

Benesch Nabs Benefits Atty As Chicago-Based Partner

By **Michael Phillis**

Law360 (April 12, 2018, 6:42 PM EDT) -- Benesch Friedlander Coplan & Aronoff has brought on an experienced attorney from Vedder Price PC to handle a variety of employee benefit and compensation matters as a partner in its expanding Chicago office.

Jessica L. Winski joined the firm last month as part of the firm's labor and employment practice group. She previously worked at Vedder Price for a total of about nine years, a stretch that was broken up by an in-house counsel stint. She said that at Benesch she will continue to focus on benefit plan compliance.

Winski specializes in providing counsel on retirement plans, health benefits and other issues employers must navigate. She also helps with executive compensation packages and their slew of offerings, from deferred compensation plans to severance arrangements. Winski said she joined the firm in part because of people she knows who have taken positions at Benesch.



Jessica Winski

"Really what attracted me to come to Benesch was the opportunity to grow a labor and employment practice group ... with two other women attorneys that I have worked with for years and have come to admire," Winski told Law360. "It was an exciting opportunity."

She was referring to two moves from Vedder Price that have occurred since the start of the year. First was Margo Wolf O'Donnell, who now is the vice chair of the labor and employment practice group in Chicago for Benesch. She is focused on employment-related litigation and helps clients prevent disputes. In addition, Emily Fess joined Benesch recently to work on medical leave, harassment and other issues.

The firm said its Chicago office has about 35 attorneys, a significant jump from the two attorneys who were there in 2016.

With benefits, Winski does a lot of work taking care of errors in the operations of a benefit plan. Retirement plans are regulated by two federal agencies, so Winski works to make sure plans comply with the rules and that corrections that need to be done are made appropriately. A common issue is employees who are eligible but accidentally excluded from participating in a plan.

On the executive compensation side, she works to make sure compensation agreements comply with the rules and that unworkable promises aren't made.

"We have to be careful that we aren't delivering any benefits to departing executives that we can't do under the terms of the plan," she said, mentioning health care that executives may want to keep, but often can't under certain rules. "Similarly, oftentimes employees will say, 'Well, I still want to get my 401(k) plan contributions during the period I'm receiving severance.' Again, we can't have terminated employees making contributions to the 401(k) plan."

During the debate ahead of the passage of President Donald Trump's tax package, there were

conversations about the bill changing 401(k) plans so that the government could collect tax revenue more quickly from them. That change didn't end up in the bill, Winski said, but it could have had a significant impact on plans themselves.

"One thing we are keeping our eye on, as the government looks to raise revenue to pay for those tax cuts, could they be looking at benefit plans to raise that revenue?" Winski said.

Winski graduated from John Marshall Law School.

O'Donnell, vice chair of the practice group, praised Winski's move.

"I am thrilled about the fantastic labor and employment team we are building in Chicago," O'Donnell said in a statement. "Jessica is one of the top executive compensation and benefit attorneys in the country and a great colleague. We are recruiting legal talent of the very highest caliber and, supported by the firm's leadership, we intend to keep growing."

--Editing by John Campbell.