



# Michael G. McNally

Partner

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Co-Chair of the Employee Benefits & Executive Compensation Department, Michael concentrates his practice primarily on collectively bargained plans.

He represents multiemployer plans, plan fiduciaries, contributing employers and employer associations in a myriad of issues such as plan funding, governance, fiduciary responsibility, collective bargaining benefits issues, prosecution and defense of withdrawal liability disputes and ERISA litigation. He has extensive experience advising clients in the highly technical and specialized area of withdrawal liability to multiemployer pension plans.

Michael assists clients in long-term planning regarding multiemployer pension plan obligations, counsels on tools to mitigate liability and offers creative legal strategies and solutions. His labor law practice allows him to bring a full spectrum of analytical skills in assisting clients to navigate the important intersection of collective bargaining and benefit plan obligations, including withdrawal liability risk management.

Michael represents clients in requests for review of withdrawal liability assessments, and has successfully arbitrated and litigated disputes. His practice also includes advising clients on withdrawal liability considerations in corporate transactions. He has advised employers on withdrawal liability implications in connection with bankruptcy and restructuring. He has represented employers and plan sponsors in mass withdrawals, managed mass withdrawals, plan mergers and partitions.

He speaks and writes frequently on the topic and is the author of Multiemployer Pension Plan Withdrawal Liability, a frequently consulted guidebook.

## Representative Matters

- Various arbitrations and litigation concerning application of the building and construction industry exemption to withdrawal liability
- Numerous § 4204 sale of asset transactions
- Applications for abatement of withdrawal liability
- Withdrawal liability arbitrations contesting actuarial methods and assumptions and limitations on liability
- Representation of plan fiduciaries in managed mass withdrawal
- Trustee deadlock arbitration

## Employee Benefits

In the employee benefits area, Michael's practice ranges from the establishment and design of pension, profit-sharing, welfare and executive compensation plans to the administration, regulatory compliance and termination of such programs. He serves as counsel to numerous multiemployer funds in a variety of industries, and also advises corporate plan sponsors on single employer plans. He also has extensive experience representing employers in managing withdrawal liability exposure.

## **Labor Law**

In his labor practice, Michael focuses on the construction, transportation and building services industries, assisting clients in collective bargaining strategy and negotiations. He represents clients before the National Labor Relations Board, in state and federal courts and in arbitration proceedings. He also advises clients on compliance with project labor agreements, prevailing wage laws and Davis Bacon requirements.

## **Services**

- Employee Benefits & Compensation
- Executive Compensation
- Labor & Employment
- Labor Management Relations
- Construction
- Multiemployer Plans

## **Before Fox Rothschild**

Prior to joining Fox Rothschild, Michael was Co-Chair of the Labor & Employment group at a Minneapolis law firm.

## **Client Resources**

### **Multiemployer Pension Plan Withdrawal Liability**

It is ever more important for fiduciaries, plan sponsors and contributing employers to understand withdrawal liability. In this guidebook, Michael provides an overview of the concepts underlying withdrawal liability, the mechanics of events that trigger liability, how the liability is calculated and paid, special rules applicable to certain industries, and the process for notifying – and disputing – assessments.

### **[Download the Guidebook](#)**

## **Bar Admissions**

- Minnesota
- New Jersey
- New York

## **Court Admissions**

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

## **Education**

- Seton Hall University School of Law (J.D., *cum laude*, 2006)
- University of Richmond (B.S., 2003)