

Richard D. Deutsch



Partner

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Rich is a litigation partner who focuses his practice on both commercial litigation and international arbitration. His practice includes all aspects of energy disputes as well as claims involving financial institutions. In the area of international arbitration, Rich has represented and advised clients in commercial arbitrations and in investor-state arbitrations arising from bilateral investment treaties and the North American Free Trade Agreement, including representation of the claimant in the largest award rendered in a NAFTA claim. He has experience representing clients in ad hoc arbitrations under the UNCITRAL Rules, as well as institutional arbitrations under the rules of the ICSID Convention, AAA (ICDR), ICC and the Cairo Regional International Arbitration Centre. He has advised clients on arbitration issues arising in North America, South America, North Africa, Sub-Saharan Africa and China. Rich was recognized as a Rising Star in international law by *Texas Monthly Magazine* (2011 and 2012).

In the area of commercial litigation, Rich has represented clients in both federal and state court. He has experience defending corporations, officers and/or directors in securities and class action litigation. His most recent experience includes defending U.S. and Canadian energy companies in securities matters filed in state court, representing BP North America in a wide range of commercial matters, and defending BBVA Compass Bank in class action consumer claims and general commercial disputes. At a prior firm, Rich gained substantial securities experience defending a major Canadian bank in three multi-million dollar lawsuits arising out of the Enron bankruptcy. He was recognized as a Future Star in litigation by *Benchmark Litigation* in its annual survey of America's Leading Litigation Firms and Attorneys (2009).

Rich is an adjunct professor at the University of Texas School of Law teaching "International Investor-State Arbitration" and "International Commercial Arbitration." He is on the adjunct faculty for the St. Gallen (Switzerland) Executive Master of International Business Law Program. He is on the Advisory Board of the University of Texas School of Law's Center for Global Energy, International Arbitration and Environmental Law. He is on the Steering Group of the ABA's International Arbitration Committee after serving as Vice Chair in 2010, and is on the Advisory Board of the Institute for Transnational Arbitration, and is a member of the American Society of International Law (Dispute Resolution, International Courts and Tribunals), and is Former Chair of the International Law Section of the Houston Bar Association. Rich has authored several published articles on international arbitration-related topics.

Rich has advised companies in matters related to corporate investigations, including compliance with the FCPA, in Nigeria, Mexico, China, Iraq and Libya. Rich has assisted in the representation of an energy services company regarding an SEC and DOJ

INDUSTRIES

Construction
Energy
Energy Services
Natural Gas
Oil and Gas
State Regulatory

PRACTICES

Anti-Corruption and the Foreign Corrupt Practices Act (FCPA)
Arbitration/Mediation
Banking/Finance Litigation
Central Asia/China
Commercial Litigation
Corporate
Corporate Compliance, Investigations and Defense
Energy
Energy Disputes and Litigation
International
Latin America/Caribbean
Litigation
Middle East
Oil and Gas Disputes
Securities Litigation

EDUCATION

JD, 2002, Southern Methodist University Dedman School of Law, *SMU Law Review*, Managing Editor (2001-2002)
BA, 1992, Journalism, University of Texas
BA, 1989, English, University of Texas

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investigation into transactions implicating the FCPA. He has also assisted in the representation of an oil company regarding an investigation by the U.S. Commodity Futures Trading Commission. Rich recently co-authored an article on recent trends in FCPA prosecutions and has made presentations on the FCPA.

He was an intern for the Honorable Judge George P. Kazen in the U.S. District Court for the Southern District of Texas and the Honorable Judge A. Joe Fish in the U.S. District Court for the Northern District of Texas. Rich was Managing Editor of the *Southern Methodist University Law Review* during 2001-2002. A former sportswriter, Rich wrote extensively for *Sports Illustrated*, *The Washington Post*, *The Miami Herald*, *The Austin American-Statesman*, *The Houston Post* and *Texas Monthly Magazine*.

PUBLICATIONS

- "An ICSID Tribunal Denies Jurisdiction for Failure to Satisfy BIT's 'Cooling-Off' Period: Further Evidence of a Sea Change in Investor-State Arbitration or a Meaningless Ripple?" *University of Houston Law Center Journal of International Law* (October 31, 2011)
- "FCPA Prosecution: Lessons Learned from Deferred and Non-Prosecution Agreements" *International Bribery: FCPA Update 2011, Thompson Reuters/Westlaw Expert Commentary Series* (February 2011)
- "Inside the Minds: Emerging Applications for ADR," author of chapter: "International ADR Developments: Innovative Approaches to Resolving New Types of Disputes" (January 2010)
- "FCPA Prosecution: Lessons Learned From Deferred and Non-Prosecution Agreements," (co-author) *White-Collar Crime Andrews Litigation Reporter* (August 2009)
- "Protecting Energy Projects From Political Risk by Treaty Planning: Pitfalls & Guidelines," (co-author) *American Bar Association Energy Law Journal* (Winter 2009)
- "Importance of Choice of Arbitral Seat," *Institute for Transnational Arbitration's News & Notes Newsletter* (Fall 2008)
- "Options for the Nervous Investor in Venezuela: Structuring for BIT Protection and Preserving the ICSID Option," *Oil, Gas & Energy Law/Transnational Dispute Management, Special Issue on Venezuela, Vol. 5, Issue 2* (2008)
- "Accounting for Uncertainty in Discounted Cash Flow Valuation of Upstream Oil and Gas Investments," *Journal of Energy and Natural Resources Law, Special Issue on Energy and Natural Resources Disputes and their Resolution, Vol. 25, No. 3; Reprinted Transnational Dispute Management, Vol. 4, Issue 6, November 2007* (Fall 2007)
- "ADC v. Hungary: ICSID Tribunal's application of unique valuation method and its impact on future BIT awards," *Oil, Gas & Energy Law/Transnational Dispute Management, Special Issue on Compensation/Damages, Vol. 4, Issue 3* (June 2007)
- "Structuring Energy Projects for Investment Treaty Protection," *Rocky Mountain Mineral Law Foundation Conference on International Mining and Oil and Gas Law, Development and Investment* (April 2007)
- "Wind Power and Other Renewable Energy Projects," *Rocky Mountain Mineral Law Foundation Journal* (2005)

ADMISSIONS

Texas 2002
US Court of Appeals for the Fifth Circuit
US Court of Appeals for the Seventh Circuit
US District Court for the Southern District of Texas

LANGUAGES

Spanish

Richard D. Deutsch

- "Civil False Claims & Qui Tam Actions Update," *Page Keeton Civil Liability Conference* (October 2004)
- "CMS vs. Argentina – The Decision of the International Centre for the Settlement of Investment Disputes and its main consequences for the practice," *Sellier (Germany) European Law Publishers* (January 2004)
- "The Commerce Clause as Shelter for Discrimination," *SMU Journal of Air Law & Commerce* (Fall 2002)
- "When is an Expert's Departure From Instructions Deemed to be Material?" *Stockholm Arbitration Report* (2002)
- "Eleventh Circuit Holds that Regulations Prohibiting the Sale of Religious Literature at Miami International Airport are Unconstitutional," *SMU Journal of Air Law & Commerce* (Spring 2001)

PROFESSIONAL RECOGNITION

- Texas Rising Star, *Texas Monthly* (2011-2012)
- Future Star, *Benchmark Litigation* (2009)

BRIEFINGS, SEMINARS & SPEECHES

- 24th Annual ITA Workshop: The Final Curtain: Post-Hearing Submissions, Deliberations and Enforcement (June 21, 2012)
- "Scenarios: Testing Your International Arbitration Clauses," presenter at Advanced Contract Risk Management for Oil and Gas program, Houston Texas (May 14, 2012)
- "Appointment of Arbitrators: Should Arbitrators Be Appointed By The Parties?," Panelist, Institute for Transnational Arbitration, 1st Annual Winter Roundtable on the Fundamentals of International Arbitration, San Francisco, California (February 2012)
- "A Mock Arbitration Involving International Investment Claims Arising from the U.S. Financial Crisis," presenter at the ABA International Law Section Fall Meeting, Dublin, Ireland (October 2011)
- "Dispute Resolution Planning to Protect Assets in Emerging Markets," guest lecturer at SMU Dedman School of Law, Dallas, Texas (October 2011)
- "The Empires Strike Back: A New Era In Investor/State Arbitration?" Panelist for presentation to Houston Bar Association's International Law Section, Houston, Texas (October 2010)
- "Dispute Resolution Planning to Protect Assets in Emerging Markets," adjunct faculty, St. Gallen (Switzerland) University Executive Masters of International Business Law Program, Austin, TX (November 2007, November 2008, November 2010)
- "International Investor-State Arbitration," adjunct professor of law at the University of Texas School of Law, Austin, TX (Spring 2010, 2011)
- "Dispute Adjudication Boards: Duties and Responsibilities Under the ICC Dispute Board Rules," presented at conference titled "Using Dispute Boards to Corral Construction Disputes," sponsored by the Dispute Resolution Board Foundation, AAA and the ABA's Forum Committee on the Construction Industry, Houston, TX (October 2009)
- "Structuring a Career in International Law," panelist at Texas State Bar International Law Section's Student Outreach Program (January 2009, February 2009)
- "The Role of In-House Counsel in International Arbitration," presented to Houston Bar Association International Law Section, Houston, TX (January 2009)
- "Managing Risks in Corporate Investigations - Overview of 2008 and Preview of 2009," Andrews Kurth Panel Discussion, Houston, TX (January 2009)
- "Investment Treaty Arbitration," guest lecturer at The University of Texas School of Law, Austin, TX (November 2006, March 2008)
- "The Practice of International Law," guest lecturer at The University of Texas School of Law, Austin, TX (May 2008)

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- "The Foreign Corrupt Practices Act: New Developments and Emerging Trends in FCPA Enforcement," panelist at presentation to Houston Bar Association International Law Section, Houston, TX (January 2008)
- "How to Protect Investments Abroad, BIT by BIT," presentations for CEE-UT New Era in Oil, Gas and Power Value program, Houston Branch-Federal Reserve Bank of Dallas, Houston, TX (May 2005, May 2006, May 2007, May 2008)
- "Structuring Foreign Investments for Investment Treaty Protection," presented to International Law Section of Houston Bar Association, Houston, TX (April 2007)
- "Wind Power and Other Renewable Energy Projects," presented at Rocky Mountain Mineral Law Foundation's Institute on Natural Resources Development in Indian Country, Albuquerque, New Mexico (October 2005)

AFFILIATIONS

- American Society of International Law
- Bar Association of the Fifth Federal Circuit
- American Bar Association, Section of International Law, International Arbitration Committee (Steering Group & Vice-Chair)
- American Bar Association, Construction Law Section
- Institute for Transnational Arbitration (Advisory Board)
- Houston Bar Association
 - International Law Section (Chair 2010-11, Vice-Chair 2009-10, Counsel)
 - Houston Bar Association Law & the Media Committee (Chair 2006)
- Houston International Arbitration Club
- International Centre for Dispute Resolution (Associate)
- Chartered Institute of Arbitrators (Associate ranking)
- University of Texas School of Law, Center for Global Energy, International Arbitration and Environmental Law (Advisory Board)
- USCIB/ICC Young Arbitrator's Forum
- Texas State Bar - International Law Section
- Houston World Affairs Council
- United Way of Greater Houston, Young Leaders

IN THE NEWS

- Quoted in "San Francisco: Three Debates on Three Hot Topics," (featured panelist) *Global Arbitration Review* (February 2012)

PRESS RELEASES

- Andrews Kurth Lawyers Recognized as 2012 Texas Rising Stars (March 9, 2012)
- Andrews Kurth Elects Eight New Partners for 2012 (November 28, 2011)
- Andrews Kurth Lawyers Recognized as 2011 Texas Rising Stars (March 17, 2011)
- Andrews Kurth's Richard Deutsch Named UT Co-Adjunct Professor (December 23, 2009)