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Subject: Garland Puts Abu Ghraib, Drone Strike Cases In Career Top 10

PUBLIC POLICY

Wednesday, May 11, 2016

TOP NEWS

Garland Puts Abu Ghraib, Drone Strike Cases In Career Top 10

U.S. Supreme Court nominee Judge Merrick Garland cited decisions on CIA drone strike records and abuse at Abu Ghraib as career highlights on a Senate Judiciary Committee questionnaire Tuesday, with the White House quickly claiming that the response demonstrates Judge Garland's suitability for the high court.

'Yates Memo' Author Defends Policy, Says Shift Is In Effect

Deputy Attorney General Sally Quillian Yates on Tuesday defended the Justice Department's renewed policy to prosecute individuals in corporate cases, pushing back against criticism over attorney-client privilege concerns, but warning that individuals are now in prosecutors' sights from the inception of an investigation.

10 States Seek To Enter Challenge To DOL Persuader Rule

Ten states including Texas asked a Texas federal court on Tuesday if they can be part of a case initiated by several business groups that challenges the U.S. Department of Labor's "persuader" rule, saying the regulation threatens their "exclusive" rights to regulate the practice of law.

McConnell Blocks Dem Bid To Confirm 11 Judicial Nominees

Senate Majority Leader Mitch McConnell, R-Ky., on Tuesday blocked Democrats' attempts to confirm 11 federal judicial nominees for vacancies in nine states, arguing they had wrongly attempted to skirt the proper confirmation process.

NC Dems Offer Sweeping Rewrite Of Bathroom Law

Just a day after North Carolina traded lawsuits with the U.S. Department of Justice over the legality of the state's infamous transgender bathroom law, Democratic lawmakers in the state introduced a bill that would rewrite the state's anti-discrimination policy to protect people on the basis of their transgender status.

ANALYSIS

Treasury Recs Could Limit Disruption By Marketplace Lenders

A Treasury Department study on marketplace lending released Tuesday showed that the still young industry, touted as a disruptive force in finance, will likely have to deal with an increase in federal regulation even as it confronts a slew of other problems that have recently bubbled up.

LAW FIRMS

Allen & Overy
Altshuler Berzon
Andrews Kurth
Arent Fox
Arnold & Porter
Baker & McKenzie
BakerHostetler
Ballard Spahr
Berwin Leighton
Blank Rome
Bryan Cave
BuckleySandler
Chadbourne & Parke
Clifford Chance
Clyde & Co
Cohen & Gresser
Covington & Burling
Dentons
Dewey & LeBoeuf
Dickstein Shapiro
Edelson PC
Finnegan
Gibson Dunn
Herbert Smith Freehills
Hogan Lovells
Holland & Knight
Holman Fenwick
Jackson Lewis
Jones Day
Kaye McLane
Keller and Heckman
Kemp Smith
Latham & Watkins
Leech Tishman

Tax Credit Eligibility Boost Puts Wind In Developers' Sails

The Internal Revenue Service's recent doubling of the time clean energy developers have to complete projects in order to qualify for the renewable production tax credit lowers risks for both developers and investors, and will translate to more green projects being launched and completed, experts say.

BANKING & SECURITIES

CFTC Wasting Taxpayer Cash On Extra Offices, Watchdog Says

The Commodity Futures Trading Commission's inspector general published a report Tuesday saying the agency spends too much on office space it doesn't need, estimating the CFTC will spend up to \$56.8 million on empty space over the duration of its current leases.

SEC Approves PCAOB Contributing Auditor Disclosure Rules

The U.S. Securities and Exchange Commission on Monday stamped its final approval on new rules administered by the Public Company Accounting Oversight Board requiring auditors to disclose engagement partners and other accounting firms involved in an audit of a publicly traded company.

UK Risk Appetite Sours Ahead Of Brexit Vote

Troubled by the uncertainty surrounding the British vote to leave the European Union, U.K. chief financial officers have turned sharply more conservative, preferring to cut costs and improve cash flow but seldom making contingency plans for a potential departure, a Deloitte survey revealed.

European PE Investment Rises Due To Cross-Border Activity

Private equity investments in Europe climbed to €47.4 billion (\$53.9 billion) last year and nearly one-third of those investments were cross-border, according to a study released on Tuesday by Invest Europe, a number that bodes well for lawmakers who have called for an EU capital markets union.

ENERGY & ENVIRONMENTAL

EPA Sends Aircraft Greenhouse Gas Rule To White House

The U.S. Environmental Protection Agency on Friday sent its proposed finding that greenhouse gas emissions from aircraft endanger human health and the environment to the White House Office of Management and Budget for review.

Montana Group Asks High Court To Review Crow Water Deal

Montana farmers, ranchers and others are urging the U.S. Supreme Court to reconsider a state court ruling upholding the Crow Nation's \$460 million water-rights settlement with the state and federal government, arguing that the state court set too high a bar for challenging such deals.

High Court Urged To Reel In Calif.'s Shark Fin Ban Case

Two Asian-American groups are further pressing the U.S. Supreme Court to hear their arguments that the Ninth Circuit should have nixed California's ban on shark fin sales because it gets in the way of a federal fisheries law.

Texas Cities Can't Regulate Propane Industry, AG Says

Houston's rules governing liquefied petroleum gas are preempted and superseded by a 2011 law giving the Railroad Commission of Texas regulatory control over the industry, Texas Attorney General Ken Paxton said

Manatt Phelps

Mayer Brown

Norton Rose Fulbright

Ogletree Deakins

Post & Schell

Pyle Rome

Richards Kibbe

Saxe Doernberger

Schiff Hardin

Shearman & Sterling

Sheppard Mullin

Sidley Austin

Stoel Rives

Taylor Wessing

Venable LLP

White & Case

Winston & Strawn

COMPANIES

AT&T Inc.

American Bankers Association

American Civil Liberties Union

Ames & Gough

Berkeley Research Group

CTIA

Center for Biological Diversity In

Cisco Systems Inc.

Comcast Corporation

Dell Inc.

Deloitte Touche

Diodes Incorporated

Electronic Frontier Foundation

Electronic Privacy Information
Center

Ford Motor Company

Google Inc.

Humane Society of the United
States

Hyundai Motor

International Council for
Commercial Arbitration

Kind LLC

London Court of International
Arbitration

Lyft Inc.

NRG Energy Inc.

National Association of Home

in an advisory opinion Tuesday.

HEALTH & LIFE SCIENCES

House Passes Five Bills To Curb Opioid Abuse

The U.S. House of Representatives on Tuesday passed a handful of bills intended to help address the growing problem of opioid abuse and drug overdose deaths, including measures aimed at both curbing the trafficking of illegal drugs and the misuse of legal drugs.

TRANSPORTATION & INFRASTRUCTURE

Senate OKs Bill To Create Railway Emergency Response Panel

The U.S. Senate voted Monday to pass a bill that would create a temporary Federal Emergency Management Agency subcommittee to develop plans to improve response plans for railroad emergencies, moving the bill to U.S. House of Representatives.

DC Circ. Won't Review FAA Drone Privacy Challenge

The D.C. Circuit on Tuesday said it would not review a privacy watchdog's denied petition to the Federal Aviation Administration asking the agency to address privacy concerns raised by drone use in an upcoming rule-making, finding that the privacy group's request was untimely.

FAA, Treasury Urged To Make Shared-Service Prices Public

The Federal Aviation Administration and the Treasury Department should increase pricing transparency for intra-agency services such as information technology support so that they can meet demand across different areas of the government, the Government Accountability Office said in a report published Tuesday.

EMPLOYMENT

Child Care Workers Want High Court Review Of Union Law

A group of Massachusetts at-home child care workers last week urged the U. S. Supreme Court to weigh in on their challenge to a 2012 state law that gives their collective bargaining rights to the Service Employees International Union, arguing that it violates their right to free association.

Chamber Says Time Is Now For Seattle Uber Union Law Suit

The U.S. Chamber of Commerce on Monday shot back at Seattle's bid to dismiss an antitrust challenge to the city's ordinance allowing Uber and Lyft drivers to organize, telling a Washington federal judge the suit needn't be delayed since the law is already affecting companies.

COMPETITION

Pa. Engineering Firm Prez Pleads Guilty In Pay-For-Play Probe

The president of an engineering firm has become the latest to plead guilty to participating in municipal pay-to-play schemes that involved a number of public officials for the Pennsylvania cities of Allentown and Reading, the U.S. Department of Justice announced Tuesday.

PRIVACY & CONSUMER PROTECTION

Builders

National Association of Manufacturers

National Federation of Independent Business

National Right to Work Legal Defense Foundation

New York City Bar Association

New York Times Co.

New York University

Occidental Petroleum Corporation

PBF Energy Inc.

Public Company Accounting Oversight Board

Service Employees International Union

T-Mobile USA Inc.

The Hershey Company

Two Harbors Investment Corp.

U.S. Chamber of Commerce

United Nations Commission on International Trade Law

Verizon Communications

GOVERNMENT AGENCIES

Centers for Disease Control and Prevention

Central Intelligence Agency

Commodity Futures Trading Commission

Consumer Financial Protection Bureau

Crow Nation

Enterprise Rancheria of Maidu Indians

Equal Employment Opportunity Commission

European Commission

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Election Commission

Federal Emergency Management Agency

Federal Railroad Administration

Federal Reserve System

Federal Trade Commission

California Advances Gender-Neutral Bathroom Bill

California lawmakers approved a bill on Monday that would require all single-occupancy restrooms in the state to be identified as "all gender" and be universally accessible, amid a fight between the U.S. Justice Department and North Carolina over the latter's controversial transgender bathroom law.

PRODUCT LIABILITY

FDA To Let Kind Use 'Healthy' On Snack Bar Labels

The U.S. Food and Drug Administration on Tuesday said Kind LLC may label its snack bars "healthy," so long as it's clearly part of the company philosophy and not a nutritional statement, and that the agency will be reevaluating how it defines healthy food.

E-Cig Co. Nicopure Sues FDA To Block New Oversight

The U.S. Food and Drug Administration is unlawfully exceeding its authority with a rule that expands the agency's ability to regulate all tobacco products, e-cigarette company Nicopure Labs LLC claimed on Tuesday, asking a D.C. federal judge to vacate the rule.

CTIA Says Berkeley Cellphone Warning Not Based On Science

CTIA — The Wireless Association has blasted the city of Berkeley, California's defense of a radiation warning requirement for cellphone retailers, telling the Ninth Circuit that the U.S. Federal Communications Commission and scientific community have already rejected the theory that how one holds the device could be dangerous.

TAX

Wyden Demands Nev., Wyo. Docs On Panama Papers Cos.

Sen. Ron Wyden, D-Ore., asked officials in Wyoming and Nevada on Tuesday to answer questions and turn over business registration files, audits and other investigatory documents for more than 1,000 companies created in those states whose names have come up in the Panama Papers leak.

Ex-Rep Says He'll Cop To Tax Charges

Former U.S. Rep. Mel Reynolds told an Illinois federal judge he will plead guilty to charges he evaded taxes on \$400,000 in income, saying he can't prepare to represent himself if he is to be kept in jail until his June trial.

IMMIGRATION

Immigrants Seek Class Cert. For 'Unlawful' ICE Detainers

Immigrants who say they were unlawfully held by Los Angeles County officers based on U.S. Immigration and Customs Enforcement detainers filed motions Monday seeking certification for a class of tens of thousands in their consolidated lawsuits in California federal court.

NATIVE AMERICAN

Calif. Signs New Gambling Compact With Pala Band Tribe

The state of California has inked a new gaming compact with the Pala Band of Mission Indians, superseding a previous agreement between the state and the tribe, Gov. Jerry Brown announced Monday.

TELECOMMUNICATIONS

Food and Drug Administration
Government Accountability Office
Immigration and Customs Enforcement
Internal Revenue Service
International Trade Commission
Office of Foreign Assets Control
Office of the Comptroller of the Currency
Pala Band of Mission Indians
Securities and Exchange Commission
U.S. Department of Defense
U.S. Department of Energy
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 Veterans Affairs
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Office of Personnel Management
U.S. Secret Service
U.S. Senate
U.S. Supreme Court

FCC Told Zero-Rating Helps Minority, Low-Income Groups

The Multicultural Media, Telecom and Internet Council told the Federal Communications Commission in a report Monday that the providing of free data through so-called zero-rating plans does not harm competition and could help close the digital divide, particularly benefiting minorities and low-income households.

INTERNATIONAL ARBITRATION

Draft Bill Reflects S. Africa's Mixed Views On Arbitration

A draft international arbitration bill set to replace South Africa's long-outdated commercial arbitration legislation is an encouraging sign to investors, but it is unlikely to position the country as an international arbitration hub given recent legislation criticized for curbing investor-state arbitration.

PENNSYLVANIA

Pa. AG Says Lack Of Like Cases Proves Vindictive Prosecution

Attorney General Kathleen Kane argued Monday that the lack of similar criminal charges against other individuals proved that she had been vindictively targeted for prosecution over her role in the leak of confidential grand jury material.

Ex-Ballard Spahr Atty, Rendell Aide Cops To Wire Fraud

A former Ballard Spahr LLP partner who also served as chief of staff to Pennsylvania Gov. Ed Rendell pled guilty to one count of wire fraud in Pennsylvania federal court Tuesday after being charged with pocketing funds intended to be passed on to state legislators in a federal investigation.

PEOPLE

Blank Rome Lobbying Arm Adds Former Energy Secretary

Blank Rome Government Relations LLC, the lobbying unit of law firm Blank Rome LLP, on Monday announced that it brought on a former U.S. Secretary of Energy and former chief of staff at the U.S. Department of Energy as principals.

EXPERT ANALYSIS

Patent Reform Beyond The Innovation Act: The TPTP Act

The Trade Protection Not Troll Protection Act is a recent bipartisan effort with provisions expected to curb nonpracticing entity use of the U.S. International Trade Commission. It has gained considerable steam already, presenting Congress the opportunity to substantially amend Section 337 for the first time since 1988, say attorneys with Finnegan Henderson Farabow Garrett & Dunner LLP.

The Potentially Sweeping Effects Of FCC's ISP Regulations

The Federal Communications Commission's proposed rules concerning customer proprietary information acquired by broadband internet access service providers are broad in scope and reflect uncertainty as to how to best protect customer information. The definitions and principles outlined could have a significant ripple effect on the entire digital ecosystem, say Douglas Jarrett and Tracy Marshall at Keller and Heckman LLP.

Paid Sick Leave Compliance: Untangling The Complicated Web

The momentum for legally mandated paid sick leave has turned compliance into a game of whack-a-mole. Not only must employers be vigilant and identify newly enacted laws that may apply to their business, but they must also navigate the complicated web of requirements to ensure compliance, say Daisy Sanchez and Jennifer Terry at Arent Fox LLP.

9th Circ. Says Fair Housing Act Thwarts Discrimination

For years, neighbors have opposed housing projects that are intended to be occupied by lower-income families. Local governments often bow to the political pressure brought to bear by such opponents. The Ninth Circuit's strong opinion last month in *City of Yuma v. Avenue 6E Investments* should serve to uphold these projects, even in the face of neighbor opposition, says Michael Berger at Manatt Phelps & Phillips LLP.

LEGAL INDUSTRY

5 Things You Should Never Put In A Client Email

Email is a vital tool for lawyers seeking to keep up in a world where information moves at the speed of light, but communicating with clients by email gives rise to potential pitfalls that lawyers a generation ago never faced, experts told Law360. Here are five things that should never appear in an email to a client.

5 Ways To Turbocharge Your Practice Group

Growing a practice group from a minor league player to a major league slugger takes a lot more than just luck and hard work, according to those who have managed to pull it off. Here, some of those leaders share five tips for taking your practice group to the next level.

Ex-Bryan Cave Atty Gets Time Served For Murder Threat

A former Bryan Cave attorney who admitted that he threatened to kill a former co-worker at the firm during a 2013 phone call was sentenced Tuesday to time served and three years of supervised release, Missouri court records show.

Lateral Opportunities Dry Up For Employment Lawyers

Fewer employment attorneys have changed firms in the first quarter of 2016 than in any other quarter over the past 15 months, as the demand for lawyers specializing in the practice area has slowed amid a strong economy, according to Law360 data and experts.

4 Tips For Law Firms To Maximize Cyber Coverage

Edelson PC's recent putative privacy class action alleging a Chicago-based regional law firm failed to take measures to effectively safeguard sensitive client data highlights the need for firms to obtain expansive cyber liability coverage. Here, experts delve into what firms should do to make sure they're protected from cyber risks.

Chinese Legal Giant Adds 23 Ex-Dentons Lawyers In US

Zhong Lun has picked up 23 new lawyers in the U.S. from Dentons affiliates, a move the Chinese legal giant said Monday gives it the most extensive presence in the U.S. of any Chinese law firm and adds two West Coast offices.

White & Case Becomes Latest Firm To Allow Working Remotely

Associates and other employees of White & Case LLP in London walked into a more flexible workplace this week, as the firm has implemented a new “agile” U.K. office policy that allows working remotely, making it the third firm in recent weeks to do so.

UK Magic Circle Firms Caught In Panama Papers Data Dump

Two Magic Circle firms and at least 17 other major U.K.-based solicitors have been linked to thousands of the offshore investment companies listed in the so-called Panama Papers, which exposed a vast network that has global regulators looking to strengthen tax avoidance regimes.

NY High Court Rejects Judges' Latest Bid For Back Pay

New York's highest court on Tuesday denied state judges their bid to obtain back pay for 10 years spent without cost-of-living increases, ruling the jurists weren't constitutionally entitled to the retroactive raises.

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