



## Deanna M. Rice

Counsel

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Deanna Rice is an experienced litigator who focuses her practice on appeals and complex civil litigation. Deanna has argued before the U.S. Supreme Court and U.S. Court of Appeals for the Sixth Circuit and has authored appellate briefs on a wide range of subjects, including federal constitutional law, administrative law, securities law, intellectual property, ERISA, tax, and insurance law. She also has substantial experience at all stages of trial-court litigation, including briefing dispositive motions, coordinating discovery, and shaping trial strategy. Deanna maintains a robust pro bono practice focused primarily on issues of criminal law and procedure, and she serves as the Administrative Coordinator for the Amicus Committee of the National Association of Criminal Defense Lawyers.

Prior to joining O'Melveny, Deanna was a law clerk for the Honorable Bruce M. Selya on the U.S. Court of Appeals for the First Circuit.

## Experience

### U.S. Supreme Court

- Co-authored brief for court-appointed *amicus curiae* in *Lucia v. Securities and Exchange Commission*, No. 17-130, concerning whether SEC Administrative Law Judges are "Officers of the United States" within the meaning of the Appointments Clause of the U.S. Constitution.
- Co-authored merits briefs in *Ayestas v. Davis*, No. 16-6795, which clarified the standard for receiving funding for investigative services in capital cases under 18 U.S.C. § 3599(f).

## Admissions

### Bar Admissions

District of Columbia  
New York

### Court Admissions

US Court of Appeals, Second, Fourth, Sixth, and Ninth Circuits

## Education

Harvard University, J.D.: *cum laude*;  
Notes Editor, *Harvard Law Review*  
Yale University, B.A., History and  
Political Science: *cum laude*

- Briefed and argued *Overton v. United States*, No. 15-1504, concerning the materiality of evidence withheld by the prosecution under *Brady v. Maryland*.
- Co-authored certiorari- and merits-stage briefs in *Merrill Lynch v. Manning*, No. 14-1132, which addressed the scope of the exclusive federal jurisdiction provision of the Securities Exchange Act of 1934.
- Co-authored merits brief in *Wellness International Network, Limited v. Sharif*, No. 13-935, a test of the authority of bankruptcy judges under Article III of the U.S. Constitution.
- Co-authored *amicus* brief on behalf of administrative and immigration law professors in *Nielsen v. Preap*, No. 16-1363, arguing against application of *Chevron* deference in the immigration detention context.
- Co-authored *amicus* brief on behalf of criminal law professors in *Bravo-Fernandez v. United States*, No. 15-537, which involved application of the issue-preclusion component of the Double Jeopardy Clause.
- Co-authored *amicus* brief for former juvenile court judges in *Miller v. Alabama* and *Jackson v. Hobbs*, Nos. 10-9646 & 10-9647, in which the Court held that the Eighth Amendment forbids the imposition of mandatory life without parole sentences for juvenile homicide offenders.
- Co-authored *amicus* brief for the U.S. Chamber of Commerce in *Ford Motor Company v. United States*, No. 13-113, successfully urging the Court to vacate a decision rejecting Ford's claim for nearly half a billion dollars in interest on tax overpayments.

#### State and federal courts of appeals and trial courts

- Represent a financial services company in ERISA litigation challenging the inclusion of proprietary investment options in the company's in-house 401(k) plan.
- Represent a major medical device company in multiple consumer fraud actions brought by state attorneys general.
- Helped secure landmark Florida Supreme Court ruling establishing Sirius XM's right to broadcast pre-1972 musical recordings and defeating copyright infringement claims, *Flo & Eddie, Inc. v. Sirius XM Radio, Inc.*, 229 So. 3d 305 (Fla. 2017).
- Co-authored briefs in appeal raising questions of first impression concerning application of APA notice requirements to inter partes review proceedings, *Genzyme Therapeutic Products Ltd. Partnership v. BioMarin Pharmaceutical Inc.*, 825 F.3d 1360 (Fed. Cir. 2016).
- Defended a global aerospace company in high-stakes ERISA litigation involving challenges to plan fees and investment choices.
- Co-authored successful motion to dismiss on behalf of a collegiate athletic association in litigation arising from alleged academic fraud at a member institution.
- Co-authored post-trial motions and appellate briefs in successful statute-of-limitations challenge to criminal conspiracy convictions, *United States v. Grimm*, 738 F.3d 498 (2d Cir. 2013).
- Co-authored winning appellate brief arguing that claims brought by alleged nationwide class of US Airways skycaps were preempted by the Airline Deregulation Act, *Mitchell v. US Airways, Inc.*, 720 F.3d 60 (1st Cir. 2013).

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## Professional Activities

### Clerkships

- Honorable Bruce M. Selya, US Court of Appeals, First Circuit

### Leadership

- Administrative Coordinator for the National Association of Criminal Defense Lawyers (Amicus Committee)

### Author

- “Note, Child Pornography, the Internet, and the Challenge of Updating Statutory Terms,” 122 Harv. L. Rev. 2206 (2009)
- “Leading Cases, Supreme Court 2007 Term - Competency Standard for Self-Representation at Trial,” 122 Harv. L. Rev. 316 (2008)
- “Recent Case, Search and Seizure - Ninth Circuit Upholds Issuance of Warrant Based on E-mail Recipient List - *United States v. Kelley*,” 121 Harv. L. Rev. 1261 (2008)

## Honors & Awards

- Recommended by *The Legal 500* for Dispute Resolution - Appellate - Supreme Court (2017-2019) and Insurance - Advice to Insurers (2018)