

Jamison H. Hinkle

ATTORNEY

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OVERVIEW

Jamie Hinkle advises a wide range of clients on all aspects of their employee benefits and compensation programs. Much of his practice involves helping employers design and administer cost-effective retirement and health and welfare benefit plans while minimizing risks and administrative complications. His work includes helping ensure benefit plans comply with ERISA, the Internal Revenue Code, HIPAA, COBRA, the North Carolina Insurance Code and other federal and state laws as well as assisting employers correct operational errors and respond to IRS and Department of Labor (DOL) plan audits.

Jamie also frequently advises corporate clients ranging from start-ups to global publicly-traded companies with respect to the adoption and administration of annual and long-term incentive and bonus plans, nonqualified deferred compensation arrangements and various equity-based compensation plans, including stock option, restricted stock and restricted stock unit (RSU) awards. He works closely with the firm's business lawyers in addressing employee benefits and executive compensation due diligence, correction, and integration issues that arise in connection with mergers, acquisitions and other corporate transactions.

In his practice, Jamie also frequently represents both executives and employers in negotiating and drafting executive employment agreements and severance agreements, including work on golden parachute (Code Section 280G) issues, supplemental executive retirement plans (SERPs) and other deferred compensation plans and related compliance issues under Code Section 409A.

Jamie practiced employee benefits and estate planning in the Raleigh office of a global law firm and with a national corporate firm before he joined Smith Anderson in 2000.

EXPERIENCE

- Advised numerous employers on 401(k) plan and design changes and regulatory amendments in response to COVID-19 concerns.
- Coordinated company-wide stock option repricing and exchange program for underwater stock options.
- Advised a Nasdaq-listed medical device company in the acquisition of a global leader in neuromodulation and rehabilitation medical devices for up to \$110 million in up-front and contingent consideration.
- Advised a Nasdaq-listed pharmaceutical development company in the acquisition of a specialty dermatology company for up to \$51 million in up-front and contingent consideration.

- Advised a leading provider of patient support services on employee benefit issues in a definitive agreement to acquire a provider of mobile-based solutions.
- Designed and drafted equity compensation and bonus plans for various start-up companies.
- Represented employer in overhauling existing equity compensation awards for C-Suite officers.
- Prepared and filed corrective Top Hat Plan filings under DOL's Delinquent Filer Voluntary Compliance Program (DFVCP) for Fortune 100 company.
- Advised a leading pharmaceutical and biotech contract development and manufacturing organization (CDMO) on benefits and compensation issues in a definitive agreement to acquire a preferred provider of cGMP Biostorage and pharma support services for an undisclosed amount.
- Coordinated benefit plan corrections arising in sale of major pharmaceutical company.
- Advised terminating Multiple Employer Welfare Arrangement (MEWA) and Voluntary Employees' Beneficiary Association (VEBA) on IRS and DOL compliance issues and distribution of surplus assets.
- Advised insolvent client and officers and directors on potential criminal law violations associated with improper benefit plan terminations.
- Represented employer on 401(k) plan coverage and participation issues in connection with IRS contractor misclassification audit.
- Designed and drafted bespoke nonqualified deferred compensation retention plan for key executives of venture-backed start-up.
- Advised public pharmaceutical company on cash-out of target's stock options, coordination of severance benefits, and post-closing benefits integration.
- Represented a global biopharmaceutical and outsourcing services company in favorably resolving DOL audit of 401(k) Plan reporting failures.
- Coordinated revisions to major pharmaceutical company's self-insured health plan to comply with health care reform rules.
- Designed Section 409A-compliant staggered severance benefits plan for departing executives of publicly-traded pharmaceutical company.
- Advised multinational Fortune 500 provider of integrated healthcare services on benefit plan restructuring and integration matters in merger with NYSE-listed technology services company, creating a leading tech-enabled healthcare service provider with a market capitalization of \$17.6 billion at closing.
- Advised leading healthcare services provider on benefits and executive compensation issues in its \$60 million acquisition of a global sourcing company.
- Advised a leading provider of financial software to U.S. financial institutions on employee benefits, and executive compensation issues and Section 280G (golden parachute) cleansing vote in its reverse triangular merger with a private equity-backed company.

CREDENTIALS

Recognition

- *Chambers USA: America's Leading Business Lawyers*, Employee Benefits & Executive Compensation (2023)
 - Best Lawyers®, Employee Benefits (ERISA) Law (2013-2024)
 - North Carolina *Super Lawyers* Rising Star, ERISA (2013)
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Education

- University of North Carolina, J.D., *with honors*, 1996
 - Duke University, A.B., 1991
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Bar & Court Admissions

- North Carolina
 - U.S. District Court for the District of North Carolina
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