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PUBLIC POLICY

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TOP NEWS

A Cheat Sheet To Trump's Supreme Court Nomination

If his Twitter account is to be trusted, President Donald Trump on Tuesday night will reveal his choice to replace the late conservative Justice Antonin Scalia on the U.S. Supreme Court, the opening in what will be a series of chess moves by Democrats and Republicans over the political balance of nation's top bench.

Trump Fires Acting AG For Defiance On Immigration Ban

President Donald Trump removed Acting Attorney General Sally Yates from her role and replaced her with U.S. Attorney Dana Boente Monday night, saying Yates "betrayed" the U.S. Department of Justice by instructing officials to avoid defending an executive order banning travel from predominantly Muslim countries.

Trump Signs 'One In, Two Out' Order On Rulemaking

The reach of federal regulations could soon be sharply curtailed, as President Donald Trump on Monday morning signed an executive order that requires two regulations be nixed for each new rule passed, potentially grinding future rules to a halt this year.

Analysis

BigLaw Springs Into Action Following Immigration Ban

Attorneys from a number of BigLaw firms over the weekend rushed to the aid of immigrants and refugees attempting to enter the U.S. following President Donald Trump's Friday executive order suspending immigration from seven predominantly Muslim countries and temporarily halting the nation's refugee program.

Senate Dems Win Delay In Mnuchin Committee Vote

The Senate Finance Committee on Monday delayed a vote on President Donald Trump's treasury secretary nominee, Steven Mnuchin, amid reports that the former banker at the very least misled senators about robo-signing practices at the bank he formerly led.

Analysis

Broadband Infrastructure Momentum Likely To Keep Building

Signals of bipartisan support on Capitol Hill and an early focus on the "digital divide" by newly named Federal Communications Commission Chairman Ajit Pai all point to broadband infrastructure as a possible area of consensus in

LAW FIRMS

Akeel & Valentine
Akerman
Amin Talati
Arent Fox
Baldwin Crocker
Ballard Spahr
Boies Schiller
Broad and Cassel
Brown Rudnick
Carlton Fields
Chadbourn & Parke
Cotchett Pitre
Crary Buchanan
Dewey & LeBoeuf
Epstein Becker Green
Faegre Baker
Fennemore Craig
Fletcher Heald
Foley & Lardner
Foley Hoag
Ford & Harrison
Gibson Dunn
Graham & Dunn
Gunster
Hogan Lovells
Holland & Knight
Hooper Lundy
Houthoff Buruma
Hughes Hubbard
Hyman Phelps
Jenner & Block
Jones Day
Keller and Heckman
King & Spalding

the new administration, experts say.

Analysis

Major NLRB Shift Is Ways Off Despite Republican Chair Nod

Last week, President Donald Trump chose Philip A. Miscimarra as acting chair of the National Labor Relations Board, a member whose dissents from the Obama board's Democratic majority should give the management side hope after years of labor-friendly rulings, but experts say a major shift won't come until the board's Democratic 2-1 split is flipped.

Analysis

Health Reg Rollback Will Hinge On Trump Order's Vagueness

President Donald Trump's executive order that federal agencies offset new regulations by repealing others indicates that the health sector can expect less government oversight, although attorneys say just how much less will depend greatly on how the order's ambiguous language is applied.

Analysis

Trump Reg Order Hammers Home Employment Policy Shift

Trump's executive order on Monday directing federal agencies to nix two regulations for every one they implement is part of a broader shift in employment policy that will put employers' least favorite Obama-era regulations in the immediate crosshairs while slowing new regulation to a trickle, experts say.

Analysis

FDA, Industry Face Hurdles With Trump Regulatory Overhaul

President Donald Trump's executive order Monday requiring that two regulations be axed for every new one prompted concerns from product liability attorneys that the action could result in unintended consequences, such as increased litigation risk and a lengthier rulemaking process, for industries regulated by agencies like the U.S. Food and Drug Administration.

Analysis

Trump's Order On New Regulations Tightens Reins On EPA

President Donald Trump's executive order calling for the elimination of two existing regulations for the creation of every new one underscores his new administration's hostility to rulemaking and makes it much tougher for the U. S. Environmental Protection Agency to advance any rules that aren't required by law, experts say.

Analysis

Trump's War On Regs May Complicate Business Tax Planning

President Donald Trump's executive order to repeal two federal regulations for each new one issued makes little sense in the tax arena, where such rules are typically welcomed by businesses as providing certainty, clarity and even cost savings, according to experts who condemned the order as imprecise and ill thought out.

Analysis

Clean Energy Developers Fret Over Trump Tax Reform Talk

President Donald J. Trump's recent call to slash corporate tax rates has unnerved renewable energy developers, who fear significant cuts may stymie projects by decreasing the appetite for tax equity investments that have been their financial lifeblood, experts say.

Kirkland & Ellis

Latham & Watkins

Little Mendelson

Lowenstein Sandler

Mayer Brown

McDermott Will

Miller Nash

Morgan Lewis

Morrison & Foerster

Ogletree Deakins

Orrick Herrington

Paul Hastings

Perkins Coie

Reed Smith

Segal Roitman

Seyfarth Shaw

Sidley Austin

Skadden

Spiegel & McDiarmid

Steptoe & Johnson LLP

Stoel Rives

Strasburger & Price

Stroock & Stroock

Thompson Coe

WilmerHale

COMPANIES

AT&T Inc.

Amazon.com Inc.

American Bar Association

American Cable Association

American Civil Liberties Union

American Hospital Association

American Immigration Lawyers Association

American Intellectual Property Law Association

American Petroleum Institute In

Argus Media Ltd.

Associated Press

Bank of America Corporation

CKE Restaurants, Inc.

CSX Corporation

Charter Communications Inc.

Citizens for Responsibility and Ethics in Washington

Comcast Corporation

Analysis

CFPB May Be Vulnerable To Trump's 'One-In-Two-Out' Rule

Financial regulators are largely exempt from President Donald Trump's Monday "one-in-two-out" executive order on new regulations because they are independent agencies, but the Consumer Financial Protection Bureau could fall under its sway depending on the outcome of litigation over its leadership structure.

Analysis

Trump Order May Signal Softer Stance On Lobbyist Loophole

President Trump's executive order on lobbying ethics may hurt BigLaw hiring from the executive branch, experts said, but the changes should also give lobbying firms reason to be optimistic that the administration isn't bent on pushing through legislation to close lobbyist registration loopholes.

BANKING & SECURITIES

Nominee For HHS Sec Bought Discounted Biotech Stock

An Australian biotech company confirmed that President Donald Trump's nominee for Secretary of Health and Human Services last year bought stock in an Australian biotech company at a 12 percent discount, which directly contradicts his testimony at Senate confirmation hearing that the deal was available to every single investor in the company.

ENERGY & ENVIRONMENTAL

EPA Chief Says Grants Back On Track After Trump Review

The U.S. Environmental Protection Agency's acting head said Friday that its grant program, which had been under review by the administration of President Donald Trump, is now back up and running.

Tillerson Won't Have To Testify In Kids' Climate Suit

An Oregon magistrate judge on Friday rejected a bid to depose U.S. Secretary of State nominee and former Exxon Mobil Corp. CEO Rex Tillerson in a suit accusing the federal government of failing to protect future generations from climate change, saying that he isn't obligated to testify because he no longer works in the oil industry.

Trump Will Exit Paris Climate Deal, Ex-Transition Aide Says

President Donald J. Trump will pull the U.S. out of the landmark global climate change agreement brokered in Paris in 2015, the former head of Trump's transition team for the U.S. Environmental Protection Agency said Monday.

DOE Pauses Whistleblower Protection Rule For Trump Review

The U.S. Department of Energy pumped the breaks Monday on a final rule clarifying its ability to impose civil penalties against contractors retaliating against workers who report dangerous workplace conditions and other nuclear safety violations, pending the Trump administration's broader pause on, and review of, all new regulations.

No Proof NY Nuke Plant Subsidies Flout Feds, State Says

New York state utility regulators told a federal judge Friday that power providers and energy groups challenging the state's plan to subsidize three struggling nuclear power plants as part of its clean-energy program haven't

Cray Inc

DraftKings Inc.

Dynegy Inc.

Electronic Frontier Foundation

Entergy Corporation

Exelon Corporation

Exxon Mobil Corporation

FanDuel Inc.

Federalist Society

Florida Bar Association

International Brotherhood of
Electrical Workers

JPMorgan Chase & Co.

LexisNexis Group

Lockheed Martin

NFL Enterprises LLC

NRG Energy Inc.

National Association of
Manufacturers

New York Times Co.

New York University

Newegg Inc.

OneWest Bank Group LLC

Overstock.com Inc.

PHH Corporation

Pfizer Inc.

PhRMA

Reed Elsevier

SIFMA

Sierra Club

Talen Energy Corp.

The Boeing Company

Twitter Inc.

U.S. Bancorp

U.S. Chamber of Commerce

United States Telecom
Association

Verizon Communications

Wayfair LLC

GOVERNMENT AGENCIES

Bureau of Indian Affairs

Bureau of Safety and
Environmental Enforcement

California Environmental
Protection Agency

Central Intelligence Agency

shown any evidence that the plan is federally preempted.

HEALTH & LIFE SCIENCES

Analysis

IP, Pharma Groups Call For Patent Eligibility Law Overhaul

Citing the confusion caused by recent court rulings on patent-eligibility, major intellectual property and pharmaceutical industry groups have suggested to the U.S. Patent and Trademark Office that the time has come for Congress to rewrite the law on what can and cannot be patented.

San Francisco Says Archdiocese Owes \$3M In Health Costs

The city of San Francisco says its local Roman Catholic Archdiocese has not complied with an ordinance requiring employers to help pay for their workers' health care coverage, saying the church owes nearly \$3 million for more than 1,000 workers over a seven-year period.

MEDIA & ENTERTAINMENT

NJ Lawmakers Advance Bill On Fantasy Sports Regulation

A New Jersey Assembly panel on Monday advanced a bill that would regulate fantasy sports games, a measure lawmakers say will increase consumer protections and generate an estimated \$1 million for the state each year.

TRANSPORTATION & INFRASTRUCTURE

FAA, Santa Monica Settle Airport Land Title Row

The Federal Aviation Administration and Santa Monica, California, have settled a yearslong land title dispute over control of the Santa Monica Airport, reaching a deal on Saturday that keeps the airport open until the end of 2028, after which the city can close it and turn it into a park.

EMPLOYMENT

Biz Groups Ask Senate To Back Labor Secretary Nominee

The Competitive Enterprise Institute, a free market think tank, led a coalition of 17 business advocacy groups on Monday in urging two key senators on the labor committee to confirm labor secretary nominee Andrew Puzder, saying that his blend of business experience and anti-regulatory policy positions will spur job growth.

Business Groups Mischaracterizing Fiduciary Rule, DOL Says

The U.S. Department of Labor is backing its controversial fiduciary rule for retirement account advisers, saying in Texas federal court that business groups' opposition to the rule "mischaracterizes" the department's rulemaking and guidance.

Mass. Can't Force Sick Time Law On Railroads, 1st Circ. Told

CSX Transportation Inc. and Amtrak told the First Circuit that Massachusetts' paid sick leave law cannot apply to railroad employees given a federal law already regulates this area, insisting Friday that state and federal officials are twisting up the controlling law to force-feed railroads the state law.

PRODUCT LIABILITY

Consumer Financial Protection Bureau
Eastern Shoshone Tribe
Equal Employment Opportunity Commission
Executive Office of the President
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corp
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Florida Department of Revenue
Florida House of Representatives
Florida State Senate
Food and Drug Administration
Internal Revenue Service
International Maritime Organization
International Trade Commission
NAFTA
National Aeronautics and Space Administration
National Highway Traffic Safety Administration
National Institute of Standards & Technology
National Labor Relations Board
National Railroad Passenger Corporation
New Jersey Casino Control Commission
New York Attorney General's Office
Northern Arapaho Tribe
Nuclear Regulatory Commission
Securities and Exchange Commission
Transportation Security Administration
U.S. Air Force
U.S. Coast Guard
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Energy

'Remarkable' E-Cig Liquid Law Partly Put Out By 7th Circ.

The Seventh Circuit on Monday struck down as unconstitutional portions of an Indiana law that sought to regulate vapor pen and e-cigarette liquid manufacturers that sell their products in the state, finding that the requirements it placed on out-of-state companies violated the U.S. Constitution's commerce clause.

GOVERNMENT CONTRACTS

Trump Says Lockheed Cutting \$600M From F-35 Batch

President Donald Trump said Monday that F-35 manufacturer Lockheed Martin Corp. will shave off roughly \$600 million in costs from its next batch of 90 F-35 jets, implying far more cost savings to come from the Pentagon's most expensive weapons procurement.

GOP Lawmakers Move To Block Obama 'Blacklist' Rule

Republican lawmakers moved Monday to block implementation of former President Barack Obama's contentious Fair Pay and Safe Workplaces executive order and related guidance — the so-called blacklist rule — which they say unfairly blocks businesses from receiving federal contracts because of unproven labor law violations.

FieldTurf Faces NJ Lawmakers Over Consumer Allegations

FieldTurf USA Inc.'s top executive on Monday defended allegations that the company knowingly sold defective athletic fields to school districts that eventually sued, telling New Jersey lawmakers probing the issue that the media has inaccurately portrayed the matter.

INTERNATIONAL TRADE

US Officially Withdraws From Asia-Pacific Trade Deal

The U.S. formally withdrew from the Trans-Pacific Partnership on Monday, in line with an executive order issued by President Donald Trump last week, telling the trade pact's signatories that the country does not intend to become a party to the agreement.

State Nominee Tillerson Advances Toward Final Senate Vote

Rex Tillerson, President Donald Trump's pick to lead the State Department, got over a key Senate hurdle Monday evening, and the body could vote later this week on the nominee to head an agency trying to handle Trump's dramatic shifts on foreign policy since inauguration.

TAX

Utah Introduces Bill To Collect Tax On Remote Sales

With the recent introduction of a bill that would require out-of-state sellers to collect and remit sales and use taxes, Utah has become one of the latest states to defy decades-old U.S. Supreme Court precedent that limits states' ability to collect sales and use taxes from those sellers.

Fla. Out-Of-State Sales Tax Could Cause Chaos, Justices Told

Contrary to Florida's argument that its taxing of out-of-state deliveries by a Florida-based online flower retailer is a "long-standing and widespread practice" without conflicting legal opinions, the company told the U.S. Supreme Court the tax conflicts with its own precedent and poses a danger.

BANKRUPTCY

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Marine Corps

U.S. Navy

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

United Nations

Puerto Rico Passes Bill To Pay Part Of \$70B Debt

Puerto Rico Gov. Ricardo Rossello on Sunday signed a bill that will allow the commonwealth to pay for essential services as well as a portion of its \$70 billion in bond debt, according to media reports.

IMMIGRATION

CAIR Sues Over Trump's Immigration Ban Executive Order

The Council on American-Islamic Relations on Monday in Virginia federal court challenged the constitutionality and blasted the "vulgar animosity" of President Donald Trump's executive order banning travel from seven predominantly Muslim nations and refugees from war-torn Syria.

State Department Diplomats Challenge Immigration Ban

A group of foreign service officers and consular employees are officially challenging President Donald Trump's immigration ban, saying in a formal dissent through a U.S. Department of State channel circulated on Monday that the recent executive order dangerously ignores multiagency cooperative solutions.

Obama, Other Dems Criticize Trump's Immigration Ban

Former President Barack Obama on Monday released a statement Monday supporting the recent wave of protests while expressing fundamental disagreement with faith-based discrimination, the most prominent of several Democratic voices of opposition in the wake of Friday's executive order that restricted the nation's immigrant and refugee policies.

NATIVE AMERICAN

Feds Fight Arapaho Contract Claims In Shoshone Row

The federal government on Friday shot back at the Northern Arapaho Tribe's claim that the Bureau of Indian Affairs improperly rejected proposals to operate a tribal court and offer counseling services under federally funded contracts, saying the tribe has submitted proposals for contracts without seeking the consent of another tribe that shares its Wyoming reservation.

TELECOMMUNICATIONS

New FCC Urged To Halt Broadband Privacy Rules

The Federal Communications Commission must hold off on applying privacy rules passed in the twilight of the Obama administration for broadband providers, until the regulator resolves their challenges seeking to undo the new requirements, trade groups said Friday.

New FCC Yanks Business Data Plan From Consideration

The newly Republican-controlled Federal Communications Commission on Friday at least temporarily pulled a plan to reform the business data services market and apply rate caps, a plan criticized by now-FCC Chairman Ajit Pai as "regulatory overreach."

FCC Republicans Push Small Biz Transparency Rule Relief

The two Republicans who now make up a majority at the Federal Communications Commission have voted to waive temporarily stepped-up transparency requirements for small businesses with 250,000 or fewer

subscribers, the new chairman said Friday, though the item remains pending awaiting a vote from the FCC's lone remaining Democrat.

FCC's Pai Drops Plan To Unlock Set-Top Boxes

New Federal Communications Commission Chairman Ajit Pai has stripped his predecessor's proposal to "unlock" consumer set-top boxes to competition from a list of items awaiting a vote, removing the plan from FCC consideration.

PEOPLE

Fla. Senate President Leaves Gunster To Avoid Conflicts

Florida Senate President Joe Negrón has resigned from his position with the law firm Gunster to avoid any possible perception of a conflict of interest with his legislative duties, Negrón and the firm said Monday.

EXPERT ANALYSIS

Maritime Cybersecurity Regulation On The Horizon: Part 1

Energy is one of the industries most targeted by cyberattacks. Now, maritime operations are emerging as the next frontier for cybersecurity regulation affecting the energy sector. Congress, federal agencies and international organizations are pushing cybersecurity measures for ships, ports, terminals and offshore facilities. The energy industry must prepare for regulations in this area, say attorneys from King & Spalding LLP.

FDA Memo Does Not Simplify 1st Amendment Considerations

The U.S. Food and Drug Administration's new memorandum addressing the First Amendment and its re-examination of FDA rules and policies does little more than set out information that was already publicly available, says Diane Lifton of Hughes Hubbard & Reed LLP.

Calif. Forges Ahead With Sweeping Climate Change Regs

California's new "2017 Climate Change Scoping Plan Update" proposes a 10-year extension of the state's carbon cap-and-trade program, in addition to new greenhouse gas emission regulations aimed at the refinery sector. But confronted with a pending lawsuit and linkage obstacles with other carbon trading systems, the Golden State's cap-and-trade program is not without its own challenges, say attorneys at Morrison & Foerster LLP.

What To Know About New HHS OIG Exclusion Regs

The U.S. Department of Health and Human Services' Office of Inspector General recently updated its exclusion regulations. The final rule shows that the OIG continues to evaluate and update its enforcement authorities with an eye toward increased affirmative enforcement actions, but that it is also willing to make practical changes to its enforcement policies, say Judith Waltz and Jill Wright of Foley & Lardner LLP.

A Look At New EPA Composite Wood Formaldehyde Limits

Last month, the U.S. Environmental Protection Agency published the final Formaldehyde Standards For Composite Wood Products Rule. The Trump administration has postponed the effective date of the rule, creating the potential that it will be amended or further delayed. But many in the industry are looking forward to a consistent national standard, say attorneys from Latham & Watkins LLP.

Opinion

Love And Law In The Age Of Trump

Love is not a subject that lawyers typically devote themselves to professionally. But as we witness this historic transition to a new administration, lawyers in particular are reminded that love is tied, however imperfectly, to our cherished founding ideals, says Kevin Curnin, president of the Association of Pro Bono Counsel.

LEGAL INDUSTRY

Legal Tech Download: AI On The March

The world of legal technology is quickly evolving, with new products aimed at aiding lawyers coming to market in rapid succession. Here, Law360 takes a look at seven major recent developments in legal tech.

Dewey Trustee Relents On Bid To Destroy Records

The liquidation trust for bankrupt megafirm Dewey & LeBoeuf told a New York bankruptcy judge on Monday that it had reached détente with the U.S. Securities and Exchange Commission and the New York County District Attorney over its proposal to destroy all Dewey records as part of a motion to close the Chapter 11 case.

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