

People



Mary K. Samsa

Chair, Employee Benefits and Executive Compensation

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vCard

With more than 20 years of experience, Mary Samsa, chair of Akerman's Executive Compensation and Employee Benefits Practice, focuses her practice on executive compensation matters and tax-qualified retirement programs for a wide range of organizations. Her clients include Fortune 500 companies, privately held companies, multinational organizations and nonprofit entities, including health systems and educational institutions. She works directly with boards of directors, compensation and retirement/investment committees, plan administrators and plan fiduciaries on the implementation and maintenance of their employee benefit programs. With a prior background as a Certified Public Accountant, Mary brings a multi-faceted approach to advising employers with respect to their legal, financial, and administrative challenges.

Mary regularly advises on nonqualified deferred compensation arrangements, Code Section 409A, equity incentive programs for private and public entities, and represents employers and high-level executives with respect to employment agreements, severance arrangements, golden parachute plans, and the reporting and disclosure of these compensatory arrangements. Mary also advises multinational companies on cross-border employment issues and executive compensation programs, with a focus on the potential ramifications of utilizing certain features or structures from the perspective of labor, tax, privacy and securities laws under the laws of non-U.S. jurisdictions. Her counseling of multinational companies includes the analyses of employee benefit plans and executive arrangements in the context of complex corporate transactions such as mergers, acquisitions, and spin-offs.

Mary's practice also covers the representation of employers in the design, implementation, and administration of tax-qualified retirement plans (defined benefit pension plans, 401(k) plans, 403(b) plans and 457(b) plans) coupled with an evaluation of associated risk with respect to varying options as they pertain to the entity's legal and regulatory compliance in this area.

Areas of Experience

Tax
Employee Benefits and Executive Compensation
Corporate Tax
Tax-Exempt Organizations
Transactional Risk

Education

J.D., DePaul University College of Law, 1996, with high honors
M.S., DePaul University, Taxation, 1992
B.S., University of Illinois at Chicago, 1988, *magna cum laude*

Admissions

Bars

Illinois

Courts

U.S. District Court, Northern District of Illinois

Related Content

Akerman Represents Trivest Partners, L.P. in Its Sale of HighGround Restoration
March 19, 2025

Akerman Represents H2 Health in Partnership with Valir Outpatient Clinics
January 27, 2025

Akerman Represents Trivest Partners in Acquisition of Natalie's Orchid Island Juice Company
September 24, 2024

Notable Work

Counsel to the Board-Level Compensation Committees of Not for Profits: From multi-state health systems to higher-educational institutions to charitable and religious organizations, Mary provides counsel on designing and preparing deferred and incentive compensation arrangements, leading governing boards in the review and approval of executive compensation arrangements, negotiating and preparing executive employment agreements, and analyzing the private inurement and intermediate sanctions implications of executive compensation and benefit arrangements.

Governmental Interface with Respect to Employee Benefit Plans: Mary historically represents all size plan sponsors in a whole host of compliance issues requiring direct governmental interface including (i) negotiation and resolution with the Internal Revenue Service with respect to complex voluntary correction submissions involving multiple-faceted plan failures for multiple years, (ii) negotiation and resolution with the US Department of Labor with respect to a four-year audit of a multi-billion healthcare system pertaining to practices of locating missing participants and connecting those participants with their pension benefits, and (iii) coordination and assistance with Pension Benefit Guaranty Corporation submissions surrounding defined benefit pension plan terminations.

Experience and Connections Providing Alternative Avenues for Resolving Complex Issues: Mary's 25+ years of experience has exposed her to numerous like-minded professionals and governmental contacts at various agencies. When complicated employee benefit legal issues arise for which there is no known voluntary correction program, Mary has been able to utilize her professional contacts and agency relationships to secure meetings and conversations with responsible parties within the government to pursue alternative tracks for correcting past noncompliance with possible abatement of any penalties (such as prior year failures to report a MEWA).

Executive Compensation Advice: Mary counsels senior management and compensation committees of public, private and multinational companies on the design, taxation, and securities-related matters for various equity and deferred compensation arrangements as well as structure of key executive employment agreements.

Transactional Due Diligence and Post-Closing Integration: Mary regularly advises on the impact of mergers, acquisitions, divestitures, and spin-offs on employee benefit plans, executive compensation arrangements, and individual executive employment agreements, including post-closing employee transition services as well as post-closing employee benefit consolidation techniques and strategies.

Published Work and Lectures

- Thomson Reuters, *Journal of Compensation and Benefits*, Author, "Year-End 2020 and Looking Toward 2021: What's On the Horizon in Employee Benefits," November/December 2020
- Thomson Reuters, *Journal of Compensation and Benefits*, Author, "IRS Issues Proposed Regulations Under Code § 4960 (21% Excise Tax on Tax-Organizations), September/October 2020
- Akerman Seminar, Speaker, "I'm Kind of a Big Deal: Women and Pay Negotiations." September 19, 2019
- *Employee Benefit Plan Review*, Vol. 73, No. 5, Author, "Retirement Plan Guidance and Compliance Trends, June 2019

Affiliations

- American Bar Association, Tax and International Sections, Member
- American Benefits Council, Member
- American Health Lawyers Association (AHLA), Member
- Global Equity Organization, Midwest Chapter, Founder
- National Association of Stock Plan Professionals (NASPP), Member
- Society for Human Resource Management (SHRM), Member

Honors and Distinctions

- *Best Lawyers*, 2023-2025, Listed in Illinois for Employee Benefits (ERISA) Law
- *The Legal 500*, 2020, Recommended for US Taxes – Contentious