Richard N. Bien

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PRACTICE AREAS

Nonprofit & Tax-Exempt Organizations

Social Enterprises & Social Entrepreneurship

ERISA, Life, Health & Disability Litigation

Insurance Recovery & Counseling

Litigation

Antitrust & Trade Regulation

Class Action Defense

eDiscovery: Data, Records & Information Governance

General Business & Complex Commercial Litigation

COURT MEMBERSHIPS

- Missouri
- U.S. Court of Appeals for the First Circuit

Rick Bien's litigation practice involves defense of class action claims and other claims for financial services companies; employee benefit plans; life, health and disability insurance defense; Employee Retirement Income Security Act of 1974 (ERISA); employee stock ownership plans (ESOPs); trust company and financial litigation; insurance professional liability litigation and insurance coverage litigation.

Rick has been in the forefront of ERISA and employee benefit litigation. He was lead counsel in the leading case concerning preemption of state "penalty" statutes. Additionally, he has handled hundreds of litigated matters defending claims handling activities by insurers, plan administrators and other ERISA and non-ERISA regulated fiduciaries. His practice includes frequent representation of health insurers, health plan fiduciaries and health plan third-party administrators (TPAs) in provider disputes, provider contract disputes and plan participant claim litigation as well as anti-trust litigation. Further, he represents plans and plan service providers in Department of Labor investigations.

Rick has defended dozens of class action matters involving benefit plans, ERISA, financial services, consumer protection claims, claims involving collective investment trusts, individual retirement account (IRA) administration and trustee services, and ESOP litigation along with Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), privacy, warranty claims, merchandising practices, insurance sales practices and lending practices.

- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Kansas
- U.S. District Court for the Western District of Missouri

EDUCATION

University of Missouri-Columbia School of Law, J.D., 1983

University of Missouri-Columbia, B.S.P.A., 1979

Events

- State of Litigation Virtual Event Series
  Session 1 - Wednesday, June 9; Session 2 - Wednesday, June 16; Session 3 - Wednesday, June 23
- State of Litigation Virtual Event Series
  Session 1 - Thursday, July 16; Session 2 - Thursday, July 23; Session 3 - Thursday, July 30
- 2019 State of Litigation
  June 6, 2019
- 2018 Kansas City State of Litigation
  June 12, 2018

Presentations

- Speaker, ACI's National Forum on ERISA Litigation - *Equitable Remedies under (a)(3)* - September 2016, March 2017
- Speaker, ACI's Employee Benefit Plans *Claims Against Fiduciaries Excessive Fee Claims,* November 2015, March 2016
- Speaker, ACI's National Forum on Litigating Disability Insurance Claims, *FCEs and IMES,* January 2013, January 2014
- Speaker, DRI's Life, Health and Disability/ERISA Conference, *Investigation, IMEs and FCEs,* April 2014
- Moderator, *Procedure Matters: The New AAA Arbitration Rules and Proposed Changes to the FRCP,* Lathrop Gage's State of Litigation, June 2014
- Moderator, Lathrop Gage's State of Litigation, June 2013
- Speaker, ACI's Life Insurance and AD&D Claims Litigation, July 2013, July 2012
- Speaker, Strafford teleconference/webinar, "ERISA Benefits Claims After *Metlife v. Glenn*," December 3, 2009
- Webcast: DRI - Extra-Record Discovery Requests Post-Glenn

Client Alerts And Blog Posts

- Missouri Governor Signs Bill on COVID-19 Civil Actions
  July 13, 2021
- Eleventh Circuit Breaks “New Ground” for Common Class Action Practice: Incentive Awards Banned by 1880s Supreme Court Precedent
  September 23, 2020

- COVID-19 Leads to New Class Actions
  April 30, 2020

In The News

- Tesla Scores Win In Missouri Court of Appeals
  December 8, 2017
- Lathrop Gage Featured in Three-Part Series on LPM Initiatives
  November 21, 2017
- Insurance Law Daily: Lathrop Gage Obtains Favorable Decision for Insurance Company
  August 25, 2014
- The Countian: Lathrop Attorneys Network with Colleagues on the Run
  August 3, 2010

News Releases

- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©
  August 17, 2023
- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America©
  August 18, 2022
- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America©
  August 19, 2021
- Lathrop GPM Attorneys Named to The Best Lawyers in America©, Lawyer of the Year, and Ones to Watch for 2021
  August 20, 2020
- Missouri & Kansas Super Lawyers Recognizes 42 Lathrop Gage Attorneys
  November 13, 2019
- Best Lawyers in America 2020 Names 72 Lathrop Gage Attorneys; 13 Lawyers of the Year
  August 15, 2019
- Super Lawyers Recognizes 47 Lathrop Gage Attorneys in Missouri and Kansas
  November 14, 2018
- Three Lathrop Gage Partners Named Among Kansas City Business Journal's Best of the Bar
  August 30, 2018

- Best Lawyers in America Recognizes 70 Lathrop Gage Attorneys
  August 15, 2018
- Richard Bien Appointed to Governing Council of American Bar Association's Center for Innovation
  August 14, 2018
- Super Lawyers Recognizes 57 Attorneys from Lathrop Gage in Missouri and Kansas
  November 9, 2017
- Best Lawyers in America Recognizes 78 Lathrop Gage Attorneys
  August 15, 2017
- Best Lawyers in America Recognizes 78 Lathrop Gage Attorneys
  August 16, 2016
- Super Lawyers Recognizes 71 Lathrop Gage Attorneys
  October 14, 2013
- 81 Lathrop Gage Attorneys Named "Best Lawyers in America"
  August 15, 2013
- 75 Lathrop Gage Attorneys Named Missouri & Kansas Super Lawyers
  October 15, 2012
- 80 Lathrop Gage Attorneys Named "Best Lawyers in America"
  August 22, 2012
- 54 Lathrop Gage Attorneys Named Missouri & Kansas Super Lawyers
  November 1, 2011
- Lathrop Gage Obtains Reversal in 8th Circuit
  July 28, 2011
- 62 Lathrop Gage Attorneys Recognized by Super Lawyers Magazine
  October 13, 2010
- 59 Lathrop Gage Attorneys Named Best Lawyers in America
  August 6, 2010
- 56 Lathrop Gage Attorneys Named Best Lawyers in America
  August 3, 2009
- Business Litigators Named Super Lawyers
  March 21, 2008

Professional Affiliations

- American Bar Association

- Governing Council, Center for Innovation, 2018 - 2021
- Commission on Issues Affecting Women in the Profession, 2014-present
- House of Delegates, 2006-2014, 2016-2017
- Judicial Division, Chair, 2003-2004; Lawyers' Conference, Chair, 2000-2001
- Young Lawyers Division, Assembly Speaker

- Missouri Supreme Court Commission on Racial and Ethnic Fairness, Practice of Law Committee - 2015-present
- Missouri Interest on Lawyers Trust Account Foundation Board (IOLTA) - Board, 2005; President, 2008
- DRI, Life, Health and Disability/ERISA Committee Member
- Missouri Bar Board of Governors, 1996-2004; Executive Committee, Finance Committee
- Lawyers Association of Kansas City, Director, 1993-1997, 2008-2012; past president, Young Lawyers' Section

Community Involvement

- Make-A-Wish of Missouri Foundation, State Foundation Board, 2012-present; Kansas City Regional Board, 2010-present; President, 2012-2015
- Blue Valley Recreation Commission, Chairman, 1999-2000; Commissioner, 1996-2004

Honors

- Selected among *The Best Lawyers in America*®, 2007-2024
  - "Lawyer of the Year," 2017, 2021
- Named as *Super Lawyer,* Super Lawyers Corporate Counsel Edition, (2018 and multiple years)
- Selected for Missouri/Kansas *Super Lawyers,* 2005-2018
- Selected by peers, Best of the Bar, *Kansas City Business Journal* (2018 and multiple years)
- *Who's Who in American Law*
- American Jurisprudence Award in Torts
- Thomas E. Deacy Award in Trial Advocacy
- University of Missouri School of Law - Distinguished Recent Graduate

- Martindale-Hubbell® "AV Preeminent" and "AV Preeminent - Judicial Edition" Rating