

**From:** Public Policy Law360 <news-q@law360.com>  
**To:** Adams, ChaneyChaneyAdams@gov.sc.gov  
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## PUBLIC POLICY

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Monday, August 15, 2016

### TOP NEWS

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#### [Immigration Regulations To Watch Before Obama Exits Office](#)

With only six months left in the president's term, the Obama administration will need to hustle if it wants to issue the slew of immigration regulations that are still on its plate, measures that could impact foreign startup founders and highly skilled workers alike. Here are the key immigration rules attorneys should watch for.

#### [Clinton's TPP Pivot Could Be A Long Way Off](#)

While most free trade proponents believe that Hillary Clinton will walk back her opposition to the Trans-Pacific Partnership if she wins the White House, the candidate's latest comments signal that she may seek radical, sweeping changes to the agreement before it comes up for a vote.

#### [Sen. Cranks Up Pressure On AT&T, Others To Fight Robocalls](#)

A U.S. senator pushed AT&T, Verizon and several other top telecoms Thursday to explain what exactly they have been doing in recent years to prevent consumers from receiving unwanted robocalls, saying that "aggressive action" is needed but that companies so far have made only "empty promises."

#### [Ex-Gitmo Prisoner's Suit Won't Be Revived By DC Circuit](#)

The D.C. Circuit Friday rejected a former Guantanamo Bay detainee's attempt to revive allegations that government officials tortured and detained him illegally as a teen, ruling that law governing the conflict in Afghanistan bars suits by enemy combatants.

#### [Redistricting Group Asks Ill. Top Court To Take Ballot Case](#)

Illinois' Independent Maps Coalition — a privately financed collection of good government groups — urged the Illinois Supreme Court on Wednesday to take up its case to save a proposed state constitutional amendment that would reapportion legislative districts using nonpartisan methods.

#### [Pa. AG Opts Not To Testify As Her Defense Rests](#)

Pennsylvania's embattled attorney general opted to not take the stand in her own defense on Friday as her legal team rested its case without calling on any

### LAW FIRMS

Alston & Bird  
Arent Fox  
Ballard Spahr  
Benach Collopy  
Boies Schiller  
Brewer, Attorneys & Counselors  
Buchanan Ingersoll  
Burke Law Group  
Burr & Forman  
Covington & Burling  
Crowell & Moring  
DLA Piper  
Dechert  
Dewey & LeBoeuf  
Dorsey & Whitney  
Earthjustice  
Epstein Becker Green  
Federal Practice Group Worldwi  
Service  
Fish & Richardson  
Fragomen Del Rey  
Frank LLP  
Gibson Dunn  
Greenberg Traurig  
Grossberg Yochelson  
Hattis Law  
Hunton & Williams  
Jenner & Block  
Jones Day  
Kamer Zucker  
Kaye Scholer

witnesses to rebut allegations that she had conspired to leak confidential grand jury information to a reporter before lying about it to investigators.

## ANALYSIS

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### The 5 TSCA Changes Most Likely To Spawn Litigation

As the U.S. Environmental Protection Agency races to meet tight rulemaking deadlines set out under the newly revised Toxic Substances Control Act, experts say attorneys are preparing for litigation over several key issues, including how the agency prioritizes chemicals for review and how it assesses risk. Here are five areas where legal challenges are expected.

## BANKING & SECURITIES

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### CTFC Exempts Federal Reserve Banks From DCO Liabilities

The U.S. Commodity Futures Trading Commission on Friday published an order that will free Federal Reserve Banks that manage customer accounts for derivatives clearing organizations from liability under the Commodity Exchange Act.

### FDIC Cybersecurity Still Not Up To Snuff, Watchdog Says

The Federal Deposit Insurance Corp.'s cybersecurity still has room for improvement when it comes to protecting and controlling access to the agency's financial and other sensitive data, according to a watchdog report Thursday.

## ENERGY & ENVIRONMENTAL

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### 9th Circ. Chides EPA Again On Pesticide Delay

A Ninth Circuit panel on Friday chastised the U.S. Environmental Protection Agency once again for a string of delays in taking action on a request to ban the pesticide chlorpyrifos, rejecting the agency's request for a six-month extension and giving it three months instead.

## HEALTH & LIFE SCIENCES

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### Ohio's Attempt To Defund Planned Parenthood Blocked

An Ohio federal judge on Friday permanently shot down a state law blocking funding for two Planned Parenthood affiliates, ruling that the law violates the First Amendment right to freedom of speech and the Fourteenth Amendment's due process clause.

### Pastors Sue Illinois Over Gay Conversion Therapy Ban

A coalition of Illinois pastors sued the state in federal court on Thursday over a law that bars therapists and counselors from using so-called conversion therapy in attempting to change a minor's sexual orientation, alleging that the government overreached by also applying the ban to religious clergy not licensed by the state.

## IP & TECHNOLOGY

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### DOJ, FTC Eye Revamp To IP-Licensing Antitrust Rules

The Federal Trade Commission and the U.S. Department of Justice's Antitrust Division said Friday that they are seeking public comments on a proposed update of the Antitrust Guidelines for the Licensing of Intellectual Property.

## MEDIA & ENTERTAINMENT

Keker & Van Nest

King & Spalding

Kirkland & Ellis

Glasko Immigration Law Partner

Latham & Watkins

Law Offices of Stewart and Stewart

Mauck & Baker

Mayer Brown

McCarter & English

McDermott Will

Miller & Chevalier

Mintz Levin

Morgan Lewis

Morrison & Foerster

Orrick Herrington

Pietragallo Gordon

Proskauer Rose

Quarles & Brady

Quinn Emanuel

Reed Smith

Salazar Jackson LLP

Seward & Kissel

Seyfarth Shaw

Sidley Austin

Thompson Hine

Troutman Sanders

Weil Gotshal

Wiggin and Dana

WilmerHale

Winston & Strawn

## COMPANIES

AAR Corporation

AECOM

AT&T Inc.

Adidas AG

Adobe Systems Incorporated

Agilent Technologies Inc.

American Chemistry Council Inc

American Immigration Lawyers Association

American Petroleum Institute Inc

American Psychiatric Association

Apple Inc.

Association of American Railroads

Bank of America Corporation

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## State Gov't Group Urges Feds To Stay Out Of Sports Betting

The National Conference of State Legislatures on Thursday called on the federal government to recognize states' sovereignty in regulating, taxing or prohibiting internet gambling, sports gambling and daily fantasy sports contests, coming just days after a Third Circuit ruling shot down New Jersey's attempt to allow sports betting by saying it was violative of a federal law.

## TRANSPORTATION & INFRASTRUCTURE

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### Rail Shippers Petition DOT To Block Rival Tank Car Standards

A coalition of industry groups representing chemical, gas, fertilizer and other companies petitioned the U.S. Department of Transportation on Friday to adopt rules that would block freight railroads and others from trying to draft competing national standards for tank cars carrying hazardous materials.

### Trump, Clinton Tout Infrastructure Spending, With Few Details

Calls by Hillary Clinton and Donald Trump to spur economic growth with increased infrastructure investment have stoked optimism that the candidates will prioritize fixing the nation's crumbling roads, bridges and highways. But experts say a shortage of specifics from the presidential hopefuls casts doubt on whether they'll make good on their promises.

## EMPLOYMENT

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### High Court Should Review Tip-Pool Ruling, Says Casino

Wynn Las Vegas has asked the Supreme Court to review a Ninth Circuit decision that held the U.S. Department of Labor is empowered to restrict employers from tip-pooling, saying the appeals court decision wrongly interprets court precedent and the Fair Labor Standards Act and could lead to expansive federal agency authority.

### UNC Can't Duck Transgender Bathroom Lawsuit, Feds Say

The University of North Carolina can't escape the high-stakes suit over the state's law requiring transgender people to use public bathrooms that correspond with their birth gender, the U.S. Department of Justice said on Thursday, adding that the school has sent mixed messages as to what its policy really is.

## PRIVACY & CONSUMER PROTECTION

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### Ex-DHS Head Calls On Cos. To Fight Feds On Internet Security

A former head of the U.S. Department of Homeland Security on Thursday urged businesses to follow Apple and Microsoft's lead and fight back against the "excesses of governments" that threaten to undermine the security of personal and corporate data stored online.

## GOVERNMENT CONTRACTS

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### Blago The Wrong Case To Sort Out Corruption Law

After former Illinois Gov. Rod Blagojevich learned last week that his partially successful appeal wouldn't translate to a shortened prison sentence, his attorney said the standards used to convict Blagojevich should worry any politician who raises money to support their candidacy.

## INTERNATIONAL TRADE

Berkeley Research Group  
BlueLinx Holdings, Inc.  
CBS Corporation  
CME Group Inc.  
CTIA  
CenturyLink Inc.  
Chevron Corporation  
Chiquita Brands International Inc  
Chlorine Institute Inc.  
Comcast Corporation  
Consumer Reports  
Council on Foreign Relations  
Covidien PLC  
DraftKings Inc.  
ESPN Inc.  
Eli Lilly and Company  
Facebook  
Fannie Mae  
FedEx Corporation  
Freddie Mac  
Frontier Communications Corporation  
Gilead Sciences Inc.  
Goldman Sachs Group Inc.  
Google Inc.  
Hoffmann-La Roche  
Hubbell Inc.  
Illinois Tool Works Inc.  
International Brotherhood of Teamsters  
International Longshore and Warehouse Union  
JPMorgan Chase & Co.  
Johnson & Johnson  
KBR, Inc.  
Macy's Inc.  
Maserati North America Inc.  
Medtronic Inc.  
Microsoft Corporation  
NBCUniversal Inc.  
National Conference of State Legislatures  
Natural Resources Defense Council  
New York University  
Nike Inc.  
Oracle Corporation

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## WTO Smacks Down Russian Tariffs On EU Products

In the first World Trade Organization case decided against Russia since it joined in 2012, a WTO panel found Friday that Russia's import duties in paper, refrigerators and palm oil violate WTO rules.

## TAX

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### Clinton Says Trump's Tax-Slashing Plan Is Gift To 1%

Democratic presidential candidate Hillary Clinton said Thursday that Republican rival Donald Trump's recently announced tax plan would benefit mainly the wealthy, undercutting Trump's claims that it was designed to spur domestic job growth.

## IMMIGRATION

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### DOJ To Issue New Rule On Unfair Immigration Job Practices

The U.S. Department of Justice on Friday unveiled a proposed rule that would update the regulations that implemented a part of immigration law concerned with so-called "unfair, immigration-related employment practices," with the proposed changes defining certain important statutory terms.

## TELECOMMUNICATIONS

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### Consumer Group Presses For Freeze On TCPA Exemption

Consumers Union pressed the Federal Communications Commission on Thursday to freeze a ruling sanctioning certain robocalls, saying the decision hurts consumers too much to be implemented while a formal appeal process is proceeding, and continuing a regulatory brawl over new Telephone Consumer Protection Act rules.

### Carriers Want Calif. Cellphone Tax Row Kept At Federal Level

AT&T, Verizon and T-Mobile assailed efforts Thursday to send back to state court a proposed class action, removed to federal jurisdiction by AT&T, brought by California residents alleging the companies illegally collected hundreds of millions of dollars in cellphone sales taxes on behalf of the state's tax agency.

### City Can't Block FCC Radiation Rule Arguments, 9th Circ. Says

The Ninth Circuit refused on Thursday to block CTIA-The Wireless Association from arguing that the Federal Communications Commission doesn't actually require radio frequency disclosures, as the trade group challenges the city of Berkeley, California's cellphone warning ordinance.

## PEOPLE

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### NY Fed Taps Longtime Counsel To Be New Top Atty

The Federal Reserve Bank of New York announced on Friday its promotion of Michael Held, a deputy general counsel with almost two decades of experience at the institution, to lead its legal group as general counsel and serve as executive vice president.

## EXPERT ANALYSIS

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### OPINION: My Dad, The Illegal Refugee Who Hired Americans

Pfizer Inc.

Planned Parenthood Federation

SAS Institute

Shaw Industries Group Inc.

Society for Worldwide Interbank  
Financial Telecommunication

Society of Chemical  
Manufacturers and Affiliates Inc.

Sprint Nextel Corporation

State Bar of California

T-Mobile USA Inc.

Takata Corp.

The DIRECTV Group, Inc.

The Fertilizer Institute

The Walt Disney Company

Time Warner Cable

United States Cellular Corporati

Verizon Communications

Walgreen Co.

## GOVERNMENT AGENCIES

Bureau of Citizenship and  
Immigration Services

California Attorney General's  
Office

Commodity Futures Trading  
Commission

Equal Employment Opportunity  
Commission

European Commission

Executive Office of the Presiden

Federal Communications  
Commission

Federal Deposit Insurance Corp

Federal Housing Administration

Federal Reserve Bank of NY

Federal Reserve System

Federal Trade Commission

Financial Stability Oversight  
Council

Food and Drug Administration

Government Accountability Offic

Illinois Supreme Court

International Trade Commission

National Institute of Standards a  
Technology

National Labor Relations Board

National Transportation Safety

At a recent rally in Maine, Donald Trump delighted followers by saying the U. S. should block access from certain countries, even to refugees who are otherwise legally eligible to come to America. My dad, a Hungarian refugee in 1949, faced similar attitudes and policies after the Holocaust, says professor Michael LeRoy of the University of Illinois College of Law.

### [EEOC Advocates For A More Diverse Tech Industry](#)

While the U.S. Equal Employment Opportunity Commission's "Diversity in High Tech" report is valuable in highlighting changes necessary to create a more diverse workforce in the technology industry, its public meeting made clear that the commission expects tech companies to address what it perceives to be the implicit and unconscious biases leading to the current demographics, says Nancy Gunzenhauser at Epstein Becker Green LLP.

### [Brexit Achieves The Opposite Of Intended Effect In Banking](#)

Contrary to the sentiments that drove more than 15 million U.K. citizens to vote to leave the European Union, the banking industry has asked to preserve the existing EU regulatory framework. It appears that the U.K. banking sector will bear all of the costs associated with Brexit while missing out on the gains that fervent campaigners promised, says Brandon Daniels, president of the Clutch Group.

### [Fannie And Freddie's New Commercial Space Requirements](#)

Under Fannie Mae and Freddie Mac's new mixed-use condominium approval requirements, attorneys can no longer avoid commercial space restrictions by separating the various condominium regimes into discrete commercial and residential components, says Matt Kirsch at Grossberg Yochelson Fox & Beyda LLP.

### [WTO Should Stop Undermining Legitimate Trade Remedy Laws](#)

There is within the World Trade Organization Secretariat and Appellate Body an apparent bias against the use of trade remedies, despite the clear right of members to use such remedies to address injurious dumping or subsidization actions, says Terence Stewart of the Law Offices of Stewart and Stewart.

### [Time To Revisit Severance Agreements](#)

The U.S. Securities and Exchange Commission's recent order involving BlueLinx Holdings shows that the commission is apt to pursue enforcement actions where it finds that employee severance and settlement agreements impede an individual from reporting a violation of securities laws and may signal that increased, rigorous scrutiny of such agreements is on the horizon, says Steven Pearlman at Proskauer Rose LLP.

## **LEGAL INDUSTRY**

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### [The 5 Worst Mistakes That New GCs Make](#)

The first days, weeks and months in a legal department are critical: First impressions matter, and there's a lot of groundwork to do when you're settling into a new position, whether it's a supervisory or staff attorney role. Here, experts share the common mistakes that trip up new in-house attorneys.

### [Litigation Powerhouse: Covington & Burling](#)

In a 12-month stretch, Covington & Burling LLP racked up three back-to-back trial victories, continued an unbroken appellate streak for two pharmaceutical industry giants and won decisions that affect how federal laws are applied,

## Board

[Occupational Safety and Health Administration](#)

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[U.S. Patent and Trademark Office](#)

[U.S. Postal Service](#)

[U.S. Senate](#)

[U.S. Supreme Court](#)

putting it among Law360's Litigation Powerhouses.

### [These Law Firms Are Dominating The Federal Circuit In 2016](#)

Law360's midyear snapshot of patent opinions issued by the Federal Circuit reveals eight firms are coming out on top after oral arguments, chalking up wins in high-stakes intellectual property battles before the federal appeals court.

### [Dewey Judge Says DA Can't Blame Execs For Firm Collapse](#)

A New York state judge on Friday narrowed the scope of the coming retrial of two former executives of Dewey & LeBoeuf LLP, saying the government can't argue that they caused the firm's collapse, but refused to block a swath of evidence from coming in the second time around.

### [Google, Oracle Should Let Young Attys Argue, Judge Says](#)

Counsel for Google Inc. and Oracle America Inc. should give their young attorneys opportunities to argue in court, a California federal judge told the parties in a short order on Friday in a dispute over whether Oracle's Java code can be copyrighted.

### [GC Cheat Sheet: The Hottest Corporate News Of The Week](#)

Mississippi employers can't fire workers for storing guns in on-site vehicles, the Seventh Circuit calls disclosure-only settlements a racket that must die, and the SEC goes after a new breed of anti-whistleblower provisions. Those stories top the corporate legal news you may have missed this week.

### [Calif. Pols, Chief Justice Fail To Agree On Bar Reform](#)

California lawmakers and the state chief justice failed Thursday to reach a deal on a repair strategy and a dues bill supporting the State Bar of California, putting the primary funding source of the nation's largest state attorney organization in further jeopardy.

### [Mass. Supreme Court Justice Returns To McDermott](#)

Massachusetts Supreme Judicial Court Justice Robert J. Cordy has retired from the bench to return to private practice at McDermott Will & Emery LLP, joining the BigLaw firm's Boston office 15 years after he first left it to join the high court.

### [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.

### [Rainmaker Q&A: Salazar Jackson's Linda Worton Jackson](#)

Rainmaking used to mean lots of lunches and charity events. Now, clients want articles, extra services or alternative billing arrangements. And, with email and social media, a lot of the schmoozing can be done via the internet. But, the personal touch must always be front and center, says Linda Worton Jackson, a partner at Salazar Jackson LLP.

### [Rainmaker Q&A: Quinn Emanuel's Michael Carlinsky](#)

In an interview to take over a case where the subject matter involved reinsurance, the potential clients asked how many reinsurance cases I had handled. To their surprise I said none, but that they should hire me anyway. When they asked why, I explained my strategy and we were hired within two hours, says Michael Carlinsky, chairman of complex litigation and co-

chairman of insurance litigation at Quinn Emanuel Urquhart & Sullivan LLP.

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