

Thomas J. Perich



**Partner**

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**INDUSTRIES**

Banking/Finance  
Construction  
Energy Transactions  
Real Estate

**PRACTICE AREAS**

Banking/Finance  
Bankruptcy/Restructuring  
Corporate/Securities  
International  
Project Finance  
Real Estate  
Subprime and  
Distressed Assets

**EDUCATION**

JD, 1975, honors, The  
University of Texas  
School of Law, Texas  
Law Review, Order of  
the Coif  
MA, 1971, honors,  
Economics, The  
University of Texas  
BSFS, 1967,  
Georgetown  
University--School of  
Foreign Service

**ADMITTED**

Texas 1976  
Southern District of  
Texas

**LANGUAGES**

German

Tom is the Managing Partner of the Houston office and a member of the firm's Policy Committee. Tom centers his practice in the areas of banking and finance. The matters on which he has counseled clients include:

- documentation of domestic and international commercial, construction, real estate development and energy (focusing on upstream and E&P) loans
- leasing and project finance
- monetization and structured finance, including off-balance-sheet financing, production payments, prepaid forward contracts, and credit insurance
- bank regulatory issues
- workouts and restructurings, with extensive experience in creditors' rights and bankruptcy
- lender liability and usury

Tom has also represented banks and bank holding companies before state and federal regulatory and administrative agencies, and in the acquisition and disposition of banks and bank assets.

**REPRESENTATIVE EXPERIENCE**

- Borrower/Developer Team Leader on portfolio project finance project named "International Deal of the Year" by Project Finance Magazine that included client ANP Funding I and its parent, American National Power, Inc., in the \$1,375,900,000 financing of five gas-fired power plants located in the States of Texas and Massachusetts. The affiliates included International Power plc. The bank group was led by five lead arrangers, ABN AMRO Bank, N.V., Citibank, N.A., Deutsche Bank AG New York Branch, ING (U.S.) Capital LLC and Socit Gnrale, New York Branch and included approximately a dozen other banks, funds and financial institutions
- Counsel to JP Morgan Chase, as administrative agent, on \$800,000,000 syndicated floor plan and acquisition facility to Asbury Automotive Group, Inc.
- Counsel to JPMorgan Chase, as administrative agent, on \$1 billion syndicated floor plan and acquisition facility to Group 1 Automotive, Inc.
- Counsel to JPMorgan Chase in a \$110,000,000 equivalent multi-currency facility to Dynamic Materials Corp.
- Counsel to Wells Fargo, as administrative agent, on a \$70,000,000 revolving credit and term facility to Petroleum Wholesale, Inc.

## Thomas J. Perich

- Counsel to ArcLight Capital Partners in formation of joint venture with Quest Energy and acquisition and financing of oil and gas properties from Devon
- Counsel to The Royal Bank of Scotland plc on a series of Drilling/Funding Agreements with Anadarko Petroleum Corporation
- Counsel to ERG Resources on \$100,000,000 Senior Secured Financing from Citibank, N.A., and \$15,000,000 second Lien Loan from CIT Capital USA Inc.
- Counsel to Cheniere Marketing, Inc. on \$100,000,000 trade receivables financing from BNP Paribas
- Counsel to GFI Oil & Gas, Inc. in financing development of concessions in Thailand and Indonesia with major foreign banks
- Counsel to Scorpion Drilling in multiple level financing of construction of offshore drilling rigs with Nordea Bank and Morgan Stanley
- Advisor for many years to Houston affiliates of numerous major financial institutions, including JPMorgan Chase, Wells Fargo, NA, The Royal Bank of Scotland plc and others, in loan and related financial accommodations given to independent E&P companies and oilfield service companies

### ARTICLES/PUBLICATIONS

- "Streamlining Compliance: Balancing Acts" [Counsel to Counsel Magazine, supplement to Corporate Legal Times](#) (July 1, 2004)
- "Rejection of Power Purchase Agreements in Bankruptcy" [Counsel to Counsel Magazine, supplement to Corporate Legal Times](#) (September 1, 2003)
- "U.S. Power Contracts - Who's the Boss?" FERC vs. the U.S. Bankruptcy Code [Project Finance 2003 - Power Report Supplement](#) (September 2003)
- "State of the Art: An Analysis of Portfolio Power Project Financing" [Project Finance Magazine - Power Report Supplement](#) (September 1, 2001)
- "A Topic of Interest: An Analysis of the Status of the Usury Law of Texas" [19 South Texas Law Journal](#), 525 (December 1978)
- Case Note - "Texas Law Review Income Tax - Section 102, Jensen v. United States" [511 F.2d 265 5th Cir.](#), [53 Texas Law Review 1528](#) (1975)

### BRIEFINGS, SEMINARS & SPEECHES

- "Banking Law Overview," presentation as part of the [Houston Bar Association's - Continuing Legal Education Series](#) (November 15, 2002)
- "Lender Liability Update," presentation to [Andrews & Kurth Continuing Legal Education Seminar Program](#) (July 14, 1993)
- "Lawyers Liability Under FIRREA," paper and presentation to the [Mortgage Lending Institute](#), Austin and Dallas, Texas (September 1990)
- "Distressed Real Estate from the Creditors Perspective," paper and presentation to the [Distressed Real Estate Seminar](#), sponsored by Loran Education Services, Houston, Texas (August 9, 1990)
- "Claims Against Failed Financial Institutions," paper and presentation at [Seminar on Acquisitions and Litigations Involving Financial Institutions](#), South Texas College of Law, Houston, Texas (December 8, 1989)
- "Legal Issues in Problem Loan Workouts," presentation to [Texas Bankers Association](#), Austin, Texas (February 1988) and Houston (February 1989)
- "Avoiding Lender Liability Claims," series of presentations to [Texas Commerce Bank](#) officers (Winter 1988)
- "RICO and Lender Liability," paper and presentation to [Executive Enterprises, Inc.](#); seminar on "Current Issues in Lender Liability," Houston, Texas (November 10, 1987)

## Thomas J. Perich

- "Receivership Subsidiary Issues," presentation to FSLIC Counsel Seminar, Los Angeles, California (July 1987)
- "Mortgage Foreclosures: Pre-Foreclosure Items: Lien Check and Title Examination," paper and presentation before Foreclosure Seminar of the Houston Young Lawyers Association, Houston, Texas (January 21, 1986)
- "Usury" (with Alfred H. Ebert), paper and presentations to the Advanced Civil Trial Lawyers Seminar of State Bar of Texas, Houston, Texas (April 1978 and April 1979)

### PROFESSIONAL/CIVIC AFFILIATIONS

#### Member

- Houston Bar Association
- Houston Commercial Lawyers Forum
- State Bar of Texas
- Texas Association of Bank Counsel
- Various civic and charitable organizations

Successfully completed all segments of the initial real estate certification exam of the State Bar of Texas

Served as vice consul/commercial attache in the Foreign Service, US Department of State, American Consulate General, Munich, Germany (1972-1975)

#### Listed

- Best Lawyers in America (2007)
- Profiled as one of the leading Banking & Finance lawyers in Texas, Chambers USA, America's Leading Lawyers for Business (2004-2007)
- Texas Super Lawyer in Banking, Texas Monthly (September 2004-2007)
- Marquis Who's Who in American Law
- Continental Who's Who Registry

### HEADLINE NEWS

- Andrews Kurth Announces Policy Committee Election (August 28, 2008)
- Law firms brace for subprime fallout (April 11, 2008)
- Andrews Kurth Announces New Leadership for Recruiting Committee (September 12, 2007)
- Andrews Kurth Announces Policy Committee Election (August 16, 2007)
- Andrews Kurth's Tom Perich to Head Houston Office (July 5, 2007)
- Andrews Kurth Receives High Rankings in Chambers USA Guide (June 25, 2007)
- Andrews Kurth Adds Two New Faces to Policy Committee (August 31, 2006)
- Andrews Kurth Adds to its 2005 Chambers USA Ranking (June 16, 2005)
- General Dynamics to Acquire Veridian Corp. for \$1.5 Billion (June 9, 2003)