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Subject: Trump Picks Former Marine Corps Gen. For Defense Secretary

PUBLIC POLICY

Friday, December 2, 2016

TOP NEWS

Trump Picks Former Marine Corps Gen. For Defense Secretary

President-elect Donald Trump has picked former Marine Corps Gen. James Mattis as his administration's secretary of defense, he announced Thursday.

Judge Posner Blasts Justice Roberts' 'Stupid' Opinions

The ever-outspoken Judge Richard A. Posner of the Seventh Circuit has again laid into the U.S. Supreme Court, calling it a "mediocre institution" and labeling Chief Justice John Roberts a "terrible" court manager.

DOL Tells Court It Will Take OT Rule Battle To 5th Circ.

On the same day that its rule expanding overtime protection to more than 4 million workers had been scheduled to take effect, the U.S. Department of Labor informed a Texas federal court Thursday that it will appeal a recent nationwide injunction that blocked the rule's implementation.

Analysis

New Warrant Power Amplifies Need For Strong Data Security

A rule change that allows courts to issue broader warrants for access to electronic communications took effect Thursday amid concerns that the measure will invite law enforcement snooping in the name of pursuing hackers, turning up pressure on companies not to fall prey to the types of cyberattacks that invite prying eyes.

House Dems Raise Conflict Issues Over Trump's DC Lease

A group of U.S. House of Representatives Democrats sent a letter to the General Services Administration boss on Wednesday, raising conflict-of-interest concerns over President-elect Donald Trump's lease of the Old Post Office building and seeking answers as to how the agency will handle the matter going forward.

House Passes Bill To Overhaul Systemic Risk Designations

The U.S. House of Representatives passed a bill Thursday aimed at the systemic risk designations of financial institutions in the Dodd-Frank Financial Reform Act, in the face of a White House veto threat.

Why PE Is The New Training For Commerce Secretaries

The selection of billionaire private equity investor Wilbur Ross to lead the U. S. Department of Commerce by President-elect Donald Trump marks the third consecutive commerce secretary to have ties to the private equity industry, and experts say the role is a natural fit for those with a private equity

LAW FIRMS

Allen & Overy
Alston & Bird
Arnold & Porter
Ballard Spahr
Blank Rome
Bradley & Riley
Brinks Gilson & Lione
Brooks Kushman
Butler Weihmuller
Chadbourne & Parke
Cleary Gottlieb
Clifford Chance
Connors LLP
Cooley
Coudert Brothers
Covington & Burling
Cozen O'Connor
Cravath Swaine
DLA Piper
Davis Polk
Davis Wright Tremaine
Debevoise & Plimpton
Dechert
Dentons
Diamond McCarthy
Dorsey & Whitney
Estes Thorne
Fish & Richardson
Foley & Lardner
Freshfields
Greenberg Traurig
Hodgson Russ
Hogan Lovells
Holland & Knight

past.

IRS Wins Summons To See If Digital Currency Users Pay Tax

A California federal court Thursday authorized a John Doe summons by the IRS to obtain information from virtual currency exchanger Coinbase Inc. so it can investigate whether the company's customers avoided paying taxes on transactions made through the company.

BANKING & SECURITIES

CFTC Says Dealers Can Use Single Risk Disclosure Form

The U.S. Commodities Futures Trading Commission on Wednesday announced it would allow brokers and dealers to use a consolidated risk disclosure form without penalty to improve efficiency and ease potential confusion.

Lawyers A Weak Link In AML Enforcement, Report Says

The U.S. has strong measures to stop illicit cash flows, but the lack of accurate data on shell corporations' true owners and the ability of lawyers, real estate agents and other professionals to escape reporting duties present significant gaps, according to an international evaluation released Thursday.

CFTC Told To Sharpen Review Of Dealers' Cybersecurity

The U.S. Commodity Futures Trading Commission should begin independently verifying whether its futures and swaps dealers are effectively prepared for cyberattacks, to correct vulnerabilities to computer and data breaches, according to an audit.

ENERGY & ENVIRONMENTAL

Sioux Leaders Urge Obama To Block Dakota Access Pipeline

Leaders of the Native American tribes belonging to the Sioux Nation urged President Barack Obama in a letter Wednesday to block the controversial Dakota Access pipeline in North Dakota and said the federal government must protect protesters opposing the project "to avoid a humanitarian crisis."

Utah Counties Want 'Costly' Coal Lease Moratorium Killed

Two Utah counties and a nonprofit group asked a Utah federal judge Wednesday to strike down the U.S. Department of the Interior's moratorium on granting leases for coal operations on federal lands while the program is reviewed over environmental and economic concerns.

HEALTH & LIFE SCIENCES

AHA Warns Trump Against ACA Repeal Without Replacement

The American Hospital Association is urging President-elect Donald J. Trump not to repeal the Affordable Care Act until a replacement plan is ready for approval, warning that "significant instability" could otherwise ensue.

FDA Smacks Down Vanda's Bid To Block Fanapt Generics

Vanda Pharmaceuticals Inc. cannot use new exclusivity for its schizophrenia medication Fanapt to block generic versions of the product, the U.S. Food and Drug Administration said in a decision released Wednesday.

HOSPITALITY

Holwell Shuster

Horvitz & Levy

Ice Miller

Jenner & Block

Jones Day

Keker & Van Nest

Kemp Smith

King & Spalding

Lankler Siffert

LeClairRyan

Levine Sullivan

Lewis Roca

Lipsitz Green

Little Mendelson

Locke Lord

Mayer Brown

McCarter & English

Milbank Tweed

Morrison & Foerster

Norton Rose Fulbright

O'Melveny & Myers

Ogletree Deakins

Orrick Herrington

Paul Hastings

Paul Weiss

Proskauer Rose

Quattlebaum Grooms

Quinn Emanuel

Ropes & Gray

Schnader Harrison

Schulte Roth

Shearman & Sterling

Simpson Thacher

Skadden

Steptoe & Johnson LLP

Stoel Rives

Valle Makoff

Vladeck Raskin

Weil Gotshal

White & Case

Willkie Farr

COMPANIES

Airbnb Inc.

America Fujikura Ltd.

America's Health Insurance Pla

[Airbnb To Enforce Limits On Rentals In London, Amsterdam](#)

Airbnb Inc. said Thursday that it would cap the number of days per year its hosts can list their homes on its site in London and Amsterdam, two of its most popular European markets, marking its latest compromise with city lawmakers.

TRANSPORTATION & INFRASTRUCTURE

[Sen. Blasts FAA On Delays For Air-Traffic Control Program](#)

Sen. John Thune, the Republican chairman of the Senate Committee on Commerce, Science and Transportation, on Thursday ripped the Federal Aviation Administration in a letter that claims the agency has fallen behind in its implementation of an estimated \$35.8 billion air-traffic control modernization program.

[8th Circ. Upholds Des Moines' Red-Light Camera Program](#)

The Eighth Circuit ruled Thursday that Des Moines, Iowa's red-light traffic enforcement program does not violate the due process rights of six drivers challenging notices of violations they received in the mail, shutting down the drivers' attempt to pursue their claims as a class.

EMPLOYMENT

['Ban The Box' Job Application Law OK'd By LA City Council](#)

The Los Angeles City Council Wednesday approved a law prohibiting some employers from asking job seekers to disclose any criminal history on their initial application, with the ordinance's author calling the city's version of "Ban the Box" one of the most progressive in the nation.

[Illinois Lawmakers Defy Governor's Rule On Caretaker OT](#)

Democrats in the Illinois legislature have pushed through a law mandating that home health care workers employed by the state earn overtime pay for work in excess of 40 hours a week, defying a rule put in place earlier this year by Gov. Bruce Rauner.

[South Jersey Dodged Pa. Income Tax Bullet, Leaders Say](#)

Southern New Jersey business leaders on Thursday said they dodged a bullet with the resurrection of the state's income tax reciprocity agreement with Pennsylvania, with Campbell's Soup Co. alone saying 40 percent of its 1,200 Garden State employees would have been slammed by the pact's termination.

[Biz Groups Seek \\$500K In Fees For Persuader Rule Challenge](#)

A handful of business groups that led a successful challenge of the U.S. Department of Labor's so-called persuader rule, which expanded employers' disclosure requirements related to union-organizing campaigns, asked a Texas federal court Wednesday to award them nearly \$500,000 in attorneys' fees.

COMPETITION

[Former Cuomo Aide, Ex-SUNY Prez Deny Graft Charges](#)

Eight men including a noted former aide to New York Gov. Andrew Cuomo and an ex-State University of New York Polytechnic Institute president denied federal corruption charges at an arraignment Thursday in Manhattan, where

American Bar Association
American Cable Association
American Civil Liberties Union
American Federation of Labor & Congress of Industrial Organizations
American Hospital Association
American Medical Association
Apple Inc.
Artemis Real Estate Partners LP
AstraZeneca
CTIA
Competitive Carriers Association
Competitive Power Ventures Holdings LLC
Cooper Health System
DePuy Inc.
Destination Maternity Corp.
Deutsche Bank AG
Electronic Frontier Foundation
Energy Transfer Partners, L.P.
Goldman Sachs Group Inc.
Google Inc.
Hallmark Cards Inc.
International Brotherhood of Electrical Workers
Invesco Ltd.
JPMorgan Chase & Co.
Johnson & Johnson
Legg Mason Inc.
NFL Enterprises LLC
National Association of Home Builders
National Employment Law Project
National Federation of Independent Business
National Telephone Cooperative Association
Novartis AG
Otsuka Holdings Co. Ltd.
PayPal Inc.
R.J. Reynolds Tobacco Co.
Raytheon Company
Samsung Electronics Co. Ltd.
Starbucks Corporation
Subaru of America Inc.
Target Corporation

U.S. District Judge Valerie E. Caproni hinted at the possibility of guilty pleas in the near future.

PRIVACY & CONSUMER PROTECTION

Dems Offer Bill To Bar Arbitration On Wells Fake Accounts

Congressional Democrats on Thursday introduced legislation that would bar Wells Fargo & Co. or any other financial institution from enforcing arbitration agreements on accounts created without customer consent as lawmakers and others continue to blast Wells for attempting to do just that.

Calif. Gov. Names US Rep. Becerra As Golden State Top Cop

California Gov. Jerry Brown tapped U.S. Rep Xavier Becerra, the first Latino member of the U.S. House Committee on Ways and Means, to replace Kamala Harris as attorney general when she steps down to take on her new role as U.S. senator, the governor said Thursday.

PRODUCT LIABILITY

USDA Offers Nutrition Facts Panel Changes For Meat, Poultry

The U.S. Department of Agriculture on Thursday unveiled proposed revisions to the nutritional facts panel for meat and poultry products, including updating the list of nutrients that must be declared and calculating daily values based on the most recent scientific evidence, the agency said.

GOVERNMENT CONTRACTS

EU Unveils Plans For Common Defense Fund With Over €5B

The European Commission unrolled plans for a common defense fund Wednesday, which will include over €5 billion (\$5.3 billion) each year to help member states jointly invest in defense equipment, following a call from the commission's president to "toughen up" Europe.

INTERNATIONAL TRADE

Congress Passes Extension Of Iran Sanctions Authority

Congress has passed a 10-year extension of the law authorizing U.S. sanctions against Iran after a Senate vote Thursday, sending the bill to President Barack Obama before the authority expires at the end of the year.

TAX

IRS Urged To Scrap Controversial Estate Transfer Rules

The IRS received a barrage of criticism Thursday from multiple groups representing family-owned businesses, S-corporations and franchises, which called for the withdrawal or significant revision of proposed regulations aimed at preventing the undervaluation of transferred interests for estate tax purposes.

European Commission To Nix VAT Exemption For Online Sales

The European Commission is proposing an overhaul of its antiquated value-added tax system so that certain online sales from countries outside the European Union will no longer be exempt from the tax, and to reduce compliance costs for small online retailers, the EC announced Thursday.

NATIVE AMERICAN

The Boeing Company
Trump Organization Inc.
U.S. Chamber of Commerce
United Parcel Service Inc.
Vanda Pharmaceuticals Inc.
Wells Fargo & Co.
Westwood One, Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Land Management
Central Command
Cheyenne River Sioux Tribe
Commodity Futures Trading
Commission
Consumer Financial Protection
Bureau
Crow Creek Sioux Tribe
Department of Commerce
Equal Employment Opportunity
Commission
European Commission
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications
Commission
Federal Energy Regulatory
Commission
Financial Crimes Enforcement
Network
Financial Stability Oversight
Council
Flandreau Santee Sioux Tribe
Fond du Lac Band of Lake
Superior Chippewa
Food Safety and Inspection
Service
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
NATO
Nevada Attorney General's Office
New York Attorney General's
Office
Office of the Comptroller of the
Currency
Oglala Sioux Tribe

Tribes Urge Feds To Boost Collaboration On Major Projects

Native American leaders have called on federal agencies to be more responsive to tribal concerns about the impact of pipelines and other infrastructure projects and want the U.S. Army Corps of Engineers to scrap its regulations for consulting over sacred tribal sites, according to comments the federal government released Thursday.

TELECOMMUNICATIONS

FCC Warned To Act Now On Open Internet Transparency Relief

The Federal Communications Commission must extend relief for small businesses from heightened transparency rules in the 2015 Open Internet Order that will otherwise expire on Dec. 15, four trade associations have told the agency, saying they will otherwise face unnecessary obligations.

EXPERT ANALYSIS

Energy Policy In The Trump Era: Part 1

President-elect Donald Trump has pledged to drastically change the federal government's role and policies in relation to energy, the environment, and climate change. In the first of a two-part series, Christopher Carr and Robert Fleishman of Morrison & Foerster LLP consider the incoming administration's plans on infrastructure, natural gas, oil and coal, as well as clean and renewable energy.

EEOC's New 4-Year Plan: What Employers Need To Know

In its updated strategic enforcement plan for fiscal years 2017 to 2021, the U. S. Equal Employment Opportunity Commission added some new priorities, including issues related to complex employment structures in the 21st-century workplace, and backlash discrimination against Muslims, Sikhs and persons of Arab, Middle Eastern or South Asian descent, says Michelle Lee Flores of Cozen O'Connor PC.

Key Changes In EPA's Waste Generator Improvements Rule

The U.S. Environmental Protection Agency is making an attempt to modify its hazardous waste generator rules for the first time in 35 years. These rules generally facilitate compliance with requirements, but include one aspect that might cause controversy, says Kenneth Kastner of Hogan Lovells US LLP.

Defense IR&D Policy Shift Is Unnecessary, Counterproductive

The proposed U.S. Department of Defense policy change regarding independent research and development is particularly shortsighted, in an era of declining budgets and a continuing desire to maintain technological superiority, because it likely will create disincentives for technology developers to innovate, and ultimately will increase DOD acquisition costs, say Thomas Lemmer and Gale Monahan of Dentons.

What Is 'Public Interest' Under California Anti-SLAPP Law?

Under California's anti-SLAPP statute, a court may strike causes of action arising from defendants' exercise of free speech rights concerning matters of "public interest." But because the statute does not define "public interest," California courts have construed it in varying ways. The California Supreme Court may soon provide guidance, say Felix Shafir and Jeremy Rosen of Horvitz & Levy LLP.

LEGAL INDUSTRY

Rosebud Sioux Tribe
Santee Sioux Nation
Securities and Exchange Commission
Shakopee Mdewakanton Sioux
Small Business Administration
Spirit Lake Tribe
Standing Rock Sioux Tribe
Suquamish Tribe
Texas Attorney General's Office
Three Affiliated Tribes of the Fort Berthold Reservation
U.S. Army
U.S. Census Bureau
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
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. General Services Administration
U.S. House of Representatives
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court

Freshfields, Clifford Chance Keep Bonus Season Moving

Freshfields Bruckhaus Deringer LLP and Clifford Chance LLP kept the pace of BigLaw's bonus season moving on Thursday, as both Magic Circle firms announced to their U.S. attorneys that they will be seeing year-end bonuses at the same scale set by Cravath Swaine & Moore LLP.

Law360's Weekly Verdict: Legal Lions & Lambs

Holland & Knight LLP topped this week's legal lions list when it shed a bankrupt client's lawsuit accusing it of offering bad business advice, while Skadden became a legal lamb after a Texas jury slammed its client with a \$1 billion verdict, finding the Johnson & Johnson unit had negligently designed a hip implant.

Heller Trustee Makes Final Push For Stakes In Ex-Atty Work

A plea by Heller Ehrman LLP's trustee in California's highest court Wednesday may be the last stand for arguments that dissolved partnerships should be able to keep a stake in work that fleeing lawyers take to competitors, as the bankrupt firm enters the final stage in a long clawback saga.

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