Alexander L. Mounts

Partner
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Alexander L. Mounts is a member of the firm's Employee Benefits and Executive Compensation and Employee Stock Ownership Plans (ESOPs) Practices. His practice includes counseling both for-profit and not-for-profit clients on a wide spectrum of employee benefits-related matters, including but not limited to, drafting and designing qualified retirement plans; counseling on tax and benefit issues in mergers and acquisitions; interacting with the IRS and DOL on correction of operational and plan document failures; responding to IRS or DOL plan audits; or requesting IRS or DOL guidance through private letter rulings, advisory opinions or prohibited transaction exemptions.

Mr. Mounts also has a focus on employee stock ownership plans (ESOPs) and spends significant time working with companies, trustees, lenders and sellers on issues surrounding ESOPs including design and implementation, sales of ESOP companies, ongoing advice and fiduciary and governance counseling. His practice is also focused on executive compensation matters including designing and implementing nonqualified deferred compensation plans and equity and non-equity-based incentive compensation programs for public, private, and not-for-profit companies. He works with these entities on compliance with Internal Revenue Code Sections 83, 162(m), 280G, 409A, 457.

Education

- J.D., Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana, 2004
  - Indiana Law Review, Notes Development Editor
- B.A., *cum laude*, Taylor University, Upland, Indiana, 2001

Bar & Court Admissions

- Indiana, 2004
- Minnesota, 2013

Certifications

- Legal Lean Sigma® White Belt

Practices

- Employee Benefits and Executive Compensation
- Labor and Employment
- Employee Stock Ownership Plans

- Securities
- ESOP Finance and Lending
- Fraternities and Sororities

Industries

- Employee Stock Ownership Plans
- Education and School Law
- Construction

Representative Experience

- Involved in 100+ ESOP transactions across the country for companies in the grocery, brewery, engineering, architectural, consulting, construction, manufacturing and financial institution industries.
- Represented ESOP trustee in the $1.7B sale of 100% owned ESOP company
- Advise large public transit system on employee benefits matters
- Advise multiple publicly traded companies on employee benefits matters
- Designed and implemented nonqualified deferred compensation plans for multiple publicly traded companies

Professional Associations

- National Center for Employee Ownership (Member)
- The ESOP Association (Member of Legislative and Regulatory Committee)
- Indiana Chapter of The ESOP Association (Vice President)
- Employee Owned S Corporations of America (Professional Member)
- Ohio Employee Ownership Center (Member)

Awards & Recognitions

- The Best Lawyers in America®, 2023-2027
  - Employee Benefits (ERISA) Law
- Employee Benefits (ERISA) Law, 2023-2025
- Indiana Super Lawyers, 2021-2026
- Indiana Super Lawyers Rising Stars, 2009-2019

Seminars & Presentations

- Presenter, "Executive Compensation: Practical Options for Employers," Workplace Insights: Legal and Benefits Update for Employers, August 13, 2026
- Presenter, "Compensation Issues for New and Mature ESOPs," The ESOP Association Indiana Chapter Spring Conference, March 10, 2026
- Presenter, "Harnessing the Power of Executive Benefits in an ESOP-owned Company", The ESOP Association Indiana Chapter Spring Conference, March 2024

- Presenter, "Thoughts and Considerations Regarding Advanced ESOP and Succession Strategies," Insights for Executives Video Series - Kidd Consulting Group, September 2, 2022
- "Executive Compensation" The NCEO Fall ESOP Forum, September 2019
- "ESOP: Legacy, Empowerment & Succession Planning" Butler Old National Bank Center for Closely Held Business, August 2019
- "Assessing the Feasibility of an ESOP" ESOP Nuts and Bolts: What You Need to Know About Employee Stock Ownership Plans, August 2018
- "An Introduction to Employee Stock Ownership Plans (ESOPs)" Indybar Association, August 2018
- "ESOP Trivia" Indiana Chapter of The ESOP Association's 2017 Annual Spring Conference, March 2017
- “ESOP Trivia” The ESOP Association Las Vegas Conference and Trade Show
- "Monitoring or Replacing your Trustee," NCEO Employee Ownership Conference, April 2016
- "Boards of Directors' and Trustees' Roles in ESOP Companies," The ESOP Association 2015 Las Vegas Conference, November 2015
- "ESOPs: Empowering Community Banks," Subchapter S Bank Association 18th Annual Conference, October 2015
- "ESOPs: From Basics to Expansion and Exit Strategy," Association for Corporate Growth - Indiana Chapter, October 2015
- "Regulatory Issues for Executive Compensation," NCEO Atlanta Regional Conference, October 2015
- "Improving the Governance of ESOP Companies," The 14th Annual Tri-State ESOP Conference, June 2015
- "Employee Stock Ownership Plans: Is it the Right Fit for Our Company in the United States," Association of Corporate Counsel, April 2015
- “Re-Evaluating Your ESOP,” NCEO Employee Ownership Conference, April 2015
- "ProCourse Fiduciary Advisors Webinar: Nonqualified Plans: Uncovering Trends and Overcoming Challenges," February 2015
- "Boards of Directors' and Trustees' Roles in ESOP Companies," The ESOP Association 2014 Las Vegas Conference
- "ESOPs: How to Enjoy the Advantages and Avoid the Risks," Subchapter S Bank Association Webinar, August 2014
- "ERISA Training," Indiana Department of Financial Institutions Conference, August 2014
- "Board of Directors in ESOP Companies," Indiana Chapter of the ESOP Association Corporate Governance Workshop, June 2014
- "Business Succession Planning Using ESOPs", Indianapolis Bar Association, April 2014
- "What Makes a Good Employee-Owned Company? An Interdisciplinary View", NCEO Annual Conference, April 2014
- "Regulatory Issues for Executive Compensation (Code Sections 409A and 409(p))", NCEO Minneapolis Regional Conference, October 2013

- "Key Roles in Your ESOP – the Fiduciary Issues", Ohio Employee Ownership Center Webinar, October 2013
- "ProCourse Fiduciary Advisors Webinar: 10 Things to Learn from Recent Retirement Plan Litigation", September 2013
- "ESOP 101: Linchpins for ESOP Success", Indiana Chapter of the ESOP Association's Linchpins for ESOP Success Conference, February 2013
- "Strategic Planning for Sub S Shareholders: ESOP", Subchapter S Bank Association 15th Annual Conference, November 2012
- "Transferring 401(k) or Profit Sharing Accounts to an ESOP", The ESOP Association 4th Annual Midwest Regional Conference, September 2012
- "Transferring 401(k) or Profit Sharing Accounts to an ESOP", NCEO Annual Conference, April 2012
- "Fiduciary Best Practices", Indiana Chapter of ESOP Association Round Tables and Round Ball ESOP Conference, March 2012
- "ESOPs: How to Enjoy the Advantages and Avoid the Risks", Subchapter S Bank Association 14th Annual Conference, November 2011
- Krieg DeVault LLP Interactive Webinar: New IRS Rules Affect Thinly-Traded Financial Institutions with ESOPs, September 2011
- "Transferring 401(k) or Profit Sharing Accounts to an ESOP", 10th Annual Tri-State ESOP Conference
- "Regulatory Issues for Executive Compensation (Code Sections 409A and 409(p))", NCEO Atlanta Regional Conference, June 2011
- Krieg DeVault LLP Interactive Webinar: Employee Stock Ownership Plans for Financial Institutions, March 2011
- "Deferred Compensation and Section 409A: What You Don't Know Can Hurt You", February 2011, ICLEF Seminar
- "The ESOP Opportunity: What You and Your Clients Should Know", February 2011, ICLEF Seminar
- "Hot Topics in ESOP Legal and Regulatory Issues", 3rd Annual Michiana ESOP Conference
- "Management Succession: Getting it Right", NCEO 2010 Employee Ownership Annual Conference
- "S Corporation ESOPs: How to Take Advantage of the Benefits and Avoid the Risks", Subchapter S Bank Association Regional Conference
- "Fiduciary Responsibilities of Successor Trustees", The ESOP Association 2010 Las Vegas Conference
- "Introduction to Code Section 409A", Indiana Benefits Conference
- "Handling Fiduciary Issues in a Challenging Economy", 8th Annual Tri-State ESOP Conference
- "409A Regulation Compliance and ESOP Companies", 7th Annual Tri-State ESOP Conference
- "What Kind of Equity Plans are Exempt from 409A and What are Not?", National Center for Employee Ownership (NCEO) Webinar
- "Code Section 409A Update", Association for Corporate Counsel
- "Introduction to Deferred Compensation", Various State Human Resource Associations

- "Primer on Code Section 409A", Indianapolis Bar Association
- "ESOPs and Deferred Compensation", Hoosier Hills Estate Planning Conference

Publications

- Author: “ESOP attorneys see steady work, more M&A deals”, Indiana Lawyer, June 19, 2025
- Author: "ESOPs: Secure your Future - Empower Employees", Construction News and Review Magazine, July 2024
- Legal Update Column: Motion to Dismiss Denied in Case Alleging Fiduciary Status of Trust Employee, ESOP Report, May 2017
- The Right Way for an ESOP to Bank Stock, BankNotes, May 2016
- The Right Way for an S Corporation ESOP to Buy Bank Stock (At Least from the IRS's and DOL's Perspective), The Sub S Bank Report, Vol.14, Issue 2, July 2011
- Special Considerations for Financial Institution ESOPs, ESOP Valuation Issues: An NCEO Issue Brief, 2011
- ESOP Fables: Are Employee Stock Ownership Plans too Good to be True?, BankNews, April 2010
- "Indiana's ESOP Initiative," Insights, Spring 2009
- "Deferred Compensation Rules Changing; Policy Review Needed," Biz Voice, July/August 2006: 65
- "A Snake in the Grass, Don’t Get Bitten By Code Section 409A," Martindale-Hubbell Counsel to Counsel Employee Benefits Email Alert, February 2006