

Kelly Smith Hathorn

Partner

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Kelly Smith Hathorn advises public and private sector employers on a variety of employee benefits issues. Kelly's practice involves qualified plan design, drafting, administration/compliance, and termination as well as non-qualified deferred compensation arrangements, including drafting and reviewing executive employment agreements and incentive plans for Code Section 409A compliance. She regularly advises on a variety of issues arising under pension, 401(k), profit-sharing, 403(b) and 457 plans. As a member of a full-service employee benefits group, Kelly capably and efficiently assists clients with every aspect of their employee benefits plan, from health, life and disability to pension and defined contribution plans. When issues do arise, she is able to sort through the complexities of each aspect of her clients' plans to the satisfaction of both the client and any auditing or investigating agency.

Kelly frequently advises clients on the design and administration of their welfare benefit and cafeteria plans, and has spoken on various topics, including the impact of the COVID-19 crisis on employer benefit programs. In addition, Kelly has represented clients before the IRS and the Department of Labor (DOL), and in pension and benefit claims disputes.

Working with the mergers and acquisitions group, Kelly helps clients navigate the complex benefits issues raised in various corporate transactions. She regularly advises clients on due diligence issues, and negotiates representations and covenants with respect to benefit plans, as well as plan termination, merger, and/or amendment to the surviving plans, and employee issues with benefits, including COBRA, following the corporate transaction.

Kelly regularly counsels clients on their fiduciary obligations, including plan governance and the selection and monitoring of plan investment alternatives.

Prior to joining Shipman, Kelly was a law clerk to the Honorable Robert N. Chatigny, United States District Judge for the District of Connecticut. She also served as an intern to the Honorable Jon O. Newman, United States Circuit Judge for the Second Circuit.

Distinctions

- Listed as a Connecticut Super Lawyer Rising Star®: *Employee Benefits/ERISA* (2013-2015)
- *Connecticut Law Review*, Articles Editor

Teaching Positions

- University of Connecticut Law School: Assistant to Adjunct Professor, Employee Benefits Law (2010-2016)

Professional Affiliations

- Connecticut Bar Association

Credentials

Education

- College of the Holy Cross, B.A., 1998, *cum laude*
- University of Connecticut School of Law, J.D., 2005, with high honors

Bar Admissions

- Connecticut, 2005

Court Admissions

- U.S. District Court, District of CT