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**Subject:** Despite Progress, Big Obstacles Still Loom For Paris Deal

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## PUBLIC POLICY

### EXPLORE WHAT'S INSIDE LEXIS PRACTICE ADVISOR

Check out the topics we cover, the forms we offer, and where our practical guidance will take you.

Tuesday, October 11, 2016

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#### TOP NEWS

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##### [Despite Progress, Big Obstacles Still Loom For Paris Deal](#)

The landmark global climate change deal brokered in Paris cleared an important hurdle this week when it secured enough official support to go into effect, but experts say the biggest hurdle — signatory countries turning their emissions, clean energy and climate adaptation financing goals from mere promises into reality — still lies ahead.

##### [Uber Gets OK To Run In Philly In Reversal Of Day-Old Order](#)

Uber and Lyft will be able to operate in Philadelphia after a Pennsylvania appellate judge on Friday granted an emergency petition from Uber Technologies Inc. reversing an order from a state judge barring ride-hailing activities one day earlier.

##### [Spanish Agency To Probe WhatsApp, Facebook Data-Sharing](#)

The Spanish Data Protection Agency has added its voice to the choir of privacy regulators concerned about WhatsApp's plan to begin sharing user data with parent company Facebook, saying Wednesday that it will look into the mobile messenger's new practice.

##### [Feds, Sierra Club Urge 10th Circ. To Reinstate Fracking Rules](#)

The federal government and the Sierra Club urged the Tenth Circuit on Friday to overturn a federal judge's decision to nix the Bureau of Land Management's regulations governing hydraulic fracturing on federal and Native American lands, saying the rule is within the BLM's authority.

##### [Tax Pros Push Tweaks In New IRS Partnership Audit Rules](#)

The American Institute of Certified Professional Accountants urged the Internal Revenue Service on Friday to consider a series of recommendations for its new partnership audit regime, as the agency susses out how to implement major reforms recently mandated by Congress.

##### [Menendez Faces Renewed Corruption Charges](#)

A federal grand jury revived a handful of previously dismissed criminal corruption charges against Sen. Robert Menendez, D-N.J., and a prominent

#### LAW FIRMS

Akin Gump  
Archer & Greiner  
Arnold & Porter  
BakerHostetler  
Bancroft PLLC  
Banner & Witcoff  
Berkowitz Oliver  
Browne George  
Bryan Cave  
Buchanan Ingersoll  
Cohen Milstein  
Condon & Forsyth  
Constangy Brooks  
Covington & Burling  
Crowell & Moring  
Cuddy & Feder  
Curtin & Heefner  
DLA Piper  
Debevoise & Plimpton  
Earthjustice  
Fisher Phillips  
Fredericks Peebles  
Gibbons PC  
Gibson Dunn  
Greenberg Traurig  
Hogan Lovells  
Hunton & Williams  
Jackson Walker  
Kaplan Kirsch  
Kaye McLane

political donor, returning a superseding indictment Thursday that prosecutors say cures a charging defect regarding allegations of official acts done in exchange for campaign and legal defense fund donations.

## US Accuses Russia Of Hacking DNC To Tamper With Elections

U.S. officials on Friday said the Russian government was behind a cyberattack of the Democratic National Committee that led to the disclosure of tens of thousands of internal emails on WikiLeaks and elsewhere, saying the hack was "intended to interfere with the U.S. election process."

## ANALYSIS

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### 4 Takeaways From The Global Pact To Cut Airplane Emissions

A United Nations-backed accord to cap greenhouse gas emissions from commercial airliners is the first global framework for managing the international aviation sector's carbon footprint and reducing air pollution, marking what could be the first step toward new airplane emissions regulations covering the U.S. and over 100 other countries.

### Senate Defense Acquisition Overhaul May Be Too Ambitious

The Senate Armed Services Committee's proposal to promote innovation by splitting the defense acquisition, technology and logistics undersecretary role into separate positions may suffer from being too revolutionary, experts say, and could end up being less effective than planned.

### Pa. Cases Could Pave Clearer Path For Local Fracking Laws

Pennsylvania towns have gained greater capacity to limit oil and gas drilling operations through recent court victories, but those rulings also have left municipalities facing a web of uncertainty in regulating fracking that the state Supreme Court could help untangle through pending cases on local zoning powers and citizens' environmental rights, experts say.

### Vow To Break Up Wells Fargo Likely An Empty Threat

A top House Democrat recently vowed to break up Wells Fargo & Co. over the creation of more than 2 million unauthorized accounts, but experts said that even if a political path existed to do so, there was no legislative way to attack Wells without targeting other big banks.

## ENERGY & ENVIRONMENTAL

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### Exxon Accused Of Using Tax-Exempt Group To Lobby

Two watchdog groups have accused Exxon Mobil Corp. of intentionally misusing a conservative group with tax-exempt nonprofit status to advance the oil giant's legislative agenda to sow uncertainty about climate science.

### Supreme Court Urged To Review EPA Water Rule Jurisdiction

An American Farm Bureau Federation-led coalition of industry groups said Friday that the U.S. Supreme Court should review the Sixth Circuit decision to assert exclusive jurisdiction to review the controversial Clean Water Rule, and end "once and for all" the jurisdictional quandary that has led to suits scattered nationwide.

### API Looks To Pause Suit Over EPA's Tribal Land Oil, Gas Rule

The American Petroleum Institute has moved to pause its D.C. Circuit challenge to the U.S. Environmental Protection Agency's plan to limit

Kirkland & Ellis

Latham & Watkins

Law & Lewis

Lawrence Beach

Lewis Roca

Loeb & Loeb

McCarter & English

McElroy Deutsch

Morrison & Foerster

O'Melveny & Myers

Paul Hastings

Potter Minton

Quinn Emanuel

Reed Smith

Sanford Heisler

Saul Ewing

Sheppard Mullin

Sidley Austin

Skadden

Snell & Wilmer

Stinson Leonard

Stroock & Stroock

The Employment Law Group

Weil Gotshal

Weisbrod Matteis

White and Williams

WilmerHale

## COMPANIES

Air Transport Association of America

American Civil Liberties Union

American Enterprise Institute

American Farm Bureau Federation

American Legislative Exchange Council

American Petroleum Institute Inc

American Road & Transportation Builders Association

American Trucking Association: Inc.

Apple Inc.

Avaya Inc.

Bank of America Corporation

Barnes & Noble Inc

Center for Strategic and International Studies

emissions of harmful air pollutants and streamline the preconstruction permitting process for oil and natural gas production and natural gas processing industries operating in Indian Country.

## New Pa. Fracking Regs To Finally Take Effect

A long-anticipated set of updates to rules governing hydraulic fracturing at oil and gas wells in Pennsylvania went into effect Saturday, in spite of a last-ditch effort from an industry group to delay their publication.

## MEDIA & ENTERTAINMENT

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### NCAA Moves 2017 Basketball Tourney Games From NC To SC

The NCAA said Friday that the 2017 men's basketball tournament games pulled from North Carolina over the state's controversial transgender bathroom law will instead be played in Greenville, South Carolina, marking the first time South Carolina will host tournament games since the NCAA lifted a ban on the Palmetto State after it agreed to stop displaying the Confederate flag.

### NJ Asks Supreme Court To Review Sports Betting Case

The state of New Jersey asked the U.S. Supreme Court on Friday to review a Third Circuit decision striking down the Garden State's attempts to allow sports betting at its casinos and racetracks, arguing the ruling is an unconstitutional "takeover" of the state's right to pass and repeal its own laws.

## TRANSPORTATION & INFRASTRUCTURE

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### Truckers Say Speed-Limiter Rule May Compromise Safety

The American Trucking Associations expressed concern with a proposed U. S. Department of Transportation rule seeking to implement speed-limitation devices in heavy-duty trucks and vehicles, saying on Thursday the new systems could possibly result in making roads less safe.

### GWB Scandal Defendant Not A 'Decision Maker,' Witness Says

An attorney for a former public official on trial over the George Washington Bridge lane closures said Friday that a former colleague did not consider her to be a "decision maker" in an effort to debunk claims that she ordered the closures for political revenge.

## EMPLOYMENT

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### NJ Whistleblower Deal Spurs Call For Public Record Law

The publicizing of New Jersey's agreement to pay \$1.5 million to settle a former assistant county prosecutor's whistleblower lawsuit has motivated the introduction of a bill in the state Assembly that would bar public entities and public employees from confidentially settling whistleblower suits, according to an announcement Friday.

## PRIVACY & CONSUMER PROTECTION

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### Microsoft Holds Up Cybersecurity Framework As Global Model

The voluntary cybersecurity framework developed through a collaboration between the federal government and the private sector two years ago provides a strong model for coming up with an effective global approach to tackling cyberthreats, Microsoft's cybersecurity policy director said Thursday.

## GOVERNMENT CONTRACTS

Comcast Corporation  
Consolidated Edison Inc.  
Costco Wholesale Corporation  
Daimler AG  
EMI Group Ltd.  
Electronic Privacy Information Center  
Environmental Defense Fund Ir  
Exxon Mobil Corporation  
Facebook  
Google Inc.  
Helsinn Healthcare SA  
JPMorgan Chase & Co.  
Litigation Insights Inc.  
Lyft Inc.  
Major League Soccer LLC  
Microsoft Corporation  
Mosaic Life Care  
NFL Enterprises LLC  
National Association of Home Builders  
National Association of Manufacturers  
National Association of Realtors  
National Basketball Association  
National Cattlemen's Beef Association  
National Collegiate Athletic Association  
National Corn Growers Association  
National Mining Association  
Natural Resources Defense Council  
Neiman Marcus Group  
New England Patriots  
Samsung Electronics Co. Ltd.  
SavaSeniorCare LLC  
Savills Studley Inc.  
Sierra Club  
Signal International Inc.  
Southern Poverty Law Center  
TechFreedom  
Tenet Healthcare Corporation  
The DIRECTV Group, Inc.  
UBS AG  
Uber Technologies Inc.

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## Ex-NJ Lawmaker Pleads Guilty In \$5.3M Misconduct Case

A former New Jersey lawmaker pled guilty Friday in New Jersey state court to stealing nearly \$1.9 million in loans for a housing venture and writing more than \$3.4 million in bad checks in connection with his various businesses, according to the state attorney general's office.

## NY Health Dept. Wrongly Denying Speech Aids, Suit Says

The New York State Department of Health uses an arbitrary standard to improperly deny Medicaid patients with communication issues access to medically necessary speech-generating devices, according a potential class action filed Thursday in New York federal court.

## SIGAR Says DOD May Be Paying For Afghan 'Ghost' Soldiers

The Special Inspector General for Afghanistan Reconstruction in a letter made public Friday asked the Pentagon to explain its recent efforts to ensure the accuracy of the Afghanistan military personnel databases, citing reports of payments potentially being made to nonexistent "ghost" soldiers.

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## INTERNATIONAL TRADE

### Obama Ends Sanctions On 200 Burmese Leaders, Companies

President Barack Obama on Friday ended several sanctions programs against Burma that had been built up over nearly two decades, saying that the country's steps toward democracy and freedom justify ending prohibitions against doing business with about 200 companies and individuals.

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## TAX

### Pol Questions NYC's Property Tax Lien Sale Process

New York City's process of selling property tax liens gives landlords incentive to neglect buildings and harass tenants and should be revised to help preserve more affordable housing, according to a report from the city's public advocate released Friday.

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## IMMIGRATION

### DHS, Detained Immigrants Clash Over Database Doc Requests

The Department of Homeland Security on Friday exchanged blows over a document production bid with immigrants who say they were unlawfully held by Los Angeles County officers based on warrantless requests by U.S. Immigration and Customs Enforcement, contending that information in the requested documents is protected by statutes and regulations.

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## TELECOMMUNICATIONS

### FCC Chair's Leaks Within His Authority, Watchdog Says

Federal Communications Commission Chairman Tom Wheeler authorized media leaks regarding a last-minute compromise on the agency's Lifeline low-income subsidy, but that disclosure was within his authority and didn't influence the scuttling of the compromise, the FCC's Office of Inspector General has concluded.

### FCC Head Proposes 'Light Touch' For New Biz-Data Players

Federal Communications Commission chief Tom Wheeler on Friday unveiled

Verizon Communications  
VirnetX Holding Corporation  
Wells Fargo & Co.

## GOVERNMENT AGENCIES

Army Corps of Engineers  
Bureau of Labor Statistics  
Bureau of Land Management  
Consumer Financial Protection Bureau  
Executive Office of the President  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Deposit Insurance Corp  
Federal Financial Institutions Examination Council  
Federal Reserve System  
Federal Trade Commission  
Government Accountability Office  
Immigration and Customs Enforcement  
Internal Revenue Service  
National Highway Traffic Safety Administration  
National Institute of Standards & Technology  
National Labor Relations Board  
New Jersey Legislature  
New York State Department of Health  
Office of Foreign Assets Control  
Office of the Comptroller of the Currency  
Office of the Director of National Intelligence  
Port Authority of New York & New Jersey  
Securities and Exchange Commission  
Special Inspector General for Afghanistan Reconstruction  
U.S. Army  
U.S. Department of Defense  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor

a scaled-back plan for regulating the market for business data services, in which he now seeks to apply "targeted regulation" of legacy services while using a "lighter touch" in developing areas of the market.

## FCC Lifts Sunshine Restrictions On Set-Top Box Plan

The Federal Communications Commission has lifted so-called sunshine period restrictions in order to allow outside groups to weigh in on its set-top box plan following calls for more transparency, a week after the FCC pulled the controversial item from its September meeting agenda.

## EXPERT ANALYSIS

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### 10 Things To Look For This Supreme Court Term

This term of the U.S. Supreme Court will probably be one of the oddest in our history, according to Jim Brosnahan, senior trial counsel with Morrison & Foerster LLP. Here are some of the dynamics to look for between now and June 2017.

### Practical Steps For Contractor Sick Leave Compliance

The U.S. Department of Labor's final rule requiring federal contractors and subcontractors to provide paid sick leave for certain employees imposes another set of onerous requirements on federal contractors. The regulations will be particularly burdensome for small or midsize contractors, given the administrative costs for tracking and complying with the complex regulatory requirements, say attorneys at Akin Gump Strauss Hauer & Feld LLP.

### New York State's Energy Marketplace Heading Into 2016 Q4

At the start of the final quarter of 2016, a number of important initiatives are transforming New York state's energy marketplace. Neil Alexander and Lucia Chiochio of Cuddy & Feder LLP offer a survey of some significant programs around the state.

### A Battle Over The Business Of Rooftop Solar

Rooftop solar companies have been the beneficiaries of favorable treatment by taxing authorities, legislatures and regulators. But now, the economics of the business and the level of subsidies it receives are being questioned in state utility regulatory proceedings. And, understandably, businesses that are built around tax breaks and subsidies are loathe to give up the status quo, says Raymond Heyman of Snell & Wilmer LLP.

## LEGAL INDUSTRY

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### Sept. Marks 3 Months Of Weak Legal Sector Jobs Growth

Legal services jobs remained relatively flat for the third month in a row in September, adding a mere 400 jobs since August and eking out a meager 0.25 percent increase over employment levels last year, according to data released Friday by the U.S. Bureau of Labor Statistics.

### Lawyers Should Apologize More Often, Law Professor Says

Lawyers should consider copping to their mistakes and apologizing to clients more often in order to avoid ethics violations, according to a new academic paper examining attorney behavior.

### EMI Hires Ex-DOJ Debevoise Atty in Malaysian Cash Case

EMI Music Publishing Management LLC has hired a Debevoise & Plimpton

U.S. Department of Transportat

U.S. Department of Veterans  
Affairs

U.S. Department of the Treasur

U.S. Environmental Protection  
Agency

U.S. House of Representatives

U.S. Patent and Trademark Off

U.S. Supreme Court

United Nations

Ute Indian Tribe

Wage and Hour Division

LLP attorney previously with the U.S. Department of Justice to represent it in a California federal civil forfeiture suit over allegedly laundered money from a Malaysian state-owned investment fund.

### [Law360's Weekly Verdict: Legal Lions & Lambs](#)

Attorneys for Tiffany & Co. topped the legal lions list this week when they won an \$8.25 million jury verdict for the jeweler in a long trademark dispute with Costco while Potter Minton PC and Kirkland & Ellis LLP stood out as legal lambs after a Texas federal jury leveled a \$300 million verdict against their client, Apple, for infringing patents with its FaceTime technology.

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

A consumer data breach class action shows plaintiffs can win on standing and fail elsewhere, the CFPB's information security infrastructure falls short, and the D.C. Circuit slams the NLRB for a money-wasting litigation "suicide mission." Those stories top the corporate legal news you may have missed last week.

### [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.

### [Pro Bono Firms Of 2016: Skadden Arps](#)

A year of victories, including freeing a man from a wrongful rape and murder conviction after 33 years in prison and securing compensation for Signal International's trafficked shipyard laborers, has landed Skadden Arps Slate Meagher & Flom LLP a spot among Law360's Pro Bono Firms of 2016.

### [Rainmaker Q&A: Jackson Walker's Mary Emma Karam](#)

Don't focus on the money, focus on the service. Practicing law is a lifelong career where the relationships you build and the people you help are the things that make up your legacy and make life more rewarding, says Mary Emma Karam, chairwoman of business development and marketing at Jackson Walker LLP.

### [Rainmaker Q&A: Reed Smith's Scott Bolden](#)

When someone asks me how I have continued to be a successful business developer, I like to say, "Skate to where the puck will be, not where it is right now." The legal industry changes daily so you need to continually think ahead, and your clients will really appreciate you thinking ahead for them, says Scott Bolden, partner at Reed Smith LLP.

#### **JOBS**

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