

Michael A. Hart

Partner

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OVERVIEW

Mr. Hart has a broad-based employee benefits practice, and advises employers of all sizes and in a variety of industries with respect to qualified and nonqualified retirement plans, equity-based compensation plans, and welfare benefit plans. His experience includes the following areas:

- Tax-qualified retirement plan compliance matters for 401(k) and other defined contribution plans and defined benefit pension plans
- Executive compensation
- Employee benefits aspects of mergers and acquisitions
- ESOP transactions
- ERISA fiduciary duty training and compliance
- Multiemployer pension plan withdrawal liability
- Engagement of retirement plan third party administrators and other service providers
- Income and payroll (FICA/FUTA) tax withholding
- ERISA enforcement matters (internal benefit claims and appeals and ERISA claims for benefits and breach of fiduciary duty litigation)
- Federal regulatory investigations (IRS, DOL, PBGC)

Mr. Hart also provides federal income tax compliance advice to financial institutions with respect to individual tax-favored savings accounts, such as individual retirement accounts, Coverdell education savings accounts, health savings accounts and Archer medical savings accounts.

ACHIEVEMENTS

- Recognized by *Chambers USA* for Employee Benefits & Executive Compensation in Pennsylvania, 2026

EDUCATION

- J.D., Loyola Law School - Los Angeles, 1994
- B.A., University of California at Los Angeles (UCLA), 1989

ADMISSIONS

- Bar of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 31 January 2023, SECURE 2.0 Act Legislation Includes Significant Changes to Individual Retirement Accounts
- 22 April 2020, COVID-19: Summary of Recent Developments Regarding Group Health Plan Coverage and Remote/Telehealth Services
- 27 March 2020, COVID-19: Employee Benefits Provisions in Coronavirus Aid, Relief, and Economic Security Act
- 22 February 2018, Tax and Budget Bills Include Tax Qualified Retirement Plan Provisions
- 22 February 2018, Rollover of Qualified Plan Loan Offsets: Will the Tax Bill Have an Impact?
- 20 December 2016, 401(k) Plan Sponsor ERISA Fiduciary Litigation Update: Sequoia Fund Litigation
- 31 October 2016, ERISA Fiduciary Issues for Plan Sponsors: What Do 401(k) Plan Fiduciaries Need to Know About Revenue Sharing?
- 6 October 2016, 401(k) Plan Sponsor ERISA Fiduciary Litigation Update: *White v. Chevron Corporation*

NEWS & EVENTS

- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 21 November 2025 , K&L Gates Represents Bluestone Bank on Strategic Partnership With Mutual Bancorp
- 18 March 2025, K&L Gates Advises WesBanco in its Acquisition of Premier Financial Corp.
- 28 January 2025, K&L Gates Advises Universal Stainless and Alloy Products in its Acquisition by Aperam
- 3 October 2023, K&L Gates Advises Live-Streaming Platform 17LIVE on Landmark De-SPAC Business Combination in Singapore
- 16 May 2022, K&L Gates Advises Goal Investment Management on Launch of Consumer Credit-Focused Fund
- 1 September 2021, K&L Gates Advises Megaport (USA) Inc. in Acquisition of InnovoEdge Inc.

- 1 June 2016, K&L Gates Advises Cascades Inc. in Packaging Plant Purchase From Rand-Whitney

OTHER MEDIA MENTIONS

- Mentioned, "K&L Gates Guides First Ever De-Spac Merger on SGX," *Asian Legal Business*, 16 October 2023

AREAS OF FOCUS

- Benefits and ESOPs
- ERISA
- Executive Compensation

REPRESENTATIVE EXPERIENCE

- Regularly updates administrative and investment fiduciaries of a variety of tax-qualified retirement plans on ERISA 401(k) plan investment and fee class action litigation. Regularly reviews and negotiates service agreements with third party administrators for tax-qualified retirement plans and assists plan fiduciaries with the selection and monitoring of such providers
- Represented sponsor of $500M defined benefit pension plan in connection with Department of Labor investigation into fiduciary procedures for locating missing participants
- Advised employer with respect to the multibillion dollar restructuring and reorganization of its salaried and collectively bargained pension plans (including several dozen different benefit structures) in preparation for its multistage corporate divestiture strategy Advised employer with respect to spinoff of more than $1B of defined benefit pension liabilities in connection with corporate divestiture of non-core business Regularly provides advice to sellers and purchasers in corporate acquisition with respect to the impact of the acquisition on multiemployer pension withdrawal liability and estimates of such liability. Regularly updates administrative and investment fiduciaries of a variety of tax-qualified retirement plans on ERISA 401(k) plan investment and fee class action litigation.
- Served as ESOP counsel to purchaser in the sale of a $270M manufacturing company in which an ESOP was a substantial minority owner.
- Advised investment management firm with respect to Internal Revenue Code Section 409A and ERISA "top hat" exemption failures in connection with a nonqualified deferred compensation bonus arrangement.
- Advised several states regarding the use of individual retirement accounts (IRAs) in state-mandated automatic IRA enrollment statutes
- Advised IRA trustee with respect to design and rollout of its proprietary estate planning IRA product, including the drafting of the trust agreement and disclosure statement and related promotional and internal training materials.

- Advised IRA custodian regarding structuring of IRA products with respect nontraditional investments in hard-to-value assets, including advice regarding valuation and unrelated business income tax issues in connection with such investments.
- Served as ESOP counsel to the seller of a manufacturing and service company that was wholly owned by an ESOP.
- Advised IRA custodian in connection with transfer of IRA custodial duties for several thousand accounts to successor in connection with corporate divestiture
- Regularly provides design and compliance advice to several Fortune 500 companies with respect to a variety of different types of tax-qualified defined contribution retirement plans and defined benefit pension plans with assets of more than $1B.
- Advised maritime company regarding potential exposure for multiemployer pension plan withdrawal liability of an affiliate, including determination of estimated withdrawal liability and determination of controlled group.
- Advised consumer product manufacturer with respect to the defense of a multiemployer pension plan's claim for unpaid employer contributions