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**Subject:** NBA Pulls All-Star Game From Charlotte Citing Bathroom Law

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## PUBLIC POLICY

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Monday, July 25, 2016

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### TOP NEWS

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#### **NBA Pulls All-Star Game From Charlotte Citing Bathroom Law**

The NBA has decided to relocate the 2017 All-Star Game from Charlotte, North Carolina, citing the state's controversial new law preventing transgender people from choosing the bathroom of their choice in a move that has sparked outrage from the governor, Pat McCrory.

#### **Brexit Opens Door For Overhauled UK Trade Policy**

A looming exit from the European Union has opened the door for the United Kingdom to forge a reputation as an independent trading power for the first time in decades, experts say, but London has heavy lifting to do if it hopes to establish itself as major player untethered from a larger trading bloc.

#### **Minnesota Takes Emissions Law Fight To US Supreme Court**

Minnesota will urge the U.S. Supreme Court to overturn the Eighth Circuit's recent ruling that nixed portions of a state law effectively barring new coal-fired plants from supplying electricity to the state, Law360 learned on Friday.

#### **FCC Chairman Pushes Carriers To Help Block Robocalls**

The commissioner of the Federal Communications Commission on Friday called on major wireless and landline phone companies to offer free call-blocking services to customers in an effort to combat robocalls, the "number one source of complaints" at the FCC, the commissioner said.

#### **La. Abortion Laws Delayed Until At Least November**

A Louisiana federal judge on Friday pushed back hearings in a case challenging the state's seven abortion laws enacted in 2016 until November, and during that time the state has agreed to hold off on enforcing the laws, according to the Center for Reproductive Rights.

#### **Pols Want New Whistleblower Protections For Contractors**

A bipartisan group of House members introduced a bill Thursday that would extend existing federal whistleblower protections to federal contractors, as pressure has built on the U.S. departments of Defense, Veterans Affairs and other federal agencies over their treatment of whistleblowers.

### LAW FIRMS

Akin Gump  
Axiom Law  
Baker & McKenzie  
Baker Botts  
BakerHostetler  
Bancroft PLLC  
Barran Liebman  
Bryan Cave  
Cleary Gottlieb  
Crowell & Moring  
Curtin & Heefner  
Debevoise & Plimpton  
Dechert  
Dorsey & Whitney  
Fox Rothschild  
Fragomen Del Rey  
Frankfurt Kurnit  
Fried Frank  
Gibson Dunn  
Greenberg Glusker  
Greenberg Traurig  
Herbert Smith Freehills  
High Swartz  
Hogan Lovells  
Holland & Knight  
Jones Day  
Jones Walker  
K&L Gates  
Kelley Drye  
Kilpatrick Townsend

## ANALYSIS

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### Why Gibson Dunn Lost A Big Case To An Old Conflict

Gibson Dunn apparently missed a relationship with a Second Circuit judge when it agreed to represent private equity magnate Lynn Tilton, a slip experts said was likely an honest mistake but shows the difficulties of recognizing conflicts decades after a former partner has moved on but retains firm ties.

### Mentor-Protege Rule A Boon For Contractors Big And Small

Although some small businesses may get left behind in the scramble for mentors, the U.S. Small Business Administration's much-anticipated final mentor-protege rule generally offers a broad new opportunity for contractors of all sizes, attorneys said.

### 3 Things To Know About Immigration Fine And Fee Increases

With fees and penalties for immigration-related applications and violations set to increase soon, attorneys share some crucial takeaways about the expected effect on the EB-5 visa program and the need for internal employer I-9 audits.

### Foreign Funds Slow To Buy US Property Despite Tax Change

Foreign pension funds have not ramped up their direct investment in U.S. real estate despite changes late last year to the Foreign Investment in Real Property Tax Act, and many firms remain unclear as to how exactly they might qualify for the new tax exemptions under FIRPTA, lawyers say.

### New Offshore Shutdown Cost Regs Offer Cos. A Soft Landing

Tougher financial requirements recently released by U.S. offshore regulators to ensure drillers can pay for shuttering their offshore operations could further squeeze companies already hurt by low oil prices, but experts say the guidelines offer enough flexibility in satisfying those requirements to keep companies from collapsing beneath their cleanup obligations.

## BANKING & SECURITIES

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### UK Watchdog Weighs Tweaks To Capital Buffer Rulebook

The U.K.'s Prudential Regulatory Authority proposed clarifications Friday to guidelines that set out how banks are supposed to calculate the amount of capital they have to hold to protect against market downturns.

### Canadian Regulators Pick Board For Unified Market Authority

Provincial securities regulators and Canada's Minister of Finance said Friday that they have selected the board of directors for the new regulatory authority that will oversee a unified system of capital market regulation in the country.

## ENERGY & ENVIRONMENTAL

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### Regional Del. River Agency Wants Fracking Ban Suit Tossed

The Delaware River Basin Commission on Friday urged a Pennsylvania federal judge to toss a lawsuit challenging an alleged moratorium on natural gas development, saying the landowner bringing the suit must take up its case with the commission itself.

### Greens, Funds Press SEC For Better Environmental Disclosure

Environmental advocates on Thursday urged the U.S. Securities and Exchange Commission to require companies to disclose environmental, social

Kirkland & Ellis

Latham & Watkins

Locke Lord

Mintz Levin

Morgan Lewis

Morrison & Foerster

Ober Kaler

Polsinelli

Quinn Emanuel

Reed Smith

Ropes & Gray

Shearman & Sterling

Sidley Austin

Skadden

Sullivan & Cromwell

Sutherland Asbill

Thompson & Knight

Venable LLP

Vinson & Elkins

Winthrop & Weinstine

Wolf Greenfield

Womble Carlyle

## COMPANIES

AT&T Inc.

ATP Oil & Gas Corporation

Aetna Inc.

Alliance of Automobile  
Manufacturers

American Cable Association

American Civil Liberties Union

American Society Of Composers  
Authors & Publishers

Anheuser-Busch Inbev SA/NV

Anthem Inc.

Bank of England

CIGNA Corporation

California State Teachers  
Employees' Retirement System

Center for Biological Diversity In  
Comcast Corporation

Delaware Riverkeeper Network

Ernst & Young

Facebook

Global Automakers

HSBC Holdings PLC

Harleysville Group Inc.

and governance risks to investors.

## **EPA Blew Deadlines For Ozone Plans In 16 States, Suit Says**

Three nonprofits sued the U.S. Environmental Protection Agency in California federal court on Thursday, alleging that the agency failed to hold several states accountable for not turning in elements of their plans to improve ozone-polluted areas.

## **Interior Should Improve Gas Emissions Accounting, GAO Says**

The U.S. Department of the Interior should do more to account for natural gas emissions from oil and gas operators on onshore federal lands and offer better reporting requirement guidelines for operators, the U.S. Government Accountability Office said in a report released Thursday.

## **HEALTH & LIFE SCIENCES**

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### **Humana To Largely Drop Out Of ACA Marketplace**

Humana Inc. will be pulling out of "substantially all" state marketplaces created under the Affordable Care Act, likely leaving all but 11 states, the insurer said on Thursday in an earnings report.

### **Alaska Parental Consent Abortion Law Found Unconstitutional**

The Alaska Supreme Court on Friday ruled that a law requiring minors to get parental consent before receiving an abortion is unconstitutional as it treats pregnant minors who are carrying a child to term differently than those who aren't.

## **IP & TECHNOLOGY**

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### **After Claiming RNC Crown, Trump Snubbed By Queen**

Although Donald Trump has claimed victory in the Republican primary process, he has no friends in the band Queen, who have pulled his rights to play the song "We Are the Champions" after the nominating convention this week.

## **TRANSPORTATION & INFRASTRUCTURE**

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### **NJ Lawmakers Unveil Deal On Transportation Fund, Tax Cuts**

Democratic leaders of New Jersey's Senate and Assembly on Friday unveiled a proposal to collect more than \$1 billion annually for improvements to the state's roads, bridges and mass transit systems through a gas tax hike, while also providing tax cuts for poorer workers, retirees, estate heirs, motorists and veterans.

### **Auto Industry Group Floats Cybersecurity Best Practices**

The automotive industry's cyberthreat information sharing group on Thursday released a set of privacy best practices aimed at guarding against cybersecurity risks that may arise as cars become increasingly connected to the internet and to one another.

## **EMPLOYMENT**

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### **Chamber Of Commerce Criticizes Executive Incentive Pay Rule**

The U.S. Chamber of Commerce on Thursday said that a proposed rule to regulate incentive compensation for senior bank executives, traders and other

Hostess Brands Inc.

Humana Inc.

LinkedIn Corp.

MillerCoors LLC

National Association Of Real Estate Investment Trusts Inc.

National Association of Broadcasters

National Basketball Association

National Cable &

Telecommunications Associator

Nationwide Mutual Insurance Cc

New York Times Co.

Oregon State Bar

Planned Parenthood Federation

PricewaterhouseCoopers

Public Knowledge

Quicken Loans Inc.

SABMiller

STEC, Inc.

Sierra Club

State Bar of California

The Cato Corporation

Toyota Motor Corporation

Twitter Inc.

U.S. Chamber of Commerce

UnitedHealth Group Inc.

Wal-Mart Stores Inc.

Xerox Corporation

## **GOVERNMENT AGENCIES**

Bureau of Land Management

Bureau of Ocean Energy Management

Delaware River Basin Commissi

Department of Commerce

European Commission

Executive Office of the Presiden

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp

Federal Energy Regulatory Commission

Federal Housing Finance Agenc

Federal Railroad Administration

Food Safety and Inspection Service

financial services employees is fraught with problems and has the potential to chill the kind of risk-taking that spurs economic growth and job creation.

## PRIVACY & CONSUMER PROTECTION

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### US, HSBC Urge 2nd Circ. To Block Money Laundering Report

The U.S. and HSBC Bank USA NA both told the Second Circuit to vacate a lower court's decision to partially unseal a report into the bank's failures to combat money laundering, saying the document is irrelevant to any judicial function.

## GOVERNMENT CONTRACTS

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### Mentor-Protege Program Expanded By Final SBA Rule

The U.S. Small Business Administration on Friday released a final rule putting in place a long-awaited expansion to its mentor-protege program, expanding the program to cover all small businesses.

### Updated Law Of War Manual Emphasizes Reporter Protections

The U.S. Department of Defense announced the release Friday of an updated version of its massive tome detailing the law of war, with "substantial revisions" to how the manual discusses journalists, including added emphasis on their importance and the need for their protection as civilians.

## INTERNATIONAL TRADE

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### Lords Say Brexit Talks Need Parliamentary Oversight

The European Union Committee of the U.K.'s House of Lords issued a report Friday calling for the committee to have an oversight role in all stages of the Brexit negotiations.

## TAX

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### Jersey City Wins Appeal Over Developers' Tax Abatements

A New Jersey state appeals court said Friday a developer could not keep more profits under tax abatement deals with Jersey City based on subsequent changes to state law, finding that contract language requires the builder to use a calculation method in place when the agreements were reached.

## TELECOMMUNICATIONS

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### Consensus Still Lacking In FCC's Set-Top Box Debate

Discussions between the Federal Communications Commission and industry stakeholders over a proposal to increase competition for pay-TV boxes have moved the agency closer to a final plan, but the commission may still have a ways to go before reaching a real consensus, experts say.

### US Spent \$2.6B-Plus On Afghan Telecom Sector, Audit Says

The U.S. government has poured at least \$2.6 billion into Afghanistan's telecommunications sector, and possibly much more, as accurate figures from the Pentagon and others are difficult to come by, a federal watchdog agency overseeing Afghan reconstruction said in an audit published Friday.

### Group Wants Rural Broadband Cash Pegged To Urban Speeds

The American Cable Association on Thursday recommended that the Federal

Government Accountability Office  
Immigration and Customs Enforcement  
National Highway Traffic Safety Administration  
National Institute of Standards and Technology  
Occupational Safety and Health Administration  
Office of Natural Resources Revenue  
Office of the Comptroller of the Currency  
Pipeline and Hazardous Materials Safety Administration  
Securities and Exchange Commission  
Small Business Administration  
Special Inspector General for Afghanistan Reconstruction  
U.S. Agency for International Development  
U.S. Department of Agriculture  
U.S. Department of Defense  
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. Patent and Trademark Office  
U.S. Supreme Court  
United Nations  
World Bank Group

Communications Commission partially base its “weighting formula” for companies vying for rural broadband expansion dollars to the preferences of urban consumers for data usage and speed.

### **Advocates Press FCC To Keep Newspaper Ownership Rule**

Advocacy group Common Cause told the Federal Communications Commission on Thursday to maintain its newspaper broadcast cross-ownership rule, which places restrictions on media ownership, saying that the rule “is as timely and important now as when it was instituted.”

## **EXPERT ANALYSIS**

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### **DOT Oil Train Rule Proposes Costly Requirements**

A recently proposed rule by the U.S. Department of Transportation intends to improve oil spill response readiness and mitigate effects of rail incidents involving petroleum oil and certain high-hazard flammable trains. However, the expanded requirements would likely impose substantial costs and burden on railroads and could increase the price of crude oil transport by rail, say attorneys at Baker Botts LLP.

### **USDA Food Safety Data Plan Hints At Larger Institutional Goals**

With the U.S. Department of Agriculture’s Food Safety and Inspection Service’s announcement of its plan to share more food safety data regarding slaughter and processing facilities, it seems clear that the agency hopes such publicity will provide additional stimulus for a race to the top in the area of pathogen reduction, say Robert Hibbert and Hilary Lewis at Morgan Lewis & Bockius LLP.

### **PROMESA Shields Puerto Rico Behind A New Automatic Stay**

Tucked at the end of the Puerto Rico Oversight, Management, and Economic Stability Act is a stand-alone provision that promises an immediate impact not merely on bondholders and other creditors seeking to enforce payment and remedies, but on any person or entity seeking to enforce rights generally against the government of Puerto Rico or any “territorial instrumentality,” says Michael Cooley of Bryan Cave LLP.

## **LEGAL INDUSTRY**

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### **6 Ways Firms Can Increase Lawyer Productivity**

With associate pay on the rise and competition for legal work as fierce as ever, getting solid billable hours from attorneys is crucial to your firm's success. Experts say increasing productivity requires out-of-the-box thinking along with a willingness to change firmwide practices and build better internal relationships.

### **3 Tips For Becoming A Family-Friendly Law Firm**

When law firms ignore lawyers' personal needs and their lives outside work, experts say they lose out on valuable opportunities to attract and retain talent. Here, legal industry gurus offer tips on how firms can become family-friendly and retain talented lawyers.

### **Shearman & Sterling Account Held Stolen Funds, Feds Say**

The U.S. Department of Justice claims that more than \$1 billion in assets were acquired with money stolen by corrupt Malaysian officials from a state-owned investment fund and that illicit funds were moved through a Shearman

& Sterling LLP trust account.

### **Ex-Fox Rothschild Atty Gets 6 Months For Insider Trading**

A former Fox Rothschild LLP attorney was slapped with a six-month prison sentence on Friday following his conviction on charges that he used insider information to trade ahead of a \$760 million insurance industry merger his firm was helping to handle.

### **GC Cheat Sheet: The Hottest Corporate News Of The Week**

The government says overworked patent examiners are leading to poor patents, Wal-Mart prevails at the Eighth Circuit in a bribery-related shareholder suit, and the U.S. Small Business Administration expands a program aimed at helping smaller companies learn from its more sizable counterparts. Those stories top the corporate legal news you may have missed this past week.

### **Calif. Bar In Need Of 'Significant Changes,' Task Force Says**

A task force appointed by the State Bar of California on Thursday told the administrative body that it has identified several problems in need of fixing, including with the bar's system of attorney discipline and overall mission of public protection.

### **Ernst & Young Hires Belfast Axiom Exec For UK Legal Team**

Ernst & Young has hired an executive from legal process outsourcing firm Axiom Law to its United Kingdom law team, the firm said this week, as it becomes the latest company to set up shop in Belfast to offer companies ways to cut costs on high volumes of less complex legal work.

### **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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