

TIFFANY D. DOWNS

Partner / Atlanta

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Tiffany Downs focuses her practice on employee benefits and executive compensation and is the head of the Employee Benefits Practice Group.

Tiffany advises and assists employers with all aspects of health and welfare plans, qualified and non-qualified retirement plans and executive compensation. She assists with due diligence in mergers and acquisitions and post transaction transition and integration. She advises on compliance with ERISA, Affordable Care Act, HIPAA, privacy, COBRA, and Internal Revenue Code on all types of employee benefit plans and incentive compensation. She assists employers with audits by and corrections programs of the Internal Revenue Service and the Department of Labor. She also defends claims under ERISA, including welfare and pension benefits claims for benefits, breach of fiduciary duty claims, and claims for equitable relief and discrimination for ERISA plan sponsors, plan administrators, fiduciaries, and third party administrators.

Tiffany has published articles on employee benefits compliance and litigation topics. She is a frequent speaker on employee benefits compliance issues under ACA, COBRA, HIPAA and ERISA, including fiduciary obligations and fee disclosure requirements, and privacy obligations. Tiffany has given over 100 presentations on the Affordable Care Act requirements, and has assisted numerous employers with navigating the requirements of the ACA and determining strategy for compliance with employer shared responsibility provision and impact on structure of the workforce.

Tiffany is a member of the Employee Benefits Committee of the United States Chamber of Commerce and is an adjunct professor at Atlanta's John Marshall School of Law where she teaches an employee benefits class in the LLM program. She previously worked for the United States Department of Labor (DOL).

Representative Experience

- » Assisted publicly traded company with due diligence and post transaction integration for large acquisition.
- » Assisted new publicly traded company with stock option

EDUCATION

- » Loyola Law School (J.D., 1994)
- » University of Louisiana at Lafayette (B.S., *cum laude*, 1991)

BAR ADMISSIONS

- » Louisiana
- » New Jersey
- » Georgia

COURT ADMISSIONS

- » U.S. Supreme Court
- » U.S. District Court for the Northern District of Georgia
- » U.S. District Court for the Middle District of Georgia
- » U.S. District Court for the Southern District of Georgia
- » U.S. District Court for the Eastern District of Louisiana
- » U.S. District Court for the Middle District of Louisiana
- » U.S. District Court for the Western District of Louisiana
- » U.S. Court of Appeals for the Second Circuit
- » U.S. Court of Appeals for the Fifth Circuit
- » U.S. Court of Appeals for the Eighth Circuit
- » U.S. Court of Appeals for the Eleventh Circuit

plans.

- » Assisted publicly traded spinoff company with design and implementation of all employee benefit plans.
 - » Assisted numerous multinational companies with compensation, equity compensation and incentive plans.
 - » Advised on consequences of HIPAA breach, and assisting client with reporting obligations and mitigation efforts for over 100 data breaches.
 - » Assisted company with HIPAA and data privacy obligations in connection with data breach.
 - » Assisted two publicly traded companies with benefits due diligence and post-transaction integration in connection with a merger.
 - » Assisted employers in all industries with analysis and impact under Affordable Care Act and shared responsibility provisions, including classification of employees, racking of hours and employer reporting.
 - » Assisted employers in union negotiations with ACA compliance and excise and tax considerations.
 - » Assisted plan administrators and service providers with DOL and IRS examinations.
 - » Assisted plan fiduciaries with ERISA fiduciary training and review of service provider contracts and fees.
 - » Assisted plan sponsors with HIPAA training and compliance.
 - » Assisted plan fiduciaries with determination program of the IRS and correction programs of DOL and IRS.
 - » Assisted plan administrator with settlement of penalty assessments by the DOL.
 - » Obtained dismissal of Supreme Court writ of certiorari petition in an ERISA breach of fiduciary duty claim for one million dollars.
 - » Obtained numerous summary judgments in favor of plan fiduciaries on claims for breach of fiduciary duty, benefits and penalties under ERISA.
 - » Drafted and amended welfare and retirement plan documents and cafeteria plan documents, incentive plans and equity compensation plans.
- » Supreme Court of Louisiana
 - » Supreme Court of Georgia

Honors & Awards

- » Selected to *Profiles in Diversity Journal's* 2016 "Women Worth Watching" list

Memberships

- » American Bar Association (Employee Benefits Committee)
- » State Bar of Georgia (Employee Benefits Section)
- » Atlanta Bar Association
- » Federal Bar Association
- » Southern Employee Benefits Conference
- » SHRM Atlanta
- » Worldwide Employee Benefits Network
- » Defense Research Institute (Life, Health and Disability Committee)
- » U.S. Chamber of Commerce, Employee Benefits Committee

News & Insights

- » SourceBook - Editor, FordHarrison's Labor & Employment Law Sourcebook, Employee Benefits Law: Selected Topics
- » March 28, 2023 - SECURE 2.0 Requires Major Changes to Retirement Plans and EPCRS
- » December 05, 2022 - Deadline for Prescription Drug and Health Care Spending Reporting
- » June 24, 2022 - U.S. Supreme Court Decision Overturning Roe v. Wade and the Constitutional Right to an Abortion will Impact Employee Benefits Plans
- » June 24, 2022 - Transparency in Coverage Requirements – Compliance Deadline Approaching

Events

- » April 25, 2023 - SECURE 2.0 and Hot Topics in Employee Benefits - Complimentary Webinar
- » July 28, 2022 - 2022 Employee Benefit Trends - Complimentary Webinar
- » June 30, 2022 - Lessons Learned from the Trenches of ERISA Litigation - Complimentary Webinar
- » March 17, 2022 - Ius Laboris Webinar - Labour Developments Under the USMCA Trade Agreement
- » December 02, 2021 - Ius Laboris Webinar - Data Privacy: Criminal Record Checks and Vetting

Offices

- » *Atlanta:*

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