HUSCH BLACKWELL

Jordan W. Bergkamp

PARTNER

KANSAS CITY, MO

PHONE: 816.983.8269

EMAIL: JORDAN.BERGKAMP@HUSCHBLACKWELL.COM

OVERVIEW

A former certified public accountant (CPA), Jordan has the well-rounded experience to advise clients regarding employee benefit packages and design executive compensation plans.

Jordan effectively works with clients on complex employer-sponsored benefit plans and compensatory arrangements. His legal training and accounting background allow him to navigate the Internal Revenue Code dealing with benefits law and thoroughly comprehend the Employee Retirement Income Security Act of 1974 (ERISA). Jordan dissects the rules, communicates those rules to clients in understandable language and tailors solutions to fit client needs.

For employee benefits, Jordan helps clients with employee retirement options, such as 401(k), 403(b) or pension plans, as well as medical, dental, vision, life insurance and other welfare plans. He has significant experience providing guidance for compliance matters involving the IRS, Department of Labor, ERISA, the Health Insurance Portability and Accountability Act (HIPAA) and the Affordable Care Act.

For executive compensation, Jordan designs plans that employers can offer executives to defer compensation or designs bonuses and incentive compensation plans to attract and retain executives. He also creates annual and long-term incentive plans for executives and sales employees.

Industry

Energy & Natural Resources

Services

Employee Benefits & Executive Compensation

Employee Stock Ownership Plans

Equity, Incentive, & Deferred Compensation

Retirement, Health, & Welfare Plans

Prior to joining the firm, Jordan gained valuable experience counseling clients in various estate planning areas. Before attending law school, he obtained a Missouri CPA license and practiced tax accounting.

Experience

- Led counsel for Hub, Inc. in the strategic planning and execution of an ESOP transaction, including financial and tax analysis, valuation review, preparation and presentation of planning materials, and modeling of transaction structures. The engagement included design and implementation of equity incentive plans, negotiation of ESOP terms, due diligence, and document preparation, with ongoing coordination among management, advisors, and trustee teams through closing and post-closing.
- Led counsel for Heptacore, Inc. in the planning and execution of an ESOP transaction, providing in-depth financial and tax analysis, valuation review, and modeling of transaction structures. Guided the project through the development of equity incentive plans, negotiation of ESOP terms, due diligence, and document preparation, coordinating with management, advisors, and trustee teams to address all legal, tax, and governance considerations from inception through closing and post-closing.
- Led counsel for BNIM in the strategic planning and execution of an ESOP transaction, including comprehensive financial and tax analysis, valuation review, and modeling of transaction structures. Oversaw the design and implementation of equity incentive plans, negotiation of ESOP terms, due diligence, and document preparation, collaborating with management, advisors, and trustee teams to ensure all legal, tax, and governance matters were addressed through closing and beyond.
- Provided ongoing governance and compliance counsel for the AVI ESOP, including review and negotiation of service and trustee agreements, plan documents, and updates to the ESOP, summary plan description, and distribution and loan policies. Coordinated with AVI and plan advisors to address IRS determination letter requests, plan corrections, participant loan issues, new legal requirements, and corporate governance transitions, ensuring continued compliance and responsiveness.

Experience

- Served as counsel and advisor to CSC in the planning and execution of a redemption and business succession transaction. Provided financial and tax analysis, valuation review, preparation and presentation of planning materials, and modeling of transaction structures. Managed negotiation of transaction terms and document preparation, working closely with management and advisors to address all legal, tax, and governance aspects.
- Provided ongoing governance and compliance counsel for the Cerris ESOP, including review and negotiation of service and trustee agreements, plan documents, and updates to the ESOP, summary plan description, and distribution and loan policies. Coordinated with Cerris and plan advisors on plan corrections, integration of new legal requirements, and support for corporate governance transitions to ensure continued compliance.
- Led counsel for Industrial Spring in preparation for a potential ESOP sale, including management of trustee RFPs, due diligence, term sheet negotiations, and drafting of transaction documents. Directed communications with ESOP trustee and buyer counsel, providing ongoing analysis and negotiation support through closing and post-closing matters such as insurance and plan amendments.
- Provided ongoing guidance to MBPI on its ESOP, focusing on IRS determination letter responses, review and revision of loan and releverage documents, analysis of ESOP and 401(k) contribution allocations, and communication with the IRS and plan advisors. Prepared amendments, compliance calculations, and updates to maintain ESOP qualification and regulatory alignment.
- Advised Paric on the development and implementation of long-term incentive and phantom equity plans, including incentive planning meetings, modeling of incentive calculations, drafting and updating plan documents, analysis of tax and FICA implications, advising on plan freezes and new grants, and supporting governance documents for subsidiaries to ensure robust and compliant programs.

Experience

- Advised First Mile on the design and implementation of equity incentive and profit-sharing arrangements, conducting detailed analysis of tax and legal implications, preparing and revising plan documents, and providing ongoing advice on plan design, documentation, and participant communications to ensure program effectiveness and compliance.
- Advised Commerce Bancshares regarding its lending to a company being sold to an ESOP, including review and negotiation of loan and shareholder agreements and ancillary transaction documents. Participated in conference calls with lenders and advisors, analyzed seller counsel responses, finalized closing documents, and provided guidance on trustee consents and engagement, ensuring transaction terms aligned with ESOP requirements.
- Led the design and implementation of equity appreciation rights plans and related organizational documents, guiding the client through plan drafting, grant agreements, buyout agreements, and cap table updates to ensure incentive arrangements were properly structured and documented for tax and governance purposes.
- Advised Enterprise Bank regarding its lending to a company being sold to an ESOP, including review and negotiation of loan and shareholder agreements and ancillary transaction documents. Participated in conference calls with lenders and advisors, analyzed seller counsel responses, finalized closing documents, and provided guidance on trustee consents and engagement to ensure ESOP requirements were met for a successful closing.
- Advise numerous large and midsize companies, both public and nonpublic, on virtually all employee benefit and executive compensation matters.
- Regularly represent clients on employee benefit and executive compensation matters relating to mergers and acquisition strategies and integration.
- File and receive compliance statements under IRS Employee Plans Compliance Resolution System (EPCRS) for numerous correction issues.
- Guide clients with design and implementation of executive compensation programs.

Experience

- Advise clients relating to Internal Revenue Code Section 409A compliance with deferred compensation arrangements.

Recognition

- *Best Lawyers: Ones to Watch® in America*
  - Employee Benefits (ERISA) Law, 2021-2025
- Missouri & Kansas Super Lawyers
  - Rising Star, Employee Benefits, 2022-2023

Education

- J.D., University of Kansas School of Law
  - CALI awards, Taxation of Business Enterprises and Executive Compensation
  - *Kansas Law Review*
- M.ACC., Kansas State University
  - Accounting
- B.A., Kansas State University
  - Business Administration

Admissions

- Missouri
- U.S. District Court, District of Kansas
- Kansas

2025 Best Lawyers Ones to Watch