

From: Public Policy Law360 <news-q@law360.com>
To: Adams, ChaneyChaneyAdams@gov.sc.gov
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Subject: Beefed-Up Waiver Rule Could Spur Green Card Applications

PUBLIC POLICY

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Wednesday, August 3, 2016

TOP NEWS

Beefed-Up Waiver Rule Could Spur Green Card Applications

U.S. Citizenship and Immigration Services has rolled out a final rule that will expand the pool of people who are eligible for a key inadmissibility waiver, and the regulation will likely encourage individuals to apply for green cards who may have been hesitant to do so in the past, according to attorneys.

AIG, Prudential, Dozens More Get Breather On Living Wills

AIG Inc., HSBC Holdings PLC, Prudential Financial Inc. and 35 other financial institutions will get another year to submit their living wills, with federal regulators saying Tuesday that the extension will let the companies incorporate new feedback and guidance into their next submissions.

North Dakota Voter ID Law Blocked By Federal Judge

A North Dakota federal judge on Monday blocked the state from enforcing its voter identification law during the current election cycle, saying the law imposes an undue burden on Native American voters.

IRS Aims To Stop Undervaluation Of Transferred Interests

The IRS proposed new rules Tuesday that are intended to prevent the undervaluation of transferred interests in corporations and partnerships for estate, gift and generation-skipping transfer tax purposes.

Singapore Leader Warns US Reputation At Stake In TPP Fight

Singaporean Prime Minister Lee Hsien Loong said Tuesday that there is more at stake in the U.S. quest to ratify the Trans-Pacific Partnership than the deal itself, suggesting that a failure to bring the deal home would badly damage the U.S. reputation in the Asia-Pacific region.

FAA Chief Opens Door For Drone Flights Over People

Federal Aviation Administration Director Michael Huerta on Tuesday opened the door for the potential use of commercial unmanned aircraft systems, or drones, over populated areas, saying the FAA was currently working on a related rule.

High Court Urged To Force Senate Action On Garland

LAW FIRMS

Akin Gump
Baker Botts
Bryan Cave
Cadwalader Wickersham
Clifford Chance
Cravath Swaine
Davis Polk
Day Pitney
Dentons
Drinker Biddle
Fragomen Del Rey
Greenberg Traurig
Hinshaw & Culbertson
Honigman Miller
Jones Day
Kilpatrick Townsend
Kirkland & Ellis
Lanier Law Firm
Latham & Watkins
Liebler Gonzalez
Miller Barondess
Miller Shakman
Mitchell Silberberg
MoloLamken LLP
Morgan Lewis
Morris Manning
Morrison & Foerster
Munger Tolles
Native American Rights Fund
Pillsbury Winthrop

A New Mexico attorney has asked the U.S. Supreme Court to command Sen. Chuck Grassley, R-Iowa, to begin considering President Barack Obama's high court nomination, D.C. Circuit Chief Judge Merrick Garland, arguing the court has original jurisdiction over the matter because the senator is a "public minister" refusing to perform a duty.

Pa. Justices Nix GOP Bid To Enter Judicial Retirement Fight

Two Pennsylvania Republican lawmakers were barred Monday from intervening in a dispute pending before the state's supreme court over the wording of a controversial ballot measure set to go to voters in November that would raise the constitutionally mandated retirement age for judges.

ANALYSIS

New Prison Rate Caps Could Help FCC Dump Court Challenge

The Federal Communications Commission is hoping a vote Thursday to raise rate limits on inmate calling services will weaken a legal challenge filed by providers shortly after their 2015 approval, but success remains uncertain given lingering questions surrounding the agency's authority and unwillingness to limit pay-to-play payments to facilities.

NY Nuke Plant Subsidies Will Likely Face Legal Battle

Nuclear plant subsidies offered by New York state as part of its revised clean energy program will likely face court challenges, with critics' primary ammunition likely to be the U.S. Supreme Court's recent decision that plant subsidies offered by Maryland usurped federal authority over wholesale electricity markets, experts say.

BANKING & SECURITIES

SEC Points To Menendez Ruling In House Subpoena Row

The U.S. Securities and Exchange Commission on Tuesday asked the Second Circuit to rely on a Third Circuit decision concerning charges against a U.S. senator when ruling on a U.S. House Ways and Means Committee's efforts to dodge an agency subpoena.

Gray Financial, Hill Seek 11th Circ. Do-Over On SEC Courts

Investment firm Gray Financial Group Inc. and real estate developer Charles L. Hill each urged the Eleventh Circuit on Monday to rethink a panel ruling requiring them to face the U.S. Securities and Exchange Commission's in-house court, saying the decision defies U.S. Supreme Court precedent.

Sweden Forms Commission To Analyze Crowdfunding Market

The Swedish government has formed a commission that will identify how to improve crowdfunding opportunities in the country, hoping to capitalize on the trend that targets small and emerging companies.

ENERGY & ENVIRONMENTAL

DC Circ Challenge to EPA's New Methane Rules Gains Steam

The coalition challenging new U.S. Environmental Protection Agency regulations on methane emissions swelled in size Tuesday, with more than a dozen states and a host of fossil fuel industry groups asking the D.C. Circuit to review the rule.

Quinn Emanuel
Shearman & Sterling
Shook Hardy
Sidley Austin
Simpson Thacher
Sive Paget
Spilman Thomas
Sprague & Sprague
Stinson Leonard
Stroock & Stroock
Weitz & Luxenberg

COMPANIES

Aetna Inc.
American Civil Liberties Union
American International Group Inc.
Apple Inc.
BNSF Railway
Bank of America Corporation
Barclays PLC
Blue Cross and Blue Shield Association
BlueCross BlueShield of Illinois
CIGNA Corporation
CenturyLink Inc.
Comcast Corporation
Coventry Health Care Inc.
Credit Suisse Group AG
Deutsche Bank AG
Entergy Corporation
Environmental Defense Fund Inc.
Exelon Corporation
Facebook
Fannie Mae
Federation Internationale de Football Association
Freddie Mac
General Motors
Google Inc.
HSBC Holdings PLC
Illinois Transportation Trade Association
Intel Corporation
JPMorgan Chase & Co.
Land of Lincoln Mutual Health Insurance Co.
Lehman Brothers Holdings Inc.

[GOP Sens. Back Criminal Probe Into Gold King Spill](#)

Two U.S. Senate Republicans lauded the U.S. Environmental Protection Agency's internal watchdog for announcing a criminal investigation into last year's Gold King Mine disaster, which spilled millions of gallons of toxic wastewater into a river system that flows through Navajo lands.

[White House Releases Final GHG Guidance For Agencies](#)

The Obama administration continued its climate change push on Tuesday by releasing final guidance designed to assist federal agencies with factoring greenhouse gas emissions into National Environmental Policy Act reviews.

[GOP Sen. Wants EPA To Scrap Clean Energy Incentive Plan](#)

The U.S. Environmental Protection Agency's proposed Clean Energy Incentive Program would provide unnecessary incentives to wind developers who already benefit from tax credits, a U.S. senator told the agency on Monday.

[Rail Giants Seek Injunction Against Calif. Hazmat Transpo Fee](#)

BNSF Railway Co. and Union Pacific Railroad Co. sought a preliminary injunction Tuesday to block California's tax board and regulators from implementing a new law that slaps a fee on rail cars transporting hazardous materials like crude oil and chemicals, saying it hurts railroads and threatens public safety.

[IP & TECHNOLOGY](#)

[Patent Suit Limits Would Aid Tech Giants, Say Profs](#)

A group of 28 professors on Monday urged Congress not to pass a Senate bill that would restrict where patent suits can be filed, saying it would primarily benefit large tech companies sued for infringement by shifting cases to more defendant-friendly jurisdictions outside of Texas' Eastern District.

[TRANSPORTATION & INFRASTRUCTURE](#)

[Chicago Cabs Must Steer Clear Of Uber Regs, 7th Circ. Hears](#)

The Seventh Circuit was told on Monday that the taxicab industry has no right to keep Uber and Lyft drivers off the streets of Chicago as the city pled with the court to dismiss a suit brought by traditional cab companies arguing that uneven regulations have stripped them of profits.

[INSURANCE](#)

[Blue Cross Ill. Seeks Premium Hikes Up To 45%, Citing ACA](#)

Blue Cross Blue Shield of Illinois on Monday sought to hike its premium rates by as much as 45 percent for the coming year, citing rising costs of medical providers and services, as well as an increased use of health insurance overall.

[REAL ESTATE](#)

[CFPB Lays Out Guidelines For Foreclosure Relief Efforts](#)

The Consumer Financial Protection Bureau on Tuesday released recommendations for mortgage servicers, investors, government housing authorities and policymakers to assist consumers facing foreclosure, in preparation for the expiration of a U.S. Department of the Treasury

[Lyft Inc.](#)

[Marvell Technology Group, Ltd.](#)

[McGraw Hill Financial Inc.](#)

[Morgan Stanley](#)

[National Immigration Law Center](#)

[Natural Resources Defense Council](#)

[New York University](#)

[Nomura Holdings, Inc.](#)

[PJM Interconnection LLC](#)

[Prudential Financial Inc.](#)

[Public Company Accounting Oversight Board](#)

[Redflex Traffic Systems](#)

[Samsung Electronics Co. Ltd.](#)

[State Street Corp.](#)

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[The Bank of New York Mellon Corporation](#)

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[GOVERNMENT AGENCIES](#)

[Bureau of Citizenship and Immigration Services](#)

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[Council on Environmental Quality](#)

[European Commission](#)

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[Federal Communications Commission](#)

[Federal Deposit Insurance Corp](#)

[Federal Energy Regulatory Commission](#)

[Federal Housing Finance Agency](#)

[Federal Reserve System](#)

foreclosure relief program.

COMPETITION

Relator Tossed From Case Against Chicago Camera Contractor

The whistleblower at the heart of a lawsuit accusing Redflex Traffic Systems Inc. of bilking the city of Chicago out of at least \$125 million through an alleged bribery scheme was booted from the suit Tuesday by a federal judge who said the scheme had already been detailed in the press before the one-time Redflex employee stepped forward.

Uber, Lyft Say Taxis Sued To Hang On To Monopoly

Uber and Lyft asked a Florida federal court Monday to toss a proposed class action from taxicab drivers alleging the companies deceived consumers by misrepresenting the ride-hailing services as safe and compliant with local regulations, saying the suit is a ploy by taxi operators to retain their long-held monopoly.

Sheldon Silver Says Bail, Not Jail, Warranted During Appeal

Former New York State Assembly Speaker Sheldon Silver says he'll likely be awarded a new trial on appeal, given the U.S. Supreme Court's recent overhaul of the anti-corruption laws underlying his November conviction, and urged a federal judge Tuesday to keep him out of prison in the meantime.

PRIVACY & CONSUMER PROTECTION

Ban On Miss. Law Shielding Gay Marriage Objectors Upheld

A Mississippi law designed to protect same-sex marriage objectors will remain blocked while the state appeals to the Fifth Circuit, a federal judge ruled Monday, shooting down arguments from the state that the bill's opponents don't have standing and that the objectors should be given the same protections as pacifists and abortion opponents.

INTERNATIONAL TRADE

Afghanistan Joins WTO, Inks Trade Facilitation Pact

Soon after taking its final step to become the newest member of the World Trade Organization, Afghanistan ratified an agreement to streamline customs procedures and slash red tape at ports of entry around the world, according to documents circulated Tuesday.

TELECOMMUNICATIONS

Senators Caution FCC On Special Access Rural Impact

Nine U.S. senators told the Federal Communications Commission on Monday to make sure any new rules for the business data services market are based on accurate industry data, including information measuring competition, which they said is important for rural communities.

Comcast Wants 'Sensitivity-Based' FCC Privacy Protections

Comcast continues to press the Federal Communications Commission to adopt broadband provider privacy protection rules in line with Federal Trade Commission recommendations, according to an ex parte filing Monday that pressed specifically for a "sensitivity-based approach" to consumer consent for data sharing.

EXPERT ANALYSIS

Federal Trade Commission
Financial Stability Oversight Council
Food and Drug Administration
Internal Revenue Service
National Telecommunications and Information Administration
Navajo Nation
Nuclear Regulatory Commission
Securities and Exchange Commission
U.S. Attorney's Office
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Senate
U.S. Supreme Court

How To Attract Restructuring Investors To Post-Brexit UK

Instead of looking wistfully east, smitten by gloom at the prospect of falling out of the European Insolvency Regulation, the U.K. ought to be turning west, and should seize this moment of realignment to improve the U.K. insolvency system and make it familiar, say former U.S. Bankruptcy Judge James Peck and Howard Morris of Morrison & Foerster LLP.

The Specter Of A Financial Transactions Tax

If Republicans retain control of the House, the chances of a financial transactions tax being reinstituted in the United States in the short term are very low. That said, the insertion of ever more frequent proposals for a so-called "Robin Hood tax" into mainstream political discourse may be a harbinger of things to come, says John Kaufmann of Greenberg Traurig LLP.

DC Circ. Sets Up Uncertain Fate For The Clean Power Plan

In an unusual order, the D.C. Circuit recently announced its decision to delay scheduled oral arguments over the Clean Power Plan. It's unlikely the court will issue a decision on the Clean Power Plan until after November, meaning the results of the upcoming presidential and congressional elections could determine its outcome, say Jon Sohn and Andrew Shaw at Dentons.

FDA Streamlines Reviews Of Next Generation Sequencing Tests

The U.S. Food and Drug Administration's recent draft guidances on next generation sequencing-based tests may lead to more efficient premarket reviews in the long run, but there could be long ramp-up times and challenges for early adopters, say Elizabeth Bierman, Phoebe Mounts and Michele Buenafe at Morgan Lewis & Bockius LLP.

FERC Eases Electricity Market Data Reporting Requirements

A recently proposed rule by the Federal Energy Regulatory Commission requiring certain participants in wholesale electric markets to submit "relational databases" to report information about their financial and legal affiliations to other entities significantly lessens the administrative burdens that would have been imposed had the commission adopted its prior proposals, say attorneys at Morrison & Foerster LLP.

Bad Legal Writing Cut Down To Size In Age Of Short Attention Spans

Standards for what's considered good writing in the legal profession are changing, and lawyers wedded to the ways of old run the career-damaging risk of angering clients and judges.

Assault On Patent Trolls Leaves NPE Model In Peril

The America Invents Act has left behind a trail of invalidated patents, and IP plaintiffs are being battered by a slew of unfavorable Supreme Court decisions. Will nonpracticing entities find a way to adapt and thrive in this new world?

Sandy Hook Victims Search For Weaknesses In

Gun Makers' Legal Shield

Federal law gives gun makers broad protections from lawsuits over non-defective weapons, but a new interpretation of a common legal theory could pave the way for mass-shooting cases if a Connecticut judge signs off.

LEGAL INDUSTRY

Litigation Powerhouse: Quinn Emanuel

The largest law firm in the world solely devoted to litigation and arbitration, Quinn Emanuel Urquhart & Sullivan LLP has leveraged its unique culture into monumental wins for high-profile clients such as Samsung and the Federal Housing Finance Agency, earning the firm a place among Law360's Litigation Powerhouses.

How To Best Prepare A Client For The Legal Bill

Even with a winning outcome or a client savvy about the time-consuming twists that come with complex litigation, a higher-than-expected legal bill can provoke consternation and possibly damage the relationship a law firm has cultivated with a client. Here, experts share their advice on laying down the groundwork with clients to make paying the bill as painless as possible.

Dentons Offers Associate Bonuses As Other Firms Bump Pay

Dentons is offering its U.S. associates a special, one-time bonus on the heels of associate raise announcements at a slew of other law firms, according to an internal memo made public Tuesday.

Jones Day Raises Starting Salaries For Associates In London

Jones Day has become the latest law firm to hike starting pay for its London associates, following the lead of a number of others that have increased salaries in the city amid a fierce battle for top legal talent, according to news reports.

Judges Should Crack Whip On Discovery Abuse, Paper Says

Federal judges should discipline attorneys more vigorously and apply the lessons of behavioral science to rein in lawyers' wanton abuse of discovery rules and counteract ethical "fade," according to a research paper published Monday.

Judges' Personal Characteristics Sway Dissents, Paper Says

Federal appellate judges' personal characteristics, including their age, race, gender and political persuasion, can have a statistically significant effect on whether they will concur or dissent with another judge on an opinion, according to researchers from the Toulouse School of Economics and New York University.

NY Atty Reinstated After 6-Month Ban For Court Rage

A New York criminal defense attorney was reinstated Friday after a six-month suspension from the state's Western District for violating a reprimand for misconduct and using obscenity in the courtroom, after a federal judge found that the attorney had done all he needed to practice again.

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