



## José M. Jara

Counsel

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José focuses his practice on the Employee Retirement Income Security Act (ERISA) and employment litigation and counseling. He has extensive experience in representing corporations, tax-exempts, associations, pension funds, boards of trustees, Employee Stock Ownership Plans (ESOPs), defined benefit and defined contributions plans, multiple employer plans, multiemployer plans, and executives in areas of employment, ERISA, and other employee benefits law matters.

José's practice includes representing clients under investigation by the U.S. Department of Labor's (DOL) Employee Benefits Security Administration and defending clients from lawsuits filed by DOL's Office of the Solicitor regarding civil and/or criminal violations of ERISA.

He defends plan sponsors, boards of directors and fiduciaries against ERISA class action litigation alleging breach of fiduciary duty under ERISA, including excessive fees, imprudent investments, delinquent employee contributions and improper valuation of employer stock. In addition, José provides legal advice to plan sponsors and fiduciaries on fiduciary responsibilities, plan fees and expenses, plan asset regulations and ERISA-prohibited transactions and exemptions.

He also works with clients to correct retirement plan errors under the IRS Employee Plans Compliance Resolution System, fiduciary violations under the DOL Voluntary Fiduciary Correction Program and annual reporting failures under the DOL Delinquent Filer Voluntary Compliance Program.

José advises clients on a broad range of labor and employment law issues such as wrongful termination, sexual harassment and discrimination, restrictive covenants, retaliation and matters related to labor law such as grievances, arbitrations and collective bargaining. He also defends companies against EEOC charges and DOL wage and hour investigations, conducts interactive harassment training, carries out internal investigations and drafts employment and severance agreements.

In addition, José assists clients with professional liability insurance matters, providing legal counsel on Directors & Officers (D&O), fiduciary and Employment Practices Liability (EPL) insurance issues. He has served as monitoring and coverage counsel and provided legal advice to underwriters on a variety of provisions of the insurance policy.

José speaks frequently on ERISA and employment law topics. He recently delivered presentations on DOL and IRS Health and Welfare Plan audits, Fiduciary Issues in ESG Investing, ERISA Prohibited Transactions and Exemptions, 2021 Employment Law Issues on the Enforcers' Radar, ESOP challenges and enforcement activity, and sexual harassment in the workplace, among other subjects.

## Services

- Labor & Employment
- ERISA Litigation
- Life, Health & Disability Litigation
- Litigation
- Employee Benefits & Compensation
- Employment Counseling, Policy Development & Audits
- Trade Secrets & Restrictive Covenants
- Latin America
- Directors' & Officers' Liability & Corporate Governance
- Employee Stock Ownership Plans
- Multiemployer Plans
- Higher Education

## Before Fox Rothschild

In addition to practicing law at several firms, José's experience before joining Fox includes working as a pension consultant for a leading international accounting firm, complex claims director for a major international insurance company, and senior pension law specialist and investigator with the U.S. Department of Labor's Employee Benefits Security Administration.

## Bar Admissions

- New Jersey

## Court Admissions

- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Second Circuit

## Education

- Georgetown University Law Center (LL.M. and Employee Benefits Law Certificate)
- Benjamin N. Cardozo School of Law (J.D.)
- Manhattan College (B.S.)

## Memberships

- American Bar Association, Real Property, Trust and Estate Section
  - Chair, Employee Plans and Executive Compensation Group (2023-2025)
  - Vice Chair, IRAs and Plan Distributions Committee (2025-2026)
  - Member, Joint Committee on Employee Benefits (2025-2026)
- American Bar Association
  - Commission on Hispanic Legal Rights and Responsibilities, Commissioner
- American Benefits Council
  - Retirement Income Task Force – Member
- CPR Institute for Dispute Resolution
  - CPR Employment Dispute Committee – Member
- National Center for Employee Ownership (NCEO) – Member
- National Hispanic Bar Association – Member
- Professional Liability Underwriting Society (PLUS) – Member
- The ESOP Association – Member
  - Associate Member on the Advisory Committee on Fiduciary Issues

## Board of Directors

- Rising Ground – Board Vice President
- The Center for Family Support – Former Board Member and President

## Languages

- Spanish

## Honors & Awards

- **Selected to the list of "Super Lawyers - Rising Stars" for Employee Benefits in New Jersey (2023-2025)**  
*This award is conferred by Thomson Reuters. A description of the selection methodology is [available here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*