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**Subject:** Trump DOJ Prep Guided By Morgan Lewis, Kirkland, MoFo

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## PUBLIC POLICY

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Tuesday, November 22, 2016

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### TOP NEWS

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#### Trump DOJ Prep Guided By Morgan Lewis, Kirkland, MoFo

President-elect Donald Trump has tapped a range of former high-level U.S. Department of Justice officials now practicing at BigLaw firms, including Morrison & Foerster LLP and Morgan Lewis & Bockius LLP, to guide the shift at the DOJ, the transition team said Monday.

#### New EEOC Guidance Defines National Origin Discrimination

The Equal Employment Opportunity Commission issued new guidelines on national origin discrimination Monday, defining it, providing tips for employers on how not to run afoul of Civil Rights Act national origin protections and providing examples of situations that could spark enforcement action.

#### DHS Releases Final Rule On FOIA

The U.S. Department of Homeland Security unveiled a preview Monday of a final rule updating the agency's Freedom of Information Act regulations, giving more time to appeal the DHS' response to an information request, clarifying when fees can be charged to information seekers, and more.

### BANKING & SECURITIES

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#### Credit Suisse Launches Swiss Unit Ahead Of Planned IPO

Credit Suisse AG said Monday that subsidiary Credit Suisse (Schweiz) AG has launched operations, likely setting the stage for an initial public offering next year as the banking conglomerate slims down to comply with "too big to fail" post-financial-crisis regulations.

#### GOP Iowa Lawmakers Press Trump To Nix Waters Of US Rule

A handful of Republican lawmakers from Iowa implored President-elect Donald J. Trump on Monday to torpedo the U.S. Environmental Protection Agency and U.S. Army Corps Engineers' contentious Clean Water Rule immediately upon entering the White House next year.

### ENERGY & ENVIRONMENTAL

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#### DOI Can't Regulate Drilling Flares, States Say

Oil- and gas-rich Wyoming and Montana petitioned a Wyoming federal court on Friday to block the Bureau of Land Management's attempt to limit the release of methane during drilling operations on federal and Native American lands, arguing the bureau had overstepped its authority.

### LAW FIRMS

Akerman  
Altshuler Berzon  
Balch & Bingham  
Bredhoff & Kaiser  
Brown & Connery  
Cleary Gottlieb  
Eversheds LLP  
Fox Rothschild  
Graves Garrett  
Holland & Knight  
Hunton & Williams  
Jackson Lewis  
Jones Day  
K&L Gates  
Kelley Drye  
Kirkland & Ellis  
Latham & Watkins  
Littler Mendelson  
McDermott Will  
McGuireWoods  
MoloLamken LLP  
Morgan Lewis  
Morrison & Foerster  
Munger Tolles  
Shearman & Sterling  
Sherman Dunn  
Sidley Austin  
Skadden  
Squire Patton Boggs  
Steptoe & Johnson LLP  
Taft Stettinius

### COMPANIES

Altman Weil Inc.  
America Fujikura Ltd.

## Mercury Rule Foes Say EPA's Cost Analysis Doesn't Add Up

The U.S. Environmental Protection Agency's additional, court-ordered justification of its rule limiting mercury and other toxic emissions from coal-fired power plants fails to show how the rule's benefits outweigh its compliance costs, states and industry groups fighting the revamped rule told the D.C. Circuit on Friday.

## EPA Chief McCarthy Defends Climate, Pollution Priorities

U.S. Environmental Protection Agency Administrator Gina McCarthy said Monday she is concentrating on creating a smooth transition between President Barack Obama's administration and President-elect Donald Trump's, and expressed hope that key initiatives like reducing carbon pollution from power plants will survive the change.

## Canada Moves To Phase Out Coal-Fired Power By 2030

The Canadian government said Monday that it would phase out the use of coal-fired power in the country by 2030, and would use its national infrastructure bank to help finance the transition to cleaner sources of electricity.

## HEALTH & LIFE SCIENCES

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### House Asks DC Circ. To Pause Affordable Care Act Suit

The Obama administration's appeal of the GOP-led House of Representatives' district court win holding that certain subsidies for the Affordable Care Act are illegal should be stayed given President-elect Donald Trump's dim views on Obamacare, the House told the D.C. Circuit on Monday.

### Mylan Refuses To Testify At Senate's EpiPen Rebate Hearing

Mylan NV has joined the U.S. Department of Justice and Centers for Medicare & Medicaid Services in refusing to testify before the Senate Judiciary Committee about a potential \$465 million settlement tied to its misclassification of the EpiPen for Medicaid rebates, the committee's chairman said Monday.

## IP & TECHNOLOGY

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### NJ Assembly Approves Bill To Protect Inventor Rights

The New Jersey Assembly on Monday unanimously approved legislation to protect employees' rights to the ownership and usage of inventions unrelated to their jobs that they developed entirely on their own time and without using employers' resources.

## TRANSPORTATION & INFRASTRUCTURE

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### Calif. Appeals Rail Hazmat Fee Injunction To 9th Circ.

California officials have appealed to the Ninth Circuit a federal judge's Oct. 28 ruling blocking the state's tax board and regulators from implementing a new law that slaps a fee on rail cars transporting hazardous materials such as crude oil and chemicals.

## REAL ESTATE

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### State OKs \$771M In Tax-Exempt Bonds For NYC

American Civil Liberties Union  
American Federation of Labor &  
Congress of Industrial  
Organizations  
BNSF Railway  
Bloomberg  
Credit Suisse Group AG  
Financial Industry Regulatory  
Authority Inc.  
Google Inc.  
International Union Of Operatin  
Engineers  
Kirkland's, Inc.  
Marks & Spencer  
Murray Energy Corp.  
Mylan NV  
National Air Traffic Controllers  
Association  
National Association of  
Manufacturers  
Portland Cement Association  
Red Bull GmbH  
U.S. Chamber of Commerce  
Union Pacific Corporation  
United Auto Workers  
United Steelworkers  
Winmark Corp.

## GOVERNMENT AGENCIES

Bureau of Land Management  
California State Board of  
Equalization  
Centers for Medicare & Medica  
Services  
Central Intelligence Agency  
Defense Intelligence Agency  
Energy Information Administrati  
Equal Employment Opportunity  
Commission  
Executive Office of the Preside  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications  
Commission  
Food and Drug Administration  
Internal Revenue Service  
Municipal Securities Rulemak  
Board

New York Gov. Andrew Cuomo said Friday that the state has allocated \$771 million in tax-exempt bond capacity to New York City this year, an increase of \$80 million from last year, to help spur affordable housing construction.

## EMPLOYMENT

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### Industry, Unions Lock Horns In OSHA Silica Rule Dust-Up

Industry and labor groups fired their opening salvos Friday in a D.C. Circuit proceeding challenging the Occupational Safety and Health Administration's new rules on worker exposure to silica dust in a wide range of industries, with the industry groups seeking a full repeal and the unions looking to bolster worker protections.

### Del., NJ Agency Beats Suit Over Gov. Christie Contract Veto

A federal judge ruled Friday that the Delaware River and Bay Authority doesn't have to honor collective bargaining agreements that were vetoed by New Jersey Gov. Chris Christie, ruling that the governor's action effectively canceled the authority commission's ratification of the contracts.

### Union Eyes 9th Circ. In Idaho Right-To-Work Challenge

A local chapter of the International Union of Operating Engineers said Friday that it will ask the Ninth Circuit to revive its challenge of an Idaho law that blocks unions from compelling nonmembers to pay fees, the same day the Sixth Circuit upheld a similar rule in a Kentucky county.

### DOL Tells Court Expanding OT Rule Is Well Within Its Powers

The U.S. Department of Labor urged a Texas federal court Friday not to nix a controversial rule set to nearly double the salary threshold at which workers become exempt from overtime pay under federal labor laws, arguing the rule is a reasonable exercise of its power under court precedent.

### Feds Lose Bid To Block Bathroom Injunction

A federal judge in Texas on Sunday denied a bid from the federal government to narrow the scope of his ruling that halts nationwide federal guidance that students be allowed to use the restroom that matches their gender identity, writing that they wouldn't be harmed if the temporary stop goes into effect.

## PRIVACY & CONSUMER PROTECTION

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### DOJ Wants Warrant Rule Change To Nab Hidden Criminals

The Justice Department on Monday doubled down on its defense of a controversial judicial rule change that would expand courts' ability to issue warrants for access to electronic communications, arguing that the revision was necessary to catch pedophiles and other criminals increasingly using technology to cloak their location.

## INTERNATIONAL TRADE

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### EU Commish Talks Up Free-Trade Pacts In Milan

European Union Trade Commissioner Cecilia Malmström defended the bloc's free-trade agreements while speaking Friday in Milan, but noted the Transatlantic Trade and Investment Partnership will likely be on hold for "some time."

## TAX

National Institutes of Health  
Occupational Safety and Health Administration  
Office of the U.S. Trade Representative  
Securities and Exchange Commission  
Transportation Security Administration  
U.S. Army  
U.S. Customs and Border Protection  
U.S. Department of Defense  
U.S. Department of Homeland Security  
U.S. Department of Housing and Urban Development  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Senate  
U.S. Supreme Court

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## Tea Party Group Seeks Extension In IRS Tax-Exemption Row

A Texas tea party group asked an Ohio federal court on Monday for an emergency order that would effectively extend a crucial deadline in its tax-exemption application to the IRS, complaining that the IRS has twisted the court's earlier injunction against it into an excuse to deny the application.

## Christie Signs NJ Law Clarifying Tax Breaks For Stadiums

New Jersey Gov. Chris Christie has signed into law a bipartisan bill reiterating that government-owned stadiums and arenas are exempt from property taxation, answering uncertainty spawned by a court decision clarifying tax obligations of charitable and for-profit operations.

## TELECOMMUNICATIONS

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### Advocates Urge Congress To Let FCC Act On Accessibility

Several groups representing deaf, hard of hearing, blind visually impaired Americans called on House congressional overseers Friday to clarify the importance of the Federal Communications Commission taking action on pending accessibility items, urging against waiting months during the presidential transition.

### FCC's Pai Pushes Sessions For Attorney General

The Federal Communications Commission's senior Republican is backing Sen. Jeff Sessions of Alabama for the post of U.S. attorney general in the incoming Trump administration, saying Friday that he was once a part of Sessions' diverse staff in the Senate.

### Trump Vows In Video To End TPP, Loosen Energy Regs

President-elect Donald Trump addressed the nation Monday night in a YouTube video outlining plans for six executive actions for day one of his term, ranging from an order to investigate immigration visa abuses to issuing a notification of intent to withdraw from the Trans-Pacific Partnership.

## EXPERT ANALYSIS

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### What To Expect In The Remaining Days Of The 114th Congress

Overshadowing the onset of the lame-duck session of the 114th Congress was the dramatic presidential election. Anticipating Republican majorities in the Congress and the newly sworn-in President Donald J. Trump in January of 2017 is affecting the strategies of both parties during the lame-duck session, say attorneys at Holland & Knight LLP.

### Tax Policy In The Trump Era: Part 3

Nearly three decades have passed since the last major overhaul of the U.S. tax code. Republican and Democratic policymakers agree (often for different reasons) that reform is needed. In the final installment of this series, attorneys with Squire Patton Boggs discuss corporate tax inversions and Section 385, the estate tax, low-income housing, and pension and retirement savings.

### Transportation Policy In The Trump Era: Part 1

The challenge of revitalizing and updating the nation's transportation and infrastructure will be a focus for the 115th Congress and the Trump administration. In the first of a three-part series, attorneys with Squire Patton

Boggs examine the transportation policy outlook for the aviation sector, focusing on FAA reauthorization and the prospects for a sweeping modernization of the nation's air traffic control system.

### Importers Beware: US Customs In Enforcement Mode

U.S. Customs and Border Protection is upping its enforcement. On top of its legislative mandate, the Trump administration will also likely focus on the enforcement of trade regulations, says Laura Siegel Rabinowitz, special counsel at Kelley Drye and Warren LLP.

### Changing Fiduciary Duty Landscape In A Trump Presidency

Following on the heels of the final U.S. Department of Labor fiduciary rule is the pending effectiveness of new fiduciary standards for municipal advisers, and the expected release of a proposed uniform fiduciary standard by the U. S. Securities and Exchange Commission. The election of Donald Trump as president, however, creates uncertainty about the current path and increases the possibility of change, say attorneys with Shearman & Sterling LLP.

## LEGAL INDUSTRY

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### BigLaw's New Leaders Confront A Shifting Industry

BigLaw has slowly begun the process of recreating itself for the modern era, propelled by technological advances and new competition, but experts say the industry still has a long way to go and its newest leaders face the monumental task of being its change agents.

### GCs Can't Find Money, Time To Deploy New Tech, Report Says

Adapting to and utilizing new legal technology seems to be a near constant topic of discussion among law firms and their biggest clients, but in-house counsel are facing some practical hurdles in technological progress, like budgeting and time constraints, according to a new report released Friday by Eversheds LLP and Winmark Ltd.

### Rainmaker Q&A: Akerman's Brenda Goerks

Many times, "landing" a new client is given too much value, when perhaps it should really be about maintaining and investing in the clients you have. Getting to a Jedi stride with a client, and knowing their business takes time and is a mutual investment that requires ongoing fostering, says Brenda Goerks, a partner at Akerman LLP.

## JOBS

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