

From: Public Policy Law360 <news-q@law360.com>  
To: Adams, ChaneyChaneyAdams@gov.sc.gov  
Date: 1/10/2017 4:51:43 AM  
Subject: Law360 Names Practice Groups Of The Year

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## PUBLIC POLICY

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Tuesday, January 10, 2017

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### TOP NEWS

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#### Law360 Names Practice Groups Of The Year

Law360 congratulates the winners of its 2016 Practice Group of the Year awards, the law firms that racked up victories in litigation and closed the big deals to make their mark among clients and throughout the legal industry.

#### The Firms That Dominated In 2016

Law360's Firms of the Year rose above the competition in 2016 by earning a combined 20 Practice Group of the Year awards on the strength of work that helped their clients attain game-changing judgments and close record deals.

##### Analysis

#### Obama Leaves Behind Mixed Legacy On Bank Regulations

When President Barack Obama exits office this month, he will leave behind a far safer banking system than the one he inherited in 2009, but observers say that for all of the sweeping changes his administration put in place, his legacy on financial regulation will be mixed.

##### Analysis

#### Fintech Firms Worry Trump Tax Plan Will Leave Them Behind

Plans laid out by President-elect Donald Trump and the Republican-led Congress to advance corporate-only tax reform without simultaneously tackling individual income taxes has financial-technology startups and other entrepreneurs worried about staying competitive against larger corporations in 2017.

##### Analysis

#### Future Of Wellness Program Regs Murky After Block Denied

New Equal Employment Opportunity Commission rules setting parameters for employer-sponsored wellness programs took effect Jan. 1, days after surviving a preliminary injunction request rooted in worries they threaten worker privacy. The rules' long-term future, however, remains in doubt, as the judge left the door open for a permanent injunction down the road based on the rules' "complex interaction" with various federal laws.

##### Analysis

#### How The GOP May Undo Wheeler's Telecom Legacy

Republicans who have long complained of what they call an activist and wrongheaded agenda at Chairman Tom Wheeler's Federal Communications Commission are preparing to take control of Congress and the White House, and experts say they see three ways the GOP may seek to reverse key

### LAW FIRMS

Akin Gump  
Alston & Bird  
Andrews & Springer  
Arent Fox  
Arnold & Porter Kaye Scholer  
Baker & McKenzie  
Baker Botts  
Bass Berry  
Bernstein Litowitz  
Beveridge & Diamond  
Bird & Bird  
Boies Schiller  
Bowman and Brooke  
Center for Constitutional Litigati  
Chadbourn & Parke  
Cleary Gottlieb  
Cohen Milstein  
Cooley  
Covington & Burling  
Cravath Swaine  
Crowell & Moring  
DLA Piper  
Davis Polk  
Davis Wright Tremain  
Dean Ringers  
Debevoise & Plimpton  
Dentons  
Dewey & LeBoeuf  
Diamond McCarthy  
Dorsey & Whitney  
Faegre Baker  
Fenwick & West  
Fish & Richardson  
Fried Frank

elements of his legacy.

## House OKs Health Care, Sports Medicine Bills

The U.S. House of Representatives passed a series of bills surrounding access to health care Monday, including one meant to ensure sports medicine professionals are properly covered by their medical malpractice insurance while traveling with teams across state lines.

## Barring Out-Of-State Attys Is 'Discrimination,' DC Circ. Told

A multidistrict attorney advocacy group urged a D.C. Circuit panel Monday to upend a lower court ruling that left intact an allegedly discriminatory rule restricting out-of-state attorneys from practicing in the district without first passing its bar exam, in violation of congressional intent and U.S. Supreme Court precedent.

## BANKING & SECURITIES

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### SEC, Timbervest Disagree Over Due Process, Industry Bars

The U.S. Securities and Exchange Commission and Atlanta-based investment adviser Timbervest LLC filed competing briefs Friday in the D.C. Circuit, disagreeing over whether the agency's in-house court is biased and whether time limits on agency sanctions apply to associational bars.

### Paylocity Seeks Del. High Court Fee-Shifting Bylaw Review

Paylocity asked the Delaware Chancery Court late Friday to allow an appeal of its December decision that the First State's ban on fee-shifting bylaws applies to one of the company's rules, arguing the Delaware Supreme Court should review a ruling that will affect all corporations formed in the state.

## ENERGY & ENVIRONMENTAL

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### Congressman To Try Again With Grand Canyon National Bill

A bill to permanently protect an area near the Grand Canyon — which includes sacred Native American cultural sites and ecologically sensitive regions — from new uranium mining was reintroduced by U.S. Rep. Raul Grijalva, D-Ariz., on Friday, who expressed "profound disappointment" in the Obama administration's decision not to establish a national monument there.

### NY Nuke Plant Subsidies Flout Feds, Power Coalition Says

Power providers and energy groups challenging New York state's plan to subsidize three struggling nuclear power plants as part of its clean-energy program said Friday that the state hasn't cited a single case in which a similar program survived a federal preemption and U.S. Constitution commerce clause challenge.

## HEALTH & LIFE SCIENCES

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### Wrongful-Birth Ban Floated In Mississippi Legislature

A Mississippi lawmaker proposed legislation Thursday that would bar "wrongful-birth" damages.

## IP & TECHNOLOGY

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### Arent Fox, MWE Attys Among New USPTO Advisory Members

The U.S. Patent and Trademark Office rolled out a slew of new members for

Frost Brown Todd

Gibson Dunn

Goodwin

Greene Broillet

Hagens Berman

Hilyard Bogan

Hogan Lovells

Hunton & Williams

Irell & Manella

Jackson Lewis

Jenner & Block

Jones Day

Kasowitz Benson

Katten Muchin

Keker & Van Nest

Keller and Heckman

Kelley Drye

King & Spalding

Kirkland & Ellis

Kramer Levin

Labaton Sucharow

Latham & Watkins

Lieff Cabraser

Littler Mendelson

Mayer Brown

McAfee & Taft

McDermott Will

McGuireWoods

McKool Smith

Mets Schiro

Miller & Chevalier

Morgan Lewis

Morrison & Foerster

Morville Abramowitz

Nossaman LLP

O'Melveny & Myers

Orrick Herrington

Outten & Golden

Patterson Belknap

Paul Hastings

Paul Weiss

Pillsbury Winthrop

Pirkey Barber

Priddy Cutler

Proskauer Rose

Quinn Emanuel

its advisory committees on Monday, placing a longtime member from Arent Fox LLP as chair of one group and bringing on fresh faces from McDermott Will & Emery LLP, Mayer Brown LLP and Jones Day.

## TRANSPORTATION & INFRASTRUCTURE

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### Supreme Court Rejects Flight-Sharing Company's Appeal

The U.S. Supreme Court rejected on Monday Flytenow Inc.'s request to consider an appeals court decision that affirmed the Federal Aviation Administration's determination that pilots who post on its flight-sharing website must have commercial licenses.

### Rail Unions Sue Christie, NJ Transit Over Engineer DUI Law

A pair of railroad labor unions filed suit Monday in New Jersey federal court to undo a state law that prohibits New Jersey Transit engineers from operating passenger trains if they have a suspended or revoked driver's license due to a DUI conviction, saying it is preempted by federal law.

## EMPLOYMENT

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### Ky. Gov. Signs Fast-Track Right-To-Work Bill

Kentucky became the 27th so-called right-to-work state on Saturday when Gov. Matt Bevin signed a bill making it illegal to require that workers pay union dues as a condition of employment, four days after it was introduced by a new Republican majority in the Kentucky House of Representatives.

### OSHA Injury Reporting Rule, Database Ripped By Chamber

The U.S. Chamber of Commerce and other industry groups are looking to prevent the Occupational Safety and Health Administration from implementing its injury and illness recordkeeping reporting rule, saying the proposed online database violates businesses' First Amendment rights and oversteps OSHA's authority.

### NY Aims To Ban Wells Fargo-Styled Scammers From Banking

New York Gov. Andrew Cuomo pitched banning from the banking and insurance industries "bad actors" who commit frauds like Wells Fargo & Co.'s opening of thousands of unauthorized accounts to boost its sales numbers, according to a proposal Sunday from the governor's State of the State address.

### NLRA Preempts Ill. Town's Right-To-Work Law, Judge Say

An Illinois town can't enforce a union-weakening "right-to-work" ordinance because it's preempted by federal labor law, an Illinois federal judge ruled on Saturday.

### Ex-Pa. Justices Drop Judicial Retirement Age Vote Challenge

The firm representing two former Pennsylvania Supreme Court justices in their fight against what they argued was a misleading ballot referendum to raise the mandatory retirement age for state judges said Friday it would not appeal a recent decision dismissing their challenge.

### Unions Cite Ill. Judge's RTW Ruling In Ky. County Appeal

A group of Kentucky unions, including chapters of the AFL-CIO, told the Sixth Circuit on Monday that a recent Illinois federal judge's ruling that struck down a local right-to-work ordinance supports their argument that the appellate

Reed Smith

Robbins Geller

Rogers & Hardin

Ropes & Gray

Sanford Heisler

Seward & Kissel

Seyfarth Shaw

Shearman & Sterling

Sheppard Mullin

Shook Hardy

Shulman Rogers

Simpson Thacher

Sirote & Permutt

Skadden

Spiegel & McDiarmid

Sprague & Sprague

Squire Patton Boggs

Steptoe & Johnson LLP

Sullivan & Cromwell

Susman Godfrey

Sutherland Asbill

Troutman Sanders

Venable LLP

Vinson & Elkins

Volkov Law Group LLC

Wachtell Lipton

Weil Gotshal

White & Case

Wiley Rein

Williams & Connolly

WilmerHale

Wilson Sonsini

## COMPANIES

AARP Inc.

AT&T Inc.

Alcoa Inc.

America Fujikura Ltd.

American Bankers Association

American Federation of Labor &  
Congress of Industrial  
Organizations

American International Group Inc.

Association of Tennis  
Professionals

Braskem SA

CTIA

court incorrectly upheld a similar ordinance enacted by Hardin County, Kentucky.

## PRIVACY & CONSUMER PROTECTION

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### 11th Circ. Won't Revive Privacy Suits Over Fla. Driver Info

The Eleventh Circuit on Monday affirmed the dismissal of a Florida couple's cases against local governments and their workers over allegedly improper access of their personal information through state driver and motor vehicle records, ruling that their claims are time-barred.

### 5th Circ. Asked To End Block Of Transgender Bathroom Rule

The U.S. government on Friday asked the Fifth Circuit to overturn an injunction blocking an Obama administration rule incorporating gender identity discrimination as part of sex discrimination under Title IX, calling the injunction overbroad and unnecessary.

### Sens. To Push For Greater Russia Sanctions After Hacks

Senior senators on the Armed Services Committee plan on introducing bills that would target Russia's financial and energy sectors, in response to the campaign intended on using hacks and other measures to interfere in the U. S. presidential election, they said over the weekend.

### Reps. Reintroduce Widely Supported Email Privacy Act

A pair of D.C. lawmakers on Monday reintroduced federal legislation aimed at barring the government from accessing stored electronic communications held by service providers without a warrant, a proposal which received wide bipartisan support last year but ultimately stalled in the U.S. Senate.

## AEROSPACE & DEFENSE

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### DHS Says Election System Is 'Critical Infrastructure'

U.S. Department of Homeland Security Secretary Jeh Johnson on Friday announced that he was designating the country's election systems as critical infrastructure, saying that the move will make the systems a priority for DHS protection, in the wake of increasingly sophisticated cyberattacks.

### Sikorsky, DOD Get 9th Circ. Reversal Of FOIA Document Bid

The Ninth Circuit on Friday reversed a Freedom of Information Act order requiring Sikorsky to hand over defense contracting documents to the American Small Business League, finding that certain information involving the aircraft manufacturer is protected from disclosure to competitors.

## INTERNATIONAL TRADE

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### Feds Revise Export Controls On Spacecraft

The U.S. departments of State and Commerce on Monday issued final rules adjusting export controls on satellites and other similar spacecraft and related equipment, loosening restrictions on exports of certain remote imaging devices, among other changes.

### Commerce To Form Trade Enforcement Advisory Council

The U.S. Department of Commerce is set to establish an advisory council on trade enforcement to make recommendations about how to ensure compliance from trade partners and to enhance the country's commercial

Center for Biological Diversity  
Consumer Action  
Consumer Federation of America  
Consumer Reports  
Dell Inc.  
Dow Chemical Co.  
Dynegy Inc.  
E. I. du Pont de Nemours and Company (DuPont)  
EMC Corporation  
Eide Bailly LLP  
Electronic Frontier Foundation  
Entergy Corporation  
Equifax Inc.  
Exelon Corporation  
Facebook  
Fannie Mae  
Freddie Mac  
Friedman LLP  
Google Inc.  
Home Depot, Inc.  
International Brotherhood of Electrical Workers  
International Brotherhood of Teamsters  
International Union Of Operating Engineers  
Kmart Corp.  
Liberty Mutual  
Lyft Inc.  
Microsoft Corporation  
NBCUniversal Inc.  
NFL Enterprises LLC  
NJ Transit Corp.  
NRG Energy Inc.  
National Association of Home Builders  
National Association of Manufacturers  
New York Times Co.  
Och-Ziff Capital Management Group LLC  
Odebrecht SA  
Orthofix International N.V.  
Public Knowledge  
Spokeo Inc.  
SunEdison LLC

competitiveness, according to a notice in the Federal Register set to publish on Tuesday.

## US Raps China For Shortcomings In IP, Steel, Antitrust Policy

Nearing the end of its tenure, the Obama administration on Monday gave a stern rebuke to China for its failure to obey a litany of World Trade Organization rules, ripping Beijing for its shortcomings in intellectual property rights enforcement, shady competition laws and protectionist steel policies.

## TAX

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### High Court Snubs Michigan Health Plan Tax Dispute

The U.S. Supreme Court declined Monday to take up Self-Insurance Institute of America Inc.'s challenge to a Michigan tax on health insurance plans, despite having told a lower appeals court in March to reconsider its upholding of the tax.

### States Look For Quick Win In Obamacare Medicaid Tax Row

Six states moved for a win in their fight against the Affordable Care Act tax levied on state Medicaid managed care organizations, telling a Texas federal judge on Friday that the fee exceeds the federal government's authority and violates the U.S. Constitution.

## NATIVE AMERICAN

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### NY, Entergy Strike Deal To Close Indian Point Nuke Plant

New York state officials and Entergy Corp. said Monday that they've brokered a deal to shut down the Indian Point nuclear plant just north of New York City by 2021, ending a lengthy fight over a facility opponents say poses environmental and safety risks to the largest metropolitan area in the U.S.

## TELECOMMUNICATIONS

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### Groups Urge FCC Review Of Wireless Roaming Charges

The Federal Communications Commission should examine the impact of international roaming fees from background data on smartphones to ensure wireless customers aren't being taken advantage of, a group of consumer advocates said Friday.

### Blackouts Show Need For Retransmission Reform, FCC Told

The American Television Alliance pushed the Federal Communications Commission on Friday to consider again its rules guiding negotiations between pay-TV providers and broadcasters, saying widespread programming blackouts demonstrate that current rules aren't protecting the public.

### FCC Warns TV Stations Over Political Transparency Issues

The Federal Communications Commission on Friday reprimanded several TV stations for failing to follow requirements designed to ensure transparency about political advertising in 2014 and 2016, clarifying its rules and declining to pursue enforcement but also warning of possible future action.

## EXPERT ANALYSIS

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### FCPA Predictions For 2017

Talen Energy Corp.

TeliaSonera AB

Teva Pharmaceutical Industries Limited

Timbervest LLC

U.S. Chamber of Commerce

United Brotherhood of Carpenters

United States Steel Corporation

Verizon Communications

VimpelCom Ltd.

Wal-Mart Stores Inc.

Wells Fargo & Co.

Zimmer Biomet Holdings Inc.

## GOVERNMENT AGENCIES

Bureau of Industry and Security

Central Intelligence Agency

Commodity Futures Trading Commission

Commonwealth of Kentucky

Consumer Financial Protection Bureau

Delaware Court of Chancery

Department of Commerce

Equal Employment Opportunity Commission

European Commission

Federal Aviation Administration

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Energy Regulatory Commission

Federal Railroad Administration

Federal Reserve System

Financial Stability Oversight Council

Florida Department of Highway Safety and Motor Vehicles

Food and Drug Administration

Internal Revenue Service

International Trade Administration

Mine Safety and Health Administration

National Institutes of Health

National Labor Relations Board

Navajo Nation

Nuclear Regulatory Commission

Everyone is predicting major changes in the U.S. Department of Justice's Foreign Corrupt Practices Act enforcement. I do not share this view. Frankly, FCPA enforcement is more bipartisan than other controversial enforcement programs, and the DOJ's FCPA program is very profitable, says Michael Volkov, CEO of The Volkov Law Group LLC and a former federal prosecutor.

### [An Unwelcome Gift From The IRS On Conservation Easements](#)

Just before Christmas, the IRS issued Notice 2017-10, declaring some conservation easement donations to be "listed transactions," and giving a chill to year-end giving plans. The agency's move was arbitrary and ham-fisted, made without opportunity for constructive comment, and endangers this vital conservation funding mechanism, say Ronald Levitt and David Wooldridge of Sirote & Permutt PC.

### [Easing The Process For Requesting Experimental Drugs](#)

The 21st Century Cures Act passed last month includes a key provision that will require pharmaceutical companies to publicly provide policies for evaluating experimental drugs requests. This law ensures that seriously ill patients in search of their last hope will at least know how to contact pharmaceutical companies, say Ross Galin and Aaron Shapiro of O'Melveny & Myers LLP.

## [LEGAL INDUSTRY](#)

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### [Firm Leaders Tepid On Economy But Expect Growth, Citi Finds](#)

Law firm leaders have a tepid outlook on the strength of the U.S. economy and the health of the legal industry for the first half of 2017, according to a Monday report from Citi Private Bank, but remain more cautious about what to expect on a global scale.

### [Clerks Might Not Get Coffee, But Can Sway Justices: Study](#)

Justices of the U.S. Supreme Court may seem like a group making decisions that can alter the legal and political landscape all on their own, but justices are often influenced in the way they vote on cases by their clerks, according to a recent study by several legal scholars.

### [Dewey Judge Seeks DA Input On Cooperator Deal Testimony](#)

The New York state judge overseeing the upcoming retrial of two former Dewey & LeBoeuf LLP executives on Monday gave prosecutors until the end of the week to respond to a defense motion seeking to grill the government's star witness about the circumstances that led him to get a new plea deal in exchange for his ongoing cooperation.

### [Alleged Law Firm Hackers Hit With SEC Injunction](#)

A New York federal judge on Monday granted a request by the U.S. Securities and Exchange Commission for a preliminary injunction and asset freeze against four Chinese hackers accused of reaping \$4 million in illegal profits using insider information about pending corporate deals hacked from the computer systems of two top New York law firms.

### [Supreme Court Won't Review Calif., NJ Admission Restrictions](#)

An advocacy group dedicated to breaking down jurisdictional practice barriers for lawyers lost on Monday the final round of challenges to rules in California and New Jersey on out-of-state attorneys.

[Occupational Safety and Health Administration](#)

[Office of the Comptroller of the Currency](#)

[Securities and Exchange Commission](#)

[U.S. Attorney's Office](#)

[U.S. Department of Agriculture](#)

[U.S. Department of Defense](#)

[U.S. Department of Health and Human Services](#)

[U.S. Department of Homeland Security](#)

[U.S. Department of Justice](#)

[U.S. Department of the Interior](#)

[U.S. House of Representatives](#)

[U.S. Patent and Trademark Office](#)

[U.S. Senate](#)

[U.S. Supreme Court](#)

## Howrey Trustee Aims To Collect From 2 More Ex-Partners

Howrey LLP's trustee filed two new cases against former partners of the long-defunct firm over unpaid tax obligations, claiming in a pair of adversary proceedings Monday that the European partners had skipped out on their payments and contractual obligations.

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