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PUBLIC POLICY

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Monday, June 20, 2016

TOP NEWS

11th Circ. Backs SEC In Challenge To In-House Judges

The Eleventh Circuit on Friday became the fourth federal appellate court to rule that district courts can't hear challenges to the U.S. Securities and Exchange Commission's in-house courts by financial services professionals facing ongoing SEC proceedings.

Tech Union Blasts DHS' Revised Work Rule For Foreign Grads

A technology union lodged a new complaint in D.C. federal court on Friday challenging a revised Department of Homeland Security foreign student work rule, after its prior lawsuit was thrown out as moot when the previous regulation was revised.

EU Finance Ministers Reach Tentative Anti-Tax Avoidance Deal

The European Union's finance ministers on Friday reached a provisional agreement for rules aimed at stamping out corporate tax dodging in the region, a top European Union financial official said.

CPSC Head Says Companies Should Share Penalty Info

Companies have to do their part and agree to release information during settlement negotiations with the U.S. Consumer Product Safety Commission, its head said recently, responding to attorneys' urging that the agency open up about its decision-making process for civil penalties.

NY Lawmakers Pass Daily Fantasy Sports Legalization Bill

New York lawmakers have passed a bill to legalize and regulate daily fantasy sports in what could put an end to a major legal challenge for the beleaguered industry after the New York attorney general had hit industry leaders DraftKings and FanDuel with lawsuits alleging their contests violated anti-gambling laws in the state.

2nd Circ. Upholds Ex-Conn. Gov.'s Campaign Fraud Conviction

The Second Circuit rejected former Connecticut Gov. John Rowland's attempt to overturn a conviction on campaign finance violations on Friday, saying fake consulting contracts concealing his work for Republican congressional campaigns defied the Sarbanes-Oxley Act.

LAW FIRMS

Akin Gump
Andrews Kurth
Arnold & Porter
Ashurst LLP
Baker Botts
Bean Kinney
Blank Rome
Bracewell LLP
Bradley Arant
Brinks Gilson & Lione
Brune & Richard
Cadwalader Wickersham
Choate
Covington & Burling
Cravath Swaine
Crowell & Moring
DLA Piper
Dechert
Dentons
Dinsmore & Shohl
Drinker Biddle
Epstein Becker Green
Fennemore Craig
Finnegan
Fish & Richardson
Frankfurt Kurnit
Gibson Dunn
Greenberg Traurig
Guida Slavich
Hogan Lovells

Fattah Corruption Deliberations Reset After Juror Dismissal

U.S. District Judge Harvey Bartle hit the reset button on deliberations in the corruption case against Rep. Chaka Fattah, D-Pa., on Friday morning after a juror was dismissed for undisclosed reasons.

ANALYSIS

5 Takeaways From DC Circ.'s Net Neutrality Ruling

The D.C. Circuit's net neutrality decision Tuesday caught many practitioners off guard with its sweeping endorsement of the Federal Communications Commission's altered internet rules and has ushered in a new era of FCC regulatory authority. Here, Law360 highlights five things you should know about the decision.

EPA Enviro Justice Goals May Affect Future Regs, Settlements

The U.S. Environmental Protection Agency's new technical guidance on how its analysts should incorporate environmental justice principles into their work shows how serious the agency is about applying those principles to its rulemaking and enforcement efforts and could mean new requirements for businesses covered by future EPA rules or settlements, experts said.

New Pipeline Safety Bill Turns Up Heat On PHMSA

The U.S. Pipeline and Hazardous Materials Safety Administration reauthorization bill that President Barack Obama is expected to sign into law soon heaps more significant safety mandates on the agency's crowded regulatory plate, which could further slow its already sluggish and much-maligned rulemaking pace, experts say.

BANKING & SECURITIES

IEX Wins Nod For Stock Exchange With 'Speed Bump'

The U.S. Securities and Exchange Commission gave the go-ahead to IEX Group's plan for a new stock exchange that comes with a built-in "speed bump" to check high-speed traders, despite protests from those traders that the move would interrupt trades marketwide.

Hong Kong Exchange To Overhaul IPO Listing Process

Hong Kong's stock exchange and securities watchdog proposed the creation of two new oversight committees Friday, saying that the new committees would make handling listing policy and initial public offering matters easier and foster new cooperation between the two bodies.

China Securities Watchdog Tightens Backdoor Listing Rules

China's securities regulator said Friday that it will take steps to curb speculation and more strictly police "backdoor listings" in a move that comes as the country looks to shore up its capital markets and prevent a repeat of the market volatility that rocked investors' confidence last year.

Tilton Says SEC Can't Reopen In-House Suit Before Mandate

Private equity magnate Lynn Tilton bashed the U.S. Securities and Exchange Commission's request to immediately revive its \$200 million in-house case against her, telling the Second Circuit that she still has time to seek review of the appellate court's decision allowing the administrative case to proceed.

ENERGY & ENVIRONMENTAL

Hughes Hubbard

Hunton & Williams

Jones Day

K&L Gates

Katten Muchin

Kilpatrick Townsend

King & Spalding

Kirkland & Ellis

Latham & Watkins

Locke Lord

McDermott Will

Mintz Levin

Morgan Lewis

Munck Wilson

Orrick Herrington

Post & Schell

Ropes & Gray

Schnader Harrison

Seyfarth Shaw

Shook Hardy

Sidley Austin

Simpson Thacher

Skadden

Squire Patton Boggs

Stradley Ronon

Weil Gotshal

White & Case

Wilkinson Barker

WilmerHale

Wilson Sonsini

COMPANIES

3M Company

Alcoa Inc.

Amazon.com Inc.

American Airlines Group Inc.

American Bar Association

Apple Inc.

Business Roundtable

Cablevision Systems Corporatio

Centerra Group LLC

Chevron Corporation

Citadel LLC

Deloitte Touche

DraftKings Inc.

Facebook

7th Circ. Won't Revisit FERC Project-Rights Ruling

The Seventh Circuit on Thursday declined to reconsider its earlier ruling that backed a Federal Energy Regulatory Commission decision allowing a regional grid operator to honor non-federal rights of first refusal for regional electricity projects.

Ex-EPA Official Allowed To Testify In 'War On Coal' Suit

A West Virginia federal judge on Friday shot down the Environmental Protection Agency's request to keep a Bracewell LLP attorney who had worked for the EPA from testifying in Murray Energy's lawsuit accusing the agency of failing to study how its air quality regulations impact jobs, saying the EPA couldn't prove that he had a conflict of interest in the case.

HEALTH & LIFE SCIENCES

Sec. Burwell Wants To End Medicare Patient Class Action

Health Secretary Sylvia Mathews Burwell on Thursday told a Connecticut federal court to dismiss a putative class action brought by Medicare patients who claim they were denied their constitutional right to due process by being placed under observation while hospitals considered whether to admit them.

Hospice Urges Supreme Court To Take Medicare Money Case

An Arkansas hospice has asked the U.S. Supreme Court to review an Eighth Circuit ruling requiring the facility to continue caring for Medicare patients after the government has reached its annual reimbursement limit, arguing the tactic constitutes an illegal taking of private property in violation of the Fifth Amendment.

TRANSPORTATION & INFRASTRUCTURE

Ocean Carriers Urged To Help With Container Weight Rule

The head of the Federal Maritime Commission on Thursday urged ocean carriers to take straightforward and simple approaches to ease the confusion over implementing a new international mandate requiring all containers shipped via ocean carriers to have their weight verified.

REAL ESTATE

Watchdog Queries Fannie Mae HQ Project, Watt Pushes Back

A government watchdog urged the Federal Housing Finance Agency on Thursday to step up its oversight of costs related to Fannie Mae's ongoing headquarters relocation project or risk significant financial and reputational harm, prompting FHFA head Mel Watt to criticize the report as overblown.

PRIVACY & CONSUMER PROTECTION

FEMA Told To Better Guard Personal Info At Disaster Sites

The Federal Emergency Management Agency needs to do more to protect personal information at disaster recovery centers, a watchdog has said, noting that the handling of sensitive data during a massive wildfire in Northern California last year wasn't up to snuff.

GOP Senator Asks Facebook For Info About Orlando Shooter

The chairman of the Senate homeland security committee has urged Facebook Inc. to turn over information from accounts used by the gunman

FanDuel Inc.

Fannie Mae

Hong Kong Exchanges and Clearing

Immigration Reform Law Institut

International Business Machines Corporation

Johnson & Johnson

MSCI, Inc.

Mayo Foundation for Medical Education and Research

McGraw Hill Financial Inc.

Murray Energy Corp.

NASDAQ OMX Group Inc.

NFL Enterprises LLC

National Association of Manufacturers

Nike Inc.

PG&E Corporation

PepsiCo Inc.

QUALCOMM Incorporated

RBC Capital Markets

Robert Half International Inc.

Sierra Club

Southern California Gas Co.

Starbucks Corporation

Statoil ASA

Teavana Corp.

The Walt Disney Company

Twitter Inc.

U.S. Chamber of Commerce

Universal Health Services Inc.

Viacom Inc.

GOVERNMENT AGENCIES

California Natural Resources Agency

Consumer Financial Protection Bureau

Consumer Product Safety Commission

Defense Contract Audit Agency

Department of Commerce

Drug Enforcement Administratio

Equal Employment Opportunity Commission

European Commission

Executive Office of the Presiden

behind the June 12 shooting at an Orlando nightclub, pointing to a number of Islamic State-related posts he wrote on the day of the attack.

GOVERNMENT CONTRACTS

Agencies Issue Rule To Promote Federal Strategic Sourcing

The U.S. Department of Defense, the General Services Administration and NASA on Friday issued a joint proposed rule intended to prod contracting officers into using the Federal Strategic Sourcing Initiative, a program designed to leverage federal buying power to save money on common purchases.

INTERNATIONAL TRADE

US, Canada Claim 'Significant Progress' In Lumber Talks

U.S. and Canadian trade officials said Friday they've made "significant progress" in their efforts to strike a new deal governing softwood lumber trade, but offered few details on how much work was left to do in the negotiations.

Asian Trade Dip Leads Global Decline, WTO Says

A World Trade Organization report, released Wednesday, has found that a drop in Asian trade led a 1 percent decline in overall global trade in the first quarter of 2016, a worse result than the organization had expected.

US Senate Panel Opens Door For More Food Exports To Cuba

U.S. farmers are one step closer to being able to export commodities to Cuba with the help of bank financing after the Senate Appropriations Committee on Thursday approved a bipartisan amendment.

Business Titans Keep Pushing For TPP Vote This Year

As the Trans-Pacific Partnership's future remains up in the air, a trio of powerful U.S. business groups Thursday called on the Obama administration and congressional leaders to vote on the 12-nation trade accord before the year is out.

TAX

Colo. Dispensary Urges State AG Intervention In Pot Tax Row

A Colorado medical marijuana dispensary locked in a legal row over the Internal Revenue Service's denial of tax deductions on Thursday urged a Colorado federal judge to allow Colorado's attorney general to defend the constitutionality of its medical marijuana regime.

NATIVE AMERICAN

Ariz. Gov. Says Tribal Gambling Pact Talks Are Privileged

An Arizona federal judge set a timetable Friday to deal with a bid by the state's governor to nix the Tohono O'odham Nation's subpoena in a suit over the tribe's right to offer Las Vegas-style gaming near Phoenix, after the governor claimed the subpoena improperly seeks privileged information on the state's gaming deliberations.

TELECOMMUNICATIONS

Texas Doc Loses Appeal Over TV Report On Sex With Patient

Federal Acquisition Regulatory Council
Federal Bureau of Investigation
Federal Communications Commission
Federal Election Commission
Federal Emergency Management Agency
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Reserve System
Food and Drug Administration
Internal Revenue Service
International Maritime Organization
International Trade Commission
NATO
National Aeronautics and Space Administration
National Institute of Standards and Technology
New Jersey Legislature
New York State Gaming Commission
Pipeline and Hazardous Materials Safety Administration
Securities and Exchange Commission
Small Business Administration
Tohono O'odham Nation
U.S. Attorney's Office
U.S. Coast Guard
U.S. Department of Agriculture
U.S. Department of Defense
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 Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. General Services

The Texas Supreme Court sided with a local television news station in a defamation suit on Friday, saying that a doctor who sued it over a media report about her didn't meet a burden for it to move forward under the Texas Citizens Participation Act.

EXPERT ANALYSIS

The Empire Strikes: Thoughts On Gov't Puerto Rico Decisions

With two recent U.S. Supreme Court decisions and a bill passed in the House with an overwhelming bipartisan majority, the federal government has struck a severe blow to the illusion of self-government by the people of Puerto Rico, says Carlos Ivan Gorrin Peralta, a professor of constitutional law at the Inter-American University of Puerto Rico.

A Glimmer Of Hope In DCAA's FY 2015 Report To Congress

Fiscal year 2015 was a productive year for the Defense Contract Audit Agency. Compared to FY 2014 figures, the statistics show that the DCAA is making progress in clearing its audit backlog, but it is difficult to see how the DCAA can sustain this momentum, especially in connection with the closure of incurred cost audits — its primary mandate, say Dave Nadler and David Yang of Blank Rome LLP.

White House Privacy Rules For Health Initiative Lack Specifics

The guidance offered in the data security framework for the White House's Precision Medicine Initiative remains too broad to offer much practical utility for different health care organizations with different needs. Although "wiggle room" is important in order for participants to adapt, they are likely to be frustrated by the lack of concrete rules, say attorneys at King & Spalding LLP.

In Congress: Brexit, Puerto Rico, 2nd Amendment Showdown

Appropriations continue to dominate floor activity in both the House and Senate this week, but questions over the future of the fiscal year 2017 appropriations process will shift to the Senate, where Democrats have forced votes on firearms issues following the Orlando nightclub massacre, say Richard Hertling and Kaitlyn McClure of Covington & Burling LLP.

LEGAL INDUSTRY

Associate Pay Hikes Could Spur NYC Exodus

Law firms spread the love when raising associates' starting salaries to \$180,000 over the last two weeks by not limiting the bumps to attorneys in New York City, but rather including remote hubs like Cheyenne, Wyoming. The move leads some experts to conclude that top talent will soon eschew the high-rent metropolis that was once a bastion of fat paychecks.

5 More Firms Wrap Up Week With Associate Raises

Five more firms ensured their associates enjoy the weekend by announcing that they will meet the Cravath salary scale for certain associates in their U.S. offices, as the legal sector continues adjusting to the new salary benchmark set by Cravath Swaine & Moore LLP.

4 Signs BigLaw Is Not Ready For Social Media

With social media playing an increasingly central part of people's lives, participating in its forums and pages can be an effective way for BigLaw to promote its good work. It's also an excellent way for large firms to lose control

Administration

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

United Nations

of their brand. Here, legal industry experts discuss four ways BigLaw is largely still not ready for social media, and how it can get it right.

Survey Finds 3-Year High In Law Firms Looking To Hire

The percentage of law firms planning to hire new legal professionals in the coming months has hit a three-year high, according to the staffing firm Robert Half Legal, with two-thirds of survey respondents saying it's hard to find the skilled staff they need and a third worried about talented employees getting poached.

GC Cheat Sheet: The Hottest Corporate News Of The Week

The high court issued a new standard for evaluating whether regulatory violations are serious enough to trigger False Claims Act liability, workplace gender equality advocates saw three notable developments, and a new study says general counsel are seeking out nontraditional law firms. Those stories top the corporate legal news you may have missed last week.

Atty Gets Life Sentence For Attack On Law Firm Boss, Wife

The Virginia lawyer convicted earlier this week for taking the former managing shareholder of Virginia law firm Bean Kinney & Korman PC and his wife hostage in their home was sentenced to life in prison on Thursday, according to a statement released by the firm.

UK Dentons Group Boasts 7% In Revenue Gains, To \$237M

Dentons saw revenue in its U.K., Middle East and Africa practice grow 7 percent this past fiscal year to £165 million (\$237 million), a figure that is also a 23 percent boost over the past three years, the firm told Law360 on Friday.

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

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