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Subject: Hundreds Of Enviro Groups Mobilize To Defeat TPP

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## PUBLIC POLICY

### Want To Know Who Makes Judge Jed Rakoff Laugh Really Hard?

Read our Sidebar with the influential federal judge when Law360 In-Depth launches  
June 11.

Tuesday, June 7, 2016

#### TOP NEWS

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##### Hundreds Of Enviro Groups Mobilize To Defeat TPP

More than 450 environmental advocacy organizations welcomed U.S. lawmakers back from a congressional recess on Monday with a call to oppose the Trans-Pacific Partnership, decrying the agreement for opening the door to regulatory challenges from corporate energy giants through arbitration.

##### Germany Calling For Tighter EU Rule On Vehicle Emissions

Germany on Friday called for the European Union to adopt more stringent wording in a rule regarding the level of emissions that automobiles are allowed to produce while driven, in the wake of the Volkswagen emissions scandal, saying that a current loophole is unnecessary.

##### Fed Inspector General To Probe Central Bank's Cyber Defenses

The Federal Reserve's internal watchdog has begun auditing the board's oversight of cybersecurity threats to financial institutions, an issue recently in the news with the theft of \$101 million from the Bank of Bangladesh's accounts at the Federal Reserve Bank of New York.

##### High Court Rejects Banks' Appeal In Tax Info-Sharing Fight

The U.S. Supreme Court on Monday rejected a bid by state banking groups to hear their appeal of a D.C. Circuit ruling in their case challenging a U.S. Department of the Treasury rule requiring disclosures of accounts held by foreigners.

##### House Dem Says 'Racist' Trump Can 'Shove It'

In a trenchant letter to the presumptive Republican presidential nominee, Rep. Filemon Vela, D-Texas, on Monday told Donald Trump to "take your border wall and shove it up your ass," while also condemning Trump's "racist attack" on the Hispanic federal judge presiding over a fraud suit against his eponymous for-profit business school.

##### Supreme Court Takes Up 2 Texas Death Penalty Appeals

The U.S. Supreme Court on Monday agreed to review two Texas death penalty cases that question the constitutionality of such sentences for

#### LAW FIRMS

Akerman  
Arent Fox  
Arnold & Porter  
Baker & McKenzie  
Baker Botts  
BakerHostetler  
Buchanan Ingersoll  
Bush Ross  
Caplin & Drysdale  
Cravath Swaine  
Day Pitney  
Debevoise & Plimpton  
Dewey & LeBoeuf  
Earthjustice  
Gibson Dunn  
Greenberg Traurig  
Hobbs Straus  
Holland & Hart  
Holland & Knight  
Jenner & Block  
Jones Walker  
Kalbian Hagerty  
Katten Muchin  
Kaye Scholer  
Kellogg Huber  
Millberg Gordon  
Morgan Lewis  
Munsch Hardt  
Norton Rose Fulbright  
Proskauer Rose

individuals with intellectual disabilities and question when expert witnesses testify about a defendant's proclivity for future violence based on race.

## ANALYSIS

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### 5 Tips For Complying With Country-By-Country Tax Reporting

The growing number of multinational companies launching dry runs of newly mandated country-by-country tax reporting mechanisms before final rules have even been released has raised a number of technical "how-to" questions never faced before in the area. Here, Law360 provides five ways businesses can tackle the challenges involved in assuring tax reporting compliance.

## BANKING & SECURITIES

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### US, European Regulators Set Derivatives Partnership

Regulators in the U.S. and Europe signed an agreement Monday enabling both authorities to swap information on clearing counterparties in their respective jurisdictions, adding more supervision to a key link in global derivatives markets.

## ENERGY & ENVIRONMENTAL

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### 9 EU Nations Throw Weight Behind Offshore Wind Efforts

Nine northern European Union countries on Monday agreed to cooperate on developing renewable energy, particularly offshore wind power, in the North Sea region, a decision that aims to help reduce greenhouse gas emissions and energy prices while making the region's power supply more secure.

### Enviros Urge 2nd Circ. To Strengthen Water Intake Rule

The Clean Air Task Force on Friday asked the Second Circuit to side with other environmental groups that have sought to force the U.S. Environmental Protection Agency to toughen up its cooling water intake rule for power plants.

### US-China Summit Confronts Industrial Overcapacity

U.S. officials on Monday emphasized a cooperative tone as they kicked off dialogue with China at a bilateral session in Beijing, where they reinforced a shared agenda to tackle climate change, but noted concerns over China's excess industrial production and a territory dispute.

### BLM Fracking Rule Foes Gain More Support At 10th Circ.

Two more industry groups have joined the coalition urging the Tenth Circuit to uphold a preliminary injunction blocking the U.S. Bureau of Land Management's hydraulic fracturing regulations for federal and tribal lands while a challenge plays out at the district court level.

## HEALTH & LIFE SCIENCES

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### Senate Backs Measure To Funnel DOD Medical Cuts To Tricare

Service members and their families affected by planned defense medical spending cuts could see their care transfer to the military's Tricare contractor network, if a measure the Senate voted to adopt Monday survives as part of the final National Defense Authorization Act.

### Pfizer Opioid Meant To Deter Abuse Has Tampering Risk: FDA

An extended-release opioid medication designed by Pfizer Inc. to deter abuse

Simpson Thacher

Skadden

Susman Godfrey

Varadi Hair

Young Berman

## COMPANIES

AT&T Inc.

Alliance of Automobile  
Manufacturers

American Bar Association

American Civil Liberties Union

American International Group Inc.

American Public Power  
Association

BTI Consulting Group Inc.

British American Tobacco PLC

California Independent System  
Operator

Cisco Systems Inc.

Consumer Watchdog

Dell Inc.

Deloitte Touche

Edison Electric Institute Inc.

Electric Reliability Council of  
Texas Inc.

Eli Lilly and Company

Embraer SA

Engie

Facebook

Florida Bankers Association Inc.

Friedman LLP

Google Inc.

HBR Consulting LLC

Hemisphere Media Group Inc.

Lambda Legal Defense &  
Educational Fund

LegalZoom.com Inc.

Lippman Jungers LLC

MetLife Inc.

Microsoft Corporation

NAACP Legal Defense and  
Educational Fund Inc.

National Federation of  
Independent Business

National Indian Gaming  
Association

National Rural Electric

can still be tampered with in order to extract the painkiller oxycodone, although it's less likely to be abused when simply crushed, the U.S. Food and Drug Administration said in a preliminary report released on Monday.

## TRANSPORTATION & INFRASTRUCTURE

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### Car Industry Says Spectrum Plan Could Delay Safety Tech

Automakers including GM and Toyota told the Federal Communications Commission on Friday that the agency's proposal to reconfigure a range of the wireless spectrum originally meant for intervehicle communication to instead accommodate faster Wi-Fi could promote an inefficient standard and delay the rollout of new safety technology.

### All Passengers In Large Trucks Will Have To Wear Seat Belts

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration has finalized a rule that requires passengers — not just drivers — in large trucks to use seat belts where they are installed, according to a notice set to be published in the Federal Register on Tuesday.

## INSURANCE

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### Global Regulators Lay Out Insurer Living Will Principles

Global regulators released guidance Monday that is aimed at helping national supervisors develop plans for safely taking apart giant insurance firms and accounts for how those companies structure themselves differently from globally systemic banks.

## PRIVACY & CONSUMER PROTECTION

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### DOJ Crime Chief Calls For More Access To Encrypted Data

The U.S. Department of Justice's chief prosecutor criticized "absolutist" views of unchecked encryption Monday, maintaining that policy makers need to keep technology providers from having the last say on whether law enforcement can have access to often critical evidence.

### Set-Top Box Plan Must Protect Privacy, Consumer Group Says

A consumer advocacy group has told the Federal Communications Commission that it supports a plan that would let viewers access their pay-TV programming on third-party devices or apps, but that privacy must not be jeopardized as Google and others seek more information on consumer habits.

### Kan. Says Class Cert. Premature In Planned Parenthood Suit

The state of Kansas on Friday asked a federal court to deny two Planned Parenthood affiliates class certification in their case over the state's decision to end Medicaid reimbursements to the organization, claiming there are too few facts at this point to determine if a class is necessary.

### NC Lawmakers Can Intervene In ACLU Bathroom Law Fight

A North Carolina federal judge on Monday allowed state legislators to intervene in the American Civil Liberties Union's lawsuit challenging the state's now-infamous law that restricts transgender people's access to public restrooms and blocks municipalities from passing anti-discrimination ordinances.

## INTERNATIONAL TRADE

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Cooperative Association  
Northern Mariana Islands  
Retirement Fund  
Pfizer Inc.  
Planned Parenthood Federation  
Prudential Financial Inc.  
Purdue Pharma LP  
QUALCOMM Incorporated  
RGL Forensics  
Retrophin Inc.  
San Manuel Indian Bingo & Casino  
Schreiber Foods Inc.  
Securus Technologies Inc.  
Sierra Club  
Society for Worldwide Interbank Financial Telecommunication  
Telmate LLC  
Texas Bankers Association  
TransCanada Corporation  
Turing Pharmaceuticals AG  
Twitter Inc.  
U.S. Chamber of Commerce  
Volkswagen  
Wal-Mart Stores Inc.  
Wells Fargo & Co.  
Zeughauser Group LLC

## GOVERNMENT AGENCIES

Bureau of Indian Affairs  
Bureau of Land Management  
Commodity Futures Trading Commission  
Department of Commerce  
Eastern Shoshone Tribe  
Equal Employment Opportunity Commission  
European Commission  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Election Commission  
Federal Emergency Management Agency  
Federal Energy Regulatory Commission  
Federal Motor Carrier Safety Administration

## EU Defends China Market Status Review For Anti-Dumping

The European Commission's trade chief on Friday defended the steps her office has taken to consult with public stakeholders about a possible change in policy to treat China as a market economy in anti-dumping cases, after a business group called the process faulty.

## US Presses China On Insurance Cybersecurity Rules At WTO

The U.S. government has formally questioned China about the legality of its proposed cybersecurity rules for the insurance sector, which appear to require the use of domestic technology over that of foreign providers, according to a World Trade Organization document circulated Friday.

## TAX

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### Ex-Rep. Fears Judge's Bias Due To Mutual Link To Bill Clinton

Former U.S. Rep. Mel Reynolds asked the Illinois federal judge overseeing his misdemeanor tax case to recuse himself because of their shared connection to former President Bill Clinton, arguing the judge's efforts to overcome a perception of favor could result in more punitive rulings.

### Puerto Rico Asks 1st Circ. To Reinstate 'Wal-Mart Tax'

The cash-strapped government of Puerto Rico asked the First Circuit on Monday to roll back Wal-Mart's lawsuit against the so-called Wal-Mart tax, arguing that the retail giant's doomsday claims are overblown and speculative and lack standing.

## IMMIGRATION

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### High Court Rejects Saucy CBP Duties Rule Challenge

The U.S. Supreme Court refused Monday to take on a challenge of a U.S. Customs and Border Protection rule requiring full payment of import duties before bringing legal actions, in a case over \$28 million in tariffs on white sauce shipped into the country.

### 3rd Circ. Strikes Down 'Legal Dead End' Under K-4 Visa Rule

The Third Circuit struck down a federal regulation that prevented a young Chinese woman and certain other K-4 visa holders from becoming permanent residents after their parents married U.S. citizens, finding the rule was "manifestly contrary" to the Immigration and Nationality Act.

## NATIVE AMERICAN

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### Tribe Can't Dodge Term Limit In Casino Contract, Fla. Says

The state of Florida moved for an early victory Friday in a suit brought by the Seminole Tribe over the right to offer so-called banked card games like blackjack at its casinos, with the state saying a contract between the parties makes it clear the tribe was cut off from selling such games in 2015.

### Tribes Ask Senate To Pass Labor Board Exemption

A coalition of 130 Native American tribes, tribal corporations and inter-tribal associations urged the U.S. Senate on Monday to approve a defense bill amendment that would exempt casinos and other tribal businesses from the National Labor Relations Act.

### Feds Say Mediation Best To Resolve Arapaho-Shoshone Row

Federal Reserve Bank of NY

Federal Reserve System

Federal Trade Commission

Financial Crimes Enforcement Network

Financial Stability Oversight Council

Food and Drug Administration

Internal Revenue Service

Little River Band of Ottawa India

NAFTA

National Highway Traffic Safety Administration

National Indian Gaming Commission

National Labor Relations Board

National Oceanic and Atmospheric Administration

National Security Council

Northern Arapaho Tribe

Nuclear Regulatory Commission

Office of Foreign Assets Control

Permanent Court of Arbitration

Saginaw Chippewa Indian Tribe Michigan

Securities and Exchange Commission

Seminole Tribe of Florida

U.S. Customs and Border Protection

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

United Nations

Ute Indian Tribe

The federal government told a Montana federal court Friday that ongoing mediation is the best way to achieve a “global solution” of the Northern Arapaho Tribe’s claims that the Bureau of Indian Affairs helped the Eastern Shoshone Tribe take control of programs regulating joint tribal land.

## TELECOMMUNICATIONS

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### Prison Phone Co. Tells DC Circ. FCC Rate Caps Are Unjust

A prison telephone services company criticized the Federal Communications Commission’s rate caps on phone calls from inmates, telling the D.C. Circuit on Friday that the agency’s new rules violate a fundamental principle of regulation by preventing the company from profiting from its investment.

### Nix ‘Outdated’ Media Ownership Rules, FCC’s O’Rielly Says

The Federal Communications Commission’s media ownership rules hinder the ability of struggling broadcasters and newspapers to survive by combining, Republican FCC Commissioner Michael O’Rielly said Friday, urging the agency to remove rules that no longer make sense.

### FCC Chair Presses For Upgrade To Emergency Alert System

The chairman of the Federal Communications Commission has proposed updating the national emergency alert system codes in response to a request made at the start of hurricane season by the National Weather Service for more specific alerts.

## EXPERT ANALYSIS

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### CFTC’s CEA Exemption Rule Would Disrupt Power Markets

The U.S. Commodity Futures Trading Commission’s recent proposal to expressly preserve the right of private litigants to sue energy market participants could potentially disturb electricity markets that are already highly regulated and well-functioning. The rule would likely lead to litigation that would create market uncertainties, increase transaction costs, and foster contested proceedings, say attorneys at Baker Botts LLP.

### Employer Wellness Programs: A Look At The New Rules

The U.S. Equal Employment Opportunity Commission’s final rules amending regulations under Title I of the Americans with Disabilities Act and Title II of the Genetic Information Nondiscrimination Act dictate detailed requirements for employer wellness programs. Kathy Lawler and Ajay Gogna at Day Pitney LLP explain what employers should know to satisfy all standards of the new rules.

### Unintended Consequences Of Slashing The Interest Deduction

A full elimination of the corporate interest tax deduction with no offsetting benefits has the potential to result in trillions of dollars of value destruction for middle-market companies. An increased cost of capital, or reduced access to debt, could result in fewer growth projects or acquisitions, says Matthew Morris of RGL Forensics.

### OFAC Eases Burma Sanctions, But Risks Remain

Continued normalization of relations with Burma will likely bring removal of certain U.S. Office of Foreign Assets Control regulations. However, even in that scenario U.S. financial institutions will still make individual determinations on whether to provide account services to Burma, so practical realities may



continue to restrict banking ties far beyond any remaining legal prohibitions, says Jeremy Paner at Holland & Hart LLP.

## LEGAL INDUSTRY

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### 5 Things You Should Leave Out Of A Client Pitch

For all of the effort law firms expend constructing glossy pitches that tout their accomplishments, deep attorney lineups and multiple office locations, the key to landing new clients can be as much about knowing what to leave out, experts said. Here are some tips on what to leave out of that next client pitch in order to secure the best opportunities.

### Cravath's 1st-Year Associates To Make \$180K

Cravath Swaine & Moore LLP has offered pay raises to its associates, with plans to hike up first-year attorney salaries well above BigLaw's nearly decadelong benchmark to \$180,000, according to an internal memo made public Monday.

### Dewey Moves From Courtroom Stage To Musical Spotlight

The high-profile criminal case against top brass at Dewey & LeBoeuf LLP is now the inspiration for a satirical musical set to be performed Wednesday at Debevoise & Plimpton LLP that will give attendees continuing legal education ethics credits.

### What Will Happen To Law Firms If Another Recession Hits?

Have law firms learned their lesson from the recent recession, or are they continuing down a path of complacency, unprepared for another major financial downturn? Here, experts offer up some theories about would happen to the legal industry if a recession were to hit next year.

### Baker & McKenzie Names 30-Year Firm Vet New Chairman

Baker & McKenzie LLP named London managing partner and 30-year firm veteran Paul Rawlinson as its next chairman Monday, and said the IP partner will take the helm from current Chairman Eduardo Leite in October.

### 9th Circ. Won't Rehear Out-Of-State Atty Practice Ban Case

The Ninth Circuit won't grant an en banc hearing to out-of-state attorneys challenging California rules denying bar admission to lawyers from states without reciprocity agreements, saying that not a single judge voted to reconsider a prior dismissal of the suit.

### Shkreli, Ex-Kaye Scholer Atty Deny New Fraud Charge

Former Turing Pharmaceuticals Inc. boss Martin Shkreli and his onetime Kaye Scholer LLP attorney on Monday pled not guilty to a new fraud charge stemming from an alleged scheme to loot Retrophin Inc. to pay back hedge fund investors.

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