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Subject: Trump Names Gen. Kelly To Head DHS, Advocates Worried

PUBLIC POLICY

Tuesday, December 13, 2016

TOP NEWS

Trump Names Gen. Kelly To Head DHS, Advocates Worried

President-elect Donald J. Trump on Monday officially nominated Gen. John Kelly to serve as secretary of the U.S. Department of Homeland Security, saying his decades of military service and deep commitment to fighting the terrorism threat inside the nation's borders make him ideal, while immigrants' rights advocates say otherwise.

Analysis

Trump Labor Nominee Comes With Sharp Anti-Reg Ideology

Fast-food CEO Andrew Puzder, who was nominated recently as President-elect Donald Trump's secretary of labor, has spent several years outlining his views on labor issues, including his opposition to overtime expansion regulations and an increase to the federal minimum wage. Here, Law360 takes a look at some of the positions Puzder has taken in editorials, television commentaries and congressional testimony.

After 15 Years In The WTO, China Takes The Gloves Off

China observed its 15th year as a World Trade Organization member by filing complaints against the U.S. and European Union on Monday for their failure to consider Beijing a "market economy," opening a new front in its tense relationship with the world's mightiest economies.

Analysis

Private Capital-Raising Inched Ahead In '16, But Hurdles Loom

Private companies saw their capital-raising avenues expand in 2016 — aided by the enactment of landmark rules governing equity crowdfunding and the defeat of a legal challenge that threatened to block so-called mini-initial public offerings — but experts say the novel funding methods are only slowly gaining acceptance.

EPA Moves To Force Texas Power Plants To Cut Emissions

The U.S. Environmental Protection Agency proposed a new rule Friday aimed at lowering sulfur emissions at 14 Texas power plants in the latest move by the agency to regulate air quality in the Lone Star State through the Clean Air Act.

Schock Pleads Not Guilty To Misusing Gov't, Campaign Funds

Former U.S. Rep. Aaron Schock, R-Ill., on Monday pled not guilty to the 24-count indictment federal prosecutors leveled against him last month following

LAW FIRMS

Arnold & Porter
Ballard Spahr
Beck Redden
Blecher Collins
Boies Schiller
Brann & Isaacson
Covington & Burling
Craig P. Kenny & Associates
Cravath Swaine
Edelson PC
Flaster/Greenberg
Gould & Ratner
Greenberg Gross
Hogan Lovells
Jenner & Block
Johnson & Bell
Jones Day
Kabateck Brown
Kobre & Kim
Lane & Waterman
Lewis Brisbois
Marquis Aurbach
Marten Law
Mayer Brown
McGuireWoods
Morgan Lewis
Morrison & Foerster
Olshan Frome Wolosky
Reed Smith
Ropes & Gray
Rutan & Tucker
Schnader Harrison
Silicon Valley Law Group
Silverstein & Pomerantz

an investigation into the politician's alleged misuse of campaign funds and his congressional allowance to buy cars and decorate his office, among other purchases.

Supreme Court Declines Colo. Sales Tax Reporting Row

States frustrated by a 1992 U.S. Supreme Court ruling barring them from collecting transaction taxes from remote retailers were dealt a disappointment on Monday when the high court refused to take up two petitions concerning a Colorado law requiring out-of-state sellers to file sales information with the state.

Ex-Pa. Rep. Fattah Gets 10 Years In Corruption Case

A Pennsylvania federal judge on Monday ordered ex-Rep. Chaka Fattah and a onetime Stradley Ronon Stevens & Young LLP government affairs specialist to spend a combined 12 years in prison following their convictions for participating in a sweeping criminal enterprise that included influence peddling and the misappropriation of federal grant funds.

BANKING & SECURITIES

SEC Small Business Advocate Act Clears Senate

The U.S. Senate on Friday unanimously authorized the creation of a small-business advocate within the U.S. Securities and Exchange Commission, touted by supporters as a key step toward promoting streamlined regulations intended to make it easier for small businesses to raise capital.

ENERGY & ENVIRONMENTAL

NY Regulators Say Nuclear Plant Subsidies Are Sound

New York state utility regulators urged a federal judge Friday to nix a suit challenging the state's plan to subsidize three struggling nuclear power plants as part of its clean energy program, arguing that the subsidies don't usurp Federal Energy Regulatory Commission authority over wholesale electricity markets.

HEALTH & LIFE SCIENCES

Doc In Menendez Case Can't Challenge Drug Rules, Feds Say

A Florida doctor accused of committing Medicare fraud and bribing Sen. Robert Menendez, D-N.J., in an attempt to clear himself should not be allowed to show a jury evidence challenging Medicare's authority to set dosing regulations on the drug Lucentis that he is accused of violating, prosecutors argued Friday.

Clinics Sue To Block Texas Rule Requiring Fetal Burials

Texas women's clinics on Monday sued to block a state rule requiring fetal tissue be buried or cremated instead of disposed like other medical waste, claiming it infringes patients' rights to seek pregnancy-related medical care without undue interference from government.

IP & TECHNOLOGY

White House Report Urges Better Enforcement Of IP Law

The White House issued a report Monday calling for better enforcement of copyrights online, more thorough searches for counterfeit goods at the border

Skadden
Spiegel & McDiarmid
Sprague & Sprague
Stradley Ronon
Stradling Yocca
Weil Gotshal
Wiley Rein
Wilkinson Walsh
Williams & Connolly
Williams Montgomery

COMPANIES

AT&T Inc.
Amazon.com Inc.
American Cable Association
Anheuser-Busch Inbev S/ANV
CITGO Petroleum Corp.
CKE Restaurants, Inc.
CTIA
Comcast Corporation
Competitive Carriers Associatio
Dynegy Inc.
Entergy Corporation
Exelon Corporation
Financial Industry Regulatory
Authority Inc.
GlaxoSmithKline
Google Inc.
Kimberly-Clark Corporation
LinkedIn Corp.
Massachusetts Bay Transporta
Authority
NASDAQ OMX Group Inc.
NBCUniversal Inc.
NRG Energy Inc.
National Association of
Broadcasters
Newegg Inc.
Overstock.com Inc.
Porsche
SLM Corporation
Sierra Club
Smith & Williamson Holdings Lt
State Farm
T-Mobile USA Inc.
Talen Energy Corp.
Temple University

and more interagency cooperation in the enforcement of intellectual property law.

TRANSPORTATION & INFRASTRUCTURE

DOT Panel Agrees On Proposals For Disabled Air Travelers

The U.S. Department of Transportation said Monday it may soon propose rules addressing bathroom access and in-flight entertainment options aboard commercial flights for passengers with disabilities, just days after proposing potentially easing its longstanding restriction on phone calls during flights.

EMPLOYMENT

Judge Sinks Pa. Judicial Retirement Referendum Challenge

A Pennsylvania federal judge on Friday sunk a challenge to purportedly misleading language on a now-approved state ballot referendum seeking to raise the judicial retirement age to 75, ruling that voters had access to plenty of information needed to make an informed decision.

NJ Not Obligated To Make Pension Contributions, Panel Says

The New Jersey Appellate Division handed Gov. Chris Christie a victory Monday when it affirmed the dismissal of a lawsuit by public pension trustees fighting his fund cuts, ruling that other courts have correctly ruled that the state isn't contractually obligated to make contributions.

COMPETITION

GSK, Nev. Abused Fed. Drug Discount Program, 9th Circ. Told

A group of Nevada doctors asked the Ninth Circuit on Monday to find GlaxoSmithKline LLC and the Southern Nevada Health District are not exempt from antitrust claims over GSK's sale of discounted vaccines through a federal program, saying the health district sold the shots to businesses instead of low-income patients.

GOVERNMENT CONTRACTS

USDA Contractor Loses \$4M Claim At Appeals Board

A Civilian Board of Contract Appeals panel sided with the U.S. Department of Agriculture Friday in rejecting a breakwater construction company's claims to \$4 million in extra costs, because the contractor should've known Gulf Coast water-depth and other conditions could change.

INTERNATIONAL TRADE

Commerce Investigating Chinese Wood Imports

The U.S. Department of Commerce said Friday that it has opened an investigation into imports of hardwood and decorative plywood from China, after an industry group raised concerns that the products are being illegally subsidized and sold at unfairly low prices in the U.S.

TAX

Supreme Court Snubs Challenge To Minn. Split From Tax Pact

The U.S. Supreme Court once again shunned a challenge to states' ditching a nearly 50-year interstate agreement for calculating corporate franchise

Verizon Communications
Washington Metropolitan Area
Transit Authority
Washington Post Co.
Wayfair LLC

GOVERNMENT AGENCIES

Bureau of Citizenship and
Immigration Services
Bureau of Land Management
Congressional Budget Office
Department of Commerce
Executive Office of the President
Federal Bureau of Investigation
Federal Communications
Commission
Federal Energy Regulatory
Commission
Fish and Wildlife Service
Immigration and Customs
Enforcement
International Trade Commission
National Labor Relations Board
Office of the Federal Register
Securities and Exchange
Commission
Texas Commission on
Environmental Quality
Texas Health and Human
Services Commission
Transportation Security
Administration
U.S. Attorney's Office
U.S. Civilian Board of Contract
Appeals
U.S. Department of Agriculture
U.S. Department of Energy
U.S. Department of Homeland
Security
U.S. Department of Labor
U.S. Department of Transporta
U.S. Department of the Interior
U.S. Environmental Protection
Agency
U.S. Forest Service
U.S. Senate
U.S. Supreme Court
Wage and Hour Division

taxes, refusing Monday to review a hygiene-products maker's bid to make Minnesota stick to the compact's terms.

TELECOMMUNICATIONS

Comcast Lobbies FCC Against Changes To Alert System Rules

Comcast Corp. urged the Federal Communications Commission to take a longer view on changes to the rules for the Emergency Alert System in a letter Friday, arguing against sweeping changes discussed at the agency's December meeting.

FCC Aims To Clear 84 MHz In New Auction Stage

The Federal Communications Commission announced that the fourth stage of bidding in the incentive auction to convert spectrum from broadcast to mobile broadband use will begin Tuesday with a clearing target of 84 MHz, after a previous round failed to meet a \$42 billion clearing target by a wide margin.

Big Telecoms Want Flexibility In Real-Time Text Rules

AT&T, Verizon, T-Mobile and other telecommunications giants have pushed the Federal Communications Commission to allow some more give in new real-time texting rules, arguing in a filing Friday for the companies' choosing their own path to provide support to disabled users.

EXPERT ANALYSIS

Trumping Obama's Interior Department

President-elect Donald Trump made clear on the campaign trail that he intends to roll back regulations affecting domestic oil and gas and coal production on public lands. Thomas Perry and Andrew Bell of Marten Law PLLC assess the Trump administration's rollback options and examine four U.S. Department of the Interior initiatives outside the fossil fuel context that may be reconsidered in the near future.

3 Tips To Avoid Being On The Outs With In-House Counsel

When trial lawyers fail to recognize the unique challenges faced by in-house counsel, it jeopardizes not only the outcome of the case, but also the opportunities for future representation. These few simple strategies are hardly rocket science, but they are too often neglected, says Matthew Whitley of Beck Redden LLP.

LEGAL INDUSTRY

Covington Sets Cravath Bonuses As Maximum Payout

BigLaw bonus season is continuing with Washington, D.C.-based Covington & Burling LLP announcing a "maximum" bonus scale for associates, which is in line with the scale first set out by Cravath Swaine & Moore LLP.

Law Firm Hacking To Breed New Kind Of Malpractice Suit

A novel lawsuit unsealed Friday alleging a Chicago firm committed malpractice through shoddy cybersecurity presages more allegations by clients focused on confidential data held by their lawyers, experts say, even as a dearth of hard evidence of firm hacks will make most claims tough to make stick in court.

Firms Improving Data Security But Can Do Better, Report Says

Law firms and other members of the legal industry have made strides in protecting sensitive information from the prying virtual fingers of hackers and cyber criminals, according to a new report released Monday, but that doesn't mean clients or firms should think their privileged secrets are safe.

Injured Williams & Connolly Lawyer Sues DC Metro For \$50M

A Williams & Connolly senior associate is suing the Washington Metro Area Transit Authority for \$50 million after being struck in the head by a large falling metal pole at a D.C. metro station that left him unable to work, according to a complaint in D.C. federal court.

Philly Atty Linked To Anti-Trump Graffiti Won't Face Charges

A Philadelphia assistant city solicitor will not be criminally charged in connection with anti-Donald Trump graffiti spray-painted on the wall of a grocery store, but will be required to perform community service for his actions, a city spokesperson said in a statement Monday.

Employee/Experts Not Shielded By Attorney-Client Privilege

When a client's product is at issue in court, and a relevant expert witness is not available, an employee may sometimes be tapped to fill this role. This can be a useful strategy, but it comes with a downside: much of the prep work with the now-expert might be discoverable, says Stephen McConnell of Reed Smith LLP.

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