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### **LEGAL EMPLOYMENT**

**December 2017 – Present** – Member, Holifield Janich Rachal Ferrera, PLLC, Knoxville office, practicing in Labor & Employment, ERISA Litigation

**November 2016 – December 2017**, Member- Holifield Janich Rachal & Associates, PLLC, Knoxville office, practicing in Labor & Employment, ERISA Litigation

**October 2015 – November 2016** – Member, Holifield Janich & Associates, PLLC, Knoxville office, practicing in Labor & Employment, ERISA Litigation

**May 2004 to October 2015** – Sole Member, Holifield & Associates, PLLC, Knoxville office, practicing in Labor & Employment, ERISA Litigation

**2008 to present** – Adjunct Professor, University of Tennessee College of Law, Knoxville, teaching employee benefit overview class

**January 2001 to May 2004** – Partner, Kennerly, Montgomery & Finley, P.C., Knoxville office, practicing in Employee Benefits

**2000 to 2001** – Adjunct Professor, Pellissippi State Technical Community College, Knoxville, teaching classes for the International Foundation of Employee Benefit Plans and Wharton School of the University of Pennsylvania

**January 1997 to May 2004** – Associate, Kennerly, Montgomery & Finley, P.C., Knoxville office, practicing in Employee Benefits

**May 1992 to December 1996** – Associate, Mason & Peterson, Knoxville, practicing Employee Benefits

### **EDUCATION**

**University of Tennessee College of Law, Knoxville, TN (1992)** Juris Doctor / M.B.A.

**Wharton School of the University of Pennsylvania, Philadelphia, PA (1998)** Certified Employee Benefit Specialist.

**University of Southern Mississippi, Hattiesburg, MS (1988)** Bachelor of Science

## **PROFESSIONAL ASSOCIATIONS AND AWARDS**

- \*Admitted Knoxville Bar Association, 1992.
- \*Member, American Bar Association's Labor and Employment Law Section
- \*Employer Co-Chair, ABA Section of Labor & Employment: Employee Benefits Committee, 2015-17.
- \*Track Coordinator, ABA National Labor and Employment Annual Meeting, 2013-17.
- \*Fellow, American College of Employee Benefits Counsel, 2013
- \*Co-Chair, ABA Employee Benefits Subcommittee on Fiduciary Responsibility, 2008-2013

**References:** Available upon request.

## **SELECTED PUBLISHED WRITINGS**

### **Books**

Chapter Co-Author, ERISA Litigation (BNA) *Age Discrimination in Employee Benefits* (2014).

Contributing Author, Employee Benefit Law (BNA), *Fiduciary Responsibility* (2007-2013).

Contributing Author, Employee Benefits Law (BNA), *ERISA Preemption and Effect on Other Law* (2006).

Contributing Author, Employee Benefits Law (BNA), *Regulations of Specialized Types of Retirement Income Plans* (2004-2005).

Contributing Author, Employee Benefits Law (BNA), *Employment Discrimination and Employee Benefits* (2003).

## **SELECTED SPEECHES**

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|---------------|---|
| May 2018      | ABA JCEB Advanced ERISA Litigation, Chicago, IL - "Service Provider Litigation", "Administrative Appeals Review – Health Claims" and "Benefits Administration – Issues Unique to Long-Term Disability Claims"   |
| February 2018 | ABA EBC Midwinter, Clearwater, FL – "Prescription Drug Program Trends and Litigation"   |
| January 2018  | TIPS, Coral Gables, FL – "Building and effective Administrative Record"   |
| November 2017 | Employee Benefit Seminar, Huntsville, AL - "ERISA Recent Developments of Interest: U.S. Department of Labor (DOL) Fiduciary Rule, Supreme Court, Lee Litigation, Dave & Buster" and "Best Practices to Mitigate Legal Exposure for 401(k) and 403(b) Plans" |

- October 2017 ERISA Basics National Institute, Chicago, IL - “Minimum Standards for Tax-Qualified Qualified Plans – Part I and Part II”, “Benefit Claims – Part I: Administrative Procedures”, and “Benefit Claims – Part II: Litigation Overview”
- September 2017 UT-Battelle Labor and Employment Training, Oak Ridge, TN - “Best Practices to Mitigate Legal Exposure for 401(k) and 403(b) Plans”
- August 2017 Third Annual Employee Benefits Seminar, Nashville, TN - “ERISA Recent Developments of Interest: U.S. Department of Labor (DOL) Fiduciary Rule, Supreme Court, Fee Litigation, Dave & Buster” and “Best Practices to Mitigate Legal Exposure for 401(k) and 403(b) Plans”
- August 2017 Fourth Annual Employee Benefits Seminar, Knoxville, TN - “ERISA Recent Developments of Interest: U.S. Department of Labor (DOL) Fiduciary Rule, Supreme Court, Fee Litigation, Dave & Buster” and “Best Practices to Mitigate Legal Exposure for 401(k) and 403(b) Plans”
- June 2017 Speaker at Employee Benefit Seminar, New Orleans, LA - “ERISA Recent Developments of Interest: U.S. Department of Labor (DOL) Fiduciary Rule, Supreme Court, Fee Litigation, Dave & Buster”
- June 2017 Speaker at Employee Benefit Seminar, Memphis, TN - “ERISA Recent Developments of Interest: U.S. Department of Labor (DOL) Fiduciary Rule, Supreme Court, Fee Litigation, Davie & Buster”
- June 2017 Speaker at ABA ERISA Litigation National Institute, Chicago, IL - “Administrative Appeals of Long-Term Disability and Health Claims”
- March 2017 Speaker at ACEBC JCEB Government Invitational, Baltimore MD - “Transgender Issues – Nondiscrimination”
- February 2017 Co-Chair at ABA EBC Midwinter Meeting, Austin, TX
- May 2016 Speaker at Advanced ERISA Benefit Claims Litigation Seminar on Filing Benefit Claims – Responding to Participants and Creating the Administrative Record, Administrative Claim Review and Appeals
- June 2013 Speaker at East Tennessee Compensation and Benefits Association on Fee Disclosures: What should a Plan Sponsor Know? (Knoxville, TN)

- May 2013 Speaker at ABA JCEB ERISA Litigation National Institute on Filing Long-Term Disability Administrative Claims (Chicago, IL)
- May 2013 Speaker at ABA JCEB ERISA Litigation National Institute on Administrative Appeals of Long-Term Disability Claims (Chicago, IL)
- May 2013 Speaker at 3<sup>rd</sup> Annual East Tennessee Retirement Plan Summit on DOL Retirement Plan Audits: What Do I Need To Do To Avoid DOL Audits (Knoxville, TN)
- April 2013 Speaker at 5<sup>th</sup> Annual Healthy Trucking Association of America Summit on Affordable Care Act (Atlanta, GA)
- February 2013 Speaker at ABA EBC Midwinter Meeting on Fiduciary Update: A Little Bit of This, A Little Bit of That (Charleston, SC)
- November 2012 Speaker at ABA 6<sup>th</sup> Annual Labor and Employment Law Conference on Age Discrimination and Employee Benefits (Atlanta, GA)
- October 2012 Speaker at ABA JCEB ERISA Basics National Institute on QDROS, QMCSOS and Spousal Rights (Washington, D.C.)
- October 2012 Speaker at ABA JCEB ERISA Basics National Institute on Minimum Standards for Qualified Plans (Washington, D.C.)
- May 2012 Presentation at 2<sup>nd</sup> Annual East Tennessee Retirement Plan Summit on Fiduciary Issues and ERISA Section 408(b)(2) Regulations
- February 2012 Speaker at ABA EBC Midwinter Meeting on ERISA Section 408(b)(2) (San Diego, CA)
- October 2011 Speaker at ASPPA on HIPAA AND HITECH (Washington, D.C.)
- June 2011 Speaker at First Annual East Tennessee Retirement Summit on Fiduciary Issues Impacting Retirement Plans (Knoxville, TN)
- April 2011 Speaker at ASPPA on Who are the Fiduciaries Under the New Proposed DOL Regulations? (National Webcast)
- October 2010 Speaker at ASPPA on Using Your Service Agreement and Other Best Practices (Washington, D.C.)

- November 2009 Speaker at ASPPA on Managing Your Liability Exposures as a TPA (Washington, D.C.)
- February 2007 Speaker at ABA EBC Midwinter Meeting on Fiduciary Responsibility – Chapter 10 (Rancho Mirage, CA)
- September 2005 Speaker at Lorman Education Services on Cafeteria Plans (Portland, ME)
- May 2005 Speaker at TVEBC on TVEBC Benefits Bowl (Knoxville, TN)
- September 2004 Speaker at Lorman Education Services on FORM 5500: What You Need to Know to File (Knoxville, TN)
- September 2004 Speaker at Alliance of Tennessee Employers, Inc. on Fringe Benefits (Knoxville, TN)
- April 2004 Speaker at National Business Institute on Cafeteria Plans, Section 125 (Knoxville, TN)
- February 2004 Speaker at Sterling Education Services on Employee Benefits Update (Knoxville, TN)
- November 2003 Speaker at Lorman Education Services on ERISA, COBRA, and HIPAA: An Overview of the Statutory and Regulatory Framework (Knoxville, TN)
- October 2003 Speaker at Lorman Education Services on Cafeteria Plans 125/COBRA in Tennessee (Knoxville, TN)
- September 2003 Speaker at Lorman Education Services on Form 5500: What you need to Know to File (Knoxville, TN)
- July 2003 Speaker at Lorman Education Services on Nuts and Bolts of 401(k) Plans in Tennessee (Knoxville, TN)
- April 2002 Speaker at Tennessee Valley Employee Benefits Council on Required Minimum Distributions (Knoxville, TN)
- April 2002 Speaker at Healthcare 21 on HIPAA (Knoxville, TN)
- 1997 Speaker at Union Planters Bank on Update on Retirement Plan Issues (Knoxville, TN)

**EXAMPLES OF LEGAL WORK HANDLED**

ERISA & Labor & Employment Cases:

- *Yates v. Hendon*, United States Supreme Court, 541 U.S. 1 (2004)
- *Adams v. The Brinks Company*, 2008 U.S. LEXIS 536 (4th Cir. 2008)
- *McGrath v. Lockheed Martin*, 2002 U.S. App LEXIS 21278 (6th Cir. 2002)
- *Geter v. Fidelity Management Trust Company*, (E.D. Tenn. 2014)
- *First Community Bank v. First Tennessee, et al*, Circuit Court for Knox County, Tennessee, 3-475-11 (2012)
- *Cook v. Knox County*, Chancery Court of Knox County, Case No. 173942-1; Court of Appeals, Eastern Division, Case No. E2010-02643-COA-R3-CV (2011)
- *In re Daley*, 459 B.R 270 (Bankr. E.D. Tenn. 2011)
- *Voss Products v. Breidenbach*, Chancery Court of Knox County, Case No. 170093-1 (2010)
- *Sheward v. Bechtel Jacobs*, 2010 U.S. LEXIS 19696 (E.D. Tenn. 2010)