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Subject: Trump Primary Win Doesn't Sway McConnell On Garland

PUBLIC POLICY

Thursday, May 5, 2016

TOP NEWS

Trump Primary Win Doesn't Sway McConnell On Garland

Senate Majority Leader Mitch McConnell, R-Ky., is not backing down from his opposition to U.S. Supreme Court nominee Merrick Garland in light of Donald Trump's inevitable Republican primary win, holding firm to the view that the next president should fill the vacancy.

CFPB Unleashes Draft Rule On Arbitration Clauses

The Consumer Financial Protection Bureau released a highly anticipated proposed rule Thursday to ban consumer financial services providers from prohibiting customers, through contracts with mandatory arbitration clauses, from filing or joining class actions.

DOJ Hits NC With Warning Over Transgender 'Bathroom' Law

The U.S. Department of Justice on Wednesday sent a letter to North Carolina Gov. Pat McCrory saying the state's controversial law restricting bathroom access for transgender persons is in violation of civil rights laws prohibiting employment discrimination, according to news reports.

Pentagon Could Go Over Funding Caps By \$162B, CBO Says

The money needed for the Obama administration's plans for the U.S. Department of Defense will exceed funding caps by \$162 billion over the next four years if Congress rejects cost-saving proposals and weapons systems costs continue to increase as they have in the past, the Congressional Budget Office warned Tuesday.

Brexit A 'Daunting' Legal Task, UK Lawmakers Say

The U.K. faces a "complex and daunting" legal task lasting several years if the country votes to leave the European Union in a June 23 referendum, a U.K. parliamentary committee said in a report issued Wednesday.

ANALYSIS

Energy Policymakers To Watch In The House

In an ideologically divided Congress, energy-focused lawmakers are often guided as much by whether their state produces or consumes a lot of energy as by ideology. Here, experts identify the energy policy movers and shakers in the House. Yesterday, Law360 spotlighted the energy heavyweights in the Senate.

3 Sticking Points In The FCC's Special Access Plan

LAW FIRMS

A&L Goodbody
Allen & Overy
AlvaradoSmith
Arthur Cox
Baker & McKenzie
BakerHostetler
Bancroft PLLC
Best Best
Bracewell LLP
Buchanan Ingersoll
Burke Warren
Burr & Forman
Cleary Gottlieb
Clifford Chance
DLA Piper
Davis Wright Tremaine
Dentons
Despres Schwartz
Eversheds LLP
Faegre Baker
Fletcher Heald
Freshfields
Gibson Dunn
Greenberg Traurig
Herbert Smith Freehills
Hogan Lovells
K&L Gates
Kilpatrick Townsend
Kirkland & Ellis
Latham & Watkins
Linklaters
Marashlian & Donahue
Mayer Brown
Mintz Levin

The Federal Communications Commission's proposal for regulating business data services may clear the chairman's desk this year, but experts said it will take much longer for the FCC to work through the thorniest issues while continually battling rapidly shifting market forces and deep divides among industry players.

BANKING & SECURITIES

SIFMA Blasts FINRA Mortgage Market Margin Proposal

The Securities Industry and Financial Markets Association has blasted a Financial Industry Regulatory Authority proposal to establish margin requirements for the "to-be-announced" market, which facilitates forward-trading of certain mortgage-backed securities, saying FINRA has not meaningfully addressed its cost concerns about the proposal.

Texas AG Faces Rebooted Ethics Dispute At State Bar

A Texas attorney revamped his formal grievance Wednesday against Texas Attorney General Ken Paxton, days after the state bar's disciplinary appeals arm backed the dismissal of the original filing, which centered on Paxton's alleged criminal securities fraud.

SEC Says Timbervest Case Should Return To In-House Court

The U.S. Securities and Exchange Commission on Tuesday told the D.C. Circuit that Timbervest LLC's challenge to the agency's in-house court will have to return there if the investment adviser submits new evidence about its sanctions, potentially putting the constitutional arguments on hold.

ENERGY & ENVIRONMENTAL

Enviros Press Case Against DOT On Oil Spill Response Plans

The National Wildlife Federation asked for a quick win Wednesday in its lawsuit over what it calls insufficient government review of pipeline operators' spill response plans, saying the U.S. Department of Transportation's top official shirked legal obligations to personally review such plans for pipelines that cross the country's inland waterways.

Calif. Agencies Unveil Zero-Emission Freight System Draft

Several California agencies on Tuesday released the first draft of their plan to reform regulations on the state's freight industry, aimed at increasing efficiency and zeroing-out carbon emissions by 2050 while keeping the \$740 billion-per-year industry competitive in relation to other states'.

Enviros Launch Suit Over Outdated EPA Drilling Waste Regs

Environmental groups on Wednesday sued the U.S. Environmental Protection Agency in D.C. federal court for failing to update its rules for oil and gas drilling waste disposal, claiming the agency has shirked its regulatory obligations for three decades even as advances in hydraulic fracturing have sparked a U.S. energy boom.

Chicago Mayor Pins Lucas Museum Hopes On 7th Circ.

Chicago Mayor Rahm Emanuel is asking the Seventh Circuit to step in and dismiss a lawsuit challenging the location of an upcoming museum dedicated to the art collection of "Star Wars" creator George Lucas, saying Wednesday that the city can't abide any further delays as Lucas threatens to take his business elsewhere.

HEALTH & LIFE SCIENCES

Morgan Lewis
Norton Rose Fulbright
Orrick Herrington
Outten & Golden
Pepper Hamilton
Perkins Coie
Pinsent Masons
Polsinelli
Rogers & Hardin
Shearman & Sterling
Sidley Austin
Skadden
Slagle Bernard
Slaughter and May
Squire Patton Boggs
Sutherland Asbill
Wachtell Lipton
Winston & Strawn

COMPANIES

AT&T Inc.
Allergan PLC
American Civil Liberties Union
American Petroleum Institute Inc
Archer Daniels Midland Co.
AstraZeneca
BTI Consulting Group Inc.
Bank of England
CenturyLink Inc.
Dominion Resources, Inc.
Ernst & Young
Fannie Mae
Farm Credit System
Financial Industry Regulatory
Authority Inc.
Freddie Mac
Frontier Communications
Corporation
Immigration Reform Law Institut
Intel Corporation
International Swaps and
Derivatives Association
Johnson Controls Inc.
Law Practice Consultants LLC
Lockheed Martin
Lyft Inc.
NFL Enterprises LLC

Planned Parenthood Sues Kansas For Pulling Medicaid

Two Planned Parenthood affiliates launched a proposed class action in Kansas federal court Wednesday seeking to block state officials from ending Medicaid reimbursements to the organization, a decision they argued was based on discredited videos purporting to show the group encouraged the illegal sale of fetal tissue.

TRANSPORTATION & INFRASTRUCTURE

Pa. House Committee OKs Bill Legalizing Uber, Lyft

A bill that would legalize ride-hailing services such as those offered through Uber Technologies Inc. and Lyft Inc. inched closer to approval on Wednesday as a Pennsylvania legislative committee gave its blessing to the measure.

Taxis Respond To Miami Uber Law With \$1B Class Action

Taxicab companies hit Miami-Dade County with a putative class action seeking upward of \$1 billion Wednesday, a day after its county commissioners approved a draft ordinance legalizing ride-hailing providers such as Uber and Lyft.

FAA Launches Drone Advisory Committee Led By Intel CEO

In its latest effort to improve regulation of the growing number of unmanned aerial vehicles in American airspace, the Federal Aviation Administration is creating a long-term task force to advise the agency on drone issues led by Intel CEO Brian Krzanich, the agency said Wednesday.

EMPLOYMENT

Miami Beach Mayor Unveils Plan For Local \$13 Minimum Wage

Miami Beach Mayor Philip Levine announced a proposal Wednesday to set a citywide living wage that, if passed by the city commission, would boost wages of local hotel workers but could land the city in hot water over a state law barring local minimum wage laws.

UK Softens Accountability For Top Finance Execs

The British Parliament passed an act Wednesday reversing a controversial measure that would have forced senior financial sector managers to prove they weren't responsible for misconduct by employees.

PRIVACY & CONSUMER PROTECTION

Ill. Parents Sue Feds Over Transgender Locker Room Policy

A group of parents from the suburbs of Chicago sued their local school district and the U.S. Department of Education Wednesday over the district's decision to comply with a federal law allowing students who identify as female to use the girls' locker room.

FOOD & BEVERAGE

USDA, VC Firm Launch \$100M Rural Agricultural Biz Fund

The U.S. Department of Agriculture said Tuesday that Midwest venture capital firm Open Prairie will manage a new private investment fund under one of its programs, which could invest up to \$100 million in small food and agricultural businesses in rural parts of the country.

GOVERNMENT CONTRACTS

National Wildlife Federation

Natural Resources Defense Council

Pfizer Inc.

Planned Parenthood Federation

Raytheon Company

SIFMA

State Bar of Texas

Sunoco

The Cato Corporation

Timbervest LLC

Twitter Inc.

U.S. Chamber of Commerce

UGI Corporation

Uber Technologies Inc.

Verizon Communications

Zeughauser Group LLC

GOVERNMENT AGENCIES

Agua Caliente Band of Cahuilla Indians

Bureau of Indian Affairs

Bureau of Industry and Security

Bureau of Labor Statistics

California Energy Commission

California Environmental Protection Agency

Central Intelligence Agency

Congressional Budget Office

Consumer Financial Protection Bureau

Department of Commerce

Energy Information Administration

Executive Office of the President

Federal Aviation Administration

Federal Communications Commission

Federal Trade Commission

Government Accountability Office

Internal Revenue Service

Municipal Securities Rulemaking Board

Pipeline and Hazardous Materials Safety Administration

Rural Utilities Service

Securities and Exchange Commission

Small Business Administration

Small Biz Org Accuses SBA Of 'Creative Accounting'

The American Small Business League on Tuesday accused the U.S. Small Business Administration of "creative accounting" in a California federal court lawsuit seeking to block the agency from demonstrating small business participation goals in government contracts by leaving out some agencies and counting major corporations as small.

INTERNATIONAL TRADE

FTC Says Ala. Health Bill Could Harm Competition

The U.S. Federal Trade Commission issued comments in opposition to proposed legislation in Alabama that would shield mergers between medical schools and health providers in the state from federal antitrust scrutiny, saying the bill will likely result in increased health care costs to consumers.

TAX

Pfizer Cools To Tax Inversion After Nixed Allergan Deal

Pfizer Inc. said Tuesday it isn't inclined to seek another inversion transaction after it scrapped a proposed \$160 billion merger with Irish drugmaker Allergan in April in light of the U.S. Department of Treasury's new rules aimed at curbing the tax-motivated deal structure.

BANKRUPTCY

Divide On Atlantic City Bailout Plan Widens On Eve Of Vote

The road to saving Atlantic City's finances hit a bump on Wednesday when New Jersey Assembly Speaker Vincent Prieto, D-Hudson/Bergen, announced that the chamber wasn't going to consider a Senate bill calling for a state takeover, which is the only plan Republican Gov. Chris Christie said he'd endorse to fix the resort town.

IMMIGRATION

New Rule Won't Moot STEM Visa Worker Case, DC Circ. Told

A technology workers' union urged the D.C. Circuit Wednesday to keep alive its challenge to a U.S. Department of Homeland Security program allowing certain student visa holders to work in the U.S., saying the program will remain in place even with the imminent withdrawal of a related rule.

NATIVE AMERICAN

Calif. County, Tribe Push Back Mediation Of Lease Tax Row

A California county and a Native American tribe told a federal court Tuesday they were postponing mediation of the tribe's suit alleging the county lacks the authority to tax lessors on its tribal trust land, saying they had agreed having more time to prepare would be beneficial.

TELECOMMUNICATIONS

FCC Asked To Streamline Tower Construction On Tribal Lands

A wireless telecommunications services provider urged the Federal Communications Commission on Wednesday to clear the way for new tower construction in Indian Country, following a mandate from the federal

Transportation Security Administration

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Energy

U.S. Department of Homeland Security

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. Forest Service

U.S. Mint

U.S. Supreme Court

Wage and Hour Division

government to improve high-speed internet access there.

PENNSYLVANIA

Pa. Gov. Nominates Ex-Buchanan, Pepper Atty To PUC

Pennsylvania Gov. Tom Wolf on Wednesday tapped a former Pepper Hamilton LLP and Buchanan Ingersoll & Rooney PC partner who currently serves as his senior adviser on energy and economic development to serve as a commissioner on the state's Public Utilities Commission.

EXPERT ANALYSIS

Gig Economy: Are Your Workers Employees? The 6-Part Test

Unfortunately, many sharing economy companies have tried to have it both ways — benefiting from the cost savings of calling workers independent contractors while at the same time treating them as employees in most other respects. Guidance from the U.S. Department of Labor suggests that many of these companies have misclassified their workers as independent contractors, say Rachel Bien and Cara Chomski of Outten & Golden LLP.

The Deemed Export Rule And Employment Nondiscrimination

For employers that are caught between complying with export control laws and anti-discrimination laws, the U.S. Department of Justice recently issued guidance to help companies navigate these seemingly contradictory requirements. But, while helpful in some areas, the guidance may add to the confusion in other areas, say John Burke and Sabrina Shadi at BakerHostetler LLP.

Treasury Regs Cause Issues For 'Lonely' Life Insurance Cos.

New proposed U.S. Department of the Treasury regulations on whether a domestic life insurance company may join in filing a consolidated U.S. federal income tax return with one or more domestic nonlife insurance companies could create new problems with respect to recently acquired domestic life insurance companies that are not allowed to join in the consolidated return, say attorneys at Sutherland Asbill & Brennan LLP.

Time To Stop The End-Arounds In Muni Market Regulation

The Municipal Securities Rulemaking Board recently issued a concept release suggesting that market transparency trumps the Tower Amendment — the direct congressional prohibition against federal regulations requiring filing of information by municipal issuers. This expansion of regulatory reach by tip-toeing around statutory prohibitions disserves us all, says Thomas Potter III of Burr & Forman LLP.

LEGAL INDUSTRY

4 Questions To Ask Before A Firm Merger

Taking target practice blindfolded is likely to end in disaster. Likewise, senior partners considering a law firm merger must be sure they are shooting at a target that advances the firm's goals before they pull the trigger. Here, Law360 looks at four questions attorneys should be asking when considering or executing a merger.

How To Score The Best Non-Ivy Talent

Many successful BigLaw partners did not attend an Ivy League or top-tier law

school, yet some firms insist on focusing their resources on recruiting from a tiny handful of prestigious alma maters. Here, find out how to bag the best and brightest associates by broadening your talent search.

[Invitees To High Court Amici Party Aren't A Diverse Bunch](#)

A recent paper examining amicus invitations from the U.S. Supreme Court found that a majority of invitations were issued to former law clerks and that women and minorities have largely been excluded, revealing a court that has become "increasingly insular and cloistered."

[Law Firms To GCs: Want Change? Push Harder](#)

At the Corporate Legal Operations Consortium's inaugural conference in San Francisco, the message coming from legal department operations executives and law firms is one and the same: Law firms are ripe for change, but it won't happen unless clients ask for it.

[Sidley Austin Atty's Anti-Trump Crusade Draws Fans, Mockery](#)

Daniel A. McLaughlin, counsel at Sidley Austin LLP in New York, has stitched together an impressive resume: Veteran securities litigator. Widely published writer. Politically conservative mega-critic of Donald Trump and unwilling viral sensation on Twitter.

[Eversheds Maintains The Mightiest Brand In The UK](#)

Eversheds LLP is the best-branded law firm in the U.K., with a name that is especially strong among female-led legal departments, according to a new survey of more than 2,000 senior legal buyers.

[Dentons Says Its UK Lawyers Can Work From Home](#)

Dentons unveiled a new initiative Wednesday that allows attorneys in three of its U.K. offices to work remotely up to one day a week as needed, following in the footsteps of Shearman & Sterling LLP, which rolled out a similar policy in its Americas offices last month.

JOBS

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