



Kimberly B. Wethly

PARTNER

Chair, Tax Practice

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Kimberly Wethly is a seasoned attorney who is recognized for her extensive experience in all aspects of executive compensation, including applicable tax, corporate securities and accounting issues. Ms. Wethly represents both public and privately held companies' boards of directors and compensation committees and corporate executives. She also advises the firm's corporate clients in connection with mergers and acquisitions, spinoffs, formation, financings, restructurings and public offerings. Ms. Wethly's proficiency encompasses equity compensation, nonqualified deferred compensation, incentive plans, and executive, retention, severance and change-in-control agreements.

Learn more about Ms. Wethly's practice and how she can support your startup on WilmerHaleLaunch.com.

Publications

Notable publications by Ms. Wethly include "Best Practices for Option Grants by VC-Backed Companies," published as a WilmerHale Email Alert and later published in *Bloomberg Law Reports*; "Structuring Stock Options and Severance Payments after Section 409A," published in the *Venture Capital Review*; and "Stock Option Pricing Issues for Private Companies: Our Recommendations in Light of Section 409A and Recent AICPA Guidance," published as a WilmerHale Email Alert.

Professional Activities

Ms. Wethly is a member of the American Bar Association, the Boston Bar Association and the National Association of Stock Plan Professionals.

Solutions

Bank Crisis Task Force

Life Sciences

Tax

Emerging Company and
Venture Capital

Private Equity

Executive Compensation and
Employee Benefits

SPAC (Special Purpose
Acquisition Company)
Transactions

Experience

- Consult with numerous companies undertaking initial public offerings to prepare appropriate company compensation programs and agreements, including post-IPO equity incentive plans and employee stock purchase plans
- Assist with numerous option repricings by public and privately held companies, including preparation of tender offer documents where required
- Provide strategic advice to public and private companies undergoing M&A transactions in both the US and internationally, including compensation planning, equity awards, golden parachute analysis, retention programs, and general employee and executive severance issues
- Advise public and private companies on participation in IRS 409A documentary and operational corrections programs
- Provide ongoing advice to a worldwide entertainment company on compensation arrangements and policies for executives, employees and talent
- Advised a financial institution in connection with the Federal Reserve's horizontal review of large, complex banking organizations and ongoing compliance with Federal Reserve guidance on incentive compensation

Recognition



***Leading Lawyer for Employee
Benefits and Executive
Compensation***

Chambers USA

2010-2023



Top Lawyer for Tax Law

Best Lawyers in America®

2011-2024



***Recommended for Tax and
Employee Benefits and Executive
Compensation***

The Legal 500 United States

2016-2019

- Selected by peers for inclusion in the 2011–2024 editions of the *Best Lawyers in America* in the area of tax law and named a 2023 Lawyer of the Year.
- Named to *Boston Magazine's* Top Lawyers list in the area of tax law (2021–2023).
- Named to BTI Consulting's *Client Service All-Stars* 2017, 2019 and 2020 lists for exhibiting exceptional client service.
- Recognized as a leader in her field in the 2007 and 2010–2023 editions of *Chambers USA: Guide*. Sources commented that Ms. Wethly is "very knowledgeable and experienced" and "adept at distilling technically challenging content into commercial and accessible advice."
- Recommended in the 2016–2019 editions of *The Legal 500 United States* in the labor and employment: employee benefits, executive compensation and retirement plans as well as her Tax: US taxes non-contentious practice.
- Commended by a client in the inaugural publication of the 2010 Best Law Firm rankings by *U.S. News – Best Lawyers®* for Employee Benefits and ERISA law, who described her as "exceptionally talented in this area...able to explain ERISA and its impact on our company in a clear and concise manner...Ms. Wethly and her colleagues are practical, highly responsive, and very efficient."
- Named a "Massachusetts *Super Lawyers'* Rising Star" in the 2005–2007 and 2011–2012 issues of *Boston Magazine*.

Credentials

EDUCATION

JD, Boston College Law School,
1997

magna cum laude

BA, Philosophy, Boston
College, 1993

magna cum laude

*Order of the Cross and the
Crown*

ADMISSIONS

Massachusetts