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Subject: Show Us The MoneyGrams, 21 States Tell Del. In Fund Bid

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## PUBLIC POLICY

Who's replaced Scalia as the chattiest justice during oral arguments?

Find out when Law360 In-Depth launches June 11.

Friday, June 10, 2016

### TOP NEWS

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#### Show Us The MoneyGrams, 21 States Tell Del. In Fund Bid

A coalition of 21 states has filed a lawsuit in the U.S. Supreme Court alleging that the state of Delaware has wrongly collected at least \$162 million in unclaimed funds from MoneyGram checks, Texas Attorney General Ken Paxton announced Thursday.

#### US House Votes To Intervene In Puerto Rico Debt Crisis

The U.S. House of Representatives passed a bill on Thursday to put an oversight board in charge of alleviating Puerto Rico's debt crisis through fiscal supervision and restructuring, leaving the onus on the Senate to pass what some representatives called the territory's only hope for recovery.

#### Fla. Judge Faces Suspension Over Misleading Campaign Ads

A Florida judicial oversight panel on Thursday recommended a three-month suspension for a state judge charged with using misleading campaign materials in her 2014 judicial campaign, saying the judge's behavior was "offensive and disturbing."

#### More Obstacles To Judicial Retirement Vote, Pa. Court Warns

The Pennsylvania Commonwealth Court on Thursday said that the partisan fight over the wording and timing of a ballot question to raise the state's mandatory judicial retirement age to 75 could lead to the measure — already delayed once — being bumped off the November ballot.

#### NJ High Court Backs Christie On Nixing Pension COLAs

New Jersey isn't bound to make cost-of-living adjustments to the pensions of retired public workers after the state Supreme Court on Thursday ruled in favor of Gov. Chris Christie and found that retirees challenging a suspension of those increases couldn't show they had a contractual right to receive them.

#### NY Lawmakers Eye Proposed Prosecutorial Conduct Panel

A proposed New York bill seeking to set up a prosecutorial conduct commission similar to one overseeing judges will have a "chilling effect" on prosecutors, one district attorney told legislators at a Wednesday hearing evaluating the bill.

### LAW FIRMS

Allen & Overy  
Alston & Bird  
Arent Fox  
Arnold & Porter  
Baker & McKenzie  
Boardman Carr  
Bochetto & Lentz  
Bohyer Erickson  
Boies Schiller  
Boyd Fernambucq  
Brandi Law Firm  
Butler Rubin  
Cadwalader Wickersham  
Cahill Gordon  
Carlton Fields  
Cleary Gottlieb  
Clifford Chance  
Cohen Milstein  
Cooley  
Cravath Swaine  
DLA Piper  
Davis Polk  
Davis Wright Tremain  
Debevoise & Plimpton  
Dentons  
Dewey & LeBoeuf  
Dorsey & Whitney  
Durie Tangri  
Earthjustice  
Epstein Becker Green

## IRS Limits Taxpayer Definition For Bankruptcy Exclusions

The IRS issued final regulations Thursday to restrict who can exclude income generated from the discharge of indebtedness in bankruptcy or insolvency cases for tax purposes.

## Top DOJ Antitrust Litigator Stepping Down

David Gelfand, the deputy assistant attorney general for litigation at the U.S. Department of Justice's antitrust division, is leaving the department after working there for three years, the DOJ said Thursday.

## NJ Lawmakers Back Tenure For Recently-Disciplined Judge

The New Jersey Senate Judiciary Committee voted Thursday to give tenure to a Superior Court judge who was disciplined for making inappropriate comments to prosecutors and a witness, in a unanimous decision that followed the jurist's repeated expressions of remorse to the lawmakers.

## ANALYSIS

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### DOJ's Gelfand Helped Boost Antitrust Trial Readiness

Deputy Assistant Attorney General David Gelfand, who is departing from the U.S. Department of Justice's Antitrust Division after leading its litigation efforts for three years, leaves behind an enforcement team that is better prepared and more willing to take cases to trial, former colleagues said.

### FCC Unfazed By Bipartisan Pushback On Set-Top Box Plan

Federal Communications Commission Chairman Tom Wheeler will likely stay the course on his plan to unlock the TV set-top box until his tenure ends, experts say, even though the proposal has drawn unusual bipartisan resistance in Congress and has riled industry groups who claim it could undermine pay-TV programming.

### Future Of US-China Trade In Flux As Obama's Term Nears End

This week's conclusion of the U.S.-China Strategic and Economic Dialogue marks the twilight of high-level engagement between the two trading powers under the Obama administration, leaving experts with questions about how best to tackle thorny policy squabbles with Beijing in the coming years.

## BANKING & SECURITIES

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### OTC Wants New Offering Rules Extended To More Companies

OTC Markets Group Inc., which operates several over-the-counter securities markets, urged the U.S. Securities and Exchange Commission Tuesday to extend its new rules for offering shares online to companies that are already under the agency's reporting regime, arguing that is what Congress intended.

## ENERGY & ENVIRONMENTAL

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### EPA Missed Deadlines For Emissions Review, Enviro's Say

The U.S. Environmental Protection Agency has dragged its feet for years and missed deadlines to update air emissions requirements for cancer-causing and toxic pollutants common in manufacturing and refining, five environmental groups alleged Wednesday.

### Enviro's Tell EPA That Researcher Hid Flaws In Methane Data

An environmental advocacy group on Wednesday turned to the inspector

Fenwick & West

Fox Rothschild

Franczek Radelet

Freshfields

Gibson Dunn

Greenberg Gross

Greenberg Traurig

Gunderson Dettmer

Hicks Porter

Hogan Lovells

Holwell Shuster

Hueston Hennigan

Hughes Hubbard

Irell & Manella

Jenner & Block

Kaye Scholer

Keker & Van Nest

King & Ballow

Kirkland & Ellis

Kleinbard LLC

Labaton Sucharow

Latham & Watkins

Lewis Baach

Linklaters

Mayer Brown

McKool Smith

Milbank Tweed

Munger Tolles

O'Melveny & Myers

Paul Weiss

Pillsbury Winthrop

Proskauer Rose

Quinn Emanuel

Robbins Geller

Searcy Denney

Seyfarth Shaw

Sidley Austin

Simmons & Simmons

Simpson Thacher

Skadden

Slack & Davis

Smith & Laqueria

Snell & Wilmer

Sullivan & Cromwell

The Miller Law Firm PC

Tucker Law Group

general of the U.S. Environmental Protection Agency with scathing accusations that the former head of the agency's Science Advisory Board hid fatal flaws about his research into methane emissions in the fossil fuel industry.

## HEALTH & LIFE SCIENCES

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### Fla. Justices Ponder Caps In Medical Malpractice Rows

The Florida Supreme Court expressed concerns Thursday about the potential chilling effect of lawmakers' decision to limit attorneys' fees in a medical malpractice suit against a public hospital, the same day the justices heard arguments in litigation over capping noneconomic damages in another malpractice row.

## TRANSPORTATION & INFRASTRUCTURE

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### Calif.-Vegas Rail Developer Nixes Deal With Chinese Partner

Private rail developer XpressWest vowed Wednesday to continue moving forward with ambitious plans to build a high-speed passenger rail line between southern California and Las Vegas, despite ending a joint development deal with its Chinese partner.

## EMPLOYMENT

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### Senate Panel Sends \$164M Health, Labor Funding Bill To Floor

The U.S. Senate Committee on Appropriations on Thursday sent a \$164 billion funding bill to the Senate floor, a measure that would increase money for health care research, restore year-round grants available to college students and work to combat the opioid crisis.

### Uber, Lyft Hit With Class Actions For Ditching Austin

Uber and Lyft were hit with a pair of proposed class actions in California federal court on Thursday alleging the ride-hailing giants abruptly pulled out of Austin, Texas, after unsuccessfully lobbying to defeat the city's background check regulations, leaving drivers jobless without proper warning.

### Federal Judge Permanently Blocks Alabama Marriage Laws

An Alabama federal court on Tuesday said the state can't be trusted to enforce the U.S. Supreme Court's decision in Obergefell v. Hodges and ordered a permanent injunction against the enforcement of two state laws barring same-sex marriage.

### OT Expansion Rule Will Choke Businesses, House Panel Told

The U.S. Department of Labor's overtime expansion rule will hinder businesses' ability to offer flexibility and advancement to newly overtime-eligible workers, a House committee heard Thursday, while elsewhere the DOL chief touted the expansion as a big win for middle-class employees.

### SEC Hands Whistleblower \$17M For Juicy Tip

The U.S. Securities and Exchange Commission said on Thursday that it has awarded \$17 million — its second-largest award yet — to a former company employee whose detailed tip gave the regulator a major leg up in an investigation and enforcement proceeding.

### Louisiana Becomes Latest To 'Ban The Box' For State Jobs

Venable LLP

Vinson & Elkins

Wargo & French

Webb & Eley

Weil Gotshal

Weissman & Mintz

Williams & Connolly

Willkie Farr

Winston & Strawn

Wolf Haldenstein

Womble Carlyle

Zeldes Haeggquist

## COMPANIES

3M Company

A.M. Best Company Inc.

AARP Inc.

AT&T Inc.

America's Health Insurance Plan

American Bar Association

American International Group Inc.

American Psychological Association

Baker Hughes Inc.

Bank of America Corporation

Bazaarvoice Inc.

Blue Cross Blue Shield of Michigan Inc.

Blue Cross and Blue Shield Association

BlueCross BlueShield of Nebras

BlueCross BlueShield of North Carolina

Center on Budget and Policy Priorities

CenturyLink Inc.

Comcast Corporation

Competitive Carriers Association

Credit Agricole SA

Cushman & Wakefield Inc.

DecisionQuest Inc.

Delta Air Lines Inc.

Digital Risk LLC

Electrolux AB

Facebook

Frontier Communications Corporation

Louisiana Gov. John Bel Edwards on Wednesday signed "ban the box" legislation into law for state government positions, making his state the latest to prohibit asking job-seekers about their criminal histories at the start of the application process.

## PRIVACY & CONSUMER PROTECTION

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### House Panel Wants DHS Cybersecurity Unit Made Into Agency

A U.S. House of Representatives panel approved a bill Wednesday that would elevate the U.S. Department of Homeland Security's cybersecurity division into a full-blown agency, a move intended to help fight the growing threat of cyberattacks, lawmakers claimed.

### Parents OK'd To Withhold Details In Trans Locker Room Fight

An Illinois federal judge on Thursday said he doesn't need specific evidence of privacy violations to rule on an injunction barring a U.S. Department of Education policy allowing transgender students access to locker rooms and bathrooms matching their gender identity.

### Miami Beach Bans Gay Conversion Therapy For Minors

Miami Beach, Florida, on Wednesday joined a growing list of cities and states that have banned so-called sexual conversion therapy for minors, a controversial practice that claims to change a subject's sexual orientation.

## GOVERNMENT CONTRACTS

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### Moody's, S&P Tank Ill. Bond Rating After Year With No Budget

Moody's Investors Service and S&P Global Ratings hit Illinois with more bond downgrades this week after state legislators closed out the spring session May 31 without coming to an agreement on a budget that would end the state's yearlong impasse.

### DOD Eyes Changes To Officer Promotions, Civilian Hiring

The military wants to carry out the largest overhaul of its officer promotions system in at least 30 years, Secretary of Defense Ash Carter said Thursday morning, telling a Pentagon audience his department must take a more flexible approach to its "up or out" system in order to recruit and keep top talent.

### Senate Rejects Bid To Add \$18B To 2017 Defense Budget

The U.S. Senate on Thursday rejected a move to increase the 2017 defense budget by \$18 billion, avoiding a potential friction point with the White House, as lawmakers continued to debate the \$602 billion National Defense Authorization Act.

## INTERNATIONAL TRADE

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### CFTC Rule Would Require Clearing More Interest Rate Swaps

The U.S. Commodity Futures Trading Commission on Thursday proposed a rule amendment that would require more interest rate swaps to be cleared either through a registered derivatives clearing organization or an organization that has been exempted from registration under the Commodity Exchange Act.

### WTO Members Take Stock Of Farm Subsidies

General Electric Company

Gilead Sciences Inc.

Google Inc.

HSBC Holdings PLC

Halliburton Company

Highmark Inc.

LexisNexis Group

Lippman Jungers LLC

Lyft Inc.

Markets Group Inc.

McGraw Hill Financial Inc.

Merck & Co Inc.

Meritor Inc.

MoneyGram International, Inc.

Montefiore Health System Inc.

Moody's Corporation

National Cable &

Telecommunications Associatio

National CineMedia, Inc.

National Employment Law Proje

New Jersey State Bar Associati

New York State Bar Association

NewYork-Presbyterian Hospital

Office Depot Inc.

Public Knowledge

Royal Dutch Shell PLC

Sierra Club

Southern Poverty Law Center

Sprint Nextel Corporation

Starbucks Corporation

Time Warner Cable

Trump Organization Inc.

Turing Pharmaceuticals AG

Twitter Inc.

UBS AG

Uber Technologies Inc.

United Continental Holdings Inc.

United States Telecom  
Association

UnitedHealth Group Inc.

Universal Music Group Inc.

Verizon Communications

Washington Post Co.

Washington Redskins

Zeughauser Group LLC

## GOVERNMENT AGENCIES

The World Trade Organization's Agriculture Committee met on Tuesday and Wednesday to discuss progress that has been made since a decision last year to scrap agricultural export subsidies and to strengthen rules on other forms of export support.

### Footwear Coalition Wants To Stomp Out Tariffs Under TTIP

U.S. and European footwear groups asked their governments on Wednesday to eliminate tariffs and other non-tariff barriers in the footwear trade, along with regulatory harmonization in the sector as part of the Transatlantic Trade and Investment Partnership.

## TAX

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### Oregon Appeals Court Upholds Portland's Arts Education Tax

A state appeals court in Oregon has sided with the city of Portland in a citizen's challenge of an annual tax supporting public arts education, saying that a lower court correctly ruled that the tax was not an across the board "poll or head tax" prohibited by the state constitution.

### IRS Delays FATCA Implementation By 6 Months

The IRS said Thursday it is pushing out its phased implementation of the Foreign Account Tax Compliance Act by six months, after receiving feedback that the original timeline presented practical problems for foreign financial institutions and domestic withholding agents.

### IRS Sued Over Rules On Offshore Disclosure Program

Taxpayers switching to a revised IRS offshore account disclosure program must comply with rules that actually reward those who waited to voluntarily disclose their offshore accounts with lower penalties and less red tape, according to a D.C. federal suit filed Thursday against the agency.

## BANKRUPTCY

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### High Court Says Puerto Rico Is Not Sovereign In Criminal Case

The U.S. Supreme Court ruled Thursday that Puerto Rico and the U.S. government may not prosecute individuals for the same crimes in a case that tested the limits of the territory's sovereignty, an issue that has become increasingly urgent as the commonwealth has struggled with a massive debt problem.

## IMMIGRATION

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### Bill Aims To Boost Employment Visas, But Chop Family Ones

A congressman introduced a bill that his office says would reduce family-based visas, and boost employment visas by a reported 80 percent, as well as cut off foreign aid to Honduras and other Central American countries.

## NATIVE AMERICAN

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### Rep. Floats Indian Health Service Reform Bill

U.S. Rep. Kristi Noem, R-S.D., on Wednesday announced the introduction of a bill aimed at helping the "crisis-stricken" Indian Health Service by instituting a host of workforce and funding allocation reforms at the agency.

## TELECOMMUNICATIONS

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Bureau of Citizenship and Immigration Services  
California Transportation Agency  
Centers for Disease Control and Prevention  
Centers for Medicare & Medicaid Services  
Central Intelligence Agency  
Commodity Futures Trading Commission  
Equal Employment Opportunity Commission  
Executive Office of the President  
Federal Communications Commission  
Federal Trade Commission  
Florida House of Representatives  
Food and Drug Administration  
Government Accountability Office  
Indian Health Service  
Internal Revenue Service  
National Institutes of Health  
New Jersey Legislature  
Rosebud Sioux Tribe  
Securities and Exchange Commission  
Social Security Administration  
Transportation Security Administration  
U.S. Department of Defense  
U.S. Department of Education  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of Transportation  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Senate  
U.S. Supreme Court  
Wage and Hour Division



## FCC Refuses More Time In Special Access Regs Reboot

The Federal Communications Commission on Wednesday denied a trade group's bid to extend the deadline to give feedback on proposed regulations for the business data services market, saying the industry has been aware that the state of competition in the market has been under consideration for years.

## Lifeline Fraud Even Worse At \$476M Yearly, FCC's Pai Warns

Republican Federal Communications Commissioner Ajit Pai warned Wednesday that abuse of the Lifeline low-income phone subsidy may be even more widespread than he first thought when launching an investigation into the program, to the tune \$476 million a year.

## ISPs' Free Speech At Risk In FCC Privacy Plan, Sen. Says

The Federal Communications Commission's proposal to regulate how internet service providers treat customer data appears to be an "unconstitutional restriction on commercial speech" when they have the right to use consumer information for marketing and other purposes, Sen. Jeff Flake, R-Ariz. recently said.

## PEOPLE

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### Former DOJ Atty Who Led Petraeus Case Joins Snell & Wilmer

A former U.S. Department of Justice trial attorney who led the successful prosecution against former CIA Director David Petraeus has joined Snell & Wilmer LLP, where he will work on both cybersecurity and white collar regulatory enforcement matters, the firm announced.

## EXPERT ANALYSIS

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### EB-5 Reform: What To Expect After SEC Jay Peak Enforcement

The U.S. Securities and Exchange Commission's recent enforcement action against Jay Peak, a ski resort in Vermont, underscores the need for reform to the EB-5 program. As the EB-5 market continues to evolve and mature we should expect Congress to finally implement reforms such as larger investment requirements and greater integrity measures, say attorneys at Fox Rothschild LLP.

### NYC Human Rights Law: 'Equal Opportunity' Offender

The current New York City Human Rights Law standards and burdens continue to confuse state and federal courts in the Second Circuit. It is time for the court of appeals to clarify NYCHRL legal standards and burdens, for neither the courts nor litigants are well served by the current state of affairs, say Barry Asen and Kristopher Reichardt at Epstein Becker Green PC.

### ACA Risk Corridor Funding Falls Short, Litigation Ensues

The decision by health insurers to litigate Affordable Care Act risk corridor funding shortfalls and the import of the recent Burwell decision in D.C. federal court are best understood in the context of the broader political struggle concerning ACA implementation, which continues to create uncertainty and risk for participating health plans, say attorneys at Butler Rubin Saltarelli & Boyd LLP.

### Navigating FDA's New Nutrition And Supplement Fact Rules

The U.S. Food and Drug Administration's recent overhaul of its rules

governing nutrition labeling for foods and dietary supplements will require significant company compliance efforts in the near term and could expose businesses to litigation risk. Attorneys at Venable LLP assess the impact of the new rules and explain how companies can adhere to the new requirements and manage risk.

## In-House Teams Are Voting With Their Feet — And Then Some

The real threat to law firms comes from in-house legal departments, which have increased in size, prestige, management responsibility, and attractiveness to top legal talent. But it's not just labor arbitrage that accounts for the shift from outsourcing work to doing it in-house, says Mark A. Cohen, founder of Legal Mosaic LLC.

## LEGAL INDUSTRY

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### How To Become An Attorney GCs Fear

Being a top-notch litigator means you don't want to be loved — you want to be feared. But how do you become that lawyer who sends shivers down the spines of general counsels? Here, Law360 talks to attorneys about three things you can do to become a litigator who scares opposing GCs.

### Sidley, Latham, 30 Others Hop On The \$180K Train

As of Thursday evening, more than 30 more firms have embraced an associate pay scale starting at \$180,000 a year, including a nearly worldwide raise at Latham & Watkins LLP and pay bumps at Sidley Austin LLP, Kirkland & Ellis LLP and others.

### Cravath's \$180K Raise May Deepen Legal Industry Divide

As more elite law firms jump on the \$180,000 starting salary bandwagon led by Cravath Swaine & Moore LLP, experts say the already stratified legal industry will likely begin to see an even starker divide when it comes to recruiting top talent and securing high-paying legal work.

### Law360's Weekly Verdict: Legal Lions & Lambs

Associates at Cravath Swaine & Moore earned a spot among the legal lions this week, nabbing a salary upgrade that's set a new standard for blue-chip law firms, while a former Merck in-house attorney landed the drugmaker and its legal team among the lambs after a judge cited his extensive and Merck-condoned misconduct in scrapping a \$200 million verdict in its favor.

### Post Trump, NY Bar Chief Calls Attacks On Judges Improper

The president of the New York Bar Association spoke out Thursday against personal attacks on judges in a response to Donald Trump's disparaging comments about a California federal judge, although she did not mention the Republican presidential candidate by name.

### Compliance Problems Climb With Companies' Rate Of Change

Compliance shortfalls increase at companies that have experienced organizational change such as expansions, mergers or turnover in the leadership ranks, according to a new business ethics survey of workers in 13 countries.

### Justices Give Practical Fix To Rare Problem Of Jury Recalls

The U.S. Supreme Court's decision empowering federal district courts to recall discharged civil juries if verdict errors are discovered could save parties

the trouble and expense of a retrial, but in such rare instances, the potential for returning jurors to be biased by outsiders could have an enormous impact on the case, experts say.

### Barclays May Demand Rebates From More Outside Law Firms

British banking giant Barclays has said that it plans to expand its program dictating how much outside law firms are paid and how much they must rebate the bank if they fail to hit certain work level targets, it was reported on Wednesday.

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