



JEFFREY S. RUSSELL

Senior Counsel

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BIOGRAPHY

Jeffrey Russell concentrates his practice on the trial and litigation of complex class action and shareholder derivative cases. He serves as Co-Leader of the Firm's ERISA and ESOP Class Action Team. He has defended Fortune 500 clients in dozens of consumer fraud, ERISA, antitrust and securities class actions in federal and state courts in Missouri and throughout the United States and before the Judicial Panel on Multidistrict Litigation. He has also defended directors and officers in direct and derivative actions and investigations concerning mergers, acquisitions and other corporate decision-making as well as related insurance issues. Mr. Russell has written and spoken nationally on class action and employee benefits litigation.

In addition to complex commercial litigation, Mr. Russell has prosecuted and defended non-competition and trade secret cases and provided counseling and drafting in connection with the protection of confidential and proprietary information.

AREAS OF FOCUS

- ERISA & ESOP

CIVIC INVOLVEMENT & HONORS

- Chambers USA, 2010
- Law clerk for the Hon. John F. Nangle, Eastern District of Missouri (1985-87)
- Combined Health Appeal of Greater St. Louis – Director and Secretary
- United Way of Greater St. Louis – Director
- Bonhomme Presbyterian Church – Elder and Clerk

ADMISSIONS

- Missouri, 1985
- United States Supreme Court
United States Courts of Appeals for the Third, Sixth, Seventh, Eighth, Ninth and Eleventh Circuits
United States District Courts for the Southern District of Illinois and Eastern and Western Districts of Missouri

EDUCATION

Harvard University, J.D., 1985

University of Missouri, B.A., with honors, 1982

RELATED PRACTICE AREAS

- Class Actions & Mass Torts
- Financial Services
- Antitrust Class Actions
- Shareholder Securities and Mergers & Acquisitions
- Food, Ag & Nutrition (Class Actions)
- Employment Class & Collective Actions
- Sports (Class Actions)

- Data Privacy, Telecommunications & Collections
- Toxic Tort
- Pensions
- Share Plans & Incentives
- Banking & Finance Disputes
- Litigation & Dispute Resolution
- Finance
- Consumer Fraud
- Insurance (Class Actions)
- Pharmaceutical & Medical Devices (Class Actions)
- Enforcement
- Litigation
- Regulation
- Class Actions
- Plan Design & Implementation
- Plan Administration & Fiduciary Issues
- Welfare Plans
- Interdisciplinary Privacy/HIPAA Practice
- Practice Before Government Agencies
- ERISA & Employee Benefits Litigation
- International Pensions & Benefits Practice
- Executive & Deferred Compensation
- ERISA & ESOP
- Business & Commercial Disputes
- Employee Benefits & Executive Compensation
- Corporate
- Consumer Finance Disputes
- Fiduciary Disputes
- Securities Litigation and Enforcement

EXPERIENCE

EMPLOYEE BENEFITS

- Successfully represented aircraft manufacturer in ERISA class action regarding 401(k) plan fees, resulting in settlement at start of trial.
- Appellate counsel for diversified manufacturer in ERISA class action regarding 401(k) plan fees; significant portion of judgment and attorney's fees award reversed.

- Counsel for public utility in ERISA class action regarding retiree health care benefits. Class certification defeated, summary judgment granted and affirmed by Seventh Circuit.
- Appellate counsel for public utility in ERISA class action involving cash balance plan; significant portion of judgment reversed on appeal.
- Counsel for agricultural products company in ERISA class actions regarding vesting of pension benefits. Class certification denied. Individual judgment reversed on appeal to Eleventh Circuit.
- Counsel for defense contractor in four ERISA class actions involving retiree health care benefits, resulting in settlement without payment by company after summary judgment.
- Successfully represented steel manufacturer in ERISA class action regarding plant closing, resulting in summary judgment granted and affirmed on appeal.

SECURITIES, FINANCE AND CORPORATE GOVERNANCE

- Counsel for national bank in multi-district securities litigation involving nation's largest bank merger.
- Counsel for numerous public companies and their directors and officers in numerous shareholder class actions seeking to enjoin mergers.
- Counsel for 16 Oklahoma savings and loan associations in multi-district litigation securities cases in Oklahoma, Missouri, California, North Dakota and Colorado.
- Counsel for defense contractor in various shareholder derivative actions arising out of various government defense contracts; dismissed by plaintiffs.
- Represented diversified consumer products company in claims against investment banker for professional malpractice in connection with advice provided during hostile tender offer and sale of major division; client received \$18.5 million.
- Counsel for national bank in numerous cases involving testamentary and non-testamentary trusts and claims involving breach of fiduciary duty.

CONSUMER FRAUD

- Successfully represented large portfolio debt collector in consumer fraud lawsuit filed by Missouri Attorney General, obtaining dismissal and affirmance of that dismissal on appeal.
- Defending HVAC manufacturers in class action concerning UL-certification and safety devices

- Served as counsel for automobile manufacturers in dozens of class actions involving consumer fraud claims and a wide variety of alleged product defects, including paint, four-wheel drive systems, transmissions, frames and engines.
- Represented national banks and other lenders in various class actions involving mortgage servicing.
- Successfully defended national bank in Ponzi scheme litigation, obtaining summary judgment on all claims.
- Served as counsel for professional medical organization in more than 250 cases consolidated in federal multi-district litigation proceedings; motions to dismiss granted in all cases.

ANTITRUST

- Defended animal nutrition manufacturer in defense of over 40 class actions and related foreign proceedings involving alleged international price-fixing cartel.

RESOURCES

PUBLICATIONS

- Contributing Author, ABA Antitrust Section, *Antitrust Class Actions Handbook*
- "Identifying the Proper Party Defendant in ERISA Benefits Claims: a Circuit Survey," *Pension & Benefits Daily*, June 14, 2010
- "Class Definition Requirement Plays Critical Role In Missouri Supreme Court Decisions," BNA Class Action Litigation Report, December 12, 2008
- "Supreme Court: You Can Sue Your Boss," Interview with Jeffrey S. Russell, Kiplinger's Personal Finance, May 2008; Washington Post, May 18, 2008
- *Missouri Corporation Law & Practice, Hansen & Lents, contributor to Chapter 5, "Suits Against Directors, Officer or Shareholders,"* 6th ed., 2007
- "SLUSA Uniformity a Casualty of Kircher v. Putnam Funds Trust," Securities Regulation & Law Report August 21, 2006 Class Action Litigation Report, July 14, 2006

SPEAKING ENGAGEMENTS

- "Pleading, Defending and Settling Class Actions: Emerging Trends," national teleconference presenter, May 13, 2008 and December 9, 2008

- "Reducing Retiree Benefits," national teleconference presenter, September 12, 2006
- "The Class Action Fairness Act: One Year Later, Promise Delivered or Worst Fears Realized?" national teleconference presenter, March 9, 2006

RELATED INSIGHTS

News

Jan 26, 2023

BCLP advises Geshel I Acquisition Corp in de-SPAC business combination with Freightos

Blog Post

May 27, 2020

Delaware Court of Chancery Again Declines to Dismiss a Caremark Oversight Failure Claim

News

Feb 13, 2020

BCLP Represents XBiotech in Asset Sale to Johnson & Johnson

Blog Post

Feb 09, 2018

Seventh Circuit Holds that ERISA does not Preempt State "Slayer Statute"

Blog Post

Nov 17, 2017

Biometric Privacy Targeted In Increased Class Action Litigation in Illinois

Blog Post

Sep 08, 2014

Lenders and Collectors Beware: Missouri Expands Coverage of Consumer Protection Act

Blog Post

Jul 17, 2014

The Moench Presumption is Dead - Long Live the Dudenhofer Presumption

Blog Post

May 08, 2013

Collective Bargaining Agreements: Creating Vested Retiree Medical Benefits

Blog Post

Apr 16, 2013

Supreme Court to Hear Case on Accrual of Causes of Action Under ERISA

