

James D. Harbert

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About Jim

Leading the firm's employee plans practice, Jim represents clients in a broad range of legal matters involving employee pension, profit sharing, group health, and other employee benefit plans. His engagements include counseling plan sponsors and fiduciaries, as well as defending clients in litigation and in investigations conducted by the Department of Labor and the Internal Revenue Service (IRS). Jim also represents clients in contested tax matters, having started his career as a trial attorney with US Department of the Treasury.

Jim's Affiliations

- Chicago Bar Association
- American Bar Association

Areas of Focus

Industries: Life, Health, Disability & ERISA

Services: Employee Benefits & Executive Compensation ;
Employee Stock Ownership Plans (ESOPs); Employment Litigation;
Labor & Employment; Tax

Experience

- Defended a pension actuary before the US District Court for the Northern District of Illinois brought by the trustee of a defined benefit pension plan alleging that the actuary participated in a prohibited transaction with a company insider and seeking money damages and disgorgement of fees under ERISA. On the facts alleged, the district court dismissed all claims against the actuary.
- Defended a Fortune 500 services company before the US District Court for the Eastern District of New York, alleging a wrongful denial of life insurance benefits. On a motion to dismiss, the federal court dismissed all claims against the firm's client with prejudice before the commencement of discovery.
- Defended a pension actuary before the US District Court for the Northern District of Illinois in a suit alleging that the actuary was a fiduciary under ERISA who breached statutory duties to a defined benefit pension plan. The federal court rejected the allegation that the actuary was a fiduciary under ERISA as implausible and dismissed all the claims against the actuary.
- Secured a favorable outcome for an individual business owner in a case involving a Taft-Hartley pension fund that sought personal liability for millions in unpaid pension withdrawal liability. Following discovery, the pension fund conceded the majority of its claim.
- Represented an individual investor before the US Court of Federal Claims challenging the government's position regarding the timing of the deductibility of a theft loss resulting from the client falling victim to a fraudulent investment scheme that received national notoriety. Following discovery, the case was successfully mediated by a federal judge.
- Secured a favorable outcome for a widow before the US Merit Systems Protection Board, leading to the restoration of her survivor's pension and the commencement of future payments. The US Office of Personnel Management fully conceded its position, paid back pension amounts, and awarded attorney's fees to the client.
- Defended a Fortune 100 retail company in a case before the US District Court for the Northern District of Illinois, alleging a wrongful denial of medical benefits and COBRA continuation coverage. Following the completion of discovery, the court entered summary judgment in favor of the firm's client.
- Represented a closely held corporation before the Illinois Department of Revenue Administrative Hearings Division following a grand jury investigation. On a motion following the discovery of the state's abuse of grand jury secrecy, the administrative law judge removed the state's lead lawyer from the case and suppressed critical parts of the state's evidence.
- Represented a corporate officer before the Illinois Department of Revenue Administrative Hearings Division in a case alleging a failure to ensure that corporate sales and use taxes be paid and personal liability for the taxes, penalties, and interest. After a trial, the administrative law judge found in favor of the officer.
- Defended a corporate officer in the US District Court for the Northern District of Illinois against a claim of personal liability for federal employment taxes. After the government fully conceded the merits of its claim, the federal court ordered an award of attorneys' fees against the government and in favor of the corporate officer.

Recognition

- *The Best Lawyers in America*®, Employee Benefits (ERISA) Law, 2023 – 2026
- *Super Lawyers*, 2005 – 2025
- *Leading Lawyers*, Employee Benefits Law
- Big Shoulders Fund Director's Award, presented by the late Joseph Cardinal Bernardin, for pro bono legal support of inner-city Chicago Catholic schools

Credentials

Education

University of Virginia School of Law, JD

College of William and Mary, BA

Bar Admissions

Illinois

Federal Trial Bar

Court Admissions

US Court of Appeals for the Seventh Circuit

US Court of Federal Claims

US Tax Court

US District Court for the Central District of Illinois

US District Court for the Northern District of Illinois

Interests

Did you know...

Jim is an avid open-water swimmer and endurance athlete, having completed 20 Olympic distance triathlons.

Community/Civic Activities

- National Immigrant Justice Center Pro Bono Program, Volunteer Attorney

Thought Leadership

Presentations

- Co-Presenter, “Fiduciary Responsibility: Understanding Your Duties and Obligations,” Hinshaw’s 29th Annual Labor & Employment Seminar, Schaumburg, Illinois, October 9, 2025
- Co-Presenter, “*The Federalist* Update on Federal Rules,” Hinshaw University, CLE Webinar, August 7, 2025
- Co-Presenter, “’Control’ by Janet Jackson: Controlling Document Discovery Under Rule 34,” Hinshaw University, CLE Webinar, July 18, 2024
- Co-Presenter, “Update on Employee Benefit Plans,” Hinshaw’s 26th Annual Labor & Employment Seminar, Hoffman Estates, Illinois, October 27, 2022
- “Practitioner’s Guide to Government Compliance Issues,” American Bar Association, National Institute on ERISA Basics, Chicago, 2015, 2014, and 2013

Publications

- Chapter 1, “Severance Pay Plans and Arrangements,” *Employment Termination: Procedures, Grounds, and Challenges, 2022 Edition*, Illinois Institute of Continuing Legal Education, August 2022
- Co-Author, Chapter 6, “Employee Plan Issues Arising in Individual Employment Terminations,” *Employment Termination Handbook*, Illinois Institute of Continuing Legal Education, 2013
- Co-Author, Chapter 7, “Special Employee Plan Issues Arising in Mass Employment Terminations,” *Employment Termination Handbook*, Illinois Institute of Continuing Legal Education, 2013

Events

- 26th Annual Labor & Employment Seminar, Thursday, October 27, 2022 | 9:00 a.m. – 5:15 p.m.
- 24th Annual Labor & Employment Seminar, November 7, 2019
- Hinshaw’s 22nd Annual Labor & Employment Seminar, Oct 12, 2017
- Hinshaw’s 21st Annual Labor & Employment Seminar, Oct 20, 2016
- Jim Harbert to Present at Chicago Program for Finance and Human Resource Executives, Apr 29, 2014

Hinshaw Alert

- HHS Issues Draft Application for New Early Retiree Reimbursement Program, Jun 8, 2010

Hinshaw Newsletters

- Employment Practices Alert - November 2010 Edition, Nov 1, 2010
- Employment Practices Alert - April 2010 Edition, Apr 1, 2010

In The News

- Hinshaw Attorneys Antognoli, Burman, and Harbert Author Chapters in IICLE Handbook on Employment Termination, Sep 15, 2022

- Hinshaw Attorneys Contribute Three Chapters to 2018 Edition of IICLE Employment Termination Handbook, Oct 31, 2018

Insights for Employers Alerts

- REMINDER OF JULY 31, 2013 DEADLINE: Employers Sponsoring Self-Insured Health Plans Must Pay New Health Care Reform “Fee” by July 31, 2013, Jul 23, 2013
- June 30th Plan Amendment Deadline for Cafeteria Plans Is Quickly Approaching, Jun 7, 2011
- Employment Practices Alert - May 2010, May 3, 2010
- Health Care Reform: What Employers Need to Know Now, Apr 26, 2010

Press Releases

- 102 Hinshaw Lawyers Recognized in 2026 Editions of *The Best Lawyers in America*® and *Ones to Watch*™, Aug 21, 2025
- 105 Hinshaw Lawyers Recognized in 2025 Editions of Best Lawyers in America and Ones to Watch, Aug 15, 2024
- 101 Hinshaw Lawyers Recognized in 2024 Editions of Best Lawyers in America and Ones to Watch, Aug 17, 2023
- Eighty-Seven Hinshaw Lawyers Recognized in 2023 Editions of Best Lawyers in America and Ones to Watch, Aug 18, 2022
- Hinshaw & Culbertson LLP Receives Life After Innocence Project’s First Annual Howard Joseph Award, Nov 5, 2012

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