



Don A. Mazursky

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Areas of Practice

Employee Benefits | Executive Compensation | ERISA Litigation

Mr. Mazursky's practice encompasses most areas of executive compensation and employee benefits with a particular focus on:

- Design, consulting, fiduciary, transactional and compliance aspects of 401(k) plans, pension plans, and other qualified and nonqualified deferred compensation plans;
- Advising clients on all aspects of the Affordable Care Act;
- Executive compensation and equity arrangements;
- Executive employment and severance agreements, including restrictive covenants;
- The benefits and compensation aspects of mergers and acquisitions;
- Dispute resolution with participants and governmental agencies;
- Serving as the legal advisor to numerous administrative, investment and compensation committees;
- Performing searches for retirement plan recordkeepers, actuaries, third-party administrators and auditors through request for proposal processes; and
- Negotiating vendor agreements for retirement and welfare plans.

Mr. Mazursky assists his clients by working closely with in-house counsel and compensation and benefits teams and by contributing leadership in the areas of executive compensation and employee benefits.

Before joining Smith Gambrell, Mr. Mazursky was the head of the executive and compensation practice at another Atlanta law firm and then was the founder and managing member of the largest law firm in the Southeast that specialized in executive compensation and employee benefits. That firm is now part of Smith Gambrell Russell's executive compensation and employee benefits group.

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Mr. Mazursky graduated with highest academic achievement in his class from Emory University and was a member of Phi Beta Kappa. He received his J.D. from the Georgetown University Law Center, where he served on the Editorial Board of *The Tax Lawyer*. Mr. Mazursky has been ranked by *Chambers USA* as a Band 1 practitioner in Employee Benefits & Executive Compensation from 2020 – 2023. He has also been named to the Georgia *Super Lawyer* list by his peers in the Employee Benefits/ERISA practice areas.

Mr. Mazursky is a member of the Southern Employee Benefits Conference. He has served as a member of the Atlanta Bar Association Tax Section Board of Directors.

Experience

- Assisted a Fortune 500 company in avoiding a \$6 million penalty proposed by the IRS during a 401(k) plan audit.
- Performed recordkeeper search for the 401(k) plan of a Fortune 500 company that resulted in enhanced services and a 35% fee reduction.
- Assisted a multinational public company in terminating its pension plan and resolving with the PGBC significant problems arising from non-US taxpayers participating in the plan.
- Assisted a public company in designing and drafting a new nonqualified deferred compensation plan that complies with all laws and satisfies the client's business goals.
- Advised a large health system on all employee benefits and compensation matters related to the acquisition of a physicians group.
- Advised a client on establishing a new fiduciary committee and drafting by-laws and policies.
- Performed discrimination tests (including a qualified separate line of business test) that allowed two subsidiaries of a public foreign parent company to maintain different designs within a single 401(k) plan.

Admissions

Georgia

Memberships

Southern Employee Benefits Conference, *member*

Atlanta Bar Association, Tax Section, Board of Directors, *past member*