

Mark E. Bokert

Partner/Co-Chair

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Areas of Focus

Benefits + Compensation

“Successful companies want to take care of their employees by offering them competitive compensation, short-term and long-term incentive awards, a retirement savings plan, and medical coverage. I help realize these goals while always looking to protect my clients.”

Overview

Mark Bokert, co-chair of the Benefits + Compensation Practice Group, is a leading attorney for all aspects of executive compensation and employee benefits. He advises on wide-ranging matters from incentivizing key employees to plan compliance and administration to multimillion-dollar IRA and pension investments. His clients include large public companies, private mid-size companies, C-suite executives and tax-exempt organizations, many of which he has represented for decades.

Mark derives immense satisfaction from guiding companies and executives through the very complex maze of compensation and benefits laws. Deeply immersed in the world of employee benefits, he knows the market standards, what government audits prioritize and where litigation landmines are buried. Even when the stakes are highest, Mark takes a calm, measured approach, presenting options to help clients achieve goals and minimize risk.

Fluent in “Codespeak,” the language of the Internal Revenue Code, and clear on the interplay of the many laws governing employee benefits, Mark breaks down complex legal concepts into clear terms and deftly steers clients through audits and inquiries. He structures state-of-the-art deferred-compensation arrangements, stock awards, and phantom stock plans, as well as complex employment and separation agreements. Mark also meets with plan committees many times a year, counseling them on their ERISA fiduciary duties and covering such hot topics as cybersecurity and socially responsible investing.

During the COVID-19 pandemic of 2020, Mark sprang into action, participating in webinars and writing articles to update clients on evolving compensation/benefits issues. He was in daily communication with employers regarding the treatment of laid-off and furloughed employees, deferred-salary payments, and

CARES Act distributions. Later, he advised companies on how to retain, motivate and reward returning employees.

Representative Experience

- Created the primary non-qualified deferred compensation vehicle through which holding company executives across all operating companies and businesses can defer base salary and bonuses and through which the company can provide deferred incentives. Handling compliance with Section 409A across all operating companies and businesses.
 - Counseling a global media, marketing and corporate communications holding company's benefit committee overseeing 401(k) and pension plans having assets of approximately \$4 billion. Ensuring compliance with ERISA fiduciary duties, including selecting and monitoring plan investments and service providers, plan fees and DOL audits.
 - Handling all aspects of employee benefits, including compliance with ERISA fiduciary duties, retirement plan compliance, and health and welfare issues for a private equity firm with \$53 billion of assets under management.
 - Handled multiemployer plan withdrawal liability issues and procurement of bonds in connection with a real estate private equity firm's acquisition and sale of hotels and office buildings.
 - Acting as special executive compensation counsellor for board of trustees who approve bonuses and pay increases for executive officers. Advising on compliance with IRC Sections 4958 and 4960 and drafted CEO employment contract and executive bonus plan in collaboration with labor counsel.
 - Handling all aspects of employee benefits for a tax-exempt organization, including compliance with 403(b) and 457. Converted traditional pension and cash balance plan to a variable annuity plan. Regularly advising on health and welfare issues.
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Insights + Events

Alert

The IRS Releases Grab Bag Guidance on the SECURE 2.0 Act
February 1, 2024

Publication

Employee Relations Law Journal | The Need for Employers To Get "Control" of IRS Controlled Group Rules
January 24, 2024

Event

Strafford Webinar | "Cybersecurity and ERISA Retirement Plans: Risks and Best Practices for Plan Sponsors and Fiduciaries"
October 25, 2023

Publication

Employee Relations Law Journal | ESG Investing by ERISA Plan Fiduciaries: The Saga Continues
October 16, 2023

Event

D+G Hosted Event | Protecting Your Business: How to Implement and Enforce Post-employment Obligations in a Hostile Regulatory World
October 4, 2023

Publication

Employee Relations Law Journal | Milestone Retirement Reform Arrives: Key Provisions of SECURE 2.0
May 25, 2023

Event

Strafford Webinar | Avoiding Employee Benefits Pitfalls When Making Workforce Reductions: Section 409A, 401(k) Plans, Health and Welfare Plans
April 18, 2023

Publication

Employee Relations Law Journal | Plan Fee Litigation: The Tide May Be Turning in Favor of Plan Fiduciaries
March 13, 2023

Alert

Employee Benefit Considerations When Making Workforce Modifications
December 9, 2022

Publication

Employee Relations Law Journal | To Disclose or Not to Disclose: Key Takeaways from the CAA's New Broker and Consultant Compensation Disclosure Requirements
December 6, 2022

Press Mention

BestWire | Changing Abortion Legal Landscape Leaves Insurers with Uncertainty
September 9, 2022

Publication

Employee Relations Law Journal | Are Brokerage Windows Broken? Cryptocurrency Release Creates Concern for Plan Fiduciaries
July 11, 2022

Alert

Update: Health Plan Considerations in the Wake of Dobbs v. Jackson Women's Health Organization
June 27, 2022

Publication

Employee Relations Law Journal | Qualified Plan Mistakes Happen: What Plan Sponsors Do Next Is What Matters Most
June 7, 2022

Event

Strafford Publications, Inc. Webinar | 2022 ERISA Fiduciary Duty Litigation
April 13, 2022

Publication

Employee Relations Law Journal | Cryptocurrency Investing by Retirement Plans and IRAs
March 18, 2022

Alert

Key 2022 Updates for Health and Welfare Plans
March 9, 2022

Alert

Plan Coverage of At-Home COVID-19 Testing
January 12, 2022

Publication

Employee Relations Law Journal | Significant Retirement Reform Ahead: Key Takeaways from the
Anticipated SECURE Act 2.0 of 2021
November 17, 2021

Event

Strafford Publications | New IRS Correction Rules for Retirement Plans: Plan Administration, Remediation of
Noncompliance
October 13, 2021

Credentials

Education

St. Louis University (J.D., 1989)
Washington University (A.B., 1986)

Bar Admissions

New York
District of Columbia
Missouri

Associations

Member, Davis+Gilbert Retirement Plans Committee

Member, American Bar Association

— Member, Tax Section

Member, New York State Bar Association

— Member, Qualified Plans Subcommittee

Member, Advisory Board, *Employee Relations Law Journal*