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Subject: Challenge To IRS Offshore Income Program Rules Dismissed

PUBLIC POLICY

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Tuesday, July 26, 2016

TOP NEWS

[Challenge To IRS Offshore Income Program Rules Dismissed](#)

A D.C. federal judge tossed a suit from three taxpayers seeking to upend the Internal Revenue Services' offshore income disclosure programs Monday, ruling that the suit illegally sought to affect the agency's ability to collect taxes.

[NJ Lawmaker Proposes State Universal Health Care Plan](#)

A New Jersey lawmaker wants to institute a health care program in which the state government, not private insurers, acts as a "single payer" that negotiates and covers the cost of care, cutting expenses for patients and freeing them from traditional insurance network restrictions.

[EPA Declares Aircraft GHG Emissions A Human Health Threat](#)

The U.S. Environmental Protection Agency on Monday finalized a finding that greenhouse gas emissions from aircraft endanger human health and the environment, clearing the way for widely expected federal regulation.

[EU Supervisor Urges E-Privacy Update With Strong Encryption](#)

The European data protection supervisor on Monday pushed for an update to the bloc's e-privacy law that would prohibit the breaking of encryption or monitoring of communications over a wide range of services, from traditional phone calls to messages sent over mobile apps.

[Ill. High Court Expedites Appeal Of Redistricting Petition](#)

The Illinois Supreme Court has promised to speed up an appeal of a November ballot initiative that would change the way legislative districts are drawn in the state, following a lower court decision that the ballot initiative is unconstitutional.

[Sticking By Tariff Threats, Trump Floats WTO Withdrawal](#)

Newly minted Republican presidential nominee Donald Trump has long threatened to impose flat tariffs on purportedly unfair imports, but he took the radical proposal a step further Sunday while threatening to withdraw the U.S. from the World Trade Organization if the tariff is challenged there.

ANALYSIS

LAW FIRMS

Anderson Bottrell
Arnold & Porter
Bailey & Galyen
Baker & McKenzie
Bancroft PLLC
Blank Rome
Bradley Arant
Brent Coon & Associates
Brownstein Hyatt
Earthjustice
Fried Frank
Gibson Dunn
Greenberg Glusker
Greenberg Traurig
Harris Moure
Hinshaw & Culbertson
Hunton & Williams
Jackson Walker
Jones Day
Joseph Greenwald
Kobre & Kim
Mayer Brown
McGinnis Lochridge
Olivares
Pillsbury Winthrop
Salenger Sack
Shook Hardy
Skadden
Snell & Wilmer
Step toe & Johnson LLP

The Top 5 Law Blogs All Lawyers Should Be Reading

Attorneys everywhere are reading blogs for meaningful discussion on major events in their profession, and while exact interests vary by practice area, a number of blogs top the list of favorites for those looking to follow major happenings in the legal community.

NBA Tests Power To Effect Change With All-Star Game Move

The NBA took the bold move of relocating 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 what some attorneys said could test the power of a sports league to effect social change.

Defense IT Initiative Likely Unscathed By Critical GAO Report

A recent audit of the Pentagon's ambitious Joint Information Environment initiative, a major information technology overhaul, found that the effort lacked sufficient oversight and didn't clearly define what it is supposed to cover, but experts say that criticism reflects the inapposite nature of the audit more than any fundamental flaw with the initiative.

BANKING & SECURITIES

Tilton Taps Clement For SEC Admin Court Fight In 2nd Circ.

Private equity magnate Lynn Tilton swapped one high-profile legal team for another in her bid to revive her challenge to the U.S. Securities and Exchange Commission's in-house court at the Second Circuit, filing a notice Monday that she has hired famed appellate lawyer Paul Clement after Gibson Dunn was booted from the case.

CFPB Fights Payment Processor's Constitutional Challenge

The Consumer Financial Protection Bureau urged a North Dakota federal judge Monday to toss a payment processor's lawsuit seeking to bar a \$12 million administrative proceeding against it on grounds that the bureau is unconstitutional, saying the court should allow the matter to be resolved in the CFPB's enforcement action.

Committee Urges SEC To Expand 'Accredited Investor' Terms

A small business-focused committee is urging the U.S. Securities and Exchange Commission to expand its definition of an "accredited investor" to include a person's financial sophistication, potentially broadening the population eligible to invest in the growing market for private placements.

ENERGY & ENVIRONMENTAL

EPA Tells 6th Circ. No More Docs Needed In Water Rule Row

The U.S. Environmental Protection Agency and U.S. Army Corps of Engineers on Friday urged the Sixth Circuit not to force them to turn over additional records related to their controversial Clean Water Rule.

Spokeo Dooms Enviro's Calif. Fracking Suit, BLM Says

The Bureau of Land Management told a California federal judge Friday that it can't be sued over a resource management plan that outlines the lands available for oil and gas development managed by its Bakersfield, California, field office, saying the plan is too far removed from any potential concrete harms under the Supreme Court's Spokeo decision.

Troutman Sanders

Weisbrod Matteis

Weiss Attorneys at Law

COMPANIES

Alliance of Automobile Manufacturers

American Bar Association

American Cable Association

American Civil Liberties Union

American International Group Inc.

Anheuser-Busch Inbev SA/NV

Apple Inc.

Associated Press

BuzzFeed Inc.

Center for Biological Diversity Inc.

Charlotte Hornets

DecisionQuest Inc.

Deltek, Inc.

Dollar Tree, Inc.

Embraer SA

Facebook

Ford Motor Company

General Motors

Global Automakers

Goodyear Tire & Rubber Co.

Google Inc.

Health Net, Inc.

Hobby Lobby Stores

International Business Machines Corporation

Kimberly-Clark Corporation

Los Angeles Clippers

Madison Square Garden, Inc.

Murray Energy Corp.

NFL Enterprises LLC

National Basketball Association

National Cable &

Telecommunications Association

National Telephone Cooperative Association

Nationwide Mutual Insurance Co.

New England Patriots

New York City Bar Association

PHH Corporation

Pfizer Inc.

Prudential Financial Inc.

Lawyers Urge Texas To Streamline Groundwater Oversight

Water rights lawyers on Monday urged a Texas Senate committee to streamline the regulation of groundwater, saying a patchwork of inconsistent and fragmented local oversight leads to unpredictable water allocation that makes it hard for businesses to plan ahead.

HEALTH & LIFE SCIENCES

Arnold & Porter Ducks DQ In Defense Of Menendez Pal

A Florida federal judge on Monday rejected federal prosecutors' bid to disqualify Arnold & Porter LLP from representing a doctor — separately charged with bribing Sen. Robert Menendez, D-N.J. — in a Medicare fraud case, ruling it is too late in the case to disqualify the doctor's attorneys.

INSURANCE

Fed Gives More Time For Insurance Capital Comments

The Federal Reserve on Monday gave the industry and other interested parties an extra month to weigh in on an agency proposal for how insurance companies under Fed supervision should calculate their capital levels and protect against risk.

EMPLOYMENT

Ex-NJ Homeland Security Official Sues Agency Over Age Bias

A former high-ranking official in the New Jersey Office of Homeland Security and Preparedness has hit the agency with an age discrimination lawsuit in New Jersey state court alleging he was fired in 2014 as part of a long-standing pattern of bias against older employees.

PRIVACY & CONSUMER PROTECTION

FBI Opens Probe Into DNC Email Hack

The FBI revealed Monday that it has launched a probe into a massive data breach at the Democratic National Committee, which led to the exposure and online publication of nearly 20,000 emails that discussed topics ranging from the strength of the committee's cybersecurity to personal details about donors.

Idaho Gov. Supports Blocking Obama's Gender Identity Policy

Idaho's governor has backed a coalition of states challenging the Obama administration over federal guidance for transgender students, telling a Texas federal court Friday the directive puts school districts in a no-win situation.

GOVERNMENT CONTRACTS

Army Shorting Its Contractor Reviews, IG Report Finds

The U.S. Army's contractor assessments are frequently late, incomplete or unsupported, according to a Defense Department Inspector General report released Monday that finds the Army and other departments' assessors frequently don't even know what they're looking for when reviewing contractors.

NASA Floats Contractor Property Reporting Rule

NASA contractors may soon have to keep better track of the agency's property, as the space agency proposed a rule Monday to require monthly

QUALCOMM Incorporated
Sigma-Aldrich Corporation
Sonoco Products Co.
State Farm
Texas RioGrande Legal Aid Inc.
The Boeing Company
Toyota Motor Corporation
Turner Broadcasting System Inc
Twitter Inc.
Washington Post Co.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Land Management
Consumer Financial Protection Bureau
Defense Information Systems Agency
Department of Commerce
European Commission
Export-Import Bank of the United States
Federal Acquisition Regulatory Council
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Judicial Center
Federal Reserve System
Food and Drug Administration
Government Accountability Office
Hopi Tribe
Internal Revenue Service
National Aeronautics and Space Administration
National Credit Union Administration
National Park Service
Navajo Nation
New Jersey Attorney General's Office
Securities and Exchange Commission
Texas Attorney General's Office
U.S. Army
U.S. Coast Guard
U.S. Department of Agriculture

reporting of NASA assets.

INTERNATIONAL TRADE

Commerce Department Launches New Trade Finance Panel

The U.S. Department of Commerce on Monday unveiled a new federal advisory panel that will aim to help potential U.S. exporters gain better access to trade finance and asked interested stakeholders to submit nominees to sit on the panel.

WTO Chief Pushes Members For Specific Negotiating Offers

World Trade Organization Director-General Roberto Azevedo on Monday applauded the strides that member countries have made in developing a new negotiating agenda but said that the ideas will have to get much more detailed in order for the effort to be a success in the short term.

TAX

IBM Wins \$6M Tax Refund Row At Mich. Appeals Court

The Michigan Court of Appeals has overturned a trial court's denial of nearly \$6 million in IBM Corp. tax refunds, saying the lower court ruling went against a state Supreme Court directive.

IMMIGRATION

Texas To Accept More Documents In Bid For Birth Certificates

The Texas Department of State Health Services and the agency's vital statistics unit have agreed to broaden the types of documents immigrant parents can provide to obtain birth certificates for their American-born children, according to a settlement agreement.

NATIVE AMERICAN

Feds Ask 9th Circ. To Rethink Navajo's Suit Over Remains

The federal government on Friday asked the Ninth Circuit to rethink its decision that revived the Navajo Nation's suit seeking the return of human remains and funerary objects taken from its reservation by the National Park Service.

TELECOMMUNICATIONS

FCC's Clyburn Wants 'Mutually Beneficial' ISP Privacy Rules

Federal Communications Commissioner Mignon Clyburn told small broadband providers Monday that she is mindful of their concerns about burdensome regulations as the FCC considers privacy rules for internet service providers, saying the goal is a solution that works for all stakeholders.

FCC Told Set-Top Rules Mustn't Apply To Small Providers

A rural broadband group has told the Federal Communications Commission that whatever plan it adopts to allow consumers to access their pay-TV programming on third-party devices, smaller companies must receive an exemption for rules that could push them out of business.

FCC Urged To Keep Public Inspection Rules For Broadcasters

The Federal Communications Commission should keep its requirement for

U.S. Department of Defense
U.S. Department of Education
U.S. Department of Justice
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. Navy
U.S. Supreme Court

commercial broadcasters to retain copies of correspondence from viewers and listeners in its public inspection file, the National Hispanic Media Coalition said Friday, arguing that the file allows community members to hold their local broadcasters accountable.

[Toyota Pushes FCC On Concerns In Sharing 5.9 GHz Band](#)

Toyota Motor Corp. on Friday urged the Federal Communications Commission to use caution when considering sharing the 5.9 gigahertz band with certain wireless devices, joining other auto industry members in warning of the proposal's potential to interfere with the band's original goal of improving road safety.

[FCC Told Inmate Call Reforms Must Ban Prison Commissions](#)

A North Carolina attorney has pressed the Federal Communications Commission to ban or limit the payments made by inmate calling service providers to correctional facilities that providers say are necessary to secure contracts, saying a new plan to raise the cap on how much inmates pay without the ban won't lead to real reform.

EXPERT ANALYSIS

[Testing The UBE: Missouri Benefits From Uniform Bar Exam](#)

We in Missouri do not take lightly to new trends or frothy ideas. Yet, the uniform bar exam has allowed us to meet the challenges of an increasingly mobile legal profession and the changing needs of clients, and to ensure that a newly admitted attorney has the knowledge, character and fitness to practice in the Show-Me State, says Jim Nowogrocki, president of the Board of Law Examiners in Missouri — the first state to adopt the UBE.

[Carelessness Is Not Criminal: The Impact Of FBI Chief's Theory](#)

Buried deep in the transcript of FBI Director James Comey's fiery hearing with the House Oversight and Government Reform Committee was an interesting nugget — Comey stated that he has worked hard "to stop the criminalization of negligence in the United States." It's a fascinating position to take and could alter attitudes about who should be held accountable following cyberattacks, says Brian Finch of Pillsbury Winthrop Shaw Pittman LLP.

[Benefiting From FDA's Medical Device Risk-Benefit Guidance](#)

Medical device manufacturers should understand the U.S. Food and Drug Administration's considerations for benefit-risk assessments so they can advocate for favorable FDA decisions by using the enumerated factors to illustrate the high benefits and low risks of the company's device, say Dan Wittenberg and Tim Scalo at Snell & Wilmer LLP.

[EPA Wants More Control Over State-Issued Discharge Permits](#)

Proposed changes to the U.S. Environmental Protection Agency's National Pollutant Discharge Permit System would make minor revisions to program definitions and the contents of permit fact sheets, and major revisions that will expand the EPA's ability to object to permits administratively continued by a state program, say attorneys at Brownstein Hyatt Farber Schreck LLP.

LEGAL INDUSTRY

[Yale, Harvard Nab Majority Of Supreme Court Clerkships](#)

Yale Law and Harvard Law will have the most graduates clerking for the U.S.

Supreme Court when the October term rolls around, and the majority of the prestigious posts will be held by men, according to the court's list of new clerks.

[Clear Writing Can Make Or Break A Case, Study Says](#)

Clear writing in legal briefs wins cases, according to the results of a new study, which found that there is a clear statistical correlation between the clarity of a brief requesting summary judgment and the likelihood that a judge will grant the request.

[New York Lawyers Need To Learn About Diversity, Bars Say](#)

More than a dozen New York bar associations in a letter on Friday pushed authorities in the state to require lawyers to earn separate continuing education credits that focus exclusively on diversity and inclusion in the legal profession and the elimination of bias.

[Tips For Using A 'Career Witness' To Win A Trial](#)

Using a veteran expert witness who is comfortable on the stand and resonates with jurors can be a key factor in winning a trial. But there's a catch: Juries can perceive these "career" expert witnesses as biased and view their testimony with a skeptical eye. Here, litigators share tips on how to present your experienced expert witness to a jury.

[Mass Tort Atty Says Firm CEO Bought Plane, Skipped Bonuses](#)

A former Bailey & Galyen attorney sued the firm in Houston state court Friday alleging he was shorted on agreed-upon bonuses for bringing in mass tort cases while the firm's CEO lived large by buying vacation homes and a plane with proceeds from their cases.

JOBS

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