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John J. Westerhaus

MEMBER

John Westerhaus advises plan sponsors and fiduciaries on the design, implementation, administration, and operation of employee benefit plans, helping clients manage risk while maximizing plan value. He develops practical, cost-effective solutions to complex compliance and fiduciary issues and translates legal requirements into clear, actionable decision points.

John provides plan fiduciaries, committees, executives, and in-house counsel of private, public, nonprofit and governmental employers with advice over the complete lifecycle of their benefit offerings, which includes all manner of qualified and nonqualified retirement plans, insured and self-funded health plans, and non-ERISA fringe benefit plans. He works across a range of industries but with particular emphasis on advising governmental plans and Taft Hartley (multiemployer) plans.

John's practice routinely involves:

- Advising on fiduciary governance, compliance, and operational matters;
- Resolving benefit determination and appeal issues;
- Drafting and amending plan documents, policies, and disclosures;
- Reviewing and negotiating service provider and investment agreements;
- Representing plans in matters before the Internal Revenue Service and U.S. Department of Labor or state-equivalent regulatory agencies; and
- Advising clients on employee benefits issues arising in corporate transactions.

John represents employee benefit plans in litigation and other adversarial proceedings in state and federal courts, including fiduciary and withdrawal liability disputes, allegations of prohibited transaction violations or excessive fee payments, and other alleged failures in the duties of care and loyalty. John also regularly presents and trains on fiduciary, governance, and compliance topics.

PRACTICE AREAS:

Employee Benefits & Executive Compensation

STATE ADMISSIONS:

Maryland

Missouri

Nebraska

Pennsylvania

COURT ADMISSIONS:

Supreme Court of the United States

U.S. District Court for the District of Maryland

U.S. District Court for the District of Nebraska

EDUCATION:

J.D., Washburn University School of Law, 2012

LL.M., University College London, 2013

B.B.A., Washburn University, 2006

NEWS AND INSIGHTS

PUBLICATIONS

- "SCOTUS Rules Against Employer Over Withdrawal Liability Assumptions," Eckert Seamans' Employee Benefits Update, July

2026.

- “Is it Time for a Wellness Program Checkup?” co-author, The Nebraska Lawyer, March/April 2022.

MEDIA COVERAGE

- “ERISA 2025: Preparing for a Litany of Litigation and a New Administration,” quoted, Missouri Lawyers Weekly, January 2025.

SPEAKING ENGAGEMENTS

- “ERISA Prudent Processes: Reducing Errors and Litigation Risk,” co-presenter, Eckert Seamans’ HR Forum, April 30, 2026.
- “A Look Across the Border: Comparing U.S. and Canadian M&A Law,” webinar presentation, September 2025
- “Taft-Hartley Retirement Plans Lunch and Learn,” webinar presentation, May 7, 2025