



Emily A. McClory

Partner

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Areas of Practice

ERISA and Tax Code
Affordable Care Act
COBRA
401(k), 457(b), and multiemployer retirement plans
Health plans and excepted benefits
Section 125 cafeteria plans

Bar Admissions

Washington, 2012
U.S. Court of Appeals, 10th Circuit, 2016

Education

Seattle University School of Law
J.D. *cum laude*, 2012

University of Arizona
B.M. *cum laude*, 2007

Clerkships

Hon. Barbara A. Madsen, Chief Justice,
Washington State Supreme Court, 2012 –
2013

Honors and Awards

Pro Bono Pledge Outstanding Service
Award, Seattle University School of Law,
2012

Judicial Extern, Hon. Mary I. Yu, Judge,
King County Superior Court, Spring 2011

Overview

Emily advises corporate, governmental, and multiemployer health and retirement plans on a broad range of matters. Her experience includes benefit design, plan administration, investment transactions, and fiduciary issues. She is routinely asked to advise on emerging legal trends, new law, updated government regulations, case law, and best practices. She also negotiates service provider contracts, drafts plan documents and participant communications, and advises on DOL, IRS and HHS government filings.

Emily's experience includes:

- Drafting plan documents and administrative procedures and policies, such as collections, cybersecurity, and QDRO procedures
- Preparing participant communications, including summary plan descriptions, summaries of material modifications, and benefit distribution forms
- Negotiating and drafting contracts, such as investment, pharmacy benefit management, and third-party administration agreements
- Analyzing and advising on ERISA fiduciary duty issues and avoidance of prohibited transactions
- Advising on various health benefit issues, including FSA and HRA administration, HIPAA and Affordable Care Act excepted benefits, and the No Surprises Act and Transparency in Coverage rules
- Providing guidance on retirement plan issues such as missing participants, survivor annuities, QDROs, death benefit requirements, and rules applicable to retirement plans that hold employer stock
- Ensuring plan compliance with DOL cybersecurity guidance, including negotiation of cybersecurity terms in contracts and advising on risk assessments
- Advising on benefit claims and appeals, such as health plan eligibility determinations, retirement plan beneficiary determinations, and retirement plan hardship distributions
- Preparation of government filings, such as IRS Determination Letter applications and corrections under EPCRS, and advising on RxDC filings

Prior to joining MMPL, Emily taught elementary school band in Tucson, Arizona before seeking out rain and law school in the Pacific Northwest. Outside of work, she can be found searching for unique rocks to tumble with her kids and teaching her dog adorable but pointless tricks.

Professional Affiliations

- King County Bar Association
- Washington State Bar Association
- International Foundation of Employee Benefit Plans



EMPLOYEE BENEFITS LAW

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