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Subject: BigLaw's Amicus Business Is Booming, But Is The Court Listening?

PUBLIC POLICY

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Monday, October 3, 2016

IN-DEPTH

Feature

BigLaw's Amicus Business Is Booming, But Is The Court Listening?

A Law360 analysis reveals amicus briefs are skyrocketing at the Supreme Court. But the vast majority go unacknowledged as the justices show signs of fatigue.

Feature

As Justices Kick Off New Season, Your Guide For What To Watch

For those in the legal profession, the start of October means more than pumpkin spice lattes and football Sundays. As the high court reconvenes this fall, its docket may be light, but stakes for businesses are already high.

News Analysis

High Court Vacancy Turns Up Heat On Justices Who Own Stock

As an empty Supreme Court seat worsens the potential fallout of a recusal, three justices are facing increasing scrutiny over an arguably preventable conflict-of-interest risk.

News Analysis

How The Lone Star State Is Making Its Mark At The High Court

Texas is set to present at least three cases to the U.S. Supreme Court this term, continuing a high court streak that some say can be

LAW FIRMS

Abbey Adams
Anderson Kill
AndersonGlenn
Babst Calland
Baker & McKenzie
Ballard Spahr
Bancroft PLLC
Beeson Tayer
Boodle Hatfield
Cahill Gordon
Choate
Clifford Chance
DLA Piper
Dechert
Dorsey & Whitney
Edelson PC
Fisher Phillips
Flaster/Greenberg
Foley & Lardner
Freeborn & Peters
Gibson Dunn
Goldstein & Russell
Hagens Berman
Harris Wiltshire
Hoffman & Blasco
Hogan Lovells
Holland & Knight
Horvitz & Levy
Irell & Manella
Jenner & Block

traced to its appetite for a good fight.

TOP NEWS

Lawmakers May Tweak 9/11 Bill For Foreign Policy Concerns

Senior Republican lawmakers on Thursday said they would explore altering legislation allowing civil suits against foreign officials and countries over allegations of sponsoring terrorism, just a day after overriding a presidential veto of the bill, citing potential unintended consequences.

Bipartisan Reps. Propose Climate Change Commission

House lawmakers have floated a bill that would create a bipartisan commission to study potential solutions to reduce greenhouse gas emissions and make science-based recommendations to avoid the effects of climate change.

EU Pushes Five Nations To Scrap Investment Treaties

The executive arm of the European Union has upped the pressure on five member states to scrap their investor protection treaties with other EU countries, reasserting Thursday that such deals clash with the bloc's single-market policies and moving one step closer to a lawsuit.

States Can't Block Feds' Domain Name System Handover

A Texas federal judge on Friday refused to block the federal government from transferring its internet domain name system stewardship over to a global community of stakeholders this weekend, denying an injunction bid by state attorneys general from four states who allege the transfer is unconstitutional.

Christie Unveils Transportation Funding Plan With Tax Cuts

New Jersey Gov. Chris Christie and two of the state's top lawmakers on Friday outlined a \$16 billion plan to improve the state's infrastructure over the next eight years, heeding longtime calls to replenish the state's Transportation Trust Fund.

Former Northrop Exec. To Lead Background Check Agency

The White House on Thursday announced that its new background vetting agency, the National Background Investigations Bureau, will begin operations on Oct. 1 with former Northrop Grumman Corp. executive and CIA official Charles Phalen in charge.

ANALYSIS

FCC's Set-Top Box Setback Puts Outcome In Flux

The Federal Communications Commission's Tom Wheeler suffered a blow to his plan to "unlock" set-top cable boxes when a vote was pulled from the FCC's meeting Thursday, and while experts believe the move likely won't be fatal, they say it does plunge the issue into uncertainty in the final months of the Obama administration.

BANKING & SECURITIES

GOP Senator Seeks Law To Force SEC To Credit Exchanges

Sen. Mark Kirk, R-Ill., on Thursday introduced a Senate bill that would force the SEC to repay national securities exchanges and other self-regulatory organizations for 10 years' worth of overpaid fees.

ENERGY & ENVIRONMENTAL

Johnson Barnhouse

Jones Day

Kaye Scholer

Keesal Young

Kirkland & Ellis

Kluger Kaplan

Latham & Watkins

Levy Vinick

Little Mendelson

Loeb & Loeb

Mayer Brown

McDonald Hopkins

Morgan Lewis

Morrison & Foerster

Much Shelist

O'Melveny & Myers

Orrick Herrington

Paul Weiss

Pepper Hamilton

Polsinelli

Quarles & Brady

Quinn Emanuel

Reed Smith

Robinson & Cole

Sedgwick LLP

Seyfarth Shaw

Sheppard Mullin

Sidley Austin

Skadden

Stinson Leonard

Stris & Maher

Taft Stettinius

Thompson Coburn

Vinson & Elkins

White and Williams

WilmerHale

Womble Carlyle

COMPANIES

AARP Inc.

ABN AMRO Bank NV

AOL Inc.

AT&T Inc.

Abbott Laboratories

Allergan PLC

Amazon.com Inc.

Pa. Town Can't Escape Fracking Ordinance Suit Just Yet

A Pennsylvania federal judge on Friday refused to dismiss Pennsylvania Independent Oil & Gas Association's lawsuit against a township that adopted an ordinance blocking corporations from disposing of oil and gas waste within the municipality, despite the fact that the ordinance has since been overturned.

Red Wolf Killing Permits Blocked By Judge In NC

A North Carolina federal judge on Thursday told the U.S. Fish and Wildlife Service it may not issue permits for the killing of red wolves without first proving they are a threat to the safety of humans, livestock or pets, a victory for environmentalists who had sought to stop the practice.

FWS Can Ban Sport Hunting Trophy Imports From Zimbabwe

A D.C. federal judge on Friday upheld the U.S. Fish and Wildlife Service's 2014 decision to ban imports of sport-hunted African elephant trophies from Zimbabwe, striking down a challenge brought by the Safari Club and the National Rifle Association.

IP & TECHNOLOGY

USPTO Unveils Proposed Patent Fee Increases For 2017

The U.S. Patent and Trademark Office is considering a major fee overhaul for the first time in more than three years to help it cover operational costs approaching \$3 billion next fiscal year, the office announced Friday.

TRANSPORTATION & INFRASTRUCTURE

Lawmakers Push NJ Transit To Speed Safety Plan After Crash

In the wake of the fatal New Jersey Transit commuter train crash in Hoboken, transportation officials on Friday fielded demands by lawmakers to implement federally mandated safety controls designed to reduce the risk of high-speed crashes.

GWB Scandal Architect Grilled Over Email Questions

An attorney for a former public official on trial over claims that she ordered the George Washington Bridge lane closures for political retribution confronted the government's star witness Friday with an email showing that the defendant was "confused" about a newspaper column on the lane closures.

REAL ESTATE

Judge Nixes Challenge To Chicago's Affordable Housing Regs

An Illinois federal judge on Friday struck down a constitutional challenge to Chicago's affordable housing program, saying a developer that paid a \$200,000 fine instead of setting aside two apartments for lower-income residents had no absolute right to set prices on its property.

EMPLOYMENT

Feds Advise Transit Agencies On LGBT Equal Employment

The U.S. Department of Transportation's Federal Transit Administration issued revised guidance Thursday to transit agencies on how to comply with

America Fujikura Ltd.
American Bar Association
American Civil Liberties Union
American Express Company
American Federation of Labor & Congress of Industrial Organizations
American Federation of State, County and Municipal Employees
American Immigration Lawyers Association
American International Group Inc.
American Public Power Association
Amgen Inc.
Amneal Pharmaceuticals LLC
Apple Inc.
Associated Press
BG Group
BHP Billiton
Bank of America Corporation
Bloomberg
Broadcom Corporation
Business Software Alliance
CHX Holdings Inc.
CIT Group Inc.
CSX Corporation
CenturyLink Inc.
Chambers and Partners
Chevron Corporation
Comcast Corporation
Communications Workers of America
Compuware Corporation
Consolidated Rail Corp.
Daimler AG
Dart Cherokee Basin Operating Co. LLC
Del Monte Foods Inc.
Dell Inc.
Direct Energy LP
E*TRADE Financial Corporation
EMC Corporation
Electronic Privacy Information Center
Exxon Mobil Corporation
FCA US LLC

recently updated federal equal employment opportunity guidelines extending anti-discrimination protections to lesbian, gay, bisexual and transgender individuals.

Teamsters Call BFI's Joint-Employer Fears Overblown

Browning-Ferris Industries is exaggerating the implications of the loosened "joint employer" definition that the National Labor Relations Board adopted last year, a Teamsters local has told the D.C. Circuit in an appeal of the decision.

PRIVACY & CONSUMER PROTECTION

Irish Regulator Says Data Transfer Row Will Deliver Clarity

The Irish data protection regulator revealed that the "urgent" need to give multinationals certainty about what methods they can use to transfer data between the U.S. and EU largely inspired her decision to move forward with an activist's challenge to Facebook's reliance on model contracts for such exchanges.

GOVERNMENT CONTRACTS

Ark. Ordered To Make Planned Parenthood Medicaid Payments

Arkansas must reimburse its two Planned Parenthood locations for Medicaid services, a federal judge said Thursday, finding that all Medicaid beneficiaries using the nonprofit as their health care provider would suffer irreparable harm if the state were allowed to withhold reimbursements.

La. Gov. Sues AG Over Anti-Discrimination Contract Denial

Louisiana Gov. Jon Bel Edwards is suing Attorney General Jeff Landry in Louisiana district court over denying state contracts with law firms and other groups that include an anti-discrimination provision against LGBT individuals per a new executive order, according to documents publicized on Friday.

INTERNATIONAL TRADE

State Dept. Revises Arms Regs Amid Trade Policy Shifts

The U.S. Department of State on Thursday issued updates to its International Traffic in Arms Regulations to reflect changes in defense trade policy with several countries, including Sri Lanka's new ability to buy American weapons and the lift of a Vietnamese arms ban.

TAX

Alaskan City Can't Beat Suit Over Cruise Ship Fees

An Alaska court ruled Thursday that a cruise ship association's suit against Juneau, Alaska, over port entry fees can stay in federal court despite a law barring federal suits over state and local taxes.

IMMIGRATION

Feds Relying On Stereotypes In Citizenship Row, Justices Told

The Immigration and Nationality Act discriminates against men in determining whether their children are granted citizenship, unconstitutionally holding men to a more stringent standard than women largely under archaic stereotypes, the Dominican-born son of a U.S. citizen father has told the U.S. Supreme

Facebook
Fastenal Company
Fidelity National Financial Inc.
Financial Industry Regulatory Authority Inc.
Fisher-Price Inc.
Flextronics International Ltd.
Genzyme Corporation
Goldman Sachs Group Inc.
Google Inc.
Guidance Software, Inc.
HSBC Holdings PLC
Harris Corporation
Hasbro, Inc.
Hudson's Bay Co.
Infinity Pharmaceuticals, Inc.
Innophos Holdings, Inc.
Intel Corporation
International Association of Defense Counsel
International Brotherhood of Teamsters
International Centre for Settlement of Investment Disputes
Internet Corporation for Assigned Names and Numbers
Johnson & Johnson
Johnson Controls Inc.
L'Occitane International SA
LegalZoom.com Inc.
Lenovo Group Ltd.
Lineage Logistics LLC
Lord & Taylor LLC
MasterCard Incorporated
Mattel, Inc.
Mellanox Technologies Ltd.
Michael Kors Holdings Ltd.
Microsoft Corporation
Motorola Mobility LLC
NJ Transit Corp.
National Association of Attorneys General
National Federation of Independent Business
National Railroad Passenger Corporation
National Rifle Association of

Court.

NATIVE AMERICAN

Texas Says Tribe Must Allow Casino Inspection

The state of Texas on Thursday urged a federal court to force the Ysleta del Sur Pueblo tribe to allow an inspection of its gaming facility to see if the tribe is holding any illegal electronic bingo games, saying the tribe has refused an inspection.

Tribal Group Says Gambling Money At Risk In Leadership Row

Members of a faction of the California Valley Miwok Tribe urged a California federal court Thursday to stay a Bureau of Indian Affairs decision that allowed a rival faction to assert control over the tribe, arguing that they could be wrongly deprived of millions in tribal gambling revenues without the stay.

TELECOMMUNICATIONS

Commerce Committee Head Wants Set-Top Tweaks Public

The head of the Senate Commerce Committee urged Federal Communications Commission Chairman Tom Wheeler Friday to issue a new, public rulemaking document in the proceeding looking to unlock consumers' set-top boxes, which was abruptly pulled off the FCC's agenda the day before to iron out the remaining details.

Data Rate Regs Would Ruin Broadband Investment, FCC Told

CenturyLink Inc. recently warned the Federal Communications Commission that imposing rate regulations for the special access services market would curtail the billions of dollars the company invests each year in fiber infrastructure and other broadband services.

FCC Floats Phased Post-Auction Station Repack Plan

The Federal Communications Commission on Friday revealed its proposal for transitioning stations to new airwaves after the ongoing broadcast incentive auction so wireless carriers can begin using the spectrum they purchase, seeking comment on a phased approach aimed at efficiency and minimal consumer disruption.

EXPERT ANALYSIS

Clean Power Plan Finally Has Its Day In Court — Now What?

West Virginia v. EPA has been a strange and unique case from the beginning, and has consistently defied prediction. The D.C. Circuit's ruling will likely be close, at least on fundamental issues, and take some time to emerge, says Dorsey & Whitney LLP partner James Rubin, former assistant chief for the law and policy section of the DOJ Environment and Natural Resources Division.

Modernizing Vs. Weakening The TCPA

Many points raised in a recent House subcommittee hearing addressed concrete Telephone Consumer Protection Act concerns shared by both corporate interests and consumer advocates. But some testimony presented by business interests blamed their inability to carry out vital communications squarely on the TCPA, ignoring the fact that the TCPA does not prohibit robust consumer communication, says Chris Dore of Edelson PC.

America

National Rural Electric
Cooperative Association

Natural Resources Defense
Council

New York Times Co.

Nickelodeon Global Network
Ventures Inc.

Nokia Corporation

North American Electric Reliabi
Corp.

Northrop Grumman Corporatio
PMC-Sierra Inc.

PayPal Inc.

PepsiCo Inc.

Planned Parenthood Federatio
Procter & Gamble Co.

Progenics Pharmaceuticals Inc
Prudential Financial Inc.

Quest Diagnostics Incorporatec
Republic Services, Inc.

Royal Dutch Shell PLC

Saks Incorporated

Salesforce.com Inc.

Samsung Electronics Co. Ltd.

Schnuck Markets

Sheet Metal Workers Internatio
Association

Southeastern Pennsylvania
Transportation Authority

Southern Environmental Law
Center

The Coca-Cola Company

Time Inc.

Time Warner Inc.

Tokai Pharmaceuticals Inc.

Toys "R" Us Inc.

Turner Broadcasting System In
Twist Bioscience Corp.

Twitter Inc.

U.S. Chamber of Commerce

United Mine Workers of Americ
Viacom Inc.

Visa Inc.

Washington Redskins

WellCare Health Plans, Inc.

Wendy's Company

USCIS Regs Innovate Programs For Immigrant Entrepreneurs

Despite the significant role played by immigrant entrepreneurs in America, our current immigration laws in this area are woefully complex and out-of-date. However, new regulations proposed by the U.S. Citizenship and Immigration Services would bring much-needed modernization for immigrant entrepreneurs, says Eric Ledbetter of Quarles & Brady LLP.

Kids, Cookies And COPPA: Firms Pay A Price On Privacy

The New York Attorney General has settled with Viacom, Mattel, Hasbro and Jumpstart for a combined penalty of \$835,000 based on alleged violations of the Children's Online Privacy Protection Act. These and similar recent COPPA actions focus on passive collection of children's information through tracking technologies, says Emily Tabatabai of Orrick Herrington & Sutcliffe LLP.

LEGAL INDUSTRY

Fisher & Phillips Partner Accidentally Shot And Killed Wife

A partner with Atlanta-based employment firm Fisher & Phillips LLP is responsible for the recent shooting death of his wife, who was riding in a car when he retrieved a gun, allegedly for fear of protesters in the area, and shot it accidentally.

The Top In-House Hires of September

Two general counsel have received the ultimate promotion, getting tapped to take the helm of their companies as CEO, while a trio of familiar consumer-facing brands appoint fresh legal leadership. They top the list of the in-house hires you should know about.

Sedgwick Says Partner Must Arbitrate Discrimination Claim

Sedgwick LLP bolstered its contention that a partner's proposed class action alleging gender discrimination belongs in arbitration, telling a California federal court in a heavily redacted filing this week that the "tough litigator" couldn't now claim she was forced to sign the arbitration agreement.

GC Cheat Sheet: The Hottest Corporate News Of The Week

The DOJ warns of the consequences of failing to cooperate in investigations, a judge says banks are held to higher standards than consumers in a data breach case, and Facebook brings its A-team to court after a judge slammed it for sending an associate to a promotion conference. Those stories top the corporate legal news you may have missed last week.

Pro Bono Firms Of 2016: Kaye Scholer

New York City homeless shelters now include interpreters for deaf residents and transgender people can more easily change their birth certificates thanks to Kaye Scholer LLP's representation, earning it a spot among Law360's Pro Bono Firms of 2016.

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.

Dispatch

Life After Lyle: Scotusblog Greet's New Term

Xilinx, Inc.

Yahoo! Inc.

GOVERNMENT AGENCIES

Alabama-Coushatta Tribe of Texas

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

California Valley Miwok Tribe

Central Intelligence Agency

Department of Commerce

Equal Employment Opportunity Commission

European Commission

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Railroad Administration

Federal Trade Commission

Federal Transit Administration

Fish and Wildlife Service

Municipal Securities Rulemaking Board

NATO

National Labor Relations Board

National Telecommunications and Information Administration

National Transportation Safety Board

Occupational Safety and Health Review Commission

Port Authority of New York & New Jersey

Securities and Exchange Commission

Texas Department of Housing and Community Affairs

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

Without Longtime Ace

As Scotusblog enters the new term without Lyle Denniston, the veteran journalist who spearheaded its reporting and even inspired a signature meme among devout readers, the lean outfit plans to pick up right where it left off.

Dispatch

Guessing Game: The Inexact Science Of High Court Predictions

At a time of deep uncertainty over the future of the court, researchers are turning to computer algorithms and the wisdom of crowds in hopes of making the justices a little more predictable.

Rainmaker Q&A: Littler Mendelson's Robert Millman

You have to be "professionally relentless" about developing clients. You will not be successful if you work on client development "once in a while." It must be a regular part of what you do, says Robert Millman, shareholder at Littler Mendelson PC.

Rainmaker Q&A: Kluger Kaplan's Abbey Kaplan

Attorneys, regardless of age and experience, must work every day to cultivate their reputation both with their clients and in the community. A well-earned reputation puts lawyers in a position to earn new business through referrals rather than having to seek it out, says Abbey Kaplan, a founding member of Kluger Kaplan Silverman Katzen & Levine PL.

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U.S. Supreme Court

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Ysleta del Sur Pueblo

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