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Date: 5/12/2016 3:36:09 AM  
Subject: What Do The Highest-Paid Lawyers Make An Hour?

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## PUBLIC POLICY

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Thursday, May 12, 2016

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### TOP NEWS

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#### What Do The Highest-Paid Lawyers Make An Hour?

The top hourly rate corporate clients are willing to pay their outside attorneys has increased by a whopping 20 percent in the last year to its highest level ever, according to information released Wednesday. Here, find out how much money clients are willing to fork over for just an hour of their counsel's time.

#### Obama Signs Federal Trade Secrets Bill Into Law

President Barack Obama on Wednesday signed the Defend Trade Secrets Act into law, the culmination of a yearslong bipartisan effort to create a federal system of trade secrets law.

#### 9th Circ. Further Defines Disabilities Under Longshore Act

The Ninth Circuit held in a published opinion Wednesday that a potential future surgery and its anticipated benefits cannot transform what would otherwise be deemed a permanent disability into a temporary one under the Longshore and Harbor Workers' Compensation Act.

#### House Passes New Hurdles For Opioid Drug Approvals At FDA

New opioid drugs could face additional steps for U.S. Food and Drug Administration approval and labeling under a bill the House approved on Wednesday, as part of a weeklong tear of bills aimed at addressing opioid and heroin abuse.

#### Garland At Front Line Of Fight Over Judicial Nominees

Portraying U.S. Supreme Court nominee Merrick Garland as the greatest casualty of the GOP-controlled Senate blockade of judicial appointees, Democrats invoked his plight in their procedural maneuvers Wednesday to force a vote on several would-be federal district judges.

#### 'Prince Law' Raises Free-Speech Red Flags, Critics Say

Minnesota is rushing to pass legislation in the wake of Prince's death that would allow heirs to control a celebrity's publicity rights long after their death, but critics say the bill poses First Amendment concerns that cannot be ignored.

#### Pa. State Sen. Asserts Innocence In Vote-Buying Indictment

A Pennsylvania state senator intends to plead not guilty to a federal indictment unveiled Tuesday that accuses him of buying support in a 2011 election to become the Democratic leader of Philadelphia's Eighth Ward.

### LAW FIRMS

Akin Gump  
Alston & Bird  
Barnes & Thornburg  
Blank Rome  
Bordas & Bordas  
Brinks Gilson & Lione  
Bryan Cave  
Buchanan Ingersoll  
Carlton Fields  
Chadbourne & Parke  
Constantine Cannon  
Covington & Burling  
Crowell & Moring  
DLA Piper  
Dickstein Shapiro  
Dykema Gossett PLLC  
Earthjustice  
Eckert Seamans  
Epstein Becker Green  
Faegre Baker  
Feldman Gale  
Fish & Richardson  
Fisher & Phillips  
Foley Hoag  
Fox Rothschild  
Fredericks Peebles  
Gibson Dunn  
Greenberg Traurig  
Herrick Feinstein  
Hunton & Williams  
Jackson Lewis  
Jones Day  
K&L Gates  
Katten Muchin

## ANALYSIS

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### 5 Employer Worries Raised By OSHA's New Injury Rule

A rule finalized by the Occupational Safety and Health Administration Wednesday that would make workplace injury data recorded by employers publicly accessible may force them to rethink drug testing and other policies that could discourage employee reports of safety incidents and embolden unions to target workplaces with shaky safety records. Here, Law360 takes a look at potential consequences of the new rule.

### EPA To Watch And Learn As Calif. Freight Plan Takes Shape

California bolstered its reputation as an environmental trailblazer when it recently unveiled an ambitious freight emissions reduction proposal that could serve as a model for future national regulations, but experts say the U.S. Environmental Protection Agency will scrutinize the state program's successes and failures before following in its footsteps.

### Federal Regs On Daily Fantasy Are Far Off, Hearing Shows

The controversy over daily fantasy sports finally hit Congress on Wednesday, but experts said the hearing before the House Committee on Energy and Commerce shows that federal regulation isn't coming soon, meaning the industry must continue to deal with a patchwork of state laws for the foreseeable future.

## BANKING & SECURITIES

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### SEC Says Amtrak Ruling Doesn't Apply In ALJ Challenge

The U.S. Securities and Exchange Commission told the D.C. Circuit on Tuesday that a money manager it banned from the industry can't lean on the court's recent Amtrak due process ruling in his quest to have the commission's in-house courts declared unconstitutional.

## ENERGY & ENVIRONMENTAL

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### EPA Brings Biofuel Production Changes To White House

The U.S. Environmental Protection Agency on Tuesday sent some proposed changes to its Renewable Fuel Standard program to the White House for review, as the agency looks to promote the production of renewable fuels by removing some current barriers.

### Senate Advances \$37.5B Energy, Water Spending Bill

A \$37.5 billion bill funding federal energy, water development and certain weapons programs for 2017 passed a key U.S. Senate vote Wednesday, after the removal of an amendment Democrats claimed would undermine the administration's recent nuclear deal with Iran.

### Calif. Solidifies Aliso Canyon Gas Well Testing Regs

California Gov. Jerry Brown signed a bill Tuesday fortifying the state's moratorium on gas injections into the Aliso Canyon natural gas storage facility, the site of a four-month gas leak, until a comprehensive safety process is complete.

### EPA Backs DC Circ. Ruling in Puerto Rico Incinerator Case

The U.S. Environmental Protection Agency on Tuesday urged the D.C. Circuit not to revisit a March panel ruling striking down a Sierra Club challenge to a

Kenyon & Kenyon

Klein Moynihan

Klestadt & Winters

Littler Mendelson

Manatt Phelps

McCarter & English

McDermott Will

Montgomery McCracken

Morgan Lewis

Morris Manning

Oblon

Ogletree Deakins

Orrick Herrington

Pillsbury Winthrop

Polsinelli

Proskauer Rose

Ropes & Gray

Rose Law Firm

Sidley Austin

Snell & Wilmer

Sullivan & Worcester

Susman Godfrey

Wiley Rein

WilmerHale

Winston & Strawn

Zarwin Baum

## COMPANIES

AT&T Inc.

American Bankers Association

American Civil Liberties Union

American Intellectual Property  
Law Association

Aon Corporation

ArcelorMittal

Association of American Railroads

Association of Corporate Counsel

Axalta Coating Systems Ltd.

BT Group plc

BTI Consulting Group Inc.

Baxter International Inc.

Carlyle Group LP

Commonwealth Edison Co.

Consumer Healthcare Products  
Association

Dice Holdings Inc.

DraftKings Inc.

decades-old EPA regulation used to approve a waste incinerator project in Puerto Rico.

### Industry, States Back Critics Of Obama's Keystone Denial

Industry groups and the states along the proposed path for the Keystone XL pipeline project have rallied behind TransCanada Corp., urging a Texas federal judge on Monday to find that the Obama administration acted unlawfully when it put the kibosh on the \$5.4 billion pipeline.

### Pa. DEP Opposes Cap On Customer Solar Generation

The Pennsylvania Department of Environmental Protection said Tuesday that it opposed a rule proposed by the state's Public Utility Commission that would limit so-called customer-generators from installing solar panels capable of generating more than 200 percent of the power they consume.

### Enviro, Tribal Groups Ask To Intervene In Drilling Case

Six environmental and Native American groups asked a District of Columbia federal judge Tuesday for permission to intervene in an energy firm's challenge of the U.S. Department of the Interior's decision to cancel its drilling lease, saying they're not on the same page as the federal government.

### Old Dominion Denied Quick Win In Gas Plant Discharge Row

A Pennsylvania environmental appeals board said Wednesday that disputed evidence prevented a quick ruling in a permit dispute over the potential harm that discharges from a proposed Old Dominion Electric Cooperative power plant could pose to drinking water supplies in the Susquehanna River.

### Bill Would Require Energy Cos. To Buy Ill. Coal

An Illinois state representative introduced legislation Wednesday that would help the coal industry clean up and join the table with renewable energy during lawmakers' negotiations around energy policy in the final weeks of the Spring session.

### South Africa Wants To Expand Liquefied Petrol Industry

Following a two-year investigation, South Africa's antitrust watchdog issued recommendations on Tuesday to expand the country's modest liquefied petroleum gas market, saying industry participants need to change longstanding practices hampering healthy market competition.

## HEALTH & LIFE SCIENCES

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### Planned Parenthood Sues Over Ohio Law That Strips Funding

Another battle began in the ongoing fight between Planned Parenthood and Ohio on Wednesday, when the nonprofit sued the state in federal court over a recently passed law that will strip government funding from health care providers that perform or promote abortions that aren't medically required.

### GOP Sens. Say Recovery Of ACA Exchange Funds Fell Short

The Centers for Medicare and Medicaid can only prove it recovered about \$21.5 million from foundering Affordable Care Act exchanges, a far cry from the more than \$200 million CMS Acting Administrator Andy Slavitt pointed to in December, House Republicans said Tuesday.

### FDA Eyes New Fees For Makers Of Over-The-Counter Drugs

The U.S. Food and Drug Administration on Tuesday said it is interested in

Ecolab Inc.

Electronic Frontier Foundation

Exelon Corporation

Facebook

FanDuel Inc.

Google Inc.

Hewlett Packard Co.

Kennametal Inc.

Lippman Jungers LLC

Medtronic Inc.

Micron Technology Inc.

Microsoft Corporation

National Association of  
Manufacturers

National Collegiate Athletic  
Association

National Railroad Passenger  
Corporation

New York Times Co.

Oracle Corporation

Palace Entertainment Holdings

Planned Parenthood Federation

SSA Marine Inc.

Sasol Limited

Scientific Games Corp

Sierra Club

Southern California Gas Co.

St. Jude Medical Inc.

Staples, Inc.

Tata Steel Ltd.

TransCanada Corporation

U.S. Chamber of Commerce

Xerox Corporation

Yahoo! Inc.

Zeughauser Group LLC

## GOVERNMENT AGENCIES

Army Corps of Engineers

Blackfeet Nation

Bureau of Indian Affairs

Bureau of Indian Education

Bureau of Industry and Security

Bureau of Labor Statistics

Bureau of Land Management

Bureau of Reclamation

California Department of  
Transportation

collecting fees from manufacturers of over-the-counter drugs in order to address a “critically under-resourced” area of regulatory oversight.

## IP & TECHNOLOGY

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### Medtronic Patent Exec Named PTAB Chief Judge

The U.S. Patent and Trademark Office revealed Wednesday that Medtronic patent executive David Ruschke has been named the Patent Trial and Appeal Board's chief judge, taking over a position that had been filled on an acting basis for close to a year.

### New PTAB Chief Judge Hailed For Patent Prowess

With extensive experience litigating cases at the Patent Trial and Appeal Board and a keen understanding of how the America Invents Act review process works for both patent owners and challengers, Medtronic patent executive David Ruschke is a great choice for the new chief judge at the PTAB, according to attorneys who know him.

## MEDIA & ENTERTAINMENT

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### NJ Rep. Scoffs At Favoring Daily Fantasy Over Sports Betting

The U.S. House of Representatives Committee on Energy and Commerce took a closer look at potential regulation for the controversial daily fantasy sports industry, but one lawmaker used Wednesday's hearing to argue that sports betting also be given a chance to be regulated and legitimized.

## TRANSPORTATION & INFRASTRUCTURE

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### Feds Say Ruling To Deny Drone-Strike Data Sets Precedent

The U.S. Department of Justice and other agencies have asked the D.C. Circuit to make precedential a recent ruling that denied an American Civil Liberties Union's request for drone strike records, saying the decision can provide clarity in a separate lawsuit that also seeks such information.

### DOT Watchdog Says FAA Must Rein In Sole-Source Contracts

The Federal Aviation Administration does not accurately track and award its noncompetitive contracts, potentially locking itself into arrangements that are high-priced, yield poor contractor results or lack adequate accountability, a U. S. Department of Transportation watchdog said Wednesday.

### Critical Calif. Transpo Projects Still Underfunded, Report Says

Only 14 of 125 of California's “most needed” transportation projects have been fully funded, or are very close to it, a transportation research group said Wednesday, with several projects in San Francisco standing on much surer footing to get construction going by 2020.

## EMPLOYMENT

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### Key Senator Slams Rule To Expand OT Eligibility

The head of the U.S. Senate's Small Business and Entrepreneurship Committee argued against the U.S. Department of Labor's proposed expansion of overtime eligibility at a hearing that drew both sides Wednesday, saying the change would hurt the workers it is supposed to help.

### OSHA Finalizes Workplace Injury Reporting Rule

California Environmental Protection Agency  
California Natural Resources Agency  
California Public Utilities Commission  
Centers for Disease Control and Prevention  
Central Intelligence Agency  
Consumer Financial Protection Bureau  
Crow Nation  
Department of Commerce  
Equal Employment Opportunity Commission  
Executive Office of the President  
Federal Aviation Administration  
Federal Communications Commission  
Federal Deposit Insurance Corp  
Federal Reserve System  
Federal Trade Commission  
Fish and Wildlife Service  
Food and Drug Administration  
Government Accountability Office  
Match-E-Be-Nash-She-Wish Band of Pottawatomi  
National Aeronautics and Space Administration  
National Telecommunications and Information Administration  
Occupational Safety and Health Administration  
Office of the Comptroller of the Currency  
San Francisco Bay Area Rapid Transit District (BART)  
Securities and Exchange Commission  
Spokane Tribe of Indians  
Surface Transportation Board  
U.S. Army  
U.S. Department of Energy  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Environmental Protection Agency

The Occupational Safety and Health Administration on Wednesday finalized a recordkeeping and reporting rule that requires employers to electronically submit information about workplace injuries and illnesses, and bars employers from retaliating against workers for reporting such incidents.

### De Blasio Expands Protections For Building Service Workers

New York City Mayor Bill de Blasio beefed up job protections for employees working in buildings that change ownership, signing into law Tuesday an expansion of the Displaced Building Service Workers Protection Act.

## COMPETITION

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### UK Antitrust Chief Jumps To Energy, Enviro Post

The chief executive of the U.K.'s Competition and Markets Authority is leaving the position to work as permanent secretary of the nation's Department of Energy and Climate Change, the agencies announced on Tuesday.

## PRIVACY & CONSUMER PROTECTION

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### FCC Commish, Sens. Attack Proposed Internet Privacy Rules

Federal Communications Commission Chairman Tom Wheeler weathered criticism from Republican lawmakers and a fellow commissioner Wednesday over the agency's decision to draft specific privacy rules for broadband service providers, with the opponents arguing the proposed rules are too stringent and unfairly exclude internet content providers like Google and Facebook.

## INTERNATIONAL TRADE

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### Commerce Dept Lifts Restrictions On Crude Oil Exports

The U.S. Department of Commerce's Bureau of Industry and Security is lifting restrictions on the export of crude oil from the U.S. with a final rule on Wednesday that brings the agency into compliance with a 2016 omnibus spending bill that Congress passed late last year.

## IMMIGRATION

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### Mont. Court Axes Law That Blocks Services For Immigrants

The Montana Supreme Court on Tuesday struck down a law aimed at blocking state agencies from providing services to unauthorized immigrants, finding it was preempted, since the term "illegal aliens" isn't recognized by federal law.

## NATIVE AMERICAN

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### Senate Panel OKs Bill To Create New Indian Education Agency

The U.S. Senate Committee on Indian Affairs on Wednesday approved a bill proposed by the panel's chairman that would convert the Bureau of Indian Education into a new independent agency at the U.S. Department of the Interior.

### DOI Says Justices' Iran Ruling Backs Law Shielding Casino

The federal government told the D.C. Circuit on Tuesday that a recent U.S. Supreme Court decision on compensation for victims of Iranian-sponsored terrorism bolstered its argument that a federal law specifically passed to short-circuit a Michigan man's bid to shut down a Native American tribal casino isn't

U.S. House of Representatives  
U.S. Mint  
U.S. Patent and Trademark Office  
U.S. Senate  
U.S. Supreme Court  
Wage and Hour Division



unconstitutional.

## Montana, Crows Urge Justices To Reject Water Deal Challenge

The state of Montana and the Crow Nation urged the U.S. Supreme Court on Tuesday to reject a bid by a group of Montana farmers, ranchers and others for reconsideration of a state court ruling upholding a \$460 million water-rights settlement, saying the decision didn't conflict with any high court precedent.

## EXPERT ANALYSIS

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### Why Recent Criticisms Of The SEC Are Unfair

Over the last few years, the U.S. Securities and Exchange Commission has been criticized for, among other things, obtaining only slap-on-the-wrist sanctions against major financial institutions, settling rather than taking big banks to trial, and failing to require that companies admit guilt. Jon Eisenberg and Shanda Hastings of K&L Gates LLP argue that the facts support the opposite conclusions.

### 5 Major Obstacles For Unmanned Aircraft Systems

At the annual XPONENTIAL conference held by the Association for Unmanned Vehicle Systems International this week, five major problems repeatedly emerged that have the power to impede, slow or even halt widespread integration of unmanned aircraft systems into U.S. national airspace. Members of Wiley Rein LLP discuss what needs to be resolved in the near future to unleash the economic and technological benefits of UAS.

### Ohio's Medicaid Reform Explores Unmapped Territory

Ohio's draft waiver request — modifying features of coverage for Medicaid beneficiaries — is an unexplored realm for the Centers for Medicare and Medicaid Services. Given the large number of beneficiaries covered, its contribution requirements and coverage model, and its administrative complexity, the proposal has the potential to dramatically alter coverage, say attorneys at Manatt Phelps & Phillips LLP.

### CFPB Rule Is Keen On Restricting Arbitration Clauses

To call the Consumer Financial Protection Bureau's proposed arbitration rule controversial would be an understatement. It stops short of banning all mandatory predispute arbitration clauses, but it would ban those that prevent consumers from joining class actions and, ultimately, would drastically change many consumer financial contracts, says Elizabeth Khalil at Dykema Gossett PLLC.

### Steel Trade Wars — No Winners In Sight In South Africa

In recent years, steel producers in South Africa and in other countries, including the U.S., have come under immense pricing pressures. Unless there is constructive discussion on how to best address the steel oversupply in the short to medium term, the trade wars are likely to escalate and there are likely to be many more losers than winners, says Deon Govender at Chadbourne & Parke LLP.

## LEGAL INDUSTRY

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### 4 Tips For Associates Dealing With Nightmare Partners

Associates might expect law firms to be filled with Type A personalities and litigators who love to fight, but partners with short fuses or unrealistic

expectations for associates can make work life miserable for young lawyers. Here, Law360 examines four ways to deal with partners who make life difficult for their colleagues.

### How 12 GCs Saved Their Companies Millions

The measures adopted by the 2016 Association of Corporate Counsel Value Champions, announced Wednesday, are models for how law departments can cut costs and boost productivity. But the stunning takeaway from the honorees' experiences are the results they were able to accomplish.

### IP Partners Face A Declining Lateral Job Market

Ten percent fewer intellectual property partners made lateral job moves in the first quarter of 2016 when compared with the year before, as the practice area grapples with major changes to how patent suits are litigated, according to experts and Law360 data.

### DLA Piper To Ax 200 Support Staffers From UK Offices

DLA Piper on Wednesday said it will be cutting about 200 support staff jobs in its offices in the U.K. as the result of an internal operational review and a successful test run of a shared services center in Poland.

### The Category Is Law Firms: Sidley, Fish Debut On 'Jeopardy!'

Sidley Austin LLP and Fish & Richardson PC on Tuesday night appeared in clues on the long-running quiz show "Jeopardy!", and the firms told Law360 they were tickled by the primetime honor.

### Panama Papers Firm Doubles Down On Legal Action Threat

The Panamanian law firm exposed in a massive document leak as a major player in the creation of shell companies for wealthy individuals on Tuesday again threatened to take legal action against an international team of journalists that released the so-called Panama Papers.

### S&W Drops Claims Dickstein Breached NYC Office Sublease

Now-defunct Dickstein Shapiro LLP no longer faces an \$8.4 million suit in New York state court from Sullivan & Worchester LLP for allegedly breaching a Manhattan office sublease contract after the parties agreed Wednesday to end litigation, according to court records.

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