3d ed., ABA SECTION OF LABOR & EMPLOYMENT LAW (2006)

“EPCRS’ 2006 Makeover: Are the Changes More than Cosmetic?,” 34 TAX MGNT COMP. PLAN. J. NO. 8 (Aug. 4, 2006)

“It’s Time to Get the Pension Funding Rules Right,” 108 TAX NOTES 907 (Aug. 22, 2005)

“Getting the Pension Funding Rules Right, Part 2,” 108 TAX NOTES 1021 (Aug. 29, 2005)

“Recent Legislative Initiatives Regarding Executive Deferred Compensation Plans,” 32 TAX MGNT COMP. PLAN. J. NO. 7 (July 2, 2004)

“Rev. Proc. 2003-44: A Brand New Tomorrow for Correcting Disqualifying Failures,” 31 TAX MGNT COMP. PLAN. J. NO. 11 (Nov. 7, 2003)

“Proposed Legislation to Curb Abuses: Nonqualified Executive Deferred Compensation Plans and Underlying Security Devices,” 31 TAX MGNT COMP. PLAN. J. NO. 3 (Mar. 7, 2003)

“Primer on Qualified Plans and IRA Distribution Rules Updated for the 2002 IRS Final Regulations,” 30 TAX MGNT COMP. PLAN. J. NO. 11 (Nov. 1, 2002)

“A Primer on the Taxation of Executive Deferred Compensation Plans,” 35 JOHN MARSHALL L. REV. 487 (Summer 2002)

“The Perilous and Ever-Changing Procedural Rules of Pursuing an ERISA Claims Case,” 70 UMKC L. REV. 329 (Winter 2001)

“Judicial Standard of Review in ERISA Benefit Claim Cases,” 50 AMER. U. L. REV. 1083 (2001)

“Primer on Qualified Plans and IRA Distribution Rules,” 25 TAX MGNT COMP. PLAN. J. NO. 11 (Nov. 7, 1997), reprinted in 23 TAX MGNT ESTATES, GIFTS AND TRUSTS . J. NO. 4 (JULY 9, 1998)

#### Speaking /Educational

Engagements: Moderator, ABA Annual May Meeting of the Section of Taxation, Employee Benefits Committee, “Affordable Care Act After 5 Years” (May 9, 2015)

Moderator and Speaker, JCEB Government Invitational, “Executive Compensation: Where Will it be 10 Years From Now?” (Mar. 27, 2015)

Speaker, Faculty Works-in-Progress Series at The John Marshall Law School, “DOMA: Employee Benefit Implications and State Law Challenges on States’ Bans on Same-Sex Marriages” (Oct. 2, 2014)

Moderator, ABA Joint Fall CLE Meeting of the Section of Taxation, Employee Benefits Committee, “ERISA After 40 Years” (Sept. 20, 2014)

Moderator and Speaker, JCEB Webinar, “ERISA Turns 40: The Past, Current and Future State of Pension Plans” (Sept. 9, 2014)

Speaker, The 21<sup>st</sup> Belle R. and Joseph H. Braun Symposium: 2014 International Elder Law and Policy Conference, “Social Security, Pensions, and Economic Rights of Older Persons” (July 10, 2014)

Speaker, ASPPA Chicago Regional Conference, “Marriage Equality – Let’s Count the Ways” (June 6, 2014)

Moderator, ABA Annual May Meeting of the Section of Taxation, Employee Benefits Committee, “New Ideas for Pension Reform” (May 10, 2014)

Speaker, 2014 Mid-year Meeting, ABA Young Lawyers’ Division, “DOMA Overruled: Implications for Health Care Plans and Other Employee Benefits” (Feb. 7, 2014)

Moderator, ABA Midyear Meeting of Section of Taxation, Employee Benefits Committee, "Continued Aftermath of the Supreme Court's DOMA Decision" (Jan. 25, 2014)

Speaker, AALS Section of Employee Benefits and Executive Compensation" (Jan. 4, 2014)

Co-Speaker, Faculty Works-in-Progress Series at The John Marshall Law School, "Aftermath of the Supreme Court's DOMA Decisions" (Oct. 1, 2013)

Speaker, 2013 JCEB Health and Welfare Benefit Plans, "DOMA Overruled: Implications for Health Care Plans and Other Employee Benefits" (Sept. 2013)

Moderator, 2013 Joint Fall CLE Meeting, ABA Section of Taxation, "Aftermath of the Supreme Court's DOMA Decisions" (Sept. 2013)

Moderator, 2013 JCEB Government Invitational, "Leakage Issues and Lifetime Income" (Mar. 2013)

Speaker, Chicago Bar Association Employee Benefits Committee, "EPCRS – Updated for Rev. Proc. 2013-12" (Mar. 2013)

Speaker, IICLE, "The Basics of Plan Termination for Single-Employer Plans" (Dec. 2012) and "Minimum Distribution Rules for 401(k) Plans and IRAs" (Nov. 2012)

Speaker, ASPPA Annual Conference, "Recent ERISA Cases on Various Topics" and "IRA Administrative Issues" (Oct. 2012)

Speaker, "How To Develop and Then To Teach an Online Law Course," 2012 Institute for Law Teaching & Learning, Value of Variety, Gonzaga University School of Law (June 25, 2012)

Moderator, "Lifetime Income Options for Retirement Plans: Where Do We Go From Here?," ABA Joint Committee on Employee Benefits (Mar. 1, 2012)

Moderator, "Puerto Rico Taxation of Retirement Benefits,: ABA Section of Taxation Annual Meeting, Distributions Subcommittee (May 11, 2012); "A Review of Pension Benefit Restrictions," (Feb. 17, 2012), ABA Section of Taxation Midyear Meeting, Distributions Subcommittee; "Rollovers as Business Startups (ROBS)," (May 6, 2011), ABA Section of Taxation Annual Meeting, Distributions Subcommittee; "In-Plan Roth Conversions," (Jan. 21, 2011), ABA Section of Taxation Midyear Meeting, Distributions Subcommittee; "Lifetime Income Options for Defined Contribution Plans," (Sept. 24, 2010), ABA Section of Taxation Joint Fall Meeting, Distributions Subcommittee; "ROTH IRAs: Recharacterizations and Reconversions," (May 7, 2010), ABA Section of Taxation Midyear Meeting; "Self Directed IRAs, Due Diligence Tips and Legal Red Flags," (Jan. 22, 2010), ABA Section of Taxation Midyear Meeting; "Roth Conversions: Let's Do the Math," (Sept. 25, 2009), ABA Section of Taxation Joint Fall Meeting; "2009 Suspension of Minimum Distribution Requirements, Plan Amendments, Participant Consent and IRS Reporting Obligations," (May 2009), ABA Section of Taxation Annual Meeting, Distributions Subcommittee; "Notice 2008-30; Update on Proposed IRC §414(w); Rollovers Between Plans," (May 9, 2008), ABA Section of Taxation, Distributions Subcommittee

Speaker, "Ten Law Review Articles on Employee Benefits You Should've Read (but Probably Didn't) in 2011," The John Marshall Law School Faculty Works in Progress (Feb. 2, 2012)

Speaker, "Lifetime Income Options for Defined Contribution Plans," 2011 ASPPA Annual Conference (Oct. 25, 2011)

Speaker, "Use of Federal Legislation to Curb Executive Compensation," Villanova Law Review Norman J. Shachoy Symposium (Sept. 23, 2011)

Moderator, "Defined Benefit Plans Dealing with Benefit Restrictions, " and "Defined Benefit Plans: Current Guidance, Amendment Deadlines, and Breaking Developments," 2011 Great Lakes Benefits Conference (June 2011)

Speaker, "Minimum Standards for Tax-Qualified Retirement Plans, Parts I and II, National Institute on ERISA Basics, ABA Joint Committee on Employee Benefits (May 18, 2011; May 19, 2010; June 10, 2009; June 2, 2008)

Reviewer, Professor Michael Hussey's scholarship on "IRC §409A and The Small Business," 37 CAP. U.L.REV. 889 (2009), in connection with his application for promotion to Full Professor at Widener University (Sept. 17, 2010)

CLE, "*Conkright*: A Conundrum for Future Courts, An Opportunity for Congress," The John Marshall Law School Faculty Works in Progress (Sept. 2010)

Speaker, "Implications of Health Insurance Reform on ERISA Litigation," PLI (Sept. 15, 2010)

Keynote Luncheon Speaker, "The ACT's Employee Plans Subcommittee Recommendations to the IRS Regarding its Determination Letter Program," 2010 Great Lakes Benefits Conference (June 16, 2010)

Speaker, "Plan Corrections: The Employee Plans Compliance Resolution System," 2011 Great Lakes Benefits Conference (June 16, 2010)

Speaker, "Recent ERISA Court Cases of Interest to Actuaries," 2010 ACOPA Advanced Actuarial Conference (June 10, 2010)

Speaker, "ERISA Preemption," ERISA Litigation Conference, ABA Joint Committee on Employee Benefits (2009)

Speaker, "Excessive Executive Compensation: Prior Federal Attempts to Curb Perceived Abuses," The Third Annual Symposium of the Houston Business and Tax Law Journal on Current Controversies in Executive Compensation (Oct. 15, 2009)

Speaker, "The Future of Retirement Benefits: Are There Alternatives to Traditional Defined Benefit and Defined Contribution Plans and Do We Need Them?" ERIC Industry Committee Board of directors Meeting (June 17, 2009)

Speaker, "Roth Conversion s and Other Aspects Dealing with Retirement Assets in the Estate Plan," 52<sup>nd</sup> Annual Estate Planning Course, IICLE (April 21, 2009)

Speaker, "AFTAP Certifications" and "EPCRS Update," 2009 Great Lakes Conference (April 21, 2009)

Speaker, "Why Attorney Need to Understand Actuarial Certifications and Benefit Limitations in Defined Benefit Plans," CBA Employee Benefits Meeting (Feb. 20, 2009)

Speaker, "Change is Coming: What Benefit Practitioners Should Expect for 2009," Western Pensions & Benefits Conference Los Angeles' 2009 Spring Summit (April 30, 2009) and ASPPA Greater Cincinnati Area (Jan. 20, 2009)

Speaker, "Restrictive Distributions Under IRC §436," (Jan. 9, 2009), ABA Section of Taxation Midyear Meeting, Distribution Subcommittee

Moderator, "The Role of Employers in Achieving Universal Health Care Coverage," AALS Annual Meeting, Employee Benefits Section (Jan. 6, 2009)

Speaker, "EPCRS Advanced Correction Methods," ASPPA Cincinnati Pension Conference (Nov. 13-14, 2008)

Speaker, "What ERISA Fiduciaries Need to Know About Corrections and Settlements," and "Restricted Distributions under Section 436," 2008 ASPPA Annual Conference (Oct. 19-22, 2008)

Speaker, "EPCRS Advanced Correction Methods," 2008 Great Lakes Benefits Conference (April 3-4, 2008)

Speaker, ISBA Trusts & Estates and Employee Benefits Sections, "Recent Developments with Qualified Plans and IRA Distributions," and "The Minimum Distribution Rules" (Mar. 7 and Feb. 29, 2008)

Speaker and Moderator, "IRAs: Planning Distribution Strategies and Plan Investments," AALS Annual Meeting Employee Benefits Section (Jan. 3, 2008)

Service to the  
General Public:

Quoted, "Online Offerings let Lawyers earn LL.M.s at Home," Illinois Bar Journal (May 2013)

Academic Roundtable Discussion on Tax Reform, U.S. Senate Finance Committee Staff (Jan. 2012), featured in the *Chicago Daily Law Bulletin* article, "John Marshall Professor Offers Input at Senate Finance Roundtable" (Jan. 2012)

Featured in the *Chicago Lawyer* article, "Setting the Standard for Job Placement" (May 2011)

Interviewed by Thomas Hudson, First Business Morning News, Channel 26 in Chicago (2009)

Witness, U.S. Senate Finance Committee, Corporate Governance and Executive Compensation Plans (April 2002, April 2003)

Community  
Activities:

Worship Commission and Pastoral Staff Member, St. James the Apostle Parish (2005 to present)