



Pamela H. Nissen
Shareholder

MINNEAPOLIS

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Pamela H. Nissen is a shareholder in Reinhart's Employee Benefits Practice and Multiemployer Plan (Taft-Hartley) Team. For 28 years, Pam has worked extensively with jointly-trusted benefit plans in a broad spectrum of matters and issues. She has served as plan counsel to pension, health and welfare, vacation, apprenticeship training and industry promotion plans. She focuses on providing high-quality, practical legal representation in a timely and cost-effective manner.

Employee Benefits and ERISA

Pam works with trustees and serves as plan counsel representing plans in matters related to:

- Benefit plan administration
- Representing fiduciaries
- Claim appeals
- Compliance
- Plan drafting
- Trust Agreements
- Qualified Domestic Relations Orders
- Participant communications
- Service provider agreements
- Investment manager agreements
- Subrogation

- Department of Labor audits
- Collection of employer contributions
- Apprenticeship Standards
- Student Handbooks and Policies
- Employment Policies

She has developed a number of special participant communication materials for topics ranging from disqualifying employment to claim appeal brochures. Pam also counsels apprenticeship training funds boards in their unique roles, navigating compliance requirements from the state and federal apprenticeship authorities as well as ERISA fiduciary duties. Pam has been instrumental in developing policies for employee benefit plans relating to withdrawal liability and auditing and collection procedures.

She has developed a niche practice area in ERISA in her role as plan counsel relating to the collection of employer contributions and related damages, having worked on more than 1,100 cases and in conjunction with plan administrators, collecting more than \$23 million in damages for employee benefit plans throughout her career. Pam has worked on numerous cases involving corporate fraud investigations and has worked with forensic accountants to uncover millions of dollars of corporate fraud.

Pam is efficient, organized and thorough in her approach to Fund Counsel work as well as litigation, and is adept at sorting through the issues presented to her clients and formulating arguments from the facts of the case. She utilizes appropriate resources to provide high-quality representation in a timely and cost-effective manner for her clients.

Examples of representative matters Pam has handled include:

- Representation in an Eighth Circuit Court of Appeals case that established alter ego liability for a non-signatory employer.
- Representation in a federal court case regarding definition of plan terms and fiduciary obligations.
- Representation in a federal court case that defined the scope of a contributing employer's obligations with respect to maintaining records and corresponding liability for its failure to do so.
- Representation in a federal court case defining liability for corporate officers.
- Representation of apprenticeship training programs for EEOC cases and related litigation.

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Education

- J.D., cum laude, University of Minnesota Law School (Member, National Moot Court)
- B.A. in Political Science, College of Saint Benedict

Bar Admissions

Wisconsin, Iowa, Minnesota

Court Admissions

- U.S. District Court, Northern District of Iowa
- U.S. District Court, District of Minnesota
- U.S. District Court, District of North Dakota
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Seventh Circuit

Practices

- Employee Benefits
- Litigation

Services

- Multiemployer Plan (Taft-Hartley)
- ERISA and Employee Benefits Litigation

Matters

Representative Cases

- *Laborers Health and Welfare Fund v. Scanlon*, 360 F.3d 925 (8th Cir. 2004)
- *Malcolm v. Guerra*, 2007 U.S. Dist. LEXIS 92918 (D. Minn. 2007)
- *Reed v. Mesabi Bituminous, Inc.*, 2011 U.S. Dist. LEXIS 45343 (D.Minn. 2011), adopted by 2011 U.S. Dist. LEXIS 44975 (D.Minn. 2011)
- *Ruiz v. IBEW Local 292 Pension Plan*, 2006 U.S. Dist. LEXIS 91723 (D.Minn. 2006)
- *Nowicki v. Minn. Laborers Health and Welfare Fund*, 2006 U.S. Dist. LEXIS 26063 (D.Minn. 2006); 37 Employee Benefits Cas. (BNA) 2622 (2006)
- *Malcolm v. Harden & Harden, Inc.*, 2004 U.S. Dist. LEXIS 19184 (D.Minn. 2004)
- *Brady v. Imperial Developers, Inc.*, 2005 U.S. Dist. LEXIS 13239; 178 L.R.R.M. 2701

Honors & Affiliations

- Minnesota State Bar Association
- Hennepin County Bar Association
- Federal Bar Association
- Edina Volleyball Association (Former Board Member and Treasurer)

Presentations

- "Wearing the Right Hat at the Right Time – The Two Hat Dilemma," 2023 Annual Conference, International Foundation of Employee Benefit Plans
- "Negotiating COVID and Other Pandemic Policies" and "Ethics for Attorneys," 2022 Annual Conference, International Foundation of Employee Benefit Plans
- Michael T. Joliat & Pamela H. Nissen, "What Your Attorney Wants You to Know About Your Investments," Presentation at the International Foundation of Employee Benefit Plans Power Up: Benefits Strategies and

Innovation Virtual Conference (Aug. 25, 2021).

- "What You Lawyer Thinks You Should Know About Investments," IFEBP Annual Conference, San Diego, CA (October 21, 2019)
- Tasked With Saving a System in Crisis – The Joint Select Committee on Solvency of Multiemployer Plans, panelist, American Academy of Actuaries Annual Meeting, Washington DC (November 2, 2018)
- Lessons only Experience can Teach, IFEBP Annual Conference, New Orleans, LA, (October 13-17, 2018)
- Legislative Updates, IFEBP Healthcare Conference, Denver, CO (April 30, 2018)
- Lessons from Central States, ISCEBS Annual Symposium, Denver, CO (September 17-20, 2017)
- New EEO Regulations Training, Construction Industry Apprenticeship Training Committees, St. Paul, MN (May 2017)
- Apprenticeship Committee Trustee Training, Minnesota Mechanical Contractors Association, Minneapolis, MN (April 25, 2017)
- The New ERISA Fiduciary Rule: Keeping Up With Change to Avoid Legal Mistakes, 2017 NBI Spring Teleconference, Minneapolis, MN (March 15, 2017)
- Challenges and Opportunities for Multiemployer Plans, IFEBP Annual Conference, Orlando, FL (November 12-16, 2016)
- Roundtable: Open Forum on Grandfathered Plans Revisited, IFEBP Annual Conference, Orlando, FL (November 12-16, 2016)
- Workshop: Refresher on Grandfathered Plans, IFEBP Healthcare Conference, Phoenix, AZ (April 2, 2016)
- MPRA Filings, panelist, American Academy of Actuaries Annual Meeting, Washington, DC (November 12, 2015)
- Designing & Maintaining Employee Benefit Plans, NBI Webcast, Altoona, WI (March 24, 2015)
- Litigation Implications of the Affordable Care Act, Federal Bar Association Annual Convention, San Juan, Puerto Rico (September 23, 2013)