



Rick Pautler

Senior Counsel

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PRACTICES

- ERISA Litigation
- Insurance Litigation

EDUCATION

- University of Illinois at Urbana-Champaign, J.D., magna cum laude, 1980, Managing Editor, University of Illinois Law Journal, 1979-1980, B.S., summa cum laude, 1977

Rick devotes his entire practice to the defense of employers in ERISA litigation related to pension, life, health, and disability benefits, both self-funded and insured.

In his 30-plus years of experience in ERISA litigation, Rick has appeared as lead counsel in more than 100 reported ERISA district court opinions originating from more than 30 district courts, and 30 ERISA appellate court opinions originating from eight different circuits. A number of those opinions are cited today as precedents in key areas of ERISA law, including "serious consideration" in the context of early retirement programs, whipsaw calculations in cash balance plans, and the enforceability of forum selection clauses.

Rick's deep experience in ERISA litigation allows him to assess newly filed claims and quickly zero in on a suit's key issues and the best avenue for its timely disposal. He has served as national ERISA counsel for Fortune 500 companies, and successfully defended clients in matters across the country, including in California, Florida, Illinois, Indiana, Kansas, Michigan, and all of the 8th Circuit.

Rick has defended against claims brought against pension plans and welfare plans, as well as their fiduciaries, and also counsels governmental and church plans. He has successfully defended clients who have been the subject of DOL investigations and actions.

Named the 2022 St. Louis Lawyer of the Year for Litigation - ERISA by "Best Lawyers®" (BL Rankings), Rick is a member of the American College of Employee Benefit Counsel. He is the only ACEBC Fellow in Missouri who devotes his practice to defending ERISA litigation.

Experience

- *Preville v. PepsiCo Hourly Employees Retirement Plan*, 2016 WL 2942612, 649 Fed. Appx. 63 (2nd Cir. May 20, 2016)
- *Jones v. PepsiCo., Inc.*, No. 15-CV-01426 (SN), 2016 WL 2642676 (S.D. NY May 6, 2016)
- *Cocker v. Terminal R.R. Ass'n of St. Louis Pension Plan For Nonschedule Employees*, 817 F.3d 337 (7th Cir. 2016)
- *Kutten v. Sun Life Assurance Company of Canada (US)*, 759 F.3d 942 (8th Cir. 2014)

ADMISSIONS

- Illinois
- Missouri
- Arkansas USDC, Eastern District
- Arkansas USDC, Western District
- Illinois USDC, Central District
- Illinois USDC, Northern District
- Illinois USDC, Southern District
- Indiana USDC, Northern District
- Indiana USDC, Southern District
- Kansas USDC
- Michigan USDC, Western District
- Missouri USDC, Eastern District
- Missouri USDC, Western District
- Nebraska USDC
- US Ct Appeals, 1st Circuit
(Covers ME, MA, NH, RI, Puerto Rico)
- US Ct Appeals, 2nd Circuit
(Covers CT, NY, VT)
- US Ct Appeals, 5th Circuit
(Covers LA, MS, TX)
- US Ct Appeals, 7th Circuit
(Covers IL, IN, WI)
- US Ct Appeals, 8th Circuit
(Covers AR, IA, MN, MO, NE, ND, SD)
- US Ct Appeals, 9th Circuit (AZ, CA, HI, ID, MT, NV, OR, WA, Guam, M. Isles)
- US Ct Appeals, 10th Circuit
(Covers CO, KS, NM, OK, UT, WY)
- US Ct Appeals, 11th Circuit
(Covers AL, FL, GA)
- US Supreme Ct

REPRESENTATIVE CLIENTS

- PepsiCo, Inc.
- The Standard Insurance Company
- Sun Life Assurance Company of Canada
- Xerox Corporation

- *Hankins v. Standard Ins. Co.*, 677 F.3d 830 (8th Cir. 2012)
- *Ghuri v. Johnson & Johnson Long Term Disability Plan*, 2010 WL 4860888 (9th Cir. Nov. 30, 2010)
- *Jenkins v. Price Waterhouse Long Term Disability Plan*, 564 F.3d 856 (7th Cir. 2009)
- *Pendleton v. QuikTrip Corp.*, 567 F.3d 988 (8th Cir. 2009)
- *Keach v. U.S. Trust Co., N.A.*, 313 F.Supp.2d 818 (C.D. Ill. 2004)

Recognitions

- Named Lawyer of the Year for Litigation - ERISA in St. Louis by Best Lawyers, (by BL Rankings) 2015; 2018, 2020; 2022
- Listed in Missouri & Kansas Super Lawyers, (by Thomson Reuters) 2005-2006, 2009-2021
- Listed in The Best Lawyers in America, (by BL Rankings) 2008-2024
- Fellow American College of Employee Benefits Counsel

Presentations

- "The DOMA Decision: What Plan Sponsors Need to Know"; sponsored by BAMSL, July 2013
- "Governmental Plans, Church Plans, and the Safe Harbor"; sponsored by DRI Life, Health, Disability and ERISA Litigation Conference, Boston, MA, April 27, 2011
- "ERISA Litigation Update"; sponsored by BAMSL, September 2011
- Preparing a Good Administrative Record; American Conference Institute New York City, NY, October 19, 2009
- ERISA Disability Cases After Glen; sponsored by BAMSL, May 2009
- ERISA Fiduciary Duties; sponsored by BAMSL, April 2009

Publications

- "Choice of Law Provisions in ERISA Plans Will Not Result in Uniformity"; *Benefits Law Journal*, Vol. 32, No. 3, Autumn, 2019
- "Statute of Limitations Issues in ERISA § 510 Claims"; *DRI Voice*, Vol. 9, Issue 2, January 13, 2010
- ERISA: Jumpstarting Limitations; *DRI The Voice*, Vol. 8 Issue 45 Nov. 11, 2009
- "Issue Preclusion in ERISA Benefits Litigation: Should New Claims Be Permitted After Denial"; *DRI ERISA Report*, Vol. 3 Issue 2, December 12, 2008
- "Marketability Discounts in ESOP Redemptions: *Armstrong v. LaSalle Bank Nat. Ass'n*"; *Benefits Law Journal*, Vol. 20, No. 2 at 31, Summer 2007

AFFILIATIONS

- Federal Practice Committee,
USDC for the Eastern District of
Missouri
- Bar Association of Metropolitan
St. Louis
- Illinois State Bar Association
- American Bar Association, - Tort
and Insurance Practice Section, -
ERISA Subcommittee of
Committee, - Employee Rights
and Responsibilities
- Missouri Bar
- Defense Research Institute

EMPLOYMENT

- Thompson Coburn LLP Partner,
1997-Present
- Peper Martin Jensen Maichel &
Hetlage Partner, 1980-1997